

# STUDENT GRIEVANCE HANDLING POLICY AND PROCEDURE



## 1. Policy

Jazz Music Institute ("JMI") is committed to developing and maintaining an effective, timely, fair and equitable grievance handling system which is easily accessible and offered to complainants at no charge.

### Objectives

JMI aims to:

- Develop a culture that views grievances as an opportunity to improve the organisation and how it works;
- Set in place a grievance handling system that is client focussed and helps JMI to prevent grievances from recurring;
- Ensure that any grievances are resolved promptly, objectively and with sensitivity and in complete confidentiality;
- Ensure that the views of each complainant and respondent are respected and that any party to a grievance is not discriminated against nor victimised;
- Ensure that there is a consistent response to grievances.

A grievance can be defined as a student's expression of dissatisfaction with any aspect of JMI's services and activities, such as:

- the enrolment, induction/orientation process;
- the quality of education provided;
- academic matters, including student progress, assessment, curriculum and awards in a course of study;
- handling of personal information and access to personal records;
- the way someone has been treated.

This *Student Grievance Handling Policy and Procedure* is designed to ensure that JMI responds effectively to individual cases of dissatisfaction.

## 2. Scope

This Policy and Procedure will be made available to all students (or persons seeking to enrol with JMI) regardless of the mode in which they study or their place of residence. Grievances must be lodged as soon as possible after the grievance occurred. It excludes discrimination, sexual harassment and bullying.

If the alleged grievance involves a staff member and it is considered that it may amount to misconduct, the matter must be reported to the CEO. In such cases, it may be decided to handle the matter in accordance with the relevant human resources policy.

## 3. Before an issue becomes a formal grievance

Students (or persons seeking to enrol with JMI) are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. There are support staff available to assist students to resolve their issues at this level in the first instance, and then to proceed through the hierarchical structure if the issue is not resolved at each level. The final internal decisions are made by:

- The Academic Board for academic grievances
- The CEO for non-academic grievances

A student may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. A number of reasons may be valid grounds for appealing an outcome such as:

- A belief that an irregularity in the procedures has occurred.
- New evidence and facts have emerged that could change the decision.
- The penalty imposed or decision reached could be considered unreasonable.

#### **4. Procedure**

This procedure can be utilised by students, or persons seeking to enrol in a course with JMI, to submit a grievance of an academic or non-academic nature. Grievances of an academic nature include matters related to student progress, assessment, curriculum and awards in a course of study. Grievances of a non-academic nature cover all other matters including grievances in relation to personal information that JMI holds in relation to the student.

##### **Academic matters**

For complaints of an academic nature, the student may speak to the affected lecturer in the first instance. This may, for example, be a query regarding an assessment mark. If the student is not satisfied with the outcome of the discussion, they may lodge a written request with the Course Coordinator for a formal review of their mark by another lecturer. The student may lodge a formal appeal of the decision in writing, in which case the matter will be referred to the Academic Board. The Academic Board will make the final internal decision on the outcome of the grievance. The informal or formal resolution processes should be followed as outlined in this procedure, with the addition of the process for requesting remarks of assessment. The stages in the process and the requirement to keep records of the process apply.

##### **Non-academic matters**

For complaints that are non-academic, the student may wish to use the informal resolution approach in the first instance by speaking to the person involved in the grievance, and/or speaking to the person's supervisor or Executive Officer. If not satisfied with the outcome, they can lodge a formal grievance with the CEO. If the student is still not satisfied at this level, they can lodge a formal appeal with the Board of Directors, which will make the final internal decision on the outcome of the grievance.

During all stages of this procedure JMI will take all steps to ensure that:

- the complainant and the respondent will not be victimised or discriminated against;
- all suggestions, concerns, complaints or grievances from students will be acknowledged and treated promptly and fairly;
- the complainant has an opportunity to formally present their case and each party to the grievance may be accompanied and assisted by a support person at any relevant meetings;
- All exchanges of information should rely on the utmost level of confidentiality, except where release of information is required by law;

- a full explanation in writing for decisions and actions taken as part of the process will be provided if so requested by the complainant or the respondent;
- where the internal or external grievance handling or appeal process results in a decision that supports the complainant, JMI will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome in a timely manner;
- there is no cost to the complainant for utilising this grievance and appeals process;
- Vexatious complaints will not be tolerated.

#### **4.1 Stage one – formal grievance:**

Formal grievances must be submitted in writing to the Course Coordinator for academic matters and CEO for non-academic matters. Receipt of the grievance will be acknowledged within five working days and the grievance handling process will commence. All reasonable measures will be taken to finalise the process as soon as practicable. Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the grievance is confidential and that they are protected from victimisation.

The Course Coordinator or CEO, or their nominee, will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve.

Such clarification may be sought by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview the complainant or respondent may ask another person to accompany them.

The Course Coordinator or CEO, or their nominee, will then endeavour to resolve the grievance and provide a written report to the complainant on the steps taken to address the grievance, including the reasons for the decision, within ten working days. The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal grievance. If a resolution is agreed, then both parties will sign a statement advising that the grievance has been resolved.

#### **4.2 Stage two – internal appeal:**

If a complainant is dissatisfied with the outcome of their formal grievance they may lodge an appeal with the Academic Board for academic grievances or the Board of Directors for non-academic grievances within 14 days of receiving notice of the outcome of their grievance. An appropriate person or committee will be appointed to consult with the complainant and other relevant parties within ten working days and undertake an investigation.

Where possible such consultations should take the form of face-to-face interviews. The complainant or the respondent may ask another person, who is not a legal representative, to accompany them to these interviews. Following the consultation, the Board of Directors or Academic Board, or their nominee, will provide a written report to the complainant and respondent advising the further steps taken to address the grievance, including the reasons for the decision, within ten working days.

The decision may be either to uphold the grievance or to dismiss the grievance if it cannot be substantiated. Further disciplinary action may be taken against the complainant if the grievance is found to be vexatious or against the respondent if the grievance is upheld.

The report will further advise the complainant and respondent of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.

JMI will ensure that the recommendations of the investigation are implemented and that all materials related to the grievance are held on a confidential staff file and/or student file.

#### **4.3 Stage three – external appeal:**

If the complainant is dissatisfied with the outcome of their appeal, they may make a written request to JMI within 14 days of receiving notice of the outcome of their appeal that they wish the matter be dealt with through independent mediation. JMI will arrange for independent mediation either through an “official visitor” or through the Dispute Resolution Branch, Department of Justice and Attorney-General. There are six Dispute Resolution Centres throughout Queensland. The Brisbane Centre is located on the 13th Floor, Central Courts Building, 170 North Quay, Brisbane 4000. Contact details are: Tel: +61 7 3239 6269; Fax: +61 7 3239 6284. Students outside Brisbane may use the Toll Free No: 1800 017 288. At present there is no fee for use of this service, but this may change.

The complainant or the respondent may ask another person, who is not a legal representative, to accompany them to meetings with the independent mediator.

JMI agrees to be bound by the independent mediator’s recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator’s report.

### **5. Further action**

If a grievance still remains unresolved after the external appeal, complainants enrolled in a VET course of study may decide to refer the matter to the National Training Complaints Hotline on 1800 000 674.

If a grievance still remains unresolved after the external appeal, complainants enrolled in a higher education course of study may decide to contact:

- Administrative Appeals Tribunal, an outline of their role.  
<http://www.aat.gov.au>
- Tertiary Education Quality and Standards Authority,  
<http://www.teqsa.gov.au/complaints>

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

### **6. Enrolment status**

Where a student chooses to access this policy and procedure, JMI will maintain the student’s enrolment while the grievance handling process is ongoing.

## 7. Record keeping & confidentiality

A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the grievance appropriate access to these records, upon written request to the Administration Officer. These records will be maintained at 47 Brookes Street, Bowen Hills, 4006, Queensland.

All records relating to grievances will be treated as confidential and will be covered by JMI's *Privacy and Personal Information Policy*.

## 8. Definitions

**Appeal** - an application made by a student to have a decision reviewed where that decision relates to a matter affecting his or her studies or life as a student.

**Complainant** - the student who has lodged a grievance

**Grievance**- a problem or concern raised by a student about something affecting his or her studies or life as a student, for which the student is seeking resolution. The term complaint is often used interchangeably with grievance.

**Mediator** - A disinterested and skilled individual in mediating complaints in an academic environment who is considered impartial and objective by both student and staff member or complainant and subject of the complaint.

**Representative** - another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practicing solicitor or barrister

**Respondent(s)** - one or more persons who are alleged to have caused the student's grievance

## 9. Approval, publication and training

The Policy and Procedure was approved by the Board of Directors on 8<sup>th</sup> February 2010.

This Policy and Procedure will be made available to students and prospective students through publication in the Student Handbook and on the Jazz Music Institute web site ([www.jazz.qld.edu.au](http://www.jazz.qld.edu.au)).

For the purposes of communicating to and training staff this Policy and Procedure will form part of the staff induction process facilitated by the CEO and the Course Coordinator and will also be included in the Staff Handbook.

## 9. Version control

<b>Document</b>	Student Grievance Handling Policy & Procedure	<b>Author</b>	JMI Executive Management
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