

LATROBE COLLEGE OF ART AND DESIGN

COMPLAINTS ACADEMIC GRIEVANCE PP

Standard 10 ESOS Code of Practice 2018 / RTO Standards 2015, 6.1 / VSL Rules

Overview

Latrobe College of Art & Design is committed to providing an effective, efficient, timely, fair, and confidential academic grievance handling procedure for all Students.

Complainants are entitled to access the grievance procedures regardless of the location of the campus at which the grievance has arisen, the Complainant's place of residence or mode of study.

Academic Matters Grievances (Complaints and Appeals) may include academic matters of concern to a student relating to training delivery and assessment; the quality of the training; student support and materials; discrimination; and sexual harassment.

VET student Loans: victimisation or discrimination of students for seeking review of their Fee Help balance. LCAD has a rule that ensures that a student is not victimised or discriminated against for:

- (a) seeking review or reconsideration of a decision; or
- (b) using the LCAD's processes or procedures about dealing with grievances; or
- (c) making an application for re-crediting of the student's FEE-HELP balance

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias
- All parties have the right to be heard.
- The respondent has a right to know of what s/he is accused of
- All parties are told the decision and the reasons for the decision.
- That LCAD assesses both complaints and appeals in a professional, fair, and transparent manner.

Definitions

For the purposes of this document the following applies:

The Act refers to the *Higher Education Support Act 2003*

Student/s refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under sub-clause 45(1) of Schedule 1A of the Act who are or would also be entitled to VET STUDENT LOANS assistance under clause 43 of Schedule 1A of the Act.

Complainant/s refers to students (as defined above) who have lodged an academic complaint with Latrobe College of Art & Design.

The College refers to *La Trobe International Galleries Pty Ltd / Latrobe College of Art and Design / or LCAD*

Responsibility

The CEO is responsible for implementation of this policy and procedure and ensuring that all staff is fully trained in its operation and Students and Complainants are made aware of its availability.

Grounds for Lodging an Academic Grievance

There are only FOUR grounds for lodging an academic grievance:

- Performance in an assessment suffered through illness or other factors which the student was unable or, for valid reasons, unwilling, to disclose before the results were awarded. A grievance under such grounds will normally be dismissed unless an acceptable explanation is given for not presenting the extenuating circumstances in advance of the results having been awarded.
- An assessment was not conducted in accordance with the approved College program regulations.
- There was a material administrative error in the conduct of an assessment or other academic decision.
- Some other material irregularity occurred in making an academic decision.
- Academic grievances may only be made against formal published decisions - NOT AGAINST INFORMAL marks or grades.
- The College will not accept academic grievances based on a claim by the student that they did not know or fully appreciate the assessment regulations and procedures, or that they were unaware of the grievance procedure, or their rights and responsibilities, which includes the process for presenting extenuating circumstances

In the event of an academic grievance:

- The complainant will be given the opportunity to present their case.
- All matters arising shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with college policies on Confidentiality, Privacy and Data Protection.
- A written statement of the outcomes will be issued at each stage of the process giving due reasons for decisions reached.
- The complainant will have the right to have a representative present during any negotiations with The College or its appointed representatives.
- The complainant will not be required to meet any costs associated with lodging a grievance, provided the procedures contained herein are adhered to.

- The complainant shall not be subject to discrimination, victimisation, or any other form of harassment because of actions taken under these guidelines.

The College allows parties to the complaint appropriate access to any records relative to the issue.

This policy is applicable to complainants within the College. It is applicable to all complainants of the College, irrespective of their place of residence, campus (within Australia) or mode of study. Complainants with the College who transfer their studies to an institution outside Australia, will have their registration with the College terminated and are required to adhere to the guidelines, policies and procedures outlined by the legal entity to whom they have transferred their registration, unless their grievance relates specifically to an instance when their registration with the College in Australia was current.

The principles that Underpin these Grievance Procedures

The guiding principles of these procedures are that grievances shall be:

- Treated seriously and with fairness.
- Dealt with quickly, simply and at the level of the specific College campus as far as is possible.
- Treated consistently across the College.
- Subject to the principles of natural justice.
- Progressed through informal and formal stages.
- Allow web video conferencing or other similar means where complainants cannot attend in person.
- Dealt with and resolved wherever possible without recourse to the formal stage and shall be without prejudice to a complainant's right to pursue legal remedies outside the College having exhausted Colleges' grievance procedures.
- The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other education provider policies or under statute or any other law.

Before an Issue Becomes a Formal Grievance

Prior to lodging a formal grievance, students are encouraged to discuss their concerns with the Course Coordinator. Any formal grievance must be made in writing within fourteen working days of results being published. A formal grievance should include a detailed breakdown of the reasons for the grievance. Grievances should be presented, in the first instance, to the Course Coordinator.

PROCEDURES

Stage 1 - Lodging a Formal Academic Grievance

Upon receipt of a written academic grievance:

- The matter will be considered by the Course Coordinator and, where appropriate, other College staff.
- If, in the opinion of the Course Coordinator, the grievance is not justified, due reason will be communicated to the complainant and the matter considered closed.
- If, in the opinion of the Course Coordinator, the grievance is justified, the assignment/academic task will be re-assessed by two independent assessors who were not involved in the original awarding of the grade.
- If these assessors find the grade awarded to be unfair, the appropriate adjustments to the results will be made.
- In all cases, the College will provide a written explanation to the complainant of the outcomes of any grievance and the reasons for the decision. This notification must be given in writing within 10 working days of the grievance having been received.

Formal Grievance Procedure

General principles applying to all stages of this grievance procedure will be adhered to by the College are:

- The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend, or counsellor) if they so desire.
- The Complainant and the respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or the respondent if requested.
- Records of all grievances will be kept for a period of five years. These records will be kept strictly confidential and stored with the College's administration. A Complainant shall have access to this grievance procedure at no cost.

Stage One

Formal grievances should be submitted in writing (**a form can be used: S28 COMPLAINT FORM or an email will with as much detail possible is accepted**) to the Course Coordinator Latrobe College of Art and Design 138 Cromwell St Collingwood 3066. Telephone: 03 9495 6622. Email: admin@lcad.edu.au. The CC will then assess the grievance and determine the outcome and advise the Complainant in writing of their decision within 10 working days. The Complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of Stage One.

Stage Two-Appeals

If the Complainant is not satisfied with the outcome of Stage One, they may lodge an appeal in writing with **College Governance Board**, Latrobe College of Art and Design 138 Cromwell St Collingwood 3066. Telephone: 03 9495 6622. Email: admin@lcad.edu.au. The Complainant's appeal will be determined by CEO and an independent and impartial officer of Latrobe College of Art and Design as the Reviewer.

The Reviewer will conduct all necessary consultations with the Complainant and other relevant persons and decide of the appeal. The Complainant will be advised in writing or email of the outcome of their appeal, including the reasons for the decision, within 10 working days.

The Complainant will be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved. The CEO will advise the complainant of their right to access an external reviewer within 10 business days of concluding the review.

The reviewer will be the CEO. If the CEO is the same person as the Course Coordinator, then the interviewer will be the next person of authority at LCAD such as the Head of Art.

Stage Three - External Mediation

If the complainant is dissatisfied with the outcome of their appeal, they may make a written request to the CEO for the matter to be resolved through an external dispute resolution process facilitated by the AUSTRALIAN MEDIATION ASSOCIATION (AMA).

The CEO will then advise AMA in writing of the request within five working days. AMA will arrange for a paper-based appeal (PBA) to be held between The College and the complainant within ten working days of the written notification from the College. AMA will charge a fee for this service.

AMA Contact Details:

AUSTRALIAN MEDIATION ASSOCIATION (AMA).

www.ama.asn.au/contact-us/

Email: info@ama.asn.au

Phone: 13000633428

Fax: (07) 3257 0054

Office hours: Monday to Friday - 9.00am to 5.00pm

Further

- The College will bear any costs associated with the mediation.
- The complainant or any respondent to the grievance may ask another person to accompany them to meetings with the mediator. The mediator will report to the CEO the outcome of the mediation, including any recommendations arising, within fourteen working days of the completion of the review.
- Once the CEO receives the report of the outcomes from the independent mediation, they will provide a written report to the complainant within ten working days on the recommended actions to resolve the grievance.
- The College agrees to be bound by the independent mediator's recommendations and the CEO will ensure that any recommendations made are implemented within thirty working days of receipt of the mediator's report.
- If a grievance still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Anti-Discrimination Board, the Office of Fair Trading or the relevant state Ombudsman. Students enrolled in VET course of study may decide to refer the matter to the relevant State or the National regulator.
- LCAD will maintain the student's enrolment whilst the complaint or appeals process is ongoing.
- The college regularly updates the complainant or appellant on the progress of the matter.
- With any external or internal complaint handling or appeals process results in a decision that supports the student, LCAD immediately implements any decision and / or corrective and preventative action required.
- The college will examine the root cause of the issue and if it can make appropriate changes to college policies and procedures to help avoid the problem occurring again. At the completion of the issue or during the case notes will be added to the **MCI 27 COMPLAINTS Register**. Recommendations or changes that can be made by the Course Coordinator will be added to the **MCI 00 ACTIONS & Recommendations Register** that will be ratified by the College Quality Group. Any issues not able to be changed easily will be directed to the College Quality Group for decision making.

Notes

In these procedures:

- Reference to a complainant is taken to include students, members of staff registered in the College programs in their capacity as students and prospective students.
- In the absence (e.g., vacation or illness) of the person holding a named post in the procedures the person deputising for them during the time of their absence shall substitute. In cases when the grievance involves the nominated deputy, a member of the Board of Directors of the College shall be consulted and shall determine who shall be responsible for handling the grievance.
- LCAD makes every effort to process and finalise a complaint or appeal in 60 calendar days, when working with third party support, or the complaint and appeal, together, extends to its maximum time, it is possible the 60 days will be too short. If this is the case LCAD will write to the complainant or appellant explaining the reasons that matter will take longer than 60 days to resolve.

Publication

This *Academic Grievance Policy and Procedure* will be made available to Students enrolled with Latrobe College of Art and Design through publication on the website under <https://www.lcad.edu.au/policies-and-information>