



TAFE NSW HIGHER EDUCATION GRIEVANCE PROCEDURE

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1. Document history and details

Version 5: 2 December 2021

Commencement date: Semester 1 2022

2. Introduction

- 2.1 This procedure describes the TAFE NSW Higher Education requirements for making and resolving complaints or grievances.
- 2.2 The TAFE NSW Higher Education grievance procedure supplements the TAFE NSW Complaints Management Procedure.
- 2.3 All current students enrolled in a TAFE NSW Higher Education qualification are entitled to make a complaint or raise a grievance in relation to academic or non-academic matters.
- 2.4 Persons seeking to enrol in a TAFE NSW Higher Education qualification are entitled to make a complaint or raise a grievance in relation to non-academic matters.
- 2.5 Persons making a complaint or raising a grievance are entitled to have the matter dealt with sensitively and promptly.
- 2.6 Students enrolling into TAFE NSW Higher Education qualifications will be given information about complaint and grievance procedures during orientation.
- 2.7 Complaints or grievances may arise from any aspect of the services provided by TAFE NSW Higher Education in relation to academic and non-academic matters including but not limited to:
 - marks awarded for an assessment
 - results awarded for a subject
 - outcomes of an application for the awarding of credit, recognition of prior learning (RPL) or advanced standing
 - outcomes of an application for admission
 - breaches of conduct and/or legislation such as:
 - harassment
 - vilification
 - discrimination
 - handling of personal information
 - exclusion from events and facilities.
 - issues related to international student enrolments such as:
 - cancellation of enrolment
 - complaints about international education agents.
- 2.8 Complainants and respondents may be accompanied by an appropriate support person if desired when attending any meetings with TAFE NSW staff in relation to a complaint or grievance.
- 2.9 TAFE NSW Higher Education will not victimise or discriminate against any complainant or respondent to a complaint or grievance.

- 2.10 It is preferable but not essential that the complainant's name is included in the complaint or grievance. The complainant should be aware that, in some instances, a complaint or grievance cannot proceed if it is anonymous, or if the complainant requests that their identity be withheld.
- 2.11 At all stages of the process a written explanation will be provided by TAFE NSW Higher Education for decisions and actions taken as part of the complaint or grievance management process.

3. Audience and applicability

3.1 This procedure applies to:

- all students enrolled, or seeking to enrol, in TAFE NSW Higher Education courses; and
- all staff teaching and/or managing TAFE NSW Higher Education courses in TAFE NSW campuses.

4. Definitions

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| Academic Council | Responsible for academic policy making, academic administration, oversight of the educational process and control over the administration of TAFE NSW Higher Education curriculum to allow educational objectives to be achieved. |
| Academic staff | Dean of Higher Education, Course Coordinators, Teachers |
| Course Coordinator | The manager of a TAFE NSW Higher Education course, who has overall responsibility for course and student management at the delivering campus. |
| Complainant | The person making the complaint or grievance. |
| Complaint | A complaint is an expression of dissatisfaction made to TAFE NSW where a response or resolution is explicitly or implicitly expected or required by legislation. |
| Dean | Responsible for overseeing and reporting to the Academic Council on a range of TAFE NSW Higher Education academic matters, student management, course implementation and professional development of staff. |
| Grievance | A grievance is the event or situation that causes a person to lodge a complaint. |
| Head of TAFE NSW Higher Education | Overall responsibility for TAFE NSW Higher Education programs and point of contact between TAFE NSW and TEQSA. |
| Respondent | The person the complaint or grievance is made about. |
| TAFE NSW Higher Education | TAFE NSW Higher Education is the registered trading name of the Technical and Further Education Commission as a higher education provider. |

5. Summary of procedures for dealing with complaints and grievances

5.1 There are four possible stages involved in resolving complaints or grievances:

- Stage 1 - informal resolution;
- Stage 2 - formal resolution;
- Stage 3 - internal review;
- Stage 4 - external review.

5.2 Complaints can be made:

- orally - in person or by telephone; or
- in writing - via email or by completing the online TAFE NSW complaints form.

5.3 Before proceeding with making a complaint or grievance, the complainant should:

- read and understand the relevant TAFE NSW Higher Education procedures;
- ensure that all matters are discussed as quickly as possible and as close as possible to the source of the problem;
- ensure that there are grounds for the complaint or grievance as defined in the relevant TAFE NSW Higher Education procedures.

6. Stage One - Informal resolution

6.1 Attempts should be made to resolve the complaint or grievance informally at the campus.

6.2 Complaints or grievances in relation to academic matters should be discussed with the Course Coordinator in the first instance.

6.3 Complaints or grievances in relation to non-academic matters should be discussed with a relevant TAFE staff member in the first instance. This could be the Course Coordinator, a TAFE counsellor or campus Student Services Manager.

6.4 The TAFE NSW staff member at the campus will record the concerns so they can be dealt with confidentially and promptly.

6.5 The TAFE NSW staff member handling the complaint or grievance will advise the complainant of the outcome of the complaint or grievance.

7. Stage Two - Formal resolution

7.1 If a complaint or grievance cannot be resolved informally at the campus, complainants can submit a formal written complaint or grievance to the Dean of Higher Education.

7.2 Any complaint made via the TAFE NSW online complaints form that relate to TAFE NSW Higher Education will be referred to the Dean of Higher Education to be dealt with as a formal complaint in accordance of this procedure.

7.3 The Dean of Higher Education will review the complaint or grievance on its merits and may request further information from relevant TAFE NSW staff and/or the complainant.

7.4 The Dean of Higher Education will advise the complainant in writing within four weeks of receiving the complaint or grievance of the outcome of the complaint or grievance, reasons for the outcome and options for appeal.

8. Stage Three - Internal review

- 8.1 If a complaint or grievance cannot be resolved through formal procedures or if the complainant is not satisfied with the outcome of the formal resolution process, the complainant can submit a written request for review of the complaint or grievance to the Head of TAFE NSW Higher Education within three weeks of the date of the written response under Section 7.4 above.
- 8.2 The request for review of the complaint or grievance must include valid and sufficient reasons for requesting the review.
- 8.3 The Head of TAFE NSW Higher Education may nominate an independent review officer to undertake a review of the complaint or grievance.
- 8.4 The Head of TAFE NSW Higher Education or nominee will review the grievance on its merits and may request further information from relevant TAFE NSW staff and/or the complainant.
- 8.5 The Head of TAFE NSW Higher Education will advise the complainant in writing of the outcome of the complaint or grievance, and options for external review, within four weeks of receiving the written request for review.

9. Stage Four - External review

- 9.1 If not satisfied with the outcome of the internal review, the complainant may seek a review through independent external avenues of appeal.
- 9.2 External bodies that the complainant can appeal to, depending on the nature of the grievance, include, but are not limited to:
 - NSW Ombudsman
 - Overseas Students Ombudsman
 - Anti-Discrimination Board of NSW
 - Australian Human Rights Commission
 - Tertiary Education Quality Standards Agency

10. Procedural fairness

- 10.1 TAFE NSW Higher Education will ensure procedural fairness at all times during the managing of a grievance.
- 10.2 TAFE NSW has a zero tolerance approach towards harm, abuse or threats directed towards TAFE NSW employees or third parties by complainants. Conduct of this type will be dealt with in accordance with the TAFE NSW Complaints Management Procedure and in accordance with TAFE NSW's duty of care towards its staff and others and its obligation to manage workplace safety.
- 10.3 Unreasonable complaints and/or repeated complaints will be managed in accordance with TAFE NSW Complaints Management Policy and Procedure and may result in TAFE NSW restricting or terminating a complainant's access to TAFE NSW on the grounds of unreasonable conduct.

11. Records management

- 11.1 All written documentation in relation to complaints or grievances will be retained by TAFE NSW in accordance NSW government records management guidelines.
- 11.2 All complaints, grievances, responses and resolutions are to be documented and reported by the Course Coordinator to the Dean of Higher Education.

12. Further information

- 12.1 Students requiring further information about this procedure or how to lodge a complaint or grievance should contact their Course Coordinator or a TAFE counsellor.

13. Roles and responsibilities

- 13.1 The Dean of Higher Education and Course Coordinator have overall responsibility for relevant staff compliance with this policy and for the training of academic staff in this procedure.
- 13.2 The Dean of Higher Education provides a report summarising Higher Education grievances to the Academic Council at the end of each academic year.
- 13.3 This procedure does not replace or modify any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

14. Related documents

TAFE NSW Complaints Management Procedure

15. Monitoring and evaluation

This procedure will be reviewed and updated regularly in line with the TAFE NSW Higher Education Quality Assurance and Continuous Improvement Framework.

16. Publication of this procedure

The current version of this procedure is published on the TAFE NSW internet.

17. Approval

The TAFE NSW Higher Education Academic Council approved this version of this procedure on 2 December 2021.