

## ACADEMIC GRIEVANCE POLICY AND PROCEDURE

<b>Purpose</b>	<p>1.1 NIDA 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 NIDA community.</p> <p>1.2 The aim of this policy and procedure is to resolve issues relating to academic matters as defined below.</p> <p>1.3 This policy and procedure is published on the NIDA website and in the NIDA Student Handbooks.</p> <p>1.4 Awareness of this policy and procedure, including how to access and apply the procedure, is reinforced to NIDA teaching staff during induction, and in the case of new, casual and visiting members of staff, through briefings provided by the relevant heads of department.</p>
<b>Scope</b>	<p>2.1 All students in the higher education and VET courses at NIDA can use these procedures to submit a grievance about an academic matter.</p> <p>2.2 This policy and procedure covers grievances relating to a student of NIDA provided it occurs at any NIDA-related activity, regardless of whether or not it takes place on the NIDA campus and regardless of the student's place of residence or the mode in which they study. Some grievances may be covered by other NIDA policies and rules. Upon receipt of a grievance, NIDA will determine under which of its policies or procedures it will be considered.</p> <p>2.3 In relation to students, this policy and procedure covers grievances related to academic matters, as defined in Clause 2.2. It does not cover grievances with respect to:</p> <ul style="list-style-type: none"><li>a) Any training role at NIDA, be it casting, selection or allocation to the production team in any play or other performance production, project or class-work</li><li>b) Non-academic matters; or</li><li>c) Decisions by NIDA regarding remitting of the student contribution amount, the re-crediting of the FEE-HELP balance or the removal of FEE-HELP debts which are handled under the respective policy and procedure set out in the Student Handbooks and published on the NIDA website.</li></ul> <p>2.4 This policy and procedure does not seek to limit or prevent the right of any person to seek the assistance of an</p>

	<p>independent person or relevant external agency for the resolution of a grievance.</p> <p>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.</p> <p>2.6 Should a grievance be referred to an outside body, the internal processes of NIDA may be suspended pending the outcome of the external review.</p>
<b>Definitions</b>	<p>3.1 Academic grievance is a problem, concern or complaint from a student in regard to academic matters at NIDA, including the formal assessment of their performance in relation to progress through their course of study.</p> <p>3.2 Academic matters are those matters relating to student progress, formal assessment and awards in a course of study.</p> <p>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.</p> <p>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.</p> <p>3.5 Victimisation includes any unfavourable treatment of a person as a consequence of their involvement in a grievance under this policy and procedure.</p> <p>3.6 Staff member or staff for the purposes of this policy and procedure means any employee of NIDA and any visiting staff, contractor or consultant to NIDA.</p> <p>3.7 Student means any student enrolled in a higher education or VET course of study at NIDA; any student undertaking a higher education or VET course of study at NIDA who is visiting NIDA as a student from another institution</p> <p>3.8 Complainant is the student(s) making the complaint.</p> <p>3.9 Respondent is the individual(s) against whom the complaint is made.</p> <p>3.10 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.</p> <p>3.11 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.</p>

	<p>3.12 VET means Vocational Education and Training, as regulated by the Australian Skills Quality Authority (ASQA).</p>
<b>Policy</b>	<p><b>4. Basis for Grievance Handling</b></p> <p>4.1 Grievances should be treated seriously, expeditiously and sensitively having due regard to procedural fairness, confidentiality and potential for victimisation.</p> <p>4.2 Wherever possible, grievances should be handled as close as possible to their source. This may be influenced by the nature of the grievance and the complainant's wishes.</p> <p>4.3 Students should raise concerns as early as possible after an incident has occurred relating to the grievance.</p> <p>4.4 Wherever possible, grievances should be resolved 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.</p> <p>4.5 Both the complainant and the respondent will receive appropriate information, support and assistance in resolving the grievance.</p> <p>4.6 Students should not instigate grievances that are frivolous or malicious.</p> <p>4.7 Staff and students are expected to participate in the grievance handling process in good faith.</p> <p>4.8 Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.</p> <p>4.9 All steps of this grievance procedure concerning the hearing and settlement of grievances shall be free of charge to the student and staff member.</p> <p>4.10 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.</p>
<b>Procedures</b>	<p><b>5. Students at NIDA have access to a three step academic grievance procedure, which is set out below. Each step is free of charge.</b></p> <p><b>Step 1 Informal Procedures</b></p> <p>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 teaching staff or with the Head of their course. If the student has concerns about raising the matter with either of these people, higher education students</p>

	<p>should discuss it with the Director, Student and Staff Services and VET students should discuss it with the Head of Vocational Studies.</p> <p>5.2 In the case of a student with a complaint about an assessment, he or she must raise the matter with their Head of Department/Head of Course, for higher education students or, for VET students, with the Head of Vocational Studies within seven days of the student sighting the written assessment during the year and within seven days of the date of their letter advising of end-of year results.</p> <p>5.3 A grievance raised through this channel will be usually dealt with within seven days of receipt of the grievance. A Head of Department/Head of Course or the Head of Vocational Studies will respond to a request for a discussion about an end-of-year result within two working days, unless there are exceptional circumstances.</p> <p>5.4 A student is entitled to access his/her file through the Director, Student and Staff Services for higher education students or through the Head of Vocational Studies for VET students.</p> <p>5.5 In most cases NIDA expects that an informal discussion between the parties should result in a prompt and mutually acceptable resolution of the matter. If requested the Head of Department/Head of Course or Head of Vocational Studies, as applicable, will provide details of the resolution to the student in writing.</p> <p>5.6 Following resolution of a grievance dealt with by a staff member, they will advise their Head of Department/Head of Course or Head of Vocational Studies, as applicable. The Head will make a file note outlining the nature of the complaint and the action taken in relation to grievances dealt with personally by the Head or grievances dealt with by a staff member.</p>
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## **Step 2 – Formal Procedure**

5.7 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 Director/CEO. The grievance should be submitted in writing to the Director/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.

5.8 The Director/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 NIDA for handling of

the matter pursuant to the appropriate procedure. If the grievance is considered frivolous, vexatious or lacking in substance, the Director/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 grievance has been reasonably considered by the Director/CEO.

5.9 If the Director/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 Director/CEO will review the matter and advise the student within a maximum of seven working days. For all other academic grievances the Director/CEO will try to resolve the grievance within 20 working days of receipt.

5.10 As soon as practicable, the Director/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 Director/CEO will also talk to relevant staff, if he/she considers it appropriate.

5.11 The Director/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 Director/CEO may consult with whomever he/she considers appropriate.

### **Step 3 – External Review**

5.12 If the student is not satisfied with the decision of the Director/CEO in Step 2, the student may request that the matter be further reviewed by the external body appointed by NIDA 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.

5.13 A written request for an external review must be lodged with the Director/CEO of NIDA. Within five working days, NIDA will forward the request for external review:

for higher education students to:

Pro Vice-Chancellor (Students)  
UNSW  
Chancellery Building  
UNSW  
Kensington

Ph: (02) 9385 1067  
Fax: (02) 9385 1035

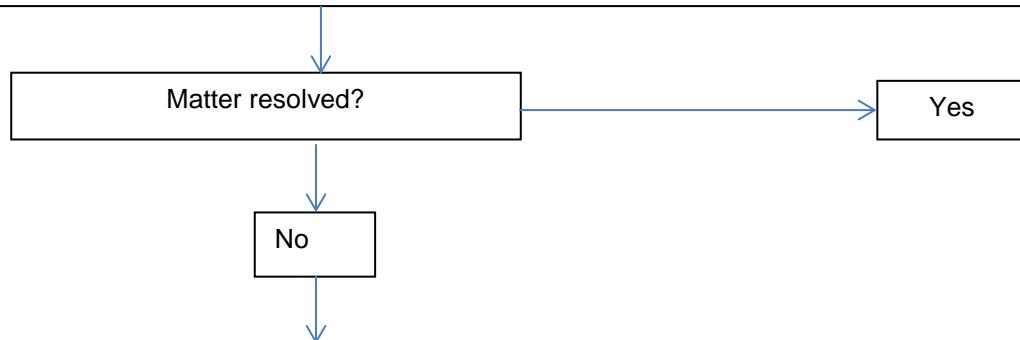
	<p>for VET students to:</p> <p>LEADR – Association of Dispute Resolvers  <a href="http://www.leadr.com.au">www.leadr.com.au</a></p> <p>Ph: (02) 9251 3366</p> <p>5.14 The external reviewer is usually expected to forward a report to NIDA within 30 days of receiving a request for a review.</p> <p>5.15 NIDA will provide the result (and reasons) from the external review in writing to the complainant and respondent within five days of receiving the response from the external reviewer.</p> <p>5.16 If the external reviewer makes recommendations in relation to a grievance they have reviewed, these will be forwarded to the Director/CEO of NIDA who will ensure that the recommendations are implemented in a timely manner, usually within 21 days of receipt by NIDA.</p>
<b>Confidentiality</b>	<p>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.</p> <p>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'.</p> <p>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 NIDA's practices will uphold these principles.</p> <p>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.</p>
<b>Communication</b>	This policy and procedure is published on the NIDA website and in the Student Handbooks.

<b>Related policies, procedures and documents</b>	<ul style="list-style-type: none"> <li>• NIDA Assessment Policy</li> <li>• Non Academic Grievance Policy and Procedure</li> <li>• Policy on re-crediting of FEE-HELP balance or the removal of FEE-HELP debt</li> <li>• Student Handbook</li> </ul>
<b>Responsibility for implementation</b>	Director/CEO
<b>Approval body</b>	Board of Directors
<b>Date originally approved</b>	16 December 2014
<b>Date this version approved</b>	28 July 2014
<b>Date effective</b>	1 August 2014
<b>Date of review</b>	January 2016
<b>Contact position</b>	Director, Student and Staff Services Head of Vocational Studies
<b>TRIM Record No</b>	14/02430 14/06483

## **Overview of Academic Grievance Procedure**

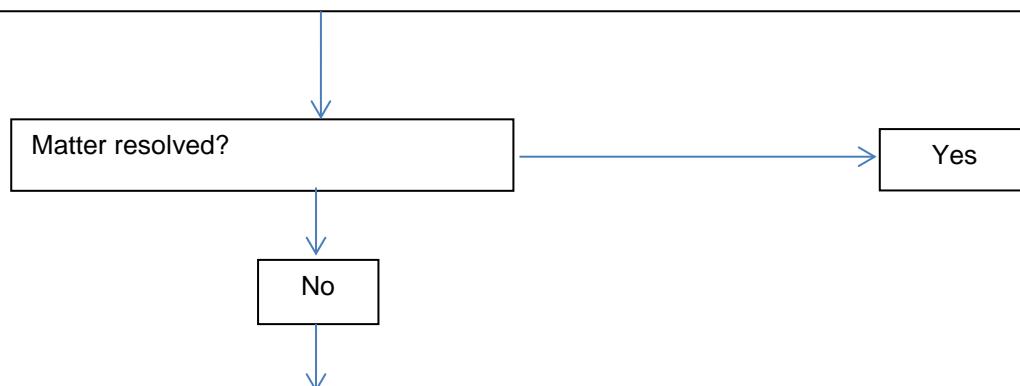
### **Step One – Informal Resolution**

- A student speaks to a teaching staff member or Head of Course/Head of Vocational Studies about an Academic grievance.
- In most cases, a grievance is resolved informally, in a prompt and mutually acceptable manner.
- Following resolution, the Head of Course/Head of Vocational Studies 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 Director/CEO.
- If the Director/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 Director/CEO consults with relevant staff.
- The Director/CEO notifies the student in writing of the decision made, including the reasons for that decision.
- The Director/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 NIDA nominated agency (UNSW for Higher Education, LEADR for VET) in writing to the Director/CEO.
- The Director/CEO forwards the request to UNSW or LEADR.
- The Director/CEO provides the result (and reasons) from the external review in writing to the student.
- The Director/CEO ensures that NIDA implements any recommendations in a timely manner.