Student Complaint and Grievance Resolution Policy and Procedure

Policy Owner	CEO
Approving Authority	Academic Board
Implementation Responsibility	CEO
Effective Date	20/04/2026
Review Date	TBA
Current Status	Version 1.3

1. Purpose

The purpose of this policy is to provide the students with a transparent framework by which they may submit complaints or grievances. Students are entitled to access the *Student Complaint and Grievance Resolution Policy and Procedure*, regardless of their place of residence, or their study or working modes.

Sydney Polytechnic Institute (SPI) recognises the rights of students to report complaints or grievances regarding any aspect of their student experience with SPI, its agents or related parties.

Where a specific policy or procedure exists to address a particular matter, students are expected to follow the relevant process in the first instance. This includes, but is not limited to:

- Academic results or assessment-related matters: refer to the *SPI Student Assessment Policy and Procedure*.
- Bullying, sexual harassment or sexual assault, discrimination, or gender-based violence: refer to the *SPI Bullying, Harassment and Discrimination Policy*.
- Academic integrity matters: refer to the *SPI Academic Integrity Policy and Procedure*.

Further, in regard to Sexual Harassment or Sexual Assault (SASH), the *SPI Bullying, Harassment and Discrimination Policy* at item 4.2 details that SPI will adopt the nine principles as referred to in the TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (July 2020). These principles are to be applied to any SASH complaint or grievance.

This policy applies where a matter is not appropriately addressed by an existing specific process, or where a student considers that an existing process has not been appropriately followed or resolved. Students may access this policy after relevant processes have been exhausted, or where the complaint relates to the administration or handling of those processes.

2. Scope

a) This policy applies to all Students of SPI. The Policy describes how Students of SPI can be guided to resolve complaints or grievances.

b) Assessment appeals are covered by a separate policy (i.e.SPI Student Assessment Policy and Procedure), except where the matter of complaint or grievance relates to a claim that the assessment appeals policy has not been followed.

3. Definitions

Complaint means an expression of discontent that arises out of an act, decision or omission which the complainant considers inappropriate and handled under this Policy.

Case Handler means the SPI Staff member or the Officer who is responsible for managing the informal or formal process in relation to a complaint or grievance made under this Policy. The CEO is responsible for designating and appointing a case handler (see Items 4.1(c); 4.2(b); 4.3(c)). The Case Handler must be free from any actual, potential, or perceived conflict of interest and be appropriately qualified, trained, and experienced to undertake the role. Where a complaint involves sexual harassment or sexual assault (SASH), the Case Handler must have completed relevant specialised training, including training in trauma-informed practice, to ensure matters are managed with sensitivity and in accordance with best practice.

Complainant means the Student who is alleged to have been the subject of inappropriate conduct and made an informal accusation.

Academic Complaint may include minor issues that are suitable to be addressed informally,

- Concern about the appropriateness of the decision made regarding Academic Misconduct
- Concern about the appropriateness of the decision made regarding Admission
- Concern about the appropriateness of the decision made regarding Academic Credit and/or Recognition of prior learning (RPL).
- Concern about the appropriateness of the decision made regarding Advanced Standing.
- Concern about the appropriateness of Course content and delivery mode
- Concern about the appropriateness of granting or refusing special consideration

Non-academic Complaint may include minor issues that are suitable to be addressed informally, such as

- Low standard of administrative service received through SPI
- Inappropriate suspension or cancellation of candidature.
- Penalty applied by SPI being inappropriate.
- Improper or negligent non-academic conduct
- Fall below the standard of adhering to appropriate SPI policies and procedures

Grievance means a conflict that arises out of an act, decision or omission which the grievant considers being unjust, wrongful or discriminatory and handled under this Policy.

Grievant means the Student who is alleged to have been the subject of unjust, wrongful or discriminatory conduct and made a formal accusation.

Academic Grievance may include distinct issues that are suitable to be addressed formally,

- Wrongfulness of the decision made regarding Academic Misconduct
- Wrongfulness of the decision made regarding Admission
- Wrongfulness of the decision made regarding Academic Credit and/or Recognition of prior learning (RPL).
- Wrongfulness of the decision made regarding Advanced Standing.
- Wrongfulness of Course content and delivery mode
- Wrongfulness of granting or refusing special consideration

Non-academic Grievance may include distinct issues that are suitable to be addressed formally, such as

- Bullying, Harassment and Discrimination[1].
- Poor standard of administrative service received through SPI.
- Wrongful suspension or cancellation of candidature.
- Penalty applied by SPI being unduly harsh.
- Wrongful non-academic conduct.
- Failure to adhere to appropriate SPI policies and procedures.

Resolution refers to a process handling the dispute, together with the assistance of a neutral person, systematically isolate disputed issues in order to develop options, consider alternatives, and attempt to reach a consensual settlement that will accommodate their needs, which may include

- Preliminary Action
- Informal Resolution Process
- Formal Internal Resolution Process
- Formal External Resolution Process

Respondent(s) means any person (persons) about whom a complaint or grievance is made.

Staff means all persons employed by the SPI, including full-time or part-time, fixed-term and casual staff.

4. Principles

4.1 Communication and Access

a) SPI acknowledges the need to inform Students of its *Complaint and Grievance Resolution Policy and Procedure* on the website and this policy will be presented at orientation to Students.
   i. The Student Service Office will be responsible for advising the Students of the policy during the orientation process.

b) SPI acknowledges the need to provide appropriate and accessible ways for the complaints, grievances or appeals to be heard and any actions initiated promptly.

c) Where a complaint or grievance involves a risk to the health and safety of any individual, the Case Handler shall seek advice from the CEO or the delegate on how it should be managed.

d) Confidentiality of all documentation and records associated with any complaint or grievance is to be maintained at all times (also refer to: *SPI Bullying, Harassment and Discrimination Policy* and Principle 1 of the *TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector* (July 2020); *SPI Records and Information Management Policy* - Section 6 Disclosure).

4.2 Record Keeping

a) SPI will ensure all complaints, grievances, appeals and their outcomes are recorded in writing. Each complaint or grievant is given a written statement of the appeal outcomes, including a full explanation of the decision.

b) Case Handlers participating in the Student complaints, grievances or appeal process must keep appropriate, confidential records of all discussions and outcomes. Both parties to the complaint, grievance or appeal are entitled to appropriate access (subject to the constraints of confidentiality and disclosure of information in compliance with *SPI Bullying, Harassment and Discrimination Policy* and Principle 1 of the *TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector* (July 2020); *SPI Records and Information Management Policy* - Section 6 Disclosure) to records

[1] As defined in *Bullying, Harassment and Discrimination Policy*

related to the complaint or grievance. Approval of release of any information related to this policy also requires authorisation by the CEO (see Item 12 of this policy).

4.3 Natural Justice

a) Each compliant or grievant has an opportunity to formally present his or her case.
b) SPI will ensure fair hearing and SPI will take all appropriate measures to ensure Students do not suffer any victimisation or discrimination as a result of raising complaints or grievances in good faith. SPI is mindful of dealing with vexatious complaints or grievances.
c) SPI will ensure the Case Handler with a role in resolving complaints and grievances will reach conclusions based on a fair hearing of each point of view.
d) SPI will keep all parties to a complaint, grievance or appeal informed of the progress of the matter and gives all parties reasonable opportunity to respond to outcomes.

5. Anonymous complaint or grievance

SPI will not normally investigate anonymous complaints or grievances, but may do so at its discretion where:

a) sufficient information is provided to enable a fair and reasonable investigation; and
b) the matter is of a serious or systemic nature, or involves a potential risk to the safety or wellbeing of individuals.

Where a student requests that their identity remain confidential (but the complaint is not anonymous), SPI will assess whether the matter can be progressed in a manner that is fair to all parties without disclosing the student's identity.

Note that anonymous complaints may limit SPI's ability to assess the matter, conduct a thorough investigation, or take appropriate action. Anonymous complainants will not normally be provided with updates or advised of the outcome of any investigation.

6. Frivolous complaint or grievance

A Complaint or Grievance must be made in good faith and Staff must be honest, cooperative and provide the requested assistance in working through the complaint or grievance procedure. The procedure is not to be used for vexatious reasons.

SPI may refuse to deal with a complaint or grievance or cease to deal with a complaint or grievance in circumstances where:

- SPI is satisfied that the complaint is trivial, frivolous, vexatious, lacking substance or not made in good faith;
- the conduct of the Complainant is querulous, obstructive, abusive or threatening in relation to the bringing of the complaint or grievance; and/or
- the Complainant or Grievant is not co-operating or assisting with the procedure or is otherwise obstructing the procedure.

In addition, SPI may commence disciplinary proceedings against the Complainant or Grievant in situations including but not limited to;

- a Complaint or Grievance that is fabricated;
- a Complaint or Grievance that is trivial or petty; or
- a Complainant or Grievant who repeatedly seeks to re-open matters that have already been addressed and/or determined.

7. Timeframe

A complaint or grievance under this Policy must be lodged within 30 days of the Complainant or Grievant lodging a statement as referred to in item 9.2 (a) of this policy, the commencement of the Informal Resolution Process.

The resolution of a complaint or grievance is managed through a structured, staged process. Students are encouraged to attempt early resolution and progress to subsequent stages only where the matter remains unresolved or the outcome is not satisfactory.

(1) Step 1 Preliminary Action: The student seeks to resolve the matter directly with the relevant party or obtains advice on available options.
(2) Step 2 Informal Resolution: A Case Handler facilitates discussion and attempts to resolve the matter at early stage.
(3) Step 3 Formal Resolution (Stage 1 – Internal Resolution): A formal complaint or grievance is lodged, managed by the Academic Registrar or Academic Dean (as appropriate).
(4) Step 4 Formal Resolution (Stage 2 – Internal Appeal): The student may appeal the outcome to the Chair of the Academic Board (for academic matters) or the CEO (for non-academic matters).
(5) Step 5 External Review: Students are provided with information and assistance to access relevant external review bodies.

Detailed processe for each step are set out in Sections 8-10.

8. Step 1 Preliminary Action

8.1 At any time while trying to settle the complaint or grievance, the complainant or grievant may consult confidentially with support staff or advisers of their choosing:

(a) consider whether the complaint or grievance is reasonable and the best course of action in the circumstances;

(b) clarify the details of the matter, including the events that occurred, the basis for the complaint or grievance and the resolution sought;

(c) where appropriate, identify the most appropriate process under which the matter may be pursued.

(d) commence preliminary action as soon as possible following the event that initiated the complaint or grievance, but not later than 10 working days from the occurrence of the event that led to the complaint or grievance.

8.2 On the basis of this discussion, the complainant or grievant may

(a) take no further action;

(b) where the matter concerns the actions or decisions of another person, proceed to (complaint) informal process; or

(c) proceed directly to (grievance) formal process.

9. Step 2 Informal Resolution Process

9.1 The informal procedure for the settlement of complaint will not be invoked unless the complainant has followed action outlined in Section 8 of this policy.

9.2 To commence the Informal Procedure, the complainant must provide a statement:

a) a clear statement of the complaint, including the parties to the complaint (see SPI Student Complaint and Grievance Form available at SPI website);

b) a process for trying to settle the complaint.

c) a suggested solution which the Complainant believes would settle the compliant.

9.3 A Case Handler or Staff who is contacted by a Complainant seeking informal resolution of a complaint must, within 10 business days:

a) acknowledge receipt of the complaint in writing;
b) determine whether the subject matter, prima facie, falls within the definition of a complaint.
    i. Where it is determined that the subject matter of the complaint falls outside the scope, the complainant will be advised accordingly.
c) arrange to discuss the matter with the complainant and indicate when an initial response will be provided and in what form; the complaint may bring a support person to the discussion;
d) gather information to assist with the settlement of the complaint, including providing the respondent with the statement of the complaint and the opportunity to respond;
e) attempt to discuss with the complainant the desired outcome of the complaint
f) attempt to clarify the relevant policies, procedures or processes underpinning the action or inaction to which the complaint relates;

9.4 After the conclusion of the Informal Procedure, the Case Handler will write to both the complainant and respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

10. Student Grievance: Formal Resolution Process

10.1 Before initiating formal procedures, a Grievant shall first attempt to settle any grievance settlement under the Informal Procedure as per *Section 9* of this Policy. This formal resolution process applies where a complaint has not been resolved through the informal process (see Section 9), or where the nature of the matter is sufficiently serious to warrant formal consideration at the outset.

10.2 If following an initial informal procedure, the grievance remains unresolved, the Grievant may lodge a formal grievance in writing. The Formal Procedure will normally be invoked within 5 working days of notifying the parties of the outcome of the Informal Procedure or from the date of the conclusion of the unsuccessful informal resolution.

10.3 Once a formal process is launched, all steps to resolve the matter must be documented as follows:

10.3.1 Receipt of the grievance in writing with details of the grievance, date and signature of the grievant.
10.3.2 The written grievance is forwarded to the Academic Dean for academic grievances or the Registrar for non-academic grievances.
10.3.3 The Academic Dean or Registrar will handle the grievance without prejudice and document all actions taken to investigate and resolve the grievance.
10.3.4 The Academic Dean or Registrar will inform the CEO of the grievance in writing.

10.4 Internal Formal Resolution Process

10.4.1 Step 3 Formal Resolution Stage One – Internal Resolution

a) Academic grievances are to be mediated by the Academic Dean, and non-academic grievances are to be mediated by the Registrar. If the grievance involves the Academic Dean or Registrar, the mediation will be conducted by the CEO.
b) The process will commence within 10 working days of the lodgment of grievance. Both parties to the grievance may bring a support person who is a third party to all these meetings.
c) Both parties are entitled to access independent advice, advocacy or other support related to the nature of the complaint at any time during the Formal Resolution Process.
d) Within 10 working days of the SPI commencement of the process, SPI will provide all parties to the grievance with a written statement advising of the outcome with a full explanation as well as providing information regarding further avenues of appeal.
e) If a formal grievance is upheld, any action required is to be initiated promptly. The Registrar will advise the grievant of the receipt of the required actions that SPI will take as a result within 10 working days of receiving the decision.
f) The Case Handler will assist with the management of Internal Formal Resolution Process if necessary.

10.4.2 **Step 4 Formal Resolution Stage Two – Internal Appeal**

If the Student is dissatisfied with the decision, then:

- If it is an Academic Grievance, Student may appeal to the chair of the Academic Board within 20 working days of receipt of stage one outcome. The Academic Board has 20 working days to consider the appeal and advise both parties with a full explanation of the decision in writing.

- If it is a Non-academic Grievance, Student may appeal to the CEO within 20 working days of receipt of stage one decision. The CEO has 20 working days to consider the appeal and advise both parties with a full explanation of the decision in writing.

- The Case Handler will assist with the management of the Internal Formal Resolution Process if necessary.

10.5 **Step 5 External Formal Review**[1]

10.5.1 Procedure

If the matter cannot be resolved via the Internal Formal Resolution Process, the Case Handler shall assist the parties in approaching an external independent arbiter (see item 10.5.3) within 20 days of receipt of the decision.

Any Student who approaches the grievance and appeals process will maintain their enrolment until the case is resolved.

10.5.2 Cost

In response to the External Formal Review application submitted by the Student, SPI does not charge the student (no charge) for the first lodgment with an external independent arbiter.

10.5.3 External Review Body

[1] information current as at 2 May 2021

External arbitration is a final resolution of this matter and is binding to both parties. Any further appeal is subject to legal action.

(a) *External mediation or adjudication*.

- SPI will apply for membership of the Resolution Institute in relation to the Student Mediation Scheme that allows SPI to use the "expert determination" as part of is it clear external appeal/review process.
- Grievant can apply for External Mediation or Adjudication by completing the Application for External Review available from the Resolution Institute's website https://www.resolution.institute/

(b) *New South Wales Ombudsman or Overseas Student Ombudsman*

- Options for further External Review or Appeal include complaints to the New South Wales Ombudsman.
  - The New South Wales Ombudsman can be contacted at Level 24, 508 George Street, Sydney 2000, by email at nswombo@ombo.nsw.gov.au, or by phone on 02 9286 1000.
- Options for further External Review or Appeal include complaints to the Overseas Student Ombudsman.
  - The Overseas Student Ombudsman can be contacted by email at ombudsman@ombudsman.gov.au, or by phone at 1300 362 072.

(c) *National Student Ombudsman (NSO)*

- *The National Student Ombudsman is an independent and impartial external review body that considers complaints from higher education students regarding the administrative actions of their education provider. The NSO may investigate complaints and make recommendations in relation to the resolution of those complaints. Further information is available at nso.gov.au.*

(d) *Anti-Discrimination Board*

- Grievant can *lodge a Grievance* or Appeal by completing the *NSW Anti-Discrimination Board complaint form* available from the website https://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_makingacomplaint/adb1_form_complaint.aspx and send it to complaintsadb@justice.nsw.gov.au via email.

10.6 Follow-up actions: External Review

10.6.1 Immediately upon receiving the decision from the external review process, the Registrar will advise the grievant of the receipt of the decision and of any required actions SPI will take as a result. Implementation of any decision, recommendation or action will occur immediately.

10.6.2 Any decisions received from the external review will be communicated to the Academic Board (for Academic Grievances) or the CEO (for Non-academic Grievances) within 20 days of the receipt of the decision.

10.6.3 All relevant parties will be notified in writing by the Registrar, providing evidence where necessary of the implementation of the decisions of the external review.

10.6.4 The outcome of all Complaints, Grievances or Appeals is to be recorded by the SPI Registrar in the SPI Complaints, Grievances and Appeals Register.

11. Monitoring and Review

11.1 All formal complaints and grievances will be reported by the Registrar to the Academic Board for their review on the completion of each trimester, accompanied by the updated Complaints, Grievances and Appeals Register. The report will include

11.1.1 A quantitative analysis of SPI's complaints, grievances and their resolutions and will include but not be limited to:

- The number of complaints and grievances
- Changes in the number of complaints and grievances compared to the last teaching period,
- The identification of any trends and emerging issues that may be the root cause of the complaints and grievances

11.1.2 A qualitative analysis of SPI's complaints, grievances and their resolution and will include but not be limited to:

- The identification of factors that may have caused the complaints or grievances to occur, and any systemic reasons for the complaints or grievances
- The identification of any existing barriers that are associated with the effective management of complaints or grievances and their resolution
- The status of the current complaint or grievance resolution

11.2 Following the review, the Academic Board will determine and oversee the appropriate mitigation actions to address any systemic reasons for the occurrence of formal complaints or grievances including:

- Delegate a staff member to review the relevant policies and procedures, and make revisions where they may be unclear or need updating. The will be tabled to the Academic Board/Governing Council for approval
- Staff training
- Student training
- Improvements to website content and navigation

The Registrar will ensure that de-identified complaints and grievances data is regularly analysed to identify themes, trends, and opportunities for improvement. Findings will be reported to the CEO and relevant governance bodies, and appropriate actions will be implemented to address any identified systemic issues.

12. Substantiation

Complaints or grievances substantiation is an important aspect of handling student complaints. Details of the process and resolution must be documented, and copies will be given to all related parties. A complete file of the complaint or grievance will be kept confidentially, and the steps taken to resolve the matter must be retained by SPI in accordance with the *SPI Records and Information Management Policy*.

13. Confidentiality

All parties to a complaint or grievance must respect privacy and confidentiality, except where the release of particular information is required by law.

14. Allegations of criminal conduct or other unlawful conduct

Where a grievance involves alleged criminal conduct or allegations of other unlawful conduct (or conduct that may be criminal conduct or a breach of any law), SPI may be required to notify the Police or other government body. SPI may consider, having regard to the individual circumstances of the matter, whether it is appropriate to suspend the grievance procedure pending any action being taken by an external body, continue to conduct a process alongside the external process or take another form of action.

15. Withdrawal of a complaint

A Complainant or Grievant may withdraw or seek to discontinue their claim at any stage of the process. A withdrawal or request to discontinue will normally be put in writing to the Case Handler. In some circumstances, SPI may consider it appropriate or necessary to take further steps where a Complaint or Grievance has been withdrawn.

Notes

Related Legislation:

ESOS Act (2000) incorporating National Code 2018

Related Documents:

SPI Student Support Policy
SPI Student Orientation Policy
TEQSA Guidance Note: Grievance and Complaint Handling
SPI Bullying, Harassment and Discrimination Policy
TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (July 2020)
SPI Records and Information Management Policy (See Section 6 Disclosure)
SPI Student Assessment Policy and Procedure
SPI Academic Integrity Policy and Procedure
Complaint and Grievance Form
SPI Complaints, Grievances and Appeals Register

Amendment History:

Version No.	Approved by	Effective date	Amendments
1.0	Academic Board	25/08/2021	New Policy
1.1	Academic Board	29/01/2022	Amendments made to Sections 1, 3, 4, 7, 8.1, 9 and 10; Section 11 inserted and the subsequent sections renumbered.
1.2	Academic Board	29/11/2022	Amendments made to Section 10.6.1.
1.3	Academic Board	20/04/2026	Refinements were made to Section 1 Purpose statement, Section 3 the definition of "Case Handler" (including conflict of interest requirements), Section 5 (Anonymous Complaints or Grievances), and the complaints and grievances resolution process (Sections 7-10).