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1. PURPOSE

This procedure is to ensure that all Marcus Oldham Students have access to a fair and equitable process for dealing with Grievances.

This procedure is published electronically on the Marcus Oldham College web site (www.marcusoldham.vic.edu.au) and an electronic copy is also retained in the Marcus Management System.

This policy is communicated in writing to all staff through the Marcus Oldham College Staff Information Booklet. A copy of this [Booklet](#) and this policy are available to all staff electronically on the Marcus Intranet.

The Principal is responsible for the training of all staff in the application of this policy.

2. SCOPE

Students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance procedures set out in this policy.

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.

This procedure does not apply for a concern or complaint where there already exists separate review, complaint or appeal procedures (such as those outlined below).

3. WORKING DOCUMENTS

Marcus Oldham College:

- Student Residences – Commitment to Community Living ([STU-017](#))
- Guidelines for the Operation of the Standards Committee ([STU-001](#))
- Grievances Register ([RM-025](#))
- Appeals Register ([RM-026](#))
- Student Information Booklet ([STU-001](#))
- Re-crediting FEE-HELP Balances ([FIN-061](#))
- Bullying Grievance Resolution Procedure ([RM-024](#))
- Grievance Resolution (Academic Matters) Flow Chart ([RM-022](#))
- Grievance Resolution (Non-Academic Matters) Flow Chart ([RM-027](#))
- Equal Opportunity and Sexual Harassment Policy ([HR-101](#))
- Academic Guidelines ([STU-026](#))
- Code of Use for Email and Internet for Students([STU-001](#))

4. REFERENCES

- Tertiary Education Quality and Standards Agency Act 2011 (Commonwealth) (TEQSA)
- Higher Education Standards Framework (Threshold Standards) 2011 (TEQSA)
- Education Services for Overseas Students Act 2000 ([ESOS](#)) (TEQSA)
 - Incorporating the Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 ([National Code](#)).

5. DEFINITIONS

Complainant: The student lodging the grievance

Contact Officers: Those members of staff appointed by the Principal to receive and resolve grievances notified by students

Conciliation Group (CG): Consists of the following persons:

- a staff member of the Student Standards Committee
- the Chairperson of the College Examiners Committee
- the President of the College Students Association (or delegate) and
- the Student Services Officer who will provide administration support

Respondent: The person(s) against whom the grievance has been lodged

6. EXTERNAL REVIEW

Marcus Oldham College has appointed an external body to review its' grievance procedures. This body is:

Gerald Miller
Mediation Solutions
13 Claremont Avenue
Newtown 3220
Phone: (03) 5221 0422
Email: gmillier@mediationsolutions.com.au

If Mediation Solutions makes recommendations in relation to a grievance they have reviewed, Mediation Solutions will, within 21 working days, forward those recommendations to Simon Livingstone, Principal who will ensure that the recommendations are implemented within 10 working days.

7. PROCEDURE

Preliminary

Before initiating a grievance procedure you should seek to resolve it by talking directly to the person with whom you have the grievance. However, if this is impracticable, complainants should communicate with one of the Contact Officers. Every effort will be made to make a decision within fourteen (10 working) days.

You can seek advice first if you wish and you should seek advice if the grievance is serious and/or you wish someone to accompany you to the meeting.

The College Student Counsellor is available to all students and staff to offer advice in all grievance matters.

All grievances should be approached with an open view to attempt to resolve problems through discussion and conciliation with appropriate personnel.

The complainant and respondent will not be victimised or discriminated against in any of the stages set out in this policy.

The complainant and/or respondent have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person) if they so desire.

Each stage in the resolution of a grievance is free of charge/costs.

NATURE OF THE GRIEVANCE	PROCEDURE	FIRST POINT OF CONTACT
For issues involving equal opportunity, discrimination, sexual harassment and bullying	Consult the: <ul style="list-style-type: none"> • Equal Opportunity and Sexual Harassment Grievances Resolution HR- 101 Equal Opportunity and Sexual Harassment - Procedures • Student Information Booklet (STU-001) 	Contact Officer Emma Morel
For issues involving results and academic procedures	Consult the: <ul style="list-style-type: none"> • Academic Guidelines, Section 4 	Chairman Examiners Committee
For issues involving student conduct	Consult the: <ul style="list-style-type: none"> • Code of Conduct • Guidelines for the Operation of the Standards Committee in the Student Information Booklet 	Staff Representative Standards Committee Student Representative
For issues involving food service or operation of the College residences	Consult the: <ul style="list-style-type: none"> • Student Information Booklet (STU-001) 	Catering & Accommodation Manager

Informal Procedure

Principles

This policy and the procedures and directions given under it shall be binding upon all staff and students of the College.

Marcus Oldham College will maintain the enrolment status of any student who accesses the college's complaints and appeals processes while the complaint and appeal process is ongoing.

When any internal or external complaint handling or appeal process results in a decision that supports the student, the College will immediately implement any decision and/or corrective and preventative action required and notify the student of the outcome.

At the first stage of the process, students may take the grievance to any of the Contact Officers. The grievance must be dealt with in a reasonable time.

Blame must not be assumed.

Confidentiality is essential at all points in the procedures. No member of the College or persons other than those specified in the procedures will be consulted or briefed without the consent of the complainant and the respondent to the grievance (the respondent).

The complainant has the right to apply at any time to an external statutory body constituted to deal with such grievances or matters. The complainant shall be informed of that right at the outset of any grievance or matter. If the complainant does so these procedures shall be suspended unless the Complainant and the other parties concerned agree to continue with these proceedings and abide by the outcome of them.

Relevant legislation will be complied with.

The rights and obligations of the complainant and the respondent will be respected at all times including:

- No reprisal on the complainant for having made the grievance.
- The respondent will be provided with full particulars of the grievance including the identity of the complainant.
- Conciliators will ensure that the complainant and the respondent are treated with equal consideration and in particular are kept fully informed of their rights under the procedures and the progress of the grievance.

Any member acting on behalf of the College will be indemnified against any loss or damage arising as a result of any legal action taken against that person acting provided they were acting in the proper and bona fide discharge of their functions under any procedure involved in the resolution of a matter or grievance.

In the event that a Contact Officer is the subject of a grievance then the Principal shall nominate a person to take their place and that person shall discharge the relevant function and have relevant powers.

In the event that the Principal is the subject of a grievance or is involved in such a grievance or matter, then the chairperson of the College Council shall nominate a person to take their place and that person shall discharge the relevant function and have relevant powers.

If unsatisfied with the response to the grievance or the time taken to resolve the matter, the complainant may submit the grievance in writing to the Principal and/or explicitly seek the involvement of the conciliation group. The conciliation group will deal with the grievance within a reasonable time, normally within 30 days of receipt of the grievance.

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.

Formal procedure

The following principles and procedures will be observed and used for dealing with grievances. They aim to promote in the first instance, an agreed resolution by discussion and conciliation. They are intended to balance the rights of the parties involved and recognise that they (i.e.: the complainant and the respondent to the grievance) both have the right to protection.

In the event that a Contact Officer is the subject of a grievance then the Principal shall nominate a person to take their place and that person shall discharge the relevant function and have relevant powers.

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If unsatisfied with the response to the grievance or the time taken to resolve the matter, the complainant may submit the grievance in writing to the Principal and/or explicitly seek the involvement of the conciliation group. The conciliation group will deal with the grievance within a reasonable time, normally within 30 days of receipt of the grievance.

Generally speaking every endeavour will be undertaken to ensure the following Steps are carried out in a maximum of 4 weeks.

Records of all grievances and applications for review of decisions must be kept and accessible to all interested parties for a period of seven (7) years. Such records will remain confidential.

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) and stored in the office of the Principal for a period of seven (7) years. Parties to the grievance will be allowed supervised access to these records.

Marcus Oldham College will include all grievance details in the Grievances Register.

Step 1 Where a person (the complainant) believes that they are the subject of a grievance the complainant may notify and discuss the grievance or matter with the Contact Officer.

- Step 2 The Contact Officer after reviewing the relevant legislation and College policy, may, if the Contact Officer considers it appropriate, advise the complainant to further discuss the matter directly with the person or persons who is or are alleged to be responsible for the grievance (the respondent(s)).
- Step 3 If the matter is not resolved by discussion between the complainant and the respondent(s) or if the Contact Officer considers discussions between the complainant and respondent(s) will not resolve the matter, the Contact Officer will immediately advise the respondent(s) in writing of the details of the grievance and discuss the issue with them. Should the respondent(s) wish, the Contact Officer will inform the respondent(s) of any relevant legislation and policy matters.
- Step 4 After discussing the matter with the respondent(s) the Contact Officer will arrange a meeting between the parties for the purpose of attempting to arrive at a resolution. Should no resolution be arrived at by this process then the complainant shall have the right to either discontinue internal procedures or progress to the next Step. The procedures of any such meeting shall be at the discretion of the Contact Officer.
- Step 5 Where the complainant elects to progress to the next step the Contact Officer will constitute the Conciliation Group (CG) and notify the members that formal conciliation of a grievance is required. The CG will be constituted as follows:
- Details of the grievance made by the complainant and the response by the respondent(s) will be supplied by the Contact Officer to the CG. The CG along with the Contact Officer will arrange a joint meeting between the complainant and the respondent(s) in an attempt to obtain a resolution. The procedure adopted at the meeting shall be at the discretion of the CG.
- Any resolution reached between the parties by this means shall as far as possible have the object of:
- eliminating any discrimination
 - as appropriate, restoring the complainant or the respondent(s) to the same standing they enjoyed before the matter arose
 - repairing any loss or damage, pecuniary or otherwise connected with the grievance or matter
 - and shall provide that there be no reprisals on either party by reason of the grievance having been made or the matter referred.
- Step 6 Should no resolution be achieved by the CG then the Contact Officer will notify the Principal that a determination of the matter is required and the Principal or the Principal's nominee shall determine the matter. The procedure to be adopted in the determination of the matter shall be at the discretion of the Principal or the Principal's nominee except that the following Steps shall be taken:
- The complainant and the respondent shall be notified immediately in writing that the case is to be determined by the Principal or the Principal's nominee. The complainant shall also be requested to provide a written summary of the grievance or matter to the Principal or nominee and to the respondent within such time as the Principal or nominee stipulates and the respondent shall be requested to provide a written response within such time as the Principal or nominee stipulates.
 - All relevant information in the possession of the Contact Officer or CG will be provided to the Principal or nominee, note: no recommendation of the Contact Officer or CG will be provided.

Step 7 The Principal or Nominee will after inquiring into the matter, make a determination on the grievance or matter.

The determination will state whether there has or has not been a valid grievance. The determination may include directions to either party which the Principal or nominee consider are necessary including directions designed to:

- eliminate any discrimination
- restore the complainant or the respondent as appropriate to the same standing as they enjoyed before the matter arose
- repair any loss or damage pecuniary or otherwise relevant arising out of the grievance or matter
- discipline either party in accordance with the College's Disciplinary Procedures
- provide that there be no reprisals on either party by reason of the matter being referred and dealt with under these procedures.

The Principal or the nominee may at any time and as they think fit, vary, suspend or vacate any directions given under these procedures.

Step 8 If not satisfied with a decision of the Principal, the complainant may request that the matter be dealt with through an external dispute resolution process by the person/body appointed by the provider for that purpose. This body is [Mediation Solutions](#).