

## GRIEVANCE POLICY: CCSC; EDUCATION; MRC

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### 1. PURPOSE

To articulate the rules governing grievances relating to academic and non-academic matters, for students studying with Morling College (MC), and for residents who have signed a contract for accommodation on a MC campus.

### 2. DEFINITIONS

The following definitions apply for the purpose of this policy:

<b>Key Term of Acronym</b>	<b>Definition</b>
Academic matters	Include, but are not limited to, matters relating to admissions, courses, units, review of a grade, credit transfer or advanced standing, quality assurance, student progression and eligibility for graduation. Academic disagreement is not a grievance.
CCSC	The faculty of Counselling, Chaplaincy and Spiritual Care, including Professional Supervision.
Complainant	A person who makes a statement expressing discontent or unhappiness about a situation.
Course	A course that is provided by Morling College and is accredited through TEQSA.
Dean of Residents	The Dean of Residents oversees Morling Residential, including Morling Residential College and Morling Village.
DSS	Director of Student Services

Grievance Officer	A suitable person selected (per this policy) to investigate the grievance.
Leadership Team	The Principal and C-Suite Officers: currently the Chief Administrative Officer, the Chief Operating Officer; the VP(A) and the VP(SC).
MC	Morling College Limited, which includes Morling College and Morling Residential College.
MR / MRC	Morling Residential and Morling Residential College– encompassing those living on a Morling Campus, excluding staff
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.
Overseas student	A student who is studying in Australia whilst on a student visa.
Resident	A person who has signed a contract for accommodation on a Morling campus, excluding staff who are under a different accommodation arrangement.
Residential matters	Administrative or other matters (for example, matters related to fees, living arrangements, accommodation standards or relational conflicts or concerns etc.) and other action, inaction or decisions that residents may consider are interfering with their accommodation experience.
Respondent	The person about whom the complaint is made.
Staff	Includes academic and administrative employees employed on permanent, fixed term and casual arrangements. Student A person who is enrolled in a course at Morling College.
Support person	A person that a complainant or respondent elects to provide emotional support during formal discussion meetings. They are not there to speak on behalf of the complainant or respondent. They may include a co-worker, a family member or friend.
Vexatious grievance	Grievances lodged without grounds and with an adverse intent to cause distress, detriment, or harassment to the respondent.
Victimisation	When a person suffers a detriment due to them lodging a grievance, intending to lodge a grievance, or assisted someone else in lodging a grievance.
VP(A)	Vice-Principal (Academic)
VP(SC)	Vice-Principal (Students and Community)

### 3. SCOPE

This policy applies to current and prospective, domestic, and overseas, students who are studying a course offered by MC in its capacity as a Higher Education Provider and for residents who have signed a contract for accommodation on an MC campus. It does not apply to grievances related to studies undertaken in courses offered by MC under a third-party arrangement with other providers.

In cases of grievances related to inappropriate or unwanted behaviour related to sexual harassment and/or sexual assault students or residents see the *Sexual Assault and Sexual Harassment Prevention and Response Policy*.

## **4. POLICY STATEMENT**

- 4.1 Morling College is committed to developing and maintaining an effective, timely and equitable grievance-handling system which is easily accessible and offered at no cost to the student or resident. All current and prospective students, domestic and overseas, and residents are entitled to:
  - 4.1.1 raise a concern or grievance, academic matters, non-academic matters and/or residential matters; and/or
  - 4.1.2 have a decision reviewed.
- 4.2 This policy emphasises positive outcomes and focuses on resolutions that work towards a rapid re-establishment of good working/learning relationships.
- 4.3 Any grievance will be attended to promptly, confidentially (within the constraints of an investigation), and will be investigated impartially, involving a minimum number of people. Appropriate action will be taken to ensure the rights of the complainant and the respondent are respected. Harassment or discrimination of any person involved in the grievance will be treated seriously.

## **5. PRINCIPLES**

### **GRIEVANCES DEFINED**

- 5.1 “Grievances” covers a broad range of concerns, complaints, conflicts, or disputes. A grievance can:
  - 5.1.1 be about any act, behaviour, omission, situation or decision impacting on a person that they think is unfair or unjustified;
  - 5.1.2 be about interactions with lecturers, supervisors, students, residents or other staff, and behaviours that they feel are offensive, upsetting, or discriminatory; and/or
  - 5.1.3 relate to the result of a decision, the method through which the decision was made, or how the decision was communicated.

### **SELECTION OF GRIEVANCE OFFICERS**

- 5.2 The Grievance Officer responsible for investigating the grievance will be determined by considering
  - 5.2.1 the type of grievance, whether it is an academic matter, non-academic, or residential matter and
  - 5.2.2 the person the grievance is made against.
- 5.3 The selection of a suitable Grievance Officer will uphold the principle that those against whom allegations are made will play no role in the formal processes of investigation or determination.

## **TIMELINE**

- 5.4 There is no timeline associated with lodging grievances that are not appeals. However, the effectiveness of the investigation can be impaired by the elapse of time between the event and the lodging of the grievance. MC encourages its students and residents to lodge any grievance as soon as practicable.
- 5.5 MC will seek to resolve all grievances promptly. Commencement of an investigation will occur within ten (10) working days of receipt of the grievance. Specific timelines relating to the various phases of the grievance process can be found in the *Grievance Procedure: CCSC; Education; MRC*.

## **CONFIDENTIALITY**

- 5.6 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/living environment.
- 5.7 Relevant members of the Leadership Team will be made aware of formal grievances to ensure effective and efficient implementation of any actions arising from the resolution of the grievance.
- 5.8 Those involved in any grievance process may only disclose information with an expectation of confidentiality being maintained, if seeking support or advice from the following:
  - 5.8.1 immediate family members or a trusted person;
  - 5.8.2 registered a health professional (such as a General Practitioner, counsellor, or psychologist),
  - 5.8.3 a spiritual leader or Elder,
  - 5.8.4 staff from relevant government agencies, including state and federal agencies.

## **PROCEDURAL FAIRNESS**

- 5.9 Grievance procedures must take account of the principles of procedural fairness that apply to the complainant(s), the respondent(s), and the Grievance Officer. Principles of procedural fairness encompass the following:
  - 5.9.1 grievance procedures should be explicit and known to all involved parties
  - 5.9.2 Grievance Officers will employ honesty, integrity, and fair dealing in all aspects of their communications, investigations, reporting, and record keeping; and
  - 5.9.3 all parties involved will receive appropriate information and assistance in resolving the issue.

## **NATURAL JUSTICE**

- 5.10 It is a firmly established principle 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 their own cause; and the opportunity to be heard by an impartial decision-maker.
- 5.11 It is the responsibility of the Grievance Officer investigating the grievance to ensure all parties are given the opportunity to present information directly related to the grievance and no decisions or judgements are made until all information has been carefully and impartially considered.

## **COMPASSION AND RESPECT**

- 5.12 Grievance Officers will be sensitive to the needs of those directly involved, and to those who may be indirectly affected by the grievance or any subsequent decision.
- 5.13 All grievance processes will uphold biblical principles of justice (procedural fairness), humility and mercy (love), and transparency (Micah 6:8).

## **UNSUBSTANTIATED GRIEVANCES**

- 5.14 Procedural fairness requires, in the interest of all parties, that a person raising a grievance be aware that where a 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 party to pursue actions through an external third-party outside MC's grievance handling processes.

## **ANONYMOUS GRIEVANCES**

- 5.15 MC cannot act on an anonymous grievance. Procedural fairness requires that any person raising a grievance must be identified. An anonymous grievance can include, but is not limited to:
- 5.15.1 unsigned letters;
  - 5.15.2 unidentifiable emails; or
  - 5.15.3 anonymous telephone calls.

## **WITHDRAWAL OF GRIEVANCES**

- 5.16 A formal grievance cannot be withdrawn. Once the complainant lodges a formal grievance, MC must respond to the report, including a formal investigation, to its resolution.

## **FRIVOLOUS OR VEXATIOUS GRIEVANCES**

- 5.17 Grievances must be made in good faith. If, during the response process or as part of a formal investigation, it is found that the grievance lodged was done in a frivolous or vexatious manner, the person complaining will be subject to disciplinary action, as per relevant MC disciplinary policies.
- 5.18 If a person involved in providing evidence during the investigation is found to have provided evidence that is false and has done so in a frivolous or vexatious manner, that person will be subject to disciplinary action, as relevant MC disciplinary policies.

## **CONTINUATION OF WORK**

- 5.19 As far as practicable, work will continue as normal while a grievance is being dealt with under this policy. All persons affected by the grievance are expected to cooperate with MC to ensure the efficient and fair resolution of the grievance.
- 5.20 If MC considers it appropriate for the safe and efficient conduct of an investigation, staff may be required to take paid special leave during the investigation period.

## **VICTIMISATION**

- 5.21 No persecution, harassment or discrimination will be tolerated as a consequence of
  - 5.21.1 a person lodging a grievance.
  - 5.21.2 intending to lodge a grievance.
  - 5.21.3 assisting someone else in lodging a grievance.
  - 5.21.4 the outcome of the grievance process.
- 5.22 Any person who subjects another person to any form of victimisation will be subject to disciplinary action.

## **OUTCOME OF A GRIEVANCE**

- 5.23 Once an outcome has been reached, MC will provide the complainant(s) and respondent(s) with a written statement of the outcome, including detailed reasons for the outcome and avenues for both internal and external appeal. These details are to be kept as per ss. 5.31 and 5.32 of this policy.
- 5.24 Any resulting actions arising from the outcome of the grievance will be immediately implemented, as per Standard 10.4 of the National Code 2018, and a written statement will be provided to the complainant(s) and respondent(s), advising that those actions have been implemented.

## RIGHT TO APPEAL AND EXTERNAL REVIEW

- 5.25 If either the complainant(s) or respondent(s) is unhappy with the outcome of the grievance process, or its management, they may initially appeal the decision internally.
- 5.26 Overseas students take their grievances to the Commonwealth Ombudsman Overseas Students.

### ***Where the Commonwealth Ombudsman does not have jurisdiction:***

- 5.27 If, upon completion of their internal appeal, the complainant(s) or respondent(s), remain unsatisfied with the outcome or the management of the grievance process, they may request the decision be reviewed externally. The [Independent Higher Education Australia](#) (IHEA) is the organisation to which external reviews are to be referred. IHEA is a peak representative body of Australian independent higher education providers, of which MC is a member.
- 5.27.1 The request to IHEA for an external review must be submitted within 20 working days of receiving the internal review outcome.
- 5.27.2 Requests are to be submitted as follows:
- Chief Executive Officer  
Independent Higher Education Australia (IHEA)  
Suite 310, Level 3  
198 Harbour Esplanade  
Docklands VIC 3008
- Email [info@ihea.edu.au](mailto:info@ihea.edu.au)
- Website <https://ihea.edu.au>
- 5.27.3 IHEA will facilitate an independent dispute resolution process.
- 5.27.4 The recommendations arising from this appeal may be, but not limited to:
- the decision under appeal be upheld, overturned or amended;
  - that either the complainant or MC take corrective or further actions.
- 5.27.5 The person lodging the review and MC will be advised in writing of the outcome of the appeal.
- 5.27.6 The external appeals processes referred to above will be provided free of charge to the complainants. Any costs associated with the review, will be covered by MC

### ***Additional Options***

- 5.28 All students may take grievances to other appropriate bodies such as:
- 5.28.1 the [Tertiary Education Quality and Standards Agency](#) (TEQSA),

5.28.2 [Study Assist](#),

5.28.3 the [Equal Opportunity Commission](#) (WA),

5.28.4 [Anti-Discrimination NSW](#), or

5.28.5 the [Human Rights Commission](#).

5.29 Nothing in this policy precludes students from acting under Australian Consumer Protection or other laws.

#### ***MC response to the external outcome***

5.30 The Principal will ensure recommendations or directives provided to MC about a grievance from an external authority are implemented, as per ss. 5.23 & 5.24 of this policy.

### **RECORDS AND REPORTING**

5.31 All records of a grievance will be maintained in a confidential folder kept by the VP(SC) and VP(A). All parties involved in a grievance can gain appropriate access to the information held within that folder about the respective grievance by making a request in writing to the VP(SC) or VP(A).

5.32 Records relating to grievances will be kept for a period of at least five years after the outcome has been reached and then destroyed. If a grievance may have longer-term consequences, as determined by the relevant member of the Leadership Team, the file may be kept for up to fifteen (15) years after the outcome has been reached and then destroyed.

5.33 The DSS will make an annual report to the Academic Board on grievances relating to academic matters.

5.34 The VP(SC) will make an annual report to the MC Board on grievances relating to non-academic matters.

5.35 A report on grievances relating to residential matters will be made by the VP(SC) or Dean of Residents to the MR Subcommittee of the Board.

## **6. RELATED DOCUMENTS AND LEGISLATION**

### **INTERNAL**

- Academic Freedom Policy
- Discrimination, Bullying and Harassment Policy
- Grievance Procedure: CCSC; Education; MRC
- Health and Safety Policy
- Privacy Policy
- Sexual Assault and Sexual Harassment Prevention and Response Policy:
- Student Academic Misconduct Policy: EDU; CCSC
- Student Code



- Student Support Policy
- Tuition Fee Refund Policy: CCSC; Education
- Vulnerable People Policy

## EXTERNAL

- *ACT Grievance Resolution Policy – Students*
- *Education Services for Overseas Students Act 2000 (Cth)*
- *Higher Education Standards Framework (Threshold Standards) 2021*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018*
- *Privacy Act 1988 (Cth)*
- *Tertiary Education Quality Standards Agency Act 2011 (Cth)*

## 7. REFERENCES

- *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)*, Standard 10: Complaints and Appeals
- TEQSA Guidance Note: *Grievance and Complaint Handling*, 22 Feb 2019
- Advice provided by MinterEllison to IHEA, December 2023

## 8. VERSION HISTORY

Version	Approved by	Approval date	Effective date	Changes made
4.02	VP(SC)	26 August 2024	26 August 2024	Minor editing, including job titles. Added 5.27-5.29
4.01	Policy Coordinator	Feb 2023	Feb 2023	Header table updated to latest version, including addition of keywords. Updated responsible officer.
4.00	Academic Board	14 Sept 2022	14 Sept 2022	Consolidated, streamlined and updated the following to create this policy: Grievance Policy (Academic Matters) Ed CCSC v3 Grievance Policy (Non-Academic Matters) Ed CCSC v3; Grievance Policy International Counselling Students v2. Added privacy provisions.
1.00 – 3.00	Academic Board	2019	2019	See previous documents as above

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