

# 624-1 Student Complaint Procedure

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## Purpose

1. The purpose of this Procedure is to establish informal and formal processes for the handling of complaints by students.

## Scope

2. This procedure applies to all students of Community College Gippsland (CCG).

## Definitions

3. A **complaint** is a clear communication, oral or written, formal or informal by a student or students of a concern, dispute or grievance including those involving:
  - a. The provision of a course or related student service by CCG
  - b. The conduct of another student or students of CCG
  - c. The conduct of a member of staff of CCG
  - d. People external to CCG with whom students interact as part of an approved work experience placement
  - e. The interpretation and application of any policy or procedure
  - f. A health and safety issue
  - g. An appeal against assessment which has been unable to be resolved
  - h. An allegation of discrimination, harassment, or bullying
4. Students may make a complaint about any matter which relates to their course of study even if the incident did not occur on campus.
5. **Misconduct** is generally understood to be student behavior that is unacceptable in accordance with Policy 423 Code of Conduct and Disciplinary Procedures.
6. **Feedback** from students about CCG administrative and academic courses and services will not normally be viewed as a complaint unless specific action is requested by the student.

## Anonymous Complaints

7. CCG will not normally act on anonymous complaints unless the issues raised are serious and sufficient information is provided to substantiate the allegations.
8. Where an anonymous complaint involves allegations of corruption, maladministration or serious waste of public money, the manager or supervisor receiving the complaint should immediately refer the matter to the Chief Executive Officer (CEO).
9. Anonymous complaints alleging child abuse or other serious criminal conduct shall be referred immediately to the CEO.

## Certain Complaints Excluded from this Procedure

10. This procedure does not apply to the following:
  - a. A disciplinary decision of CCG.
  - b. a decision by CCG with respect to an access to information application, which shall be dealt with under the provisions of Policy 131 Information Privacy.
  - c. a concern regarding corruption, maladministration, fraud or serious waste.
  - d. a concern arising from a final decision that is subject of review or appeal under a policy or procedure of CCG.
  - e. any other concern falling under a policy or procedure for which an appeal or complaints procedure is prescribed.
  - f. any decision of the CCG Board.

## Informal Procedure

11. Students are encouraged to raise their concerns in the first instance directly with the person concerned. This is appropriate in matters where the student feels comfortable with making a direct approach, or where the concern does not relate to allegations of misconduct or unlawful behaviour (e.g. assault, illegal discrimination or harassment, or corruption).
12. Concerns or complaints raised in this manner will be taken seriously and where practical and appropriate, attempts will be made to resolve the issue or give advice on available options.
13. The procedure involves the following steps:
  - a. **Step 1:** If you can, try to sort it out directly with the person(s) involved. If possible tell the person(s) the substance of the problem. For example, where the matter relates to interpersonal issues, tell the person you find their behaviour unacceptable or offensive. Often, people do not mean to do things that hurt or offend others; this does not mean their behaviour is acceptable. Telling them can give them a chance to stop or to change what they are doing.
  - b. **Step 2:** Raise concern informally with manager of area. If you are not comfortable raising the concern directly with the person(s) involved, or where it is not appropriate, e.g. because it involves threatening behaviour, students can raise their concerns with a Customer Service Officer, Program Leader, Director, or even the CEO.
  - c. **Step 3:** Facilitating a Mutual Understanding. Where the concern is raised with a manager, the manager or officer responsible for handling the matter will attempt to facilitate a mutual understanding to resolve the problem.
14. If the concern is not resolved at this stage, the student will be advised to lodge a complaint using the formal procedure. As a guide, every effort should be made to resolve the concern raised through the informal procedures within two (2) weeks.

## **Formal Procedure**

15. In general, commencement of the formal procedure should only take place if the concern could not be resolved using the informal procedure.

16. The formal procedure involves the following steps:

- a. **Step 1:** Lodge formal complaint. The student should lodge a formal complaint with the CEO. The complaint must set out the substance of the concern. Where the concern relates to a named person or persons, for reasons of procedural fairness, it will be necessary to identify the person by name.
- b. **Step 2:** Referral. The CEO will refer the formal complaint to an appropriate manager(s) in CCG. This will be a manager who is generally responsible for the oversight of the area concerned unless the complaint is about that manager in which case it will be assigned to a different manager. The manager to whom the matter is referred will communicate with the student. This communication is to be held where practicable within 3 working days of referral of the formal complaint.

If an informal attempt to facilitate a mutual understanding has not been made, such an approach may be suggested at this stage. This will only happen if the student making the complaint, and the other parties who need to be involved, agree to follow the informal procedures.

- c. **Step 3:** Investigation. If mediation is not successful, or not appropriate the CEO will, with the agreement of the person who raised the concern and within 2 weeks, appoint a manager to investigate the matter. The Investigation will generally involve:
  - Providing a précis of the complaint to the respondent(s) (if the concern is about a named person or persons);
  - Requesting the respondent(s) to provide a formal written response;
  - Formally interviewing or obtaining statements from people who can help to ascertain the facts; and
  - Obtaining documentation that is necessary.

If the complaint concerns a policy or procedure, for example, the investigation may consist of the manager writing to the officer responsible for the policy or procedure setting out the concerns and seeking a response.

- d. **Step 4:** Making recommendations. If, after completing the investigation (including any meeting or mediation), the complaint remains unresolved, the manager will write to each of the relevant parties involved setting out their findings and putting forward recommendations for resolution of the matter. The recommendations will be in keeping with the seriousness of the matter that was the basis of the complaint. Some of the possible outcomes of a student complaint include:

- Through the resolution process the student gains a better understanding of the situation so that his/her concerns are addressed;

- One or more of the parties are directed to take certain action that the manager views as appropriate for resolution of the concerns;

If the matter is serious, and the manager is satisfied that the conduct complained about amounts to misconduct, the matter may be referred for action under Policy 423 Code of Conduct and Disciplinary Procedures. Formal warnings about inappropriate behaviour are a common outcome in the first instance, unless the behaviour is of a very serious nature (for example, involving violence, repeated incidents of inappropriate behaviour or serious breaches of the Student Code of Conduct). The most serious breaches may result in suspension or expulsion.

- e. **Step 5: Final Decision.** Unless the matter is referred for disciplinary action, the recommendations for resolution shall be discussed with all those involved and forwarded to the CEO for final decision. The people involved will be provided an opportunity to provide comments or objections to the findings and recommendations, normally within 5 days, to the CEO as part of the final decision making process. In general these should be in writing. Any comments and objections received by the due date will be noted and taken into account by the CEO in examining the complaint and in making a final decision on the matter.
- f. **Step 6: Monitoring and Evaluation.** After considering any comments or objections by those involved, the CEO will make a final recommendation on the complaint, including any actions that are required to be taken to resolve the complaint by those involved. The final decision will be communicated in writing to those involved. The decision communicated to staff and/or students constitutes a directive to the relevant staff or students involved in the matter. A failure to follow a direction may constitute misconduct and be pursued as a disciplinary matter at a later time.

If the recommendations are accepted by the parties involved as resolving the complaint, the parties will continue to monitor the environment under which the complaint occurred to ensure responses are adopted appropriately. Feedback on the process will be sought from the parties to identify where any improvements can be made.

## **General**

17. **Misconduct:** Where at any time during the handling of a student concern it appears to an officer involved in the handling of the concern that the matter may involve misconduct, the matter must be referred to the CEO for investigation.
18. **Corruption, maladministration or waste:** If the matter involves any form of corrupt conduct, maladministration or serious waste, the officer handling the matter must seek advice from the CEO.
19. **Criminal conduct:** If a matter involves evidence of criminal conduct, CCG may refer the matter to the Police or an appropriate agency. Where CCG receives evidence of matters that must be reported under mandatory reporting obligations, such as child protection laws, the manager, teacher or supervisor receiving the complaint will immediately report such matters in accordance with CCG's legislative obligations. Staff should consult with the CEO on allegations of this type.

20. **Victimisation:** Any person handling a complaint should be aware of the possibility of subsequent victimisation of any of the parties. Fear of victimisation prevents many people from lodging a complaint in the first instance. All efforts should be taken to ensure that victimisation does not occur.
21. **Counter-claims:** A complaint may lead to counter allegations from the responding party. It is important that the initial complaint should be considered and resolution sought on the matter in its own right. This does not preclude both the original complaint and the subsequent complaint from the respondent(s) being considered together.
22. **Support Person:** At any stage of the procedure a student may be assisted by a support person, who may be a friend, family member, carer or other person. A support person may not be a paid barrister, solicitor or other legally trained person.
23. **Advice or mediatory services:** At any time during the complaint and appeal process the complainant/appellant may seek the advice or mediatory services of an external independent body. For example the:
- g. For general complaints contact the Dispute Resolution Centre of Victoria, a free mediation service, which may be accessed via telephone Toll Free 1800 658 528 or email [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)
  - h. The Victorian Registration and Qualifications Authority via the website [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au).
  - i. For Education and Training specific complaints contact the New National Training Complaints Hotline – 13 38 73
  - j. Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services
24. **Equity-related complaints:** An equity-related complaint is when a student believes they are being discriminated against or harassed in CCG life because of their gender (including pregnancy), sexual orientation, transgender status, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, family responsibilities, disability, age, political conviction or religious belief.
25. Because of the complex issues sometimes involved in identifying some forms of indirect discrimination and harassment, managers handling equity-related complaints or complaints with a significant equity dimension are strongly advised to consult the CEO and to request advice and assistance on legislation and policy requirements. In general, managers will continue to handle the complaint with advice and assistance from the CEO. Because of the sensitive nature of some equity-related complaints, managers should be aware that some complaint resolution options may not be appropriate, e.g. mediation of discrimination / harassment complaints.