



## GRIEVANCE (NON-ACADEMIC MATTERS) POLICY: EDUCATION; COUNSELLING, CHAPLAINCY AND SPIRITUAL CARE

<b>Responsible officer</b>	Chief Academic Officer	
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<b>Approved by</b>	Morling College Board	
<b>Responsible Body</b>	Academic Board	
<b>Approval date</b>	26 June 2019	
<b>Effective date</b>	26 June 2019	
<b>Review date</b>	June 2021	
<b>Superseded documents</b>	Grievance (Non-Academic Matters) Policy: Education and Counselling	
<b>Related documents</b>	Grievance Procedure (Non-Academic Matters) Education, Counselling, Chaplaincy and Spiritual Care.	
<b>Policy classification</b> <i>Select a General OR an Academic option</i>	<b>General</b>	<b>Academic</b> Academic Governance

### 1. PURPOSE

To articulate the rules governing grievances which relate to matters which are not academic in nature.

### 2. DEFINITIONS

Key Term - Acronym	Definition
Complainant	A person who makes a statement expressing discontent or unhappiness about a situation.
MC	Morling College
Non- Academic matters	Administrative or other matters (for example, matters related to fees, withdrawals, expulsion, allegations of bullying or harassment, etc.) and other action, inaction or decisions that students may consider are interfering with the progress of their studies or with the granting of an award.
Respondent	A person about whom a complaint is made.
Student	A person who is enrolled at Morling College in the Faculty of Education or the Faculty of Counselling, Chaplaincy and Spiritual Care
Support Person	A person that a complainant or respondent elects to provide support during formal discussion meetings. They may include a co-worker, a family member or friend.

### 3. SCOPE

This policy applies to current and prospective students with a non-academic grievance in relation to units in Education, Counselling, and Chaplaincy and Spiritual Care, regardless of the location of the campus of MC at which the grievance has arisen, the student's place of residence or the mode in which they study, this includes MC students studying online.

The following matters are explicitly excluded from this policy:

Issue	Relevant Policy
Academic matters	Grievance (Academic Matters) Policy: Education; Counselling and Spiritual Care
Refund of tuition fees	Refund of Tuition Fees and Re-crediting-of FEE-HELP Debt Policy: Education; Counselling, Chaplaincy and Spiritual Care

Policies for each of these matters are published on the Morling website.

### 4. POLICY STATEMENT

Morling College is committed to developing and maintaining an effective, timely, fair and equitable grievance handling system for non-academic academic matters which is easily accessible and offered at no cost to the student.

All current and prospective students of MC are entitled to:

- a) raise a concern or grievance relating to a non-academic academic matter; and/or
- b) have a non-academic academic decision reviewed.

This policy emphasises positive outcomes and focuses on resolutions that work towards a rapid re-establishment of good working/learning relationships.

Any grievance will be attended to promptly, confidentially (within the constraints of an investigation), will be investigated impartially, involving a minimum number of people. Appropriate action will be taken to ensure that any harassment or discrimination will be treated seriously and at all times the rights of the complainant and the respondent will be respected.

### 5. PRINCIPLES

#### Timelines

- 5.1 MC will seek to resolve all concerns and grievances promptly. All parties will be kept informed about the progress of the issue at regular intervals and will be further advised where resolution is likely to extend beyond the specified times.

#### Confidentiality

- 5.2 Confidentiality must be maintained throughout the process of making and

resolving grievances. This requirement seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive work/learning environment.

#### Procedural fairness

5.3 Grievance procedures must take account of the principles of procedural fairness that applies to the complainant, the respondent, and the investigating officer. Principles of procedural fairness encompass the following:

- grievance procedures should be explicit and known to all involved parties
- grievance handlers will employ honesty, integrity and fair dealing in all aspects of their communications, investigations, reporting and record keeping
- all parties involved will receive appropriate information and assistance in resolving the issue at all times.

#### Natural justice

5.4 It is a firmly established principle of Australian law that no one person should be condemned unheard. It is this opportunity to be heard that is the subject of the rules of natural justice/procedural fairness which means that every respondent to a grievance has the right to be heard; to present provable evidence and submissions in one's own cause; and the opportunity to be heard by an impartial decision-maker.

5.5 Support – current and prospective students who lodge a grievance may elect to have a support person present in any face-to-face meetings regarding their grievance. Additional pathways for support can be accessed via contacting the Chief Community Life Officer.

#### External review recommendations

5.6 If a student is not satisfied with the outcome of the MC grievance process they may request the decision be reviewed by [Independent Higher Education Australia](#) (IHEA). For further details, see Grievance (Non-Academic Matters) Education; Counselling, Chaplaincy and Spiritual Care.

5.7 The appeal process outlined above does not preclude the complainant seeking redress in other forums outside Morling. For example, the student may wish to take the matter further by selecting the appropriate body from among such organisations as: [Study Assist](#); [NSW Fair Trading Office](#); [Human Rights Commission](#); or the [Anti-Discrimination Board of NSW](#).

5.8 If one of the relevant outside authorities as outlined above gives a recommendation or directive in relation to a grievance they have reviewed, the Principal will ensure that the advised actions are implemented within 15 working days of being notified.

#### Unsubstantiated grievances

- 5.9 Procedural fairness requires, in the interest of all parties, that a person raising a concern or grievance be aware that where a concern or grievance is investigated to its full extent and cannot be substantiated, no further action can be taken. This does not restrict the right of any parties to pursue legal remedies outside the MC grievance handling procedures.

#### Anonymous grievances

- 5.10 MC cannot act on an anonymous concern or grievance. Procedural fairness requires that any person raising a concern or grievance must be identified. An anonymous concern or grievance can include (but is not restricted to) unsigned letters, unidentifiable emails or anonymous telephone calls.

#### Victimisation

- 5.11 Victimisation of any kind is completely unacceptable and will not be tolerated.

At all times during and following the resolution process, all reasonable steps must be taken to ensure that victimisation does not occur to:

- the complainant;
- the person/persons about whom the grievance was made, i.e. the respondent; and/or
- any other student or client with knowledge of the grievance.

#### Records and Reporting

- 5.12 All records pertaining to grievance or concern will be maintained in a confidential Grievance and Appeal file kept by the Chief Community Life Officer. Appropriate access to files about a particular grievance can be gained by all parties to that grievance by making a request in writing to the Chief Community Life Officer. Grievance files will generally be maintained for a period of five years and then destroyed. Where a proven grievance has longer term consequences the file may be kept for up to 15 years after the final decision before being destroyed.
- 5.13 A report on grievances under this policy will be made to the Morling College Board annually.

## 6. RELATED DOCUMENTS AND LEGISLATION

Privacy Act 1988 and the Privacy Amendment (Private Sector) Act 2000.

Tertiary Education Quality Standards Agency Act 2011,

## 7. REFERENCES

ACT Grievance Resolution Policy – Domestic Students, 26 January 2018

Avondale Appeal & Grievance Policy (Academic Matters) – Students [S.03 | VS.12]

TEQSA Guidance Note: *Grievance and Complaint Handling*, 22 February 2019

## 8. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
3	Academic Board	26 June 2019	26 June 2019	Formatted to template. Amended to reflect changes in roles and titles. 3. Scope: Added table of exception. Added 5.1, 5.7, 5.8, 5.13. In 5.6 reduced time to implement from 2 months to 15 working days. In 5.12, added to possibility of retaining a file for 15 years. Added text to 6 and 7.
2	Academic Board	Feb 2014	May 2014	
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*Always download this policy anew from the Policies folder on the Morling share drive Policies/Student Policies, as it may have changed.*