



**EYNESBURY**  
**COLLEGE**

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# STUDENT GRIEVANCES AND APPEALS POLICY

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## SECTION A - INTRODUCTION

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### A.1 Purpose

This Policy details the commitment of Eynesbury College to the provision of proper and fair avenues of redress for student concerns.

### A.2 Scope

This policy applies to all prospective and current students enrolled in any of any of the programs delivered by Eynesbury College.

### A.3 Definitions

<b>Word/Term</b>	<b>Definition</b>
Advocate	A person who provides assistance and support to any party to a complaint
Appeal	Requesting a review of a previous decision according to the <b>Student Grievances and Appeals Procedure</b>
Class	A scheduled teaching block
Complainant	A student who has lodged a complaint under this policy
Complaint	A verbal or written communication from a student who believes they have been treated unfairly or inappropriately, either by a staff member or student of Eynesbury College, through their dealings with a Eynesbury College service provider, or as a result of Eynesbury College policies and procedures.
Counsellor	According to professional standards and required understandings, a <i>counsellor</i> actively listens and works to empower students to desire and bring about change in the way that they experience themselves, their personal circumstances and/or their academic studies
Grievance	The complaint
Intimidation	Threatening or bullying behaviour
Program	An approved combination of modules in which a student is enrolled
Respondent	The person or persons whose alleged behaviour or action/inaction is the subject of the complaint

Risk	Circumstances that could potentially be a threat to life, health, well-being and academic success
Staff	All employees, contractors and volunteers of Navitas SA (excluding casual exam invigilators and short term professional appointments such as external auditors or consultants)
Stage 4 appeal	Appeal to an external appeal body
Victimisation	Selective or unfair discrimination against an individual or individuals

## **A.4 Acronyms**

<b>Abbreviation</b>	<b>Phrase of Word</b>
ITR	Intention to Report

## SECTION B - POLICY STATEMENT

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### B.1 Principles

This policy is underpinned by the principles of natural justice and procedural fairness, and emphasises the need to resolve a grievance as early as possible and as close to the source as possible.

All students have the right to have a grievance or appeal dealt with in relation to any matter in which they feel that they have been unjustly treated or where Eynesbury College has not acted in accordance with its policies and procedures.

All grievances and appeals will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.

This policy exemplifies Eynesbury College's commitment to a just, harmonious and fair learning environment by providing students with access to processes which support the thorough resolution of grievances and disputes.

### B.2 Policy

#### 1 Introduction

- 1.1** The principles set out in this policy do not replace or modify any other obligations, responsibilities, procedures or principles which may exist under other higher education provider policies, or under statute or any other law.
- 1.2** Every student may exercise the rights embodied in this policy, irrespective of the location of the campus at which the grievance has arisen, the student's place of residence or the mode (face-to-face or online) in which they are studying.
- 1.3** Grievances will be dealt with fairly and without victimisation or intimidation either during or after a grievance resolution process. Neither the complainant nor the respondent will be victimised or discriminated against at any stage in the grievance resolution process.
- 1.4** A student who feels that a decision made by a member of staff does not accord with Eynesbury College's policies and procedures, or who has an experience which, they believe, contravenes Eynesbury College's stated policies and procedures, has the right to have their grievance or appeal considered in a timely fashion.
- 1.5** For matters relating to Sexual Assault and Sexual Harassment, students and staff are also referred to the Sexual Assault and Sexual Harassment Prevention and Response Policy.
  - 1.5.1** A student who wishes to discuss or disclose an incident, or suspected incident, of Sexual Assault or Sexual Harassment can seek support from the Student Counsellor, who will also provide them with information on the various reporting options. Any information shared with the Student Counsellor will remain confidential unless permission is given by the individual for reporting purposes.

## 2 Appeals

- 2.1 At all stages of the grievance and appeal process a full written explanation of decisions and actions taken will be provided to the complainant or respondent upon request or as legislated.
- 2.2 At Stage 3 of the grievance and appeal process the complainant and/or respondent will be invited to formally present their case and, if they wish, may be accompanied by an advocate, such as a family member, friend, counsellor or other professional support person with the exception of a qualified legal practitioner acting in that capacity.
- 2.3 Students under the age of 18 opting to attend their appeal hearing, must be accompanied by an advocate who is at least 18 years of age.
- 2.4 If a student is not satisfied with the process or outcomes of Eynesbury College's internal grievance and appeals process, they have the right, at no cost to them, to seek external arbitration of their grievance through the relevant external appeal body as outlined in the Student Grievances and Appeals Procedure.
- 2.5 At any time students can engage external mediation and support services at their own expense.
- 2.6 Unless a risk exists to either the student or to others, the student's enrolment with Eynesbury College will be maintained and they will be required to attend class throughout any grievance and appeals process.
- 2.7 There is no restriction to the number of separate Stage 4 appeals a student may lodge.
- 2.8 If a student receives multiple Intention to Report (ITR) notifications for unsatisfactory attendance and chooses to lodge multiple Stage 4 appeals Eynesbury College will report them following the outcome of one externally rejected appeal.

## 3 Legal action

- 3.1 This policy does not preclude, or inhibit in any way, a student's right to further action under Australian Law.
- 3.2 Eynesbury College has an obligation to report breaches of Australian law to the relevant authorities.

## 4 Confidentiality and record keeping

- 4.1 All necessary steps will be taken to ensure that information regarding the grievance will be disclosed only to those persons who have a legitimate right to the information by virtue of their role in the appeals process.
- 4.2 Records of appeals and grievances will be kept in accordance with the **Navitas Records Management, Retention and Disposal** Policy.

## 5 Staff training

- 5.1 Academic Directorates are responsible for inducting academic staff in the obligations covered in this policy and the attendant procedures. Academic Directorates and their staff are also

responsible for making themselves available to explain the policy to students in plain language and advising them of their rights and obligations under the policy.

## **6 Review and Report**

- 6.1** The Grievances and Appeals Committee will formally discuss and review the policy every three years. The Committee will make recommendations for any policy and procedural changes that arise as a result of the grievances and appeals process.
- 6.2** Where an External Appeal body has made recommendations for policy or procedural changes, the Committee will review the recommendations and implement changes where required.
- 6.3** A deidentified report will be provided to the Eynesbury Executive Group and the Eynesbury College Academic Board four times a year. The Manager, Quality, Risk and Compliance will provide an annual analysis of Stage 2 appeals to the Eynesbury Executive Group and the Eynesbury College Academic Board.

## SECTION C - GOVERNANCE

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### C.1 Responsibility

<b>Identification</b>	Student Grievances and Appeals Policy
<b>Policy Owner</b>	College Director
<b>Approving Authority</b>	Eynesbury College Academic Board, Eynesbury Executive Group
<b>Initial Issue date</b>	August 2012
<b>Directory Location</b>	Policies, Eynesbury, College Directorate

### C.2 Version Control

<b>Current Version Number</b>	6.4
<b>Date of Effect</b>	02/2024
<b>Review Date</b>	08/2025
<b>Privilege Level</b>	Public

### C.3 Legislative and Organisational Context

<b>Name</b>
<a href="#">ELICOS National Standards</a>
<a href="#">National Foundation Program Standards</a>
<a href="#">Higher Education Standards 2021</a>
<a href="#">The National Code of Practice 2018</a>

## SECTION D - PROCEDURE

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### D.1 Related Procedures

Student Grievances and Appeals Procedure

## **D.2 Related Policies**

Parent Complaints Policy

Student Code of Conduct

Student Counselling Policy

Sexual Assault and Sexual Harassment Prevention and Response Policy

Navitas Records Management, Retention and Disposal Policy