



# TAFE NSW HIGHER EDUCATION GRIEVANCE PROCEDURES

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## 1. Document history and details

Version 3: 14 July 2020

Commencement date: Semester 2 2020

## 2. Introduction

- 2.1 This document describes the TAFE NSW Higher Education procedure for making and resolving complaints or grievances.
- 2.2 This procedure replaces the TAFE NSW Higher Education grievance procedure for academic matters and the TAFE NSW Higher Education grievance procedure for non-academic matters.
- 2.3 The TAFE NSW Higher Education grievance procedure supplements the TAFE NSW Complaint Management Policy and Procedure.
- 2.4 Any complaints made via the TAFE NSW complaint form under the Complaint Management Policy that relate to TAFE NSW Higher Education will be referred to TAFE NSW Higher Education to be dealt with in accordance with these procedures.
- 2.5 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.
- 2.6 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.
- 2.7 Persons making a complaint or raising a grievance are entitled to have the matter dealt with sensitively and promptly.
- 2.8 Students enrolling into TAFE NSW Higher Education qualifications will be given information about complaint and grievance procedures during orientation.
- 2.9 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 legalisation 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.

- 2.10 Any complainant and/or respondent can have an appropriate support person present or be accompanied, assisted and represented by a third party if desired when making the complaint or lodging a grievance and at any related meeting.
- 2.11 TAFE NSW Higher Education will not victimise or discriminate against any complainant or respondent to a complaint or grievance.
- 2.12 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.
- 2.13 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 These procedures apply 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

<b>Academic staff</b>	Dean, Course Coordinators, Teachers
<b>Course Coordinator</b>	The program manager of a TAFE NSW Higher Education course, who has overall responsibility for course and student management at the delivering campus.
<b>Complainant</b>	The person making the complaint or grievance.
<b>Complaint</b>	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.
<b>Grievance</b>	A grievance is the event or situation that causes a person to lodge a complaint.
<b>Respondent</b>	The person the complaint or grievance is made about.
<b>TAFE NSW Higher Education</b>	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:
- informal resolution;
  - formal resolution;
  - internal review;
  - external review.

- 5.2. If required, support will be provided to the complainant throughout the process.
- 5.3. There are no fees associated with lodging a complaint or grievance at TAFE NSW however a fee will be charged should the complainant lodge an external review application.
- 5.4. Complaints can be made:
  - orally - in person or by telephone; or
  - in writing - by email or by completing the complaints form available from teaching and administration staff or the online complaints form.
- 5.5. Oral grievances that cannot be resolved informally may need to be put in writing.
- 5.6. Before proceeding with making a complaint or grievance, the complainant should:
  - read and understand the relevant policies and 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 policy and procedures.

## **6. 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 in writing of the outcome of the complaint or grievance, and options for appeal, within four weeks of receiving the complaint or grievance.

## **7. 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 TAFE NSW Higher Education.
- 7.2. The formal complaint or grievance must be lodged within two weeks of the date of the decision of the informal review.
- 7.3. The Dean 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 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. Internal review**

- 8.1. If a complaint or grievance cannot be resolved through formal procedures or if the complainant is unhappy with the outcome of the formal resolution process, the complainant can submit a written request for review of the complaint or grievance to the TAFE NSW Head

of Higher Education Standards within four weeks of the date of the written response under Sections 6.5 and 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 TAFE NSW Head of Higher Education Standards may nominate an independent and impartial review officer to undertake an internal review of the complaint or grievance.
- 8.4 The TAFE NSW Head of Higher Education Standards 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 TAFE NSW Head of Higher Education Standards will advise the complainant in writing of the outcome of the complaint or grievance, and options for appeal, within four weeks of receiving the complaint or grievance.
- 8.6 If the complainant is not satisfied with the outcome of the internal review, the complainant may request that the matter be dealt with through an external review process.

## **9. 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:
  - NSW Ombudsman
  - Overseas Students Ombudsman
  - Anti-Discrimination Board of NSW
  - Australian Human Rights Commission

## **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 Complaint Management Policy and 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 Complaint 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.
- 11.2 TAFE NSW Higher Education maintains a register of complaints and grievances and responses.

## **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 and Course Coordinator have overall responsibility for relevant staff compliance with this policy and for the training of academic staff in these procedures.
- 13.2 The guidelines 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.

## **14. Related documents**

TAFE NSW Complaint Management Policy and Procedure

## **15. Monitoring and evaluation**

This document 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.

Where appropriate it will be quoted, paraphrased or cited in Subject Guides and on the TAFE NSW Higher Education Learning Management System.

## **17. Approval**

The TAFE NSW Higher Education Academic Board approved these procedures on 15 November 2018.