

Student Complaint / Grievance Procedure

1.0 Purpose

The purpose of this procedure is to provide individuals and groups of students (including prospective students) with a process to resolve grievances promptly, fairly and equitably, and to observe the principles of natural justice, not victimise or discriminate against any complainant or respondent.

2.0 Scope

This procedure applies to all students of Bendigo Kangan Institute (BKI), including those students who are, or would be entitled to VET Student Loans and regardless of the location of the campus at which the grievances has arisen, the mode of study or their place of resident. This also applies to any academic or non-academic matter, which causes a student serious concern or distress in relation to their course of study or prospective study at BKI.

All grievances by students shall be raised and dealt with in accordance with these procedure.

However, these procedures **do not apply** to student enrolled on Corrections campuses.

3.0 Policy Reference

Privacy Policy

Information and Records Policy

Code of Student Behaviour Policy

Student complaints and grievance policy

4.0 Procedural Steps

No.	Phases and steps	Name of role who actions
4.1	Informal grievance processes	
4.1.1	Individual students or groups of students (including potential students) are encouraged to raise issues or matters of concern to them. The student should contact their classroom teacher, their course coordinator/lead educator and/or an appropriate staff member.	Student / Potential Student
4.1.2	Where the grievance / complaint is made directly to a staff member, every reasonable effort should be made by the staff member and the aggrieved student to resolve the matter. It is expected that, in most circumstances, resolution of the grievance should be achieved within two weeks (10 business days) from the date of lodgement of the grievance/complaint.	Student, Staff member

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No.	Phases and steps	Name of role who actions
4.1.3	If the matter remains unresolved within two weeks or the student is dissatisfied with the response, the student may submit details of the complaint using the Student Feedback and Complaint webform located on the website.	Student
4.1.4	Advice and assistance may be sought at any time from the following: <ul style="list-style-type: none"> • Student Counsellor (NB: Counsellors cannot act as a third party, attend meetings, represent complainants or respondents at meeting called during the grievance process. An informal response will general be given verbally by the staff member); • Disability Liaison Officer; • A member of the Student Engagement and Retention Team; • An Institute student or staff member 	Student
4.2	Formal Grievance Processes	
4.2.1	Where the Education Manager or delegate, having first been satisfied that reasonable efforts have been made to resolve the matter informally by the steps outlined above, may determine the matter. The Education Manager or delegate may choose to meet with all or some of the parties concerned (either individually or collectively) and may require either or both parties to provide written submissions.	Education Manager or delegate
4.2.2	Where a concern could not be resolved using an informal approach or where the student seeks to make a formal complaint, this needs to be put in writing (e.g. letter, email or customer complaints and feedback form available on website) and should contain at least the following details: <ul style="list-style-type: none"> • Student's name and contact details • Description of the issue; including where, when and who was involved; • Description of the steps already taken to try and resolve the issue; • An indication of the student's desired outcome. The student may use the Formal Student Complaint and Feedback Form which is available from the website, however, in the interests of making the process as accessible as possible, this form is not mandatory. The BKI staff member may assist by completing the form on behalf of the student so that the Complaint can be logged and recorded centrally. 	Student

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No.	Phases and steps	Name of role who actions
4.2.3	<p>The Education Manager's decision will be forwarded to the student in writing outlining the reasons for the decision within ten days of the student's initial feedback/complaint received by the Education Manager.</p> <p>Written details must include:</p> <ul style="list-style-type: none"> the outcome of the complaint; reasons for the decision; any changes which have resulted from the complaint; an apology where appropriate; and information about the option to appeal against the decision if they are not satisfied with the Education Manager's decision. 	Education Manager
4.2.4	If the student is not satisfied that the complaint has been resolved he/she may write to the Director or Executive Director of the area requesting the formation of a Student Grievance Appeals Panel to consider the matter.	Student
4.3	Student Grievance Appeals Panel	
4.3.1	The relevant Executive Director will convene a Student Grievance Appeals Panel within ten business days of receiving the formal appeal.	Executive Director
4.3.2	<p>The membership of the Student Grievance Appeals Panel will be determined by the Executive Director, providing that:</p> <ul style="list-style-type: none"> Where the student raising a grievance is an overseas student, a member of the International Department will be appointed to this appeal panel; and There shall be a minimum of 2 and a maximum of 4 members of the appeal panel. 	Executive Director
4.3.3	<p>Membership of the Student Grievance Appeals Panel will comprise:</p> <ul style="list-style-type: none"> The Executive Director (Studies) of another area, who will Chair the Panel; Director; Executive Director, Education Services or delegate; <i>(NB: 1 member of the Panel must be from outside the area concerned against which the grievance is lodged).</i> 	Executive Director (studies) of another area
4.3.4	<p>The Student Grievance Appeals Panel will determine, subject to the broad principles of natural justice, its own processes for determining the matter from the beginning.</p> <p>The student appealing/complaining will be given the opportunity to present a case orally and/or in writing.</p> <p>Other people, staff or students, may be called to give evidence to the Student Grievance Appeals Panel .</p>	Student Grievance Appeals Committee
4.3.5	All parties may be accompanied and or supported by a support person (not a legal practitioner) to the Student Grievance Appeals Panel. Each party shall bear their own cost of bringing a support person, if any.	
4.4	Determination of Appeals	

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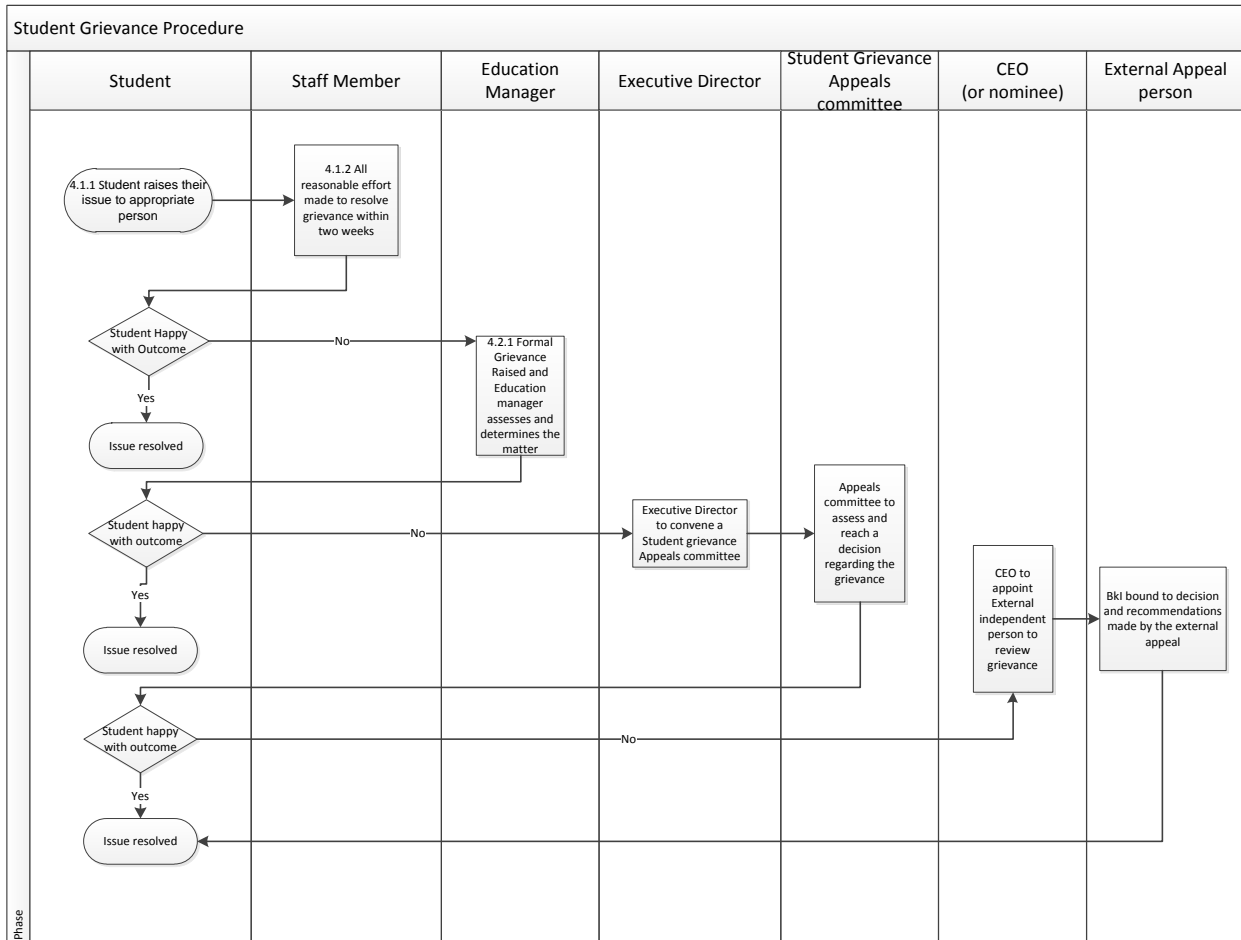
No.	Phases and steps	Name of role who actions
4.4.1	The Student Grievance Appeals Panel will reach a decision within the spirit of consensus. Should consensus not be achieved, then a decision will be made on a majority vote. Should there be no majority, the Chair will have a declarative vote.	Student Grievance Appeals Committee
4.4.2	The decision will be communicated to all parties directly involved in the grievance in a written report outlining the reasons for the decision, within ten working days. The report will include: <ul style="list-style-type: none"> the outcome of the complaint; reasons for the decision; any changes which have resulted from the complaint; an apology where appropriate. This report will further advise of the right to access the external appeals process if a party is not satisfied with the outcome of the appeal.	Chair of the Student Grievance Appeals Committee
4.5	Final/External Appeal	
4.5.1	If the student is not satisfied with the Student Grievance Appeals Panel decision, he/she may write to the Chief Executive Officer (CEO) giving reasons why they are not satisfied and request an external appeal.	Student
4.5.2	If the CEO or their nominee is satisfied that the reasons given by the student warrant a further hearing of the grievance, the CEO or their nominee must arrange for an independent external person (or organisation) to hear the appeal.	CEO or their nominee
4.5.3	The independent external appeal person (or organisation) will comply with the following principles: <ul style="list-style-type: none"> the person or organisation which head the external complaint or appeal must be independent of, and external to BKI. The Dispute Settlement Centre of Victoria (http://www.disputes.vic.gov.au/) or the Institute of Arbitrators and Mediators (https://www.iama.org.au/) may be used to consider external appeals. 	Independent external appeal person
4.5.4	All parties may be accompanied and or supported by a support person (not a legal practitioner) to the External Appeal. Each party shall bear their own cost of bringing a support person, if any.	
4.5.5	The external appeal convenor appointed by chosen mediation service will report to the CEO, or their nominee, on the outcome of the external appeal, including any recommendations arising, within 20 business days of the completion of the external review.	External Appeal Convenor

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No.	Phases and steps	Name of role who actions
4.5.6	Once the CEO, or nominee, receives the report of the outcomes from the external appeal, they will provide a written report to the complainant within 10 business days on the recommended actions to resolve the grievance. BKI agrees to be bound by the decisions and recommendations arising from the external appeal and the CEO, or their nominee, will ensure the efficient implementation of any recommendations made.	CEO or nominee
4.5.6	BKI will bear the reasonable costs associated with the conduct of any complaints including external appeal.	CEO or nominee
4.6	Recordkeeping	
4.6.1	A written record of all grievances handled under this procedure and their outcomes shall be maintained on the student file 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 Privacy Officer (privacy@bendigokangan.edu.au). All formal complaints and subsequent appeals must be logged with Academic Governance and Quality by using the Feedback Form on the website.	Relevant area
4.6.2	All records relating to complaints will be treated as confidential and will be covered by the Institute's Information and Records and Privacy Policies. Parties to the complaint will be provided appropriate access to these records in accordance with the Institute's Privacy Policy.	Academic Governance and Quality
4.7	Approval and Publication	
	This procedure will be made available to students and prospective students through publication in the Student Handbook and on the Institute's websites: Bendigo TAFE Website: http://www.bendigotafe.edu.au/ Kangan Institute Website: https://www.kangan.edu.au/	Executive Director, Learner Experience
4.8	Staff Awareness and Training	
4.8.1	Policies and procedures are referred to in the staff onboarding program.	Manager Organisational Capability
4.8.2	Changes to procedures are notified through Portfolio Course Committees and Educational Leaders Network meetings.	Manager, Academic Governance and Quality

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5.0 Procedural Swimlane Flowchart



6.0 Roles and Responsibilities

Role	Responsibilities
Student	Raise their issue within the recommended guidelines
BKI Staff Member	Make every reasonable effort to resolve the issue
Education Manager/delegate	If the issue is escalated to the Education manager, the Manager will make every effort to resolve the issue and communicate to the student.
Executive Director	The relevant Executive Director will convene a Student Grievance Appeals committee
Student Grievance Appeals Panel	The Student Grievance Appeals Panel will determine, subject to the broad principles of natural justice, its own processes for determining the matter from the beginning, and will reach a decision within the spirit of consensus. A formal report will be written.
CEO	The CEO must arrange for an independent external person (or organisational) to hear the appeal.
Independent External person	The External person will report their outcome of the external appeal to the CEO

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Role	Responsibilities
Teaching Area	Maintain the students file
Academic Governance	Ensure privacy laws policies are followed
Executive Director, Education Services	Ensure information is current and available
Manager Organisational capability	Ensure Staff are aware of processes and Policies

7.0 Definitions

Word/Term	Definition
Grievance	<p>a) An issue arising from any decision, act or omission which a student considered to be unjust, discriminatory or wrongful or at variance with Institute policy or procedure;</p> <p>b) A serious problem or concern of an academic or non-academic nature raised by an enrolled student or prospective student, which is believed by that student, to disadvantage them in the course of their study at BKI;</p> <p>c) A complaint about the behaviour of another student, group of students, staff member or group of staff; and</p> <p>d) Any other matter within the control of the Institute that is not resolve through normal communication channels.</p> <p>A grievance may relate <i>among other things</i> to:</p> <ul style="list-style-type: none"> • facilities, support services, curriculum, administrative procedures or decisions; • academic issues including student progress, assessment, curriculum and awards in a VET course of study; and • issues about the handling of personal information and access to personal records held by the Institute.
Prospective Student	Is a person seeking to enrol as a student in an Institute qualification, course or program.
Student	Means any person currently enrolled in an educational program at the Institute.
Natural Justice	The 'fair hearing' rule and the 'no bias' rule: all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to their grievance should have no personal interest in the matter and should be unbiased in their decisions.

8.0 Related Documents and Records Management

Documents used in this procedure		
Title	Doc. ID.	Location

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Documents used in this procedure		
Title	Doc. ID.	Location
Customer complaint and Feedback Form		Kangan website Bendigo Website

9.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Summary Description of Change	Next Scheduled review	Document owner
5			06/09/2010	IP 3.43 & Proc505		
6	Executive Director Learner Experience			Consolidated procedure developed to replace separate Bendigo TAFE and Kangan Institute processes.		Executive Director Learner Experience
1.1	CEO	18/7/18	18/7/18	Link to Student complaints and Grievance Policy and minor update of changes.	31/1/2020	Manager, Academic Governance and Quality
1.2	Executive Director Education Services	13/11/18		Minor change of reference to Appeals Panel rather than Committee to align with policy.	31/1/2020	Manager, Academic Governance and Quality
1.3	Executive Director Education Services	10/12/18	10/12/18	Minor change to clarify the costs associated with complaints and link to forms on the website.	31/1/2020	Manager, Academic Governance and Quality.

10.0 KI Policy and Procedure Portal / BT BMS Requirements

Category	Key Words
Student Administration	Student Grievance, Grievance Appeals, Formal process