



Student Grievance Resolution Procedure

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Purpose

Marcus Oldham College requires that all employees fulfil the performance expectations and requirements of their role and demonstrate appropriate behaviours in line with the Bullying and Acceptable Behaviours Policy.

This Complaints Procedure sets out the way that students can report bullying and unacceptable behaviours, and how the College will respond.

Complainants and reporters can report bullying and unacceptable behaviours by making a report to the College. At any stage of the Complaints Procedure, or when a concern cannot be addressed using this Procedure, the College may consider and implement actions as necessary to address concerns regarding individuals' safety, wellbeing, or participation in work, study or College life.

Anonymous reporting

The College intends to implement an anonymous reporting framework to enable students to make an anonymous report of bullying and unacceptable behaviours covered by this Policy.

Marcus Oldham will collate and analyse data on anonymous reports to monitor the prevalence of bullying and unacceptable behaviours in connection with the College.

As reports are anonymous, the College will rarely be able to take action in relation to an anonymous report. If you would like action to be taken in relation to an incident of bullying and unacceptable behaviours, you are encouraged to report the incident to the College.

Reporting

Students are encouraged to notify the College of bullying and unacceptable behaviours as soon as possible so that the College can:

- provide support and pastoral care, and
- take steps to prevent immediate or ongoing risks to the complainant and others.

Reports of bullying and unacceptable behaviours may be made verbally or in writing to the College Wardens, the Principal or the College Counsellor.

There is no time limit for a complainant to report bullying and unacceptable behaviours to the College under this Policy. However, the College's ability to effectively respond to, and prevent future incidents of bullying and unacceptable behaviours may diminish over time.

Responding to bullying and unacceptable behaviours

The College aims to deal with reports and disclosures as quickly as practicable and to achieve early resolution of complaints.

The College Wardens, the Principal and the College Counsellor will take steps to ensure that ongoing support is provided to the complainant (and any other affected parties), and that they are regularly informed about the College's response.

The College's response to a report will be determined by a range of factors, including but not limited to:

- whether the report is anonymous;
- the wishes of the complainant;
- whether there is a serious or ongoing risk to the health, safety or wellbeing of any person;
- whether it is possible for the College to conduct an investigation based on the information available (e.g. whether the parties will participate in the investigation); and
- whether the College has other information about the risks posed by the alleged respondent.

None of these factors are determinative.

Without limiting the options available, the College may respond to a report of bullying and unacceptable behaviours by:

- taking immediate steps to support and protect the parties, including:
 - providing referrals to medical or support services;
 - implementing safeguards to minimise the complainant's contact with the alleged respondent (such as restricting the respondent's access to the College's premises or property where there is an immediate threat to any person), suspending a person from the College and/or suspending a person from specified activities and/or positions of leadership;
 - relocating the respondent (or the complainant on the complainant's request) from the College's accommodation;
 - providing assistance to make a police report; and/or
 - reporting the matter to the police where there is a serious or ongoing risk to the health, safety or wellbeing of any person;
- conducting an investigation;
- facilitating a conciliation between the complainant and respondent, as long as both parties agree to participate; or
- taking no action where there is insufficient evidence for the College to intervene or investigate, and the complainant and/or reporter does not agree to participate in an investigation.

If the College makes a report to the police because it considers that there is a serious or ongoing risk to the health, safety or wellbeing of any person, the College will attempt to consult with the complainant to ensure that the complainant knows when and why the police will be notified, and take all reasonable steps to support the complainant through that process.

Investigations

Where the College receives a report of bullying and unacceptable behaviours, it may be appropriate to conduct an investigation. An investigation involves collecting information about the allegation and making findings on whether the allegations are substantiated or unsubstantiated based on the balance of probabilities.

In general, complainants influence the progress of their complaint through the Procedure. However, in some circumstances, the seriousness of the allegations will mean that the College is under a legal obligation to investigate the allegations (e.g. to prevent serious risks to health and safety), irrespective of the wishes of the complainant. For this reason, the College may initiate an investigation or progress an investigation without the involvement of the complainant. Where appropriate, this may involve de-identifying details of the complainant.

A request for an investigation can be made in writing to the Principal. The request should include details of the incident(s) and any supporting information.

If the Principal considers that an investigation is appropriate, he may appoint an independent panel or investigator to conduct the investigation.

The investigation will be conducted in a manner that the Principal considers appropriate. If the College considers it appropriate for the safe and efficient conduct of an investigation, it may:

- direct the respondent or complainant not to carry out his or her duties or attend certain areas (including College events); and/or
- provide alternative accommodation to a respondent (or a complainant on the complainant's request).

On completion of an investigation, the College will notify the complainant and respondent of the findings and outcome of the investigation in writing.

Conciliations

A conciliation is a process where a neutral third party attempts to assist the complainant and respondent to resolve a complaint by mutual agreement.

A conciliation will only occur if both parties agree to it voluntarily. Because of the serious nature of bullying and unacceptable behaviours, a conciliation will only occur if:

- the complaint is in writing;
- the complainant is willing to be identified to the respondent;
- the complainant requests the conciliation; and

- both parties agree to the conciliation.

If the Principal considers that a conciliation is appropriate, he will appoint an external advisor to conduct the conciliation. The role of the conciliator is not to make a formal finding, but to assist the parties to reach a mutually agreed resolution.

The respondent will be provided with details of the allegations and be provided with the opportunity to seek advice from an external advisor.

The conciliator will meet with the complainant and respondent together or separately. The conciliator will only arrange a joint meeting if the complainant is comfortable with this.

Both parties may have a support person during the conciliation, but not a legal representative or advocate. If the conciliation does not proceed or is unsuccessful in producing a mutually agreed resolution, the external advisor will refer the parties to their external advisors to discuss further options.

Possible outcomes

The College will determine the most appropriate way to respond to a report from an investigator of a complaint. Possible outcomes if a complaint is substantiated include, but are not limited to:

- disciplinary action against the respondent (including the cessation of their engagement etc);
- official warnings;
- imposing restrictions on the respondent's participation in the Colleges' activities (including Alumni events held off campus) and contact with the complainant for any purpose associated with the College;
- restrictions on a respondent's participation in College-affiliated events;
- counselling for the complainant, respondent and/or reporters;
- terminating the respondent's residence or relocating the respondent;
- mandatory training for the respondent;
- a formal apology by the respondent and/or bystanders who took no action to stop or protest against any Bullying and unacceptable behaviours observed by them on College grounds or at College events;
- seeking an undertaking from the respondent that the behaviour will cease (where the complainant simply wants the behaviour to stop and expulsion or termination is not appropriate);
- conciliation/mediation conducted by an impartial third party (where requested by the complainant and both parties agree to participate); and/or
- reports to external authorities (e.g. police where there is an immediate or ongoing risk to the health, safety or wellbeing of any person).

Withdrawing a complaint

Where a complainant chooses to withdraw his or her complaint or does not wish to participate in an investigation, the College:

- will retain the details of the complaint.
- notify the complainant of any proposed action against the alleged respondent;
- offer the complainant ongoing support; and
- confirm the above in writing to the complainant.

A complainant who has withdrawn his or her complaint may ask the College to reinstate the complaint at any time.

Confidentiality and privacy

The College aims to maintain the privacy and confidentiality of complainants and respondents. Only the Wardens, the Principal and the College Counsellor directly involved in advising on, conciliating, investigating or resolving the complaint will have access to material relating to a report of Bullying and unacceptable behaviours. However, these designated people will keep the Principal informed of the status and response to the complaint.

A key principle of conciliations and investigations is maintaining a confidential process. The College may ask the parties to agree to maintain confidentiality during these processes. This is important to protect the reputation of the parties, minimise the potential for victimisation, ensure that students have the confidence to raise allegations, and ensure that witnesses have not had the chance to collaborate or influence each other's recollection, inadvertently or deliberately.

A confidentiality undertaking will not prevent:

- the complainant from discussing their experience of bullying and unacceptable behaviours with others, or making a complaint to an external body, or
- any party from seeking advice and support from a professional advisor in relation to the allegations.

Record keeping

The College will ensure that reports of bullying and unacceptable behaviours are collected and stored confidentially in line with this Policy, including:

- details of the complaint/incident;
- steps taken to respond to the complaint/incident;
- support or assistance required or provided, i.e. whether the person received counselling whether they reported to police, whether they received support from an external provider;
- the College's response to the report (including referrals to external bodies and support services); and
- any feedback provided by the complainant/respondent in relation to the process.

On request, the College will provide the complainant or reporter with information on their report of bullying and unacceptable behaviours.

False or misleading allegations

Deliberately making a false complaint under this Policy is a serious matter and is unacceptable. Where the College is satisfied, based on reasonable evidence, that a complaint is malicious, frivolous or vexatious, the complainant or reporter may face disciplinary action. A complainant or reporter will not be sanctioned just because an investigation is inconclusive, and the allegations cannot be substantiated. Disciplinary action will only arise where there is compelling evidence that a complaint or report was false or misleading.

Victimisation

It is unlawful to victimise any person for making a report of bullying and unacceptable behaviours. Any retaliatory action taken or threatened against a student because of their involvement in a report of bullying and unacceptable behaviours can result in disciplinary action. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that intentionally interferes with an investigation or the academic or professional progress or career of an individual.

Relevant Laws

This Policy supports compliance with the following legislation as amended:

- Sex Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health and Safety Regulations 2007 (Vic)
- Crimes Act 1958 (Vic)

Procedure Status Details

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Responsible Executive	Principal