

# ACADEMIC GRIEVANCE POLICY AND PROCEDURE

## 1. PURPOSE

- 1.1 TMT is committed to providing a work and study environment that is safe, fair and free from discrimination, harassment and victimisation for all members of the TMT community.
- 1.2 The aim of this policy and procedure is to resolve issues relating to academic matters as defined below.
- 1.3 This policy and procedure is published on the TMT website and in the TMT Student Handbook.
- 1.4 Awareness of this policy and procedure, including how to access and apply the procedure, is reinforced to TMT training staff during induction, and in the case of new, casual and visiting members of staff, through briefings provided by the CEO/Training Manager.

## 2. SCOPE

- 2.1 All students in VET courses at TMT can use these procedures to submit a grievance about an academic matter.
- 2.2 This policy and procedure covers grievances relating to a student of TMT provided it occurs at any TMT-related activity, regardless of whether or not it takes place on the TMT campus and regardless of the student's place of residence or the mode in which they study. Some grievances may be covered by other TMT policies and rules. Upon receipt of a grievance, TMT will determine under which of its policies or procedures it will be considered.
- 2.3 In relation to grievances as defined in Clause 2.2,
  - 2.3.1 this policy and procedure covers grievances related to academic matters only.
  - 2.3.2 Exclusions: it excludes all other grievances, such as:
    - i. Any training role at TMT, be it performance production, project or class-work
    - ii. Non -academic matters; or
    - iii. Decisions by TMT regarding remitting of the student contribution amount, the re-crediting of the VET Student Loan balance or the removal of VET Student Loan debts which are handled under the respective policy and procedure set out in the Student Handbook and published on the TMT website <[www.makeup-technicians.com](http://www.makeup-technicians.com)>.
- 2.4 This policy and procedure does not seek to limit or prevent the right of any person to seek the assistance of an independent person or relevant external agency for the resolution of a grievance.
- 2.5 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.
- 2.6 Should a grievance be referred to an outside body, the internal processes of TMT may be suspended pending the outcome of the external review.

## 3. DEFINITIONS

- 3.1 Academic Grievance is a problem, concern or complaint from a student in regard to academic matters at TMT, including the formal assessment of their performance in relation to progress through their course of study.
- 3.2 Academic matters are those matters relating to student progress, formal assessment and awards in a course of study.
- 3.3 Assessment refers to formal assessments as provided to students in writing after the completion of an assessment task and/or at the end of the academic year.
- 3.4 Discrimination means unfair or inequitable treatment of a person as a consequence of their involvement in a grievance under this policy and procedure.

- 3.5 Victimisation includes any unfavourable treatment of a person as a consequence of their involvement in a grievance under this policy and procedure.
- 3.6 Staff member or staff for the purposes of this policy and procedure means any employee of TMT and any visiting staff, contractor or consultant to TMT.
- 3.7 Student means any student enrolled in a VET course of study at TMT; any student undertaking a VET course of study at TMT who is visiting TMT as a student from another institution
- 3.8 Complainant is the student(s) making the complaint. 3.9 Respondent is the individual(s) against whom the complaint is made.
- 3.9 Confidentiality means limiting disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance.
- 3.10 Procedural fairness means the right to a fair hearing, including the opportunity to present one's case and to have any material considered by an unbiased, impartial decision-maker.
- 3.11 VET means Vocational Education and Training, as regulated by the Australian Skills Quality Authority (ASQA).

## **POLICY**

### **4. BASIS FOR GRIEVANCE HANDLING**

- 4.1 Grievances will be treated seriously, expeditiously and sensitively having due regard to procedural fairness, confidentiality and potential for victimisation.
- 4.2 Wherever possible, grievances will be handled as close as possible to their source. This may be influenced by the nature of the grievance and the complainant's wishes.
- 4.3 Students should raise concerns as early as possible after an incident has occurred relating to the grievance.
- 4.4 Resolution of grievances will be initially handled by a process of discussion, co-operation and conciliation, with the aim of reaching an acceptable outcome that minimises any potential detriment to ongoing work or study relationships.
- 4.5 Both the complainant and the respondent will receive appropriate information, support and assistance in resolving the grievance.
- 4.6 Students should not instigate grievances that are frivolous or malicious. 4.7 Staff and students are expected to participate in the grievance handling process in good faith.
- 4.7 Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- 4.8 All steps of this grievance procedure concerning the hearing and settlement of grievances shall be free of charge to the student and staff member.
- 4.9 At all steps of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given if requested by the complainant and/or respondent.

## **PROCEDURES**

### **5. STUDENTS AT TMT HAVE ACCESS TO A THREE-STEP ACADEMIC GRIEVANCE PROCEDURE, WHICH IS SET OUT BELOW.**

#### **STEP 1 INFORMAL PROCEDURES**

- 5.1 When a student has a grievance about any academic matter, as defined above, he or she should first discuss the matter with the relevant member of the training staff or with the Training Manager. If the student has concerns about raising the matter with either of these people, VET students should discuss it with the CEO or Student Welfare Officer.

- 5.2 A Grievance Form is received by TMT and is to be immediately recorded into the Grievance and Appeals Register.
- 5.3 In the case of a student with a complaint about an assessment, he or she must raise the matter with the Training Manager within 14 days of being advised of the assessment.
- 5.4 A grievance raised through this channel will be usually dealt with within 7 days of receipt of the grievance.
- 5.5 A student is entitled to access his/her file through the Registrar.
- 5.6 In most cases TMT expects that an informal discussion between the parties should result in a prompt and mutually acceptable resolution of the matter. If requested the Training Manager, as applicable, will provide details of the resolution to the student in writing.
- 5.7 Following resolution of a grievance dealt with by a staff member, they will advise the Training Manager, as applicable. They will make a file note outlining the nature of the complaint and the action taken in relation to grievances dealt with personally by the CEO or grievances dealt with by a staff member.

## **STEP 2 – FORMAL PROCEDURE**

- 5.8 If unsatisfied with the response to the grievance or the time taken under Step 1 to resolve the matter, the student may submit the grievance in writing to the CEO. The grievance should be submitted in writing to the CEO. In the case of written assessments during the year, the grievance must be lodged within 14 days of the student sighting their overall assessment. For end-of-year results the grievance must be lodged within seven days of the date availability of the results to the student.
- 5.9 The CEO will acknowledge receipt of the grievance within two working days and will determine if the issue comes within the ambit of this policy and procedure. If the matter does not come within the ambit of this policy and procedure the student will be referred to the person within TMT for handling of the matter pursuant to the appropriate procedure. If the grievance is considered frivolous, vexatious or lacking in substance, the CEO may choose not to proceed with the complaint and will advise the student accordingly. The complainant may appeal externally (see Step 3) if not satisfied that the CEO has reasonably considered the grievance.
- 5.10 If the CEO determines that a grievance falls within the Policy for Academic Grievances, for grievances related to written assessments during the year or end-of-year results, the CEO will review the matter and advise the student within a maximum of 7 working days. For all other academic grievances the CEO will try to resolve the grievance within 20 working days of receipt.
- 5.11 As soon as practicable, the CEO should arrange an interview with the complainant, either in person or through a web video-conference, such as Skype, or by telephone to hear the full details of the grievance. The complainant may be accompanied and assisted at the meeting by a third party of his/her choice. The CEO will also talk to relevant staff, if he/she considers it appropriate.
- 5.12 The CEO will ensure that formal records are kept of consideration of the matter and ensure the student is notified in writing of the decision taken and is provided with the reasons for that decision. In considering the grievance the CEO may consult with whomever he/she considers appropriate.

## **STEP 3 – EXTERNAL REVIEW**

- 5.13 If the student is not satisfied with the decision of the CEO in Step 2, the student may request that the matter be further reviewed by the external body appointed by TMT for this purpose. A request for external review must be received within ten days of the date of notification of an outcome under Step 2, Formal Procedure and must state the grounds for the request.
- 5.14 A written request for an external review must be lodged with the CEO of TMT. Within 7 working days, TMT will forward the request for external review:

For VET students, a formal arrangement is in place with the following mediation service. Contact details are as follows:

LEADR Student Mediation Scheme. Phone: 02 9251 3366 or email: leadr@leadr.com.au

- 5.15 The external reviewer is usually expected to forward a report to TMT within 30 days of receiving a request for a review.
- 5.16 TMT will provide the result (and reasons) from the external review in writing to the complainant and respondent within 7 days of receiving the response from the external reviewer.
- 5.17 If the external reviewer makes recommendations in relation to a grievance they have reviewed, these will be forwarded to the CEO of TMT who will ensure that the recommendations are implemented in a timely manner, usually within 21 days of receipt by TMT.
- 5.18 A complainant who remains dissatisfied with the process applied by TMT following review by an independent party, may refer their grievance to the Australian Skills Quality Authority - ASQA Online Complaint Form available at <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>. Students are to be advised that ASQA will require the student to have exhausted all avenues through TMT's internal complaints handling procedure before taking this option.

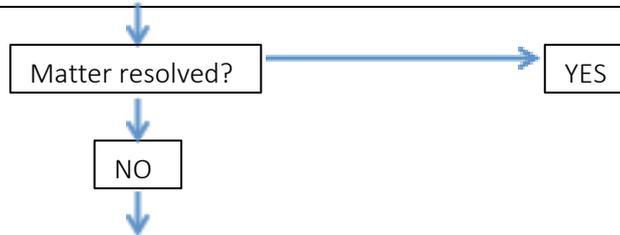
## 6. CONFIDENTIALITY

- 6.1 To ensure strict confidentiality, as few people as possible should handle the complaint. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- 6.2 Where a person's duty involves receiving information and documentation for reporting to appropriate people, they are, under normal circumstances, protected from liability for defamation by the defence of 'qualified privilege'.
- 6.3 The law requires that persons act reasonably and in good faith and disclose information only to those legitimately involved in resolving the grievance. Unnecessary disclosure may also incur liability for breach of confidentiality. Both federal and state legislation place a high premium on the maintenance of confidentiality and all of TMT's practices will uphold these principles.
- 6.4 Records of all grievances, applications for review of decisions and outcomes of the grievance will be kept for a period of five years. These records will be kept strictly confidential and filed in a separate file (not kept on the student or staff file, unless they result in disciplinary action). Parties to the complaint will be allowed supervised access to these records.
- 6.5 The Grievance and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.

## OVERVIEW OF TMT ACADEMIC GRIEVANCE PROCEDURE

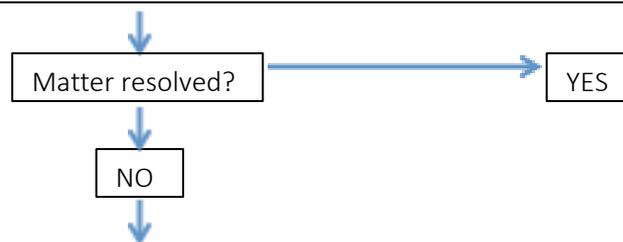
### STEP ONE – INFORMAL RESOLUTION

- A student speaks to a training staff member or Training Manager about an Academic grievance.
- In most cases, a grievance is resolved informally, in a prompt and mutually acceptable manner.
- Following resolution, the Training Manager makes a file note, outlining the nature of the grievance and the action taken.



### STEP TWO – FORMAL RESOLUTION

- The student submits the grievance in writing to the CEO.
- If the CEO determines the matter falls within the Academic Grievance Policy, he/she interviews the student as soon as feasible; a third party of the student's choice may accompany the student.
- As part of the decision-making process, the CEO consults with relevant staff.
- The CEO notifies the student in writing of the decision made, including the reasons for that decision.
- The CEO formally records the nature of the grievance, its handling process and outcome in the student's file.



### STEP THREE – EXTERNAL REVIEW

- The student requests an external review with the nominated external mediator nominated by TMT in writing to the CEO.
- The CEO forwards the request to the mediator
- The CEO provides the result (and reasons) from the external review in writing to the student.
- The CEO ensures that TMT implements any recommendations in a timely manner.