

NON-ACADEMIC GRIEVANCE POLICY AND PROCEDURE

<p>Purpose</p>	<p>1.1 The purpose of the NIDA Non-Academic Grievance Policy and Procedure is to deal effectively, equitably and efficiently with complaints to NIDA and its staff from higher education and VET students and from people applying to study higher education and VET courses at NIDA.</p>
<p>Scope</p>	<p>2.1 This policy and procedure covers non-academic grievances and applies to students and potential students of NIDA as defined above, regardless of the student's or applicant's place of residence or the mode in which they study and regardless of the campus at which the grievance arises.</p> <p>2.2 In relation to students, this policy and procedure does not cover grievances with respect to:</p> <p>(a) academic matters; or</p> <p>(b) 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.</p> <p>2.3 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.</p> <p>2.4 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>2.5 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>
<p>Definitions</p>	<p>3.1 Non Academic Grievance refers to a complaint regarding a decision, action or process within NIDA regarding non-academic matters.</p> <p>3.2 Student means any student enrolled in an accredited higher education or VET course of study at NIDA and any student undertaking an accredited higher education course of study at NIDA who is visiting NIDA as a student from another institution. A student who has ceased enrolment at NIDA will be</p>

	<p>considered under this policy and procedure for a period of up to three calendar months after their enrolment has ceased.</p> <p>3.3 Potential student or applicant is a person applying to enrol in an accredited higher education or VET course of study at NIDA.</p> <p>3.4 Complainant is the student(s) or staff member(s) making the complaint.</p> <p>3.5 Respondent is the individual(s) against whom the complaint is made.</p> <p>3.6 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 (i.e. to only those with a need to know).</p> <p>3.7 Procedural fairness means the right to a fair hearing. It involves:</p> <ul style="list-style-type: none"> • the opportunity for all parties to be heard, including for those who have had a complaint made against them to be aware of the allegations against them and to respond; • ensuring all parties are informed of the procedures under which the grievance is being handled and are given a copy of the relevant policy and procedure document; • ensuring there is a proper investigation of the facts and that all relevant submissions and any mitigating factors are taken into account • ensuring that the investigation is concluded promptly • the right to have any material considered by an unbiased, impartial decision-maker • advising all parties that if the grievance is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance may be used in any subsequent disciplinary proceedings <p>3.8 VET means Vocational Education and Training, as regulated by the Australian Skills Quality Authority (ASQA).</p>
<p>Policy</p>	<p>4. Basis for Grievance Handling</p> <p>4.1 Grievances should be treated seriously, expeditiously and sensitively having due regard to procedural fairness, confidentiality and privacy. It is essential that confidentiality be observed at all stages in the handling of a grievance. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.</p> <p>4.2 Wherever possible, grievances should be handled as close as possible to their source. This may be influenced by the</p>

	<p>nature of the grievance and the complainant's wishes.</p> <p>4.3 Students should raise concerns as early as possible after the relevant incident has occurred. Applicants to NIDA must raise any grievance under this procedure relating to an audition or interview within one week of their audition or interview.</p> <p>4.4 The complainant is responsible for making clear the nature and grounds of the grievance and, where applicable, providing evidence to support his or her claims.</p> <p>4.5 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 study relationships.</p> <p>4.6 Both the complainant and the respondent will receive appropriate information, support and assistance in resolving the grievance. The complainant and/or respondent have the right to be accompanied or assisted by a third person if so desired.</p> <p>4.7 Students or potential students should not instigate grievances that are frivolous or malicious. If the grievance is found to have been malicious on the part of the complainant, NIDA may take appropriate disciplinary action. Those involved with a grievance are expected to participate in the grievance handling process in good faith and to tell the truth.</p> <p>4.8 At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.</p> <p>4.9 All stages 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 The complainant, respondent or anyone associated with a grievance (e.g. as a witness or support person) will not be victimised or discriminated against in any of the three stages set out in this policy. NIDA will take disciplinary action should it be found that the complainant, the respondent or any other person associated with the grievance, has been subject to reprisal, disadvantage or discrimination as a result of their connection with the grievance.</p> <p>4.11 Those involved in the grievance process must act reasonably and in good faith and disclose information only to those legitimately involved in resolving the grievance. Confidentiality must be maintained at all stages of the process, including at Stage 1. Unnecessary disclosure may also incur</p>
--	---

	<p>liability for breach of confidentiality.</p> <p>4.12 NIDA will maintain secure confidential records of all grievance proceedings and make them accessible to the parties involved for a period of five (5) years.</p> <p>4.13 Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file).</p> <p>4.14 A complainant is free at any time to decide to withdraw his/her complaint. A withdrawal of a complaint should be made in writing. When this occurs, this ends the process and no further action may be taken. NIDA will keep appropriate records of grievances for at least five (5) years.</p> <p>4.15 This policy and procedure is published on the NIDA website and NIDA Student Handbooks.</p> <p>Copies of this policy and procedure are provided to staff as part of the induction process for new staff. Appropriate training will be arranged as required by the Human Resources Manager for teaching and support staff.</p>
<p>Procedures</p>	<p>5. Raising a Grievance</p> <p>5.1 Students or potential students have three stages at which a complaint may be addressed. The stages are outlined below.</p> <p>5.2 Potential higher education or VET students of the Bachelor of Dramatic Art (Acting) course or Diploma of Musical Theatre course who have a grievance relating to their initial (or only) audition or subsequent audition (“recall”) must raise this grievance with NIDA within three days of the audition. Potential higher education or VET students of the Bachelor of Dramatic Art (Acting) course or the Diploma of Musical Theatre course who have proceeded to the end of the second audition have seven days from the date of the letter advising acceptance or non-acceptance into the course to lodge a grievance.</p> <p>5.3 Potential students of accredited higher education or VET courses, other than that referred to in 5.2, have seven days from the date of their letter advising non acceptance into the course to lodge a grievance relating to their interview.</p> <p>5.4 In the case of an appeal against a penalty for a breach of the student code of conduct or of a NIDA policy (refer NIDA Misconduct Procedures), a student must lodge a grievance under NIDA’s Non-Academic Grievance Policy and Procedure within ten days of the date of the written communication advising of the penalty.</p>

5.5 Stage 1 - Informal procedure for lodging a non-academic grievance

- i. Initially students or potential students (“the complainant”) are encouraged to raise their grievance directly with the person concerned or the supervisor of the person concerned with a view to resolution. At this stage no written record is kept.
- ii. If there is discomfort with a direct approach, or where the matter concerns allegations of illegal behaviour, the grievance should be lodged with the Head of Course, Director, Student and Staff Services, or the Head of Vocational Studies. Written documentation may be required. The Head of Course, Director, Student and Staff Services or the Head of Vocational Studies may suggest mediation to resolve the matter.
- iii. Discussions at this level may resolve the problem. Grievances at this stage are expected to be resolved within 14 days.

5.6 Stage 2 - Formal procedure for lodging a non-academic grievance

If unsatisfied with the response to the complaint or the process, the complainant may submit the complaint in writing to the Director/CEO of NIDA. The Director/CEO will deal with the complaint within a reasonable period of time, normally within 30 days of receipt of the complaint.

In grievances involving the Director/CEO, a formal complaint may be submitted to the Chair, NIDA Board of Directors.

Investigation by the Director/CEO or their nominee will proceed as follows:

- i. As soon as possible after receiving the formal complaint, the Director/CEO or their nominee will consider the matter with the aim of resolving it within 30 days. The Director/CEO or his/her nominee will investigate with all parties having a right to procedural fairness. The Director/CEO may request any person to provide information or documents in relation to the grievance.
- ii. A decision may be made not to investigate the matter if:
 - the Director/CEO or nominee reasonably considers the grievance to be frivolous, vexatious or not made in good faith
 - there is a more appropriate person or authority with whom to lodge the grievance
 - the Director/CEO reasonably believes investigation is not warranted having regard to all the circumstances of the case, or
 - the complainant referred the matter to a court or tribunal

	<p>iii. The Director/CEO will inform the complainant in writing of the outcome of the investigation, related decisions and the reasons for making the decisions.</p> <p>5.7 Stage 3 – External Appeal to the organisation nominated by NIDA as the External Reviewer</p> <p>If not satisfied with the decision of the Director/CEO or their nominee, the complainant may request an external dispute resolution process to be undertaken by the appropriate person at UNSW, who has been appointed by NIDA as the external reviewer for grievances covered by this procedure.</p> <p>A request for an external review should be lodged with the Director/CEO of NIDA. This request will be in writing and will set out the grounds of the application. It must be lodged with the Director/CEO within 21 days of the Decision in Stage 2.</p> <p>For purposes of this policy, the UNSW Pro-Vice-Chancellor (Students) is the nominated contact for such an external review and will determine which area of the UNSW is the most appropriate to undertake the review. Within five days NIDA will forward the request for external review to:</p> <p><u>For Higher Education matters:</u></p> <p>Pro-Vice-Chancellor (Students) UNSW Chancellery Building UNSW Kensington</p> <p>Ph: 9385 1067 Fax: 9385 1035</p> <p><u>For VET matters:</u></p> <p>LEADR - Association of Dispute Resolvers Ph: 9251 3366</p> <p>www.leadr.com.au</p> <p>The external reviewer is usually expected to forward a report to NIDA within 30 days of receiving a request for a review.</p> <p>NIDA will provide the result (and reasons) of the external review in writing to the complainant and the respondent.</p> <p>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 14 days of receipt by NIDA.</p>
Communication	This policy and procedure is published on the NIDA website and in the Student Handbooks.

Related policies, procedures and documents	<ul style="list-style-type: none"> • Assessment Policy • Grievance Policy and Procedure- Academic Matters • Policy on re-crediting of FEE-HELP balance or the removal of FEE-HELP or VET FEE-HELP debt • NIDA Student Misconduct Procedures • Student Handbook
Responsibility for implementation	Director/CEO
Approval body	Board of Directors
Date originally approved	16 December 2008
Date this version approved	15 September 2014
Date effective	15 September 2014
Date of review	January 2016
Contact position	<ul style="list-style-type: none"> • Director, Student and Staff Services • Head of Vocational Studies
TRIM Record No	14/02999 14/06489