



## POLICY AND PROCEDURE

---

<b>Name:</b>	<b>STUDENT GRIEVANCE RESOLUTION POLICY</b>
<b>Policy No:</b>	PP3111
<b>Approved by:</b>	ACER Academic Board
<b>Last reviewed:</b>	August 2018
<b>Responsible Division/ Department</b>	Professional Resources Division/ ACER Institute

### 1. Purpose

The facilitate prompt, fair and confidential resolution of Grievances.

### 2. Scope

This policy applies to Staff Members and Students.

This policy does not cover Student academic Grievances (refer ACER PP3118 Academic Appeals Policy) or Staff Member recruitment and employment Grievances (refer ACER Staff Recruitment and Support Policy)

### 3. Definitions

See [Glossary of Terms](#).

### 4. Legislation and Related Documents

Australian Human Rights Commission Act 2004 (C'wealth)

Age Discrimination Act 2004 (C'wealth)

Disability Discrimination Act 1992 (C'wealth)

Racial Discrimination Act 1975 (C'wealth)

Sex Discrimination Act 1984 (C'wealth)

Equal Opportunity Act 2010 (Vic)

Racial and Religious Tolerance Act 2001 (Vic)

[Australian Qualifications Framework \(AQF\) 2<sup>nd</sup> edn. \(Jan 2013\)](#)

[Disability Standards for Education 2005](#)

[Higher Education Standards Framework \(Threshold Standards\) 2015](#)

## 5. Policy Principles

The prime objective of ACER PP3111 Student Grievance Resolution Policy is to achieve a resolution of a Grievance in the context of the following principles:

- i. Grievances shall be handled within an appropriate time frame (see Procedures for Investigating Grievances) and will be treated sensitively and impartially, having due regard to procedural fairness;
- ii. Resolution of the Grievance shall be as close as possible to the source, unless it is serious, Unlawful or not practical;
- iii. It is expected that all parties involved will approach proceedings with a desire to resolve the Grievance cooperatively and in good faith;
- iv. Individuals shall not Victimise or Harass other parties involved in the matter;
- v. Confidentiality shall be strictly observed by all participants and at all stages of the Grievance procedure; and
- vi. Complainants and Respondents will be informed of the outcomes.

### 5.1 Procedural fairness and natural justice

ACER recognises that all those who study or work at ACER have the legal and ethical right to:

- i. raise any concern or complaint related to unfair treatment, Discrimination, Harassment, Vilification, Bullying and other such issues;
- ii. have that concern, problem, complaint or Grievance dealt with confidentially, fairly effectively and within an appropriate timeframe (see Procedures for Investigating Grievances);
- iii. have the support of another person of their choosing throughout the Grievance process;
- iv. be assured that the Grievance Advisor shall observe the rules of natural justice in any action taken in relation to a complaint. This includes:
  - a. informing all parties of the procedure being followed and providing them with copies of relevant policies and guidelines;
  - b. explaining to the Complainant that the requirements of procedural fairness mean that their identity must be disclosed to the Respondent;
  - c. informing the Respondent of any allegation made against them, and allowing time for a response;
  - d. providing the Respondent with the opportunity to state their case, providing an explanation or putting forward a defence;

- e. conducting a factual investigation of the allegation, interviewing all parties and considering all relevant information; and
- f. acting fairly, impartially and without bias by considering all relevant information and any mitigating factors.

## 5.2 Conflict of interest

Where it can be demonstrated that there is a conflict of interest or the potential for a perceived conflict of interest:

- i. a Grievance Advisor should refer the matter immediately to an alternative investigator or the next level of management; and
- ii. a Complainant or Respondent may request an alternate investigator.

## 6. Managing Grievances

For the purpose of managing Grievances, complaints are distinguished by their level of seriousness. Where there is doubt as to the level of seriousness, a Staff Member should seek advice from the Director of the ACER Human Resources Department.

### 6.1 Less Serious Grievances

Matters which are considered less serious are those which are not Unlawful but should be addressed and resolved to avoid repetition or escalation.

Wherever possible and practical the Grievance should be handled as close as possible to the source.

For Students, the lowest appropriate level to deal with the complaint about a Staff Member is the Director.

Strategies for Staff Members to resolve Less Serious Grievances without escalating the matter to a supervisor or manager:

- i. It may be appropriate for the Complainant and Respondent to deal with the matter themselves.
- ii. The Complainant and the Respondent may seek advice and/or Mediation from a nominated ACER Grievance Advisor.
- iii. If the Grievance is unresolved, the Complainant and Respondent may request access to an independent external mediator.
- iv. In this situation, ACER will not continue further consideration of matters where the process options have been exhausted or where the Student has taken their Grievance to an external agency.
- v. If the Staff Member is not comfortable dealing with the complaint themselves then it is usually referred to the supervisor, or if the Grievance concerns the supervisor, the supervisor's manager.
- vi. Students and Staff Members may raise matters directly with the ACER HR Department at any time.

## 6.2 Serious Grievances including Unlawful behaviour

Matters which are considered serious or Unlawful, may include but are not limited to, sexual Harassment, all matters covered by the grounds of anti- discrimination laws and assault.

Grievances of a serious nature or those that allege Unlawful behaviour must be referred directly to the ACER HR Department.

Repetition of a less serious behaviour, dealt with by one or more investigators or the ACER HR Department may lead to the matter being dealt with as a Serious Grievance.

The ACER HR Department may report apparent or suspected Unlawful behaviour to the Police.

The ACER HR Department will advise the Complainant about internal and external options.

Grievances of a serious nature would normally be submitted in writing by the Complainant.

If warranted the ACER HR Department will liaise with the most appropriate senior executive to decide a course of action and where necessary, make recommendations to the CEO about how the matter should be handled.

The CEO will determine the most appropriate process in the specific circumstances. This may result in disciplinary action against the Respondent such as formal warnings or, in the most serious cases, dismissal.

## 7. Roles and Responsibilities

The management of Less Serious Grievances is the responsibility of the Director.

The management of Serious Grievances is the responsibility of the Director, ACER HR Department.

Staff Members of the Institute and Heads of Professional Units (Library, IT, Administration) are responsible for:

- i. resolving those Grievances from Students that fall into their area of responsibility and decision-making authority;
- ii. referring Grievances to the next level of management if they have insufficient authority to implement a resolution; and
- iii. assisting Complainants to identify the most appropriate resolution mechanism and referring the Grievance to that person or process.

Casual employees should direct Complainants to their supervisor or manager when a Grievance is brought to their attention.

## 8. Requirements of Confidentiality

Maintaining strict confidentiality gives all parties confidence in the procedure, minimises the disruption potentially caused by gossip and rumour, prevents escalation of the situation and/or possible Victimisation, and can minimise the risk of defamation claims.

It is important that the investigators of a Grievance comply with ACER PP3108 Privacy Policy and inform all parties of their responsibilities in relation to confidentiality:

- i. Complainants – Grievances should be discussed only with Grievance Advisors, support person, and with medical practitioners or counsellors who are bound by confidentiality codes. Complainants should be advised that after lodgement of a Grievance discussion of the matter with any other person is inappropriate and not in their best interests because it may leave them open to defamation actions as well as unduly complicating the matter.
- ii. Respondents – Grievances should be discussed only with Grievance Advisors their support person, and with medical practitioners or counsellors who are bound by confidentiality codes.
- iii. Grievance Advisors – should obtain the consent of the Complainant before disclosing their identity to others, with the exception of the Respondent, unless ACER’s duty of care or other obligations may be compromised if action is not taken. Grievance Advisors may discuss the matter in the context of getting advice from specialist staff.

## 9. Keeping Records

Records and documents created in the course of investigating and resolving the Grievance should be stored in accordance with the Records Management Policy.

## 10. Grievance Procedure – Steps and Timelines

STEP	ACTION	TIMELINE	OUTCOME	
			Resolved	Not resolved
Step 1	Attempt to resolve the matter informally		√	To Step 2
Step 2	Lodge complaint with the Director, ACER Institute, Director, ACER HR Department or Grievance Advisor, ACER. Seriousness of matter decided: Serious – matter referred to police Less serious – matter managed by Grievance Advisor.	Seriousness decision made within 3 working days and referral-on.  Communicated to complainant.	√	To Step 3
Step 3	Grievance advisor puts grievance to respondent and outlines remedy sought. If not resolved matter referred to COPHE for mediation.	Discussion with respondent to take place within three working days of seriousness decision	√	To Step 4

<b>Step 4</b>	Complainant advised matter not resolved. Mediation scheduled between parties.  COPHE appoints third party mediator and advises parties of date, time and place of mediation.	Mediation to be scheduled at time and place convenient to parties but no longer than 10 working days from when Step 4 begins.	√	
<b>Step 5</b>	Mediation takes place.  Agreement stating remedy and confidentiality requirements mutually written and signed.*	Copy of mediation agreement lodged in central data base within thirty (30) days of mediation end.	√	
<b>Step 6</b>	ACER reviews circumstances from which grievance arose and the grievance resolution process			

\*Decisions of third party mediators appointed by COPHE shall be final and binding on all parties.

## 11. Awareness of Policy

The Director will take reasonable steps to disseminate and explain this policy to Staff Members and Students who may be affected by it. The policy will be available online at: <https://www.acer.org/professional-learning/postgraduate/students/policies>

## 12. Version Control

Authorised by: ACER Academic Board  
 Maintained by: Director ACER Institute  
 Written: March 2013  
 Review: August 2019  
 Version: 6

Version Control	Date Effective	Amendments by	Amendment
1.	23/1/2013	E. Hartnell-Young	Logo, Page Numbers
2.	13/03/2013	C. Kemp	Last Review date updated, Version Control details included, formatting
3.	14/08/2014	C. Kemp	Amended to include reference to COPHE for independent mediation
4	12/11/2015	G. Appleby	Definitions, Purpose, Scope, Awareness of Policy, Version Control detail, formatting.
5	17/8/2016	P. Taylor-Guy	Remove table of Definitions and add link. Update Legislation and Related Documents. Update Version Control
6	1/8/2018	P. Taylor-Guy	Updated links and version control.