

VSL 4.2: Student grievance policy & procedure- Non Academic Grievance

Purpose

Casey College of Beauty Therapy Pty Ltd operates on the basis that non-academic decisions (for example, administrative decisions etc.) are entrusted to administrative staff in accordance with established Casey College of Beauty Therapy Pty Ltd procedures.

It is recognised that from time to time disputes may arise with respect to non-academic matters. Casey College of Beauty Therapy Pty Ltd is committed to resolving administrative and other non-academic disputes between students and Casey College of Beauty Therapy Pty Ltd and staff as quickly and as sensitively as possible.

This policy and procedure has been put in place to assist all parties to resolve academic issues that arise and reflects Casey College of Beauty Therapy Pty Ltd expectations and responsibilities of the College, staff and students in resolving student non-academic grievances, complaints and appeals.

Definitions

For the purposes of this document the following applies:

Student/s refers to all persons enrolled in a VET unit of study for VET STUDENT Loan (VETSL) students and all other students enrolled in a unit of study.

Appeal refers to a request to reconsider a non-academic decision made in the context of this document.

Grievance has the same meaning as complaint in this case regarding non-academic matters (refer to complaint below).

Complaint refers to an expression of dissatisfaction with a decision, action or process within Casey College of Beauty Therapy Pty Ltd in this case regarding non-academic matters

Appeal refers to a request to reconsider a non-academic decision made in the context of this document.

Scope of Policy

- i) This policy applies to Casey College of Beauty Therapy Pty Ltd and its staff and students, or persons who have demonstrated an intention to enrol as a student in the College (hereafter referred to where ever "a student" is referenced), regardless of the location of the campus of Casey College of Beauty Therapy Pty Ltd at which the grievance or complaint has arisen, the student's place of residence or the student's mode of study.
- ii) A student who has ceased enrolment with Casey College of Beauty Therapy Pty Ltd will be considered under this policy and procedure for a period of up to 3 calendar months after their enrolment has ceased.
- iii) The policy and procedure set out in this document does not:
 - a) replace or modify procedures or any other responsibilities which may arise under other external vocational education and training provider policies or under statute or any other law; or
 - b) remove the student's right to take further action under Australia's Consumer Protection Laws, nor circumscribe the student's right to pursue other legal remedies.

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- iv) This policy and procedure is one of several internal dispute resolution policy mechanisms of Casey College of Beauty Therapy Pty Ltd. These are as follows:
- a) For a dispute with respect to assessment appeals, students should initially follow the College's processes for appealing an assessment result or final result;
 - b) For a dispute with respect to academic matters refer to Casey College of Beauty Therapy Pty Ltd Student grievance policy & procedure – Academic Grievance. Academic matters generally include student progress, assessment, curriculum, and awards in a course of study;
 - c) For a dispute with respect to non-academic matters refer to this Student grievance policy & procedure – Non Academic Grievance. Non-academic matters generally include those matters which do not relate to student progress, assessment, curriculum and awards in a course of study and includes complaints in relation to personal information that Casey College of Beauty Therapy Pty Ltd holds in relation to the student;
 - d) For a grievance, complaint or appeal with respect to a refund of an upfront payment made direct to Casey College of Beauty Therapy Pty Ltd refer to the Fees and Charges Policy and Procedure and the Re-crediting review and Refund Policy and Procedure; and
 - e) For a grievance, complaint or appeal concerning the reimbursement for a module or unit refer to the Fees and Charges Policy and Procedure and the Re-crediting review and Refund Policy and Procedure.
The policies and processes above are available from the policy page on Casey College of Beauty Therapy Pty Ltd website.
 - v) The above mentioned internal dispute resolution mechanisms extend to make available external dispute resolution processes should the internal dispute resolutions process be exhausted. For details on available external appeal options and contacts refer to "Stage 4: External Appeals", herein.
 - vi) A student who is unsure which policy mechanism relates to the nature of their grievance or complaint should seek advice from Casey College of Beauty Therapy Pty Ltd Student Services Manager.

Principles

The following principles underpin student grievance, complaint and appeal resolution processes against non-academic decisions:

i) Availability

This policy is freely available to all students and staff.

It is made available through several mechanisms, which include, but are not limited to:

- publication on to Casey College of Beauty Therapy Pty Ltd website;
- provision to students before they enter into a Confirmation of Enrolment (COE) agreement or pay any financial amount for their registered course enrolment, whichever happens first;
- provision to students at orientation and/or within 5 working days after the student starts attending a College course in which he or she is enrolled, whichever happens first; and
- reference in the orientation procedures for permanent and casual academic and administrative to Casey College of Beauty Therapy Pty Ltd staff.

ii) Timeliness

It is to Casey College of Beauty Therapy Pty Ltd intention that any dispute will be resolved without undue delay. Deadlines prescribed in this policy and procedure should normally always be followed, unless exceptional circumstances prevail. If the deadline is to be exceeded by staff, the student must always be informed of the length of and reason for the delay. If the deadline is to be exceeded by the student, the student must ensure the staff member is always informed of the length of and reason for the delay.

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iii) Confidentiality

Student grievances, complaints and appeals will be treated confidentially at all stages of the process. Access to information about a grievance, complaint or appeal shall be strictly limited to those staff that "have a need to know" in order to deal with the grievance, complaint or appeal.

iv) Without disadvantage

The fact that a complaint has been made under this policy will not disadvantage the complainant and/or respondent in any way, especially by way of victimisation or discrimination. That said, the fact that a student has had to complain may of itself cause disadvantage, for example, delay in finalising an enrolment for a module. However, a student should be able to complain under these procedures and feel confident that they will not be disadvantaged or discriminated against in any other way.

v) Procedural fairness

Grievances, complaints and appeals will be handled in accord with Casey College of Beauty Therapy Pty Ltd Principles of Procedural Fairness, which can be accessed from the policy page on the Casey College of Beauty Therapy Pty Ltd website.

vi) Continuation of Casey College of Beauty Therapy Pty Ltd and module enrolment

Whether a student's College enrolment will be maintained throughout a student's participation in an internal or external appeals process depends on the type of appeal.

Students internal and external grievances, complaints and appeals process

A student's enrolment will be maintained throughout the student's participation in the internal and external grievance, complaint and appeals process for all types of grievances, complaints or appeals, until the matter has been decided.

vii) Continuation of learning opportunities

While Casey College of Beauty Therapy Pty Ltd will maintain a student's enrolment, as described above, to Casey College of Beauty Therapy Pty Ltd reserves the right to decide whether or not to continue to offer learning opportunities to the student throughout the internal or external grievances, complaints and appeals process on a case by case basis (for example, decide, case by case, whether or not the student will be permitted to continue to attend classes, be excluded from attending classes but permitted to continue to undertake and complete class work outside of the classroom environment, etc).

Casey College of Beauty Therapy Pty Ltd recognises that decisions to deny learning opportunities to a student throughout the formal grievance, complaint and appeals process may disadvantage the student in their subsequent studies should the appeals process find in the student's favour, and will normally only undertake such action if determined necessary to maintain the College's duty of care to its students, staff and other stakeholders of the College.

viii) Record-keeping and access to records

- A staff member in receipt of documentation in stage 2, 3 or 4 of the non-academic grievance, complaint or appeal procedure, including emails, letters and supporting materials, is responsible for prompt forwarding of the documentation, in an organised, clear and confidential manner, to the Student Services Manager.
- Records of grievances, complaints and appeals and their outcomes will be kept strictly confidential and filed in a separate file, with a unique folio identifier and stored in the Student Services Managers office for a period of at least five years.
- The complainant and/or respondent will have a right of supervised access to all documents held by the College concerning his or her grievance, complaint or appeal.
- The Student Services Manager shall maintain a Register of Formal Grievance, Complaint and Appeal Cases that records the unique folio number of the case, the date the case was first lodged by the student, the policy and procedure/s under which the case was considered, the procedural stages at which the case was considered, and the date the matter was resolved. Senior staff of the College and staff of Commonwealth and State Government agencies, who may not necessarily have had direct involvement in the formal grievance, complaint and appeal case/s, may access this register if required to do so in their normal work undertakings.

ix) Resolution

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Given the nature of many non-academic grievances and complaints, most concerns will be normally resolved at the informal stage (stage 1). This form of resolution provides an ideal opportunity for open and direct dialogue between the student and staff member. Additionally, informal resolution normally provides the most time effective mechanism for resolving non-academic grievances and complaints.

x) Cost

Complaint and appeal procedure there will be no charge to the student.

Please note, for internal grievance there is a provision for each party to the review to be accompanied or assisted by another person at the review, at that party's cost. For the external stage of the grievance procedure allows for each party to the review to be accompanied or assisted by another person at the review, this will be at that party's cost.

The Policy

i) A non-academic grievance or complaint may be made against any Casey College of Beauty Therapy Pty Ltd non-academic decision, action or process.

ii) Types of non-academic grievances, complaints or appeals

Types of non-academic grievances, complaints or appeals may include, but are not limited, to:

- matters arising from administrative admissions, enrolment or timetabling processes;
- matters arising from decision made by the College concerning a non-academic misconduct matter;
- matters relating to the financial status of a student, except those relating to Tuition Fee refunds reimbursements (refer to item 3(iv) (d) and (e) above);
- discrimination, harassment, bullying or intimidating behaviour towards an intending, current student, staff member, educator or any other person associated with the College; and/or
- complaints regarding personal information the College holds in relation to the student or lack of access to Casey College of Beauty Therapy Pty Ltd facilities required for study.

Note- Matters concerning a student's unsatisfactory course progress or unsatisfactory course attendance fall under the College's Student grievance policy & procedure – Academic Grievance.

iii) In seeking to resolve a non-academic grievance, complaint or dispute, students and staff should normally first exhaust the dispute resolution mechanisms described in this document.

iv) A student who is dissatisfied with Casey College of Beauty Therapy Pty Ltd non-academic decision, action or process has the right to have the matter or decision reviewed and to appeal the decision.

v) Non-academic grievances or complaints should normally be lodged up to 10 working days from the date of occurrence of the aggrieved matter.

A student making a grievance, complaint or appeal should clearly and objectively identify the issue, provide evidence in support of his or her grievance or complaint where possible to do so, and organise any evidence in a clear and logical manner.

Stages of the Non-Academic Grievances, Complaints and Appeals Resolution Process

i. There are four stages in the processes associated with the resolution of a non-academic grievance, complaint or appeal with each stage representing an increase in the level of formality with which the grievance, complaint or appeal is managed. The stages of the process are:

Stage 1. Informal Discussion/ Negotiation between the student and staff member involved, and/or the supervisor of the staff member involved.

Stage 2. Formal Internal Grievance/Complaint/Appeal to the Director of Casey College of Beauty Therapy Pty Ltd.

Stage 3. Formal Internal Appeal to the CEO

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Stage 4. External Appeal normally to a person/body nominated by Casey College of Beauty Therapy Pty Ltd as the External Review or the applicable VET regulatory authority

- ii. When escalating an appeal between and/or within a stage, the student must present evidence that the previous determination was lacking in either judgement and/or due process. If this is impractical, complainants should communicate with the Student Services Manager.
- iii. For each stage of the process, both the complainant and respondent have the right to be represented by a third party.
- iv. For each stage of the process, both the complainant and the respondent have the right to a full explanation in writing for decisions and actions taken as part of the procedures.

Stage 1. Informal discussion/negotiation between student and staff member involved to resolve the grievance or complaint.

Normally within 10 working days of the occurrence of the non-academic grievance the student should liaise with the staff member concerned and discuss/negotiate their concerns with a view to arriving at a mutually agreeable resolution.

The student is responsible for ensuring in entering this informal discussion/negotiation that they make clear the nature and grounds of the non-academic grievance or complaint and, where applicable, provide evidence to support any claims.

Following the discussion, the staff member will investigate the grievance or complaint with procedural fairness, and may consult with relevant academic and administrative staff, as well as students of Casey College of Beauty Therapy Pty Ltd as part of these investigations, and may engage in further informal discussion with the student.

The staff member shall normally respond to the student, normally in writing via email, within 10 working days of the student's initial raising of their grievance or complaint. This response will briefly outline the nature and grounds of the student's grievance or complaint and the staff member's decision on the matter. This response will also include a copy of the Student grievance policy & procedure – Non Academic Grievance

If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 2.

FORMAL RECORDING OF NON-ACADEMIC GRIEVANCES, COMPLAINTS AND APPEALS COMMENCES FROM STAGE 2

Stage 2. Formal Internal Grievance/Complaint/Appeal

A student at this stage may:

- lodge a formal appeal against the outcome concerning his or her non-academic grievance or complaint that was made by the staff member at Stage 1; or
- lodge a formal non-academic grievance or complaint.

The student should normally lodge their formal grievance, complaint or appeal within 10 working days of the grievance or complaint's occurrence or the student's receipt of the staff member's decision at Stage 1, as applicable.

This is the first of the formal grievance, complaint and appeal stages. As such, the student must express the nature and grounds of their grievance, complaint or appeal, in writing, either via email or letter, to the Director of the College.

The student should, in this written communication:

- make clear the nature and grounds for his or her grievance, complaint or appeal;

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- indicate whether or not he or she has pursued Stage 1 of this procedure, and if not briefly make clear the reasons for not doing so;
- provide the date of the initial decision (if applicable);
- explain why a reconsideration is being requested (if applicable);
- attach copies of any written communication between the student and the staff member that took place at Stage 1 (if applicable); and
- attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).

The CEO/Director will investigate (or oversee the investigation of) the case presented with procedural fairness and may:

- designate any staff member, at the same organisational level or lower who has not had prior involvement in the case, to assist with the investigation;
- consult with relevant academic and administrative staff at the same organisational level or lower, as well as students of the College, on matters pertaining to the case; and/or
- request the student to meet with them in person or via teleconference to discuss the case.

The Director will respond to the student, in writing via email or letter, within 20 working days of receipt of the student's written grievance, complaint or appeal.

If the student has lodged an initial grievance or complaint, this response will make clear the decision of the Director and the reasons for the decision.

If the student is appealing a decision made by a staff member at Stage 1, this response will make clear whether, as a result of the findings from the investigation, it has been decided to:

- confirm the original decision; or
- vary the original decision, stating the details of the variance; or
- set the decision aside and substitute a new decision, stating the new decision.

This communication will also include a copy of the College's Student grievance policy & procedure – Non Academic Grievance.

If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 3.

Stage 3. Formal Internal Appeal to the CEO

A student may formally appeal a decision made at Stage 2, normally within 10 working days of their receipt of the written response from Director.

At this stage, the student must express the nature and grounds of their appeal, in writing either via email or letter, to the CEO. The student should, as part of this communication:

- a) make clear the nature and grounds for his or her grievance, complaint or appeal;
- b) indicate whether or not he or she has pursued Stage 1 and/or Stage 2 of this procedure, and if not briefly make clear the reasons for not doing so;
- c) provide the date of the initial decision (if applicable);
- d) explain why a reconsideration is being requested (if applicable);
- e) attach copies of any written communication between the student and the staff member that took place at Stage 1 and/or Stage 2 (if applicable); and
- f) attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).

The CEO will investigate the case presented with procedural fairness.

The CEO may establish a Non-Academic Appeals Committee of two or three members nominated by the CEO, which may include a member of the College Council or Academic Board or one of its standing Committees,

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and/or a CEO/Director. The CEO, to whom a formal grievance or complaint was lodged at Stage 2, may not be nominated to be part of the Non-Academic Appeals Committee. In the course of this investigation, the CEO, and any staff designated to be involved in the investigation, has the discretion to:

a) consult with relevant academic and administrative staff, as well as students of Casey College of Beauty Therapy Pty Ltd, on matters pertaining to the case; and/or

b) request the student to meet with the Committee in person or via teleconference to discuss the case.

The student will be advised of the outcome of the appeal, in writing via email or letter, within 20 working days of receipt of the student's written grievance/complaint/appeal.

This response will make clear whether, as a result of the findings from the investigation, it has been decided to:

a) confirm the original decision; or

b) vary the original decision, stating the details of the variance; or

c) set the decision aside and substitute a new decision, stating the new decision.

This communication will also include a copy of the College's Student grievance policy & procedure – Non Academic Grievance

If the student is satisfied with the response at this stage, no further action is required.

If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 4.

Stage 4. External Appeal

Vocational education and training (VET) students dissatisfied with the outcome of the internal grievance, complaint and appeals process have a number of external appeal options available to them. There may be costs for lodging an external grievance, complaint or appeal. For further details on these costs refer to item 4(x) above.

VOCATIONAL EDUCATION AND TRAINING STUDENTS

VET students can elect to take their appeal or grievance to Australia's national VET regulator, the Victoria Registration and Qualification Authority (VRQA). For further details refer to the Authority's website <http://www.vrqa.vic.gov.au/>

VET students can also elect to take their grievance, complaint or appeal externally to,

Disputes Settlement Centre of Victoria

4/456 Lonsdale St

Melbourne Vic 300

Ph: 1300 372 888

Email: dscv@justice.vic.gov.au

<http://www.disputes.vic.gov.au/>

Resolution Institute

Level 1, 13-15 Bridge St

Sydney, NSW 2000 Australia

Ph: 02 92513366

Email: infoaus@resolution.institute

<http://www.resolution.institute>

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The College will implement all recommendations arising out of an External Review within the timeframe specified by the external arbiter or relevant State Registration Authority. Alternatively, if a timeframe is not specified by the external arbiter or relevant State Registration Authority, all recommendations will be implemented by the College within 10 working days.

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