

## Student Grievances and Complaints Policy and Procedure

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### 1. Purpose

- 1.1. To address and respond to grievances, and where necessary, to escalate those grievances as complaints, as effectively, equitably, and efficiently as possible.

### 2. Scope

- 2.1. This policy and procedure apply to enrolled AFTRS Students only who may have a grievance with other AFTRS students or people employed by AFTRS (Staff, Contractors, Volunteers, Guests, and other people who may interest with AFTRS Students in their role).
- 2.2. Aggrieved parties who are not enrolled students should refer to the AFTRS Service Charter.
- 2.3. Aggrieved AFTRS Staff should refer to Human Resources.
- 2.4. For any matters involving sexual discrimination, harassment, or violence– and for support to make a disclosure or formal report–refer to the Student Handbook; 4. Safe Environment

In Scope:

This Policy and Procedure applies to:

- Enrolled AFTRS award course students
- AFTRS Graduands (students that have completed all academic course requirements, but have not yet had their award conferred)

Not In Scope:

This Policy and Procedure does not apply to:

- Former AFTRS award course students (incomplete or Alumni)
- Enrolled AFTRS short course and non-award course students
- Former AFTRS non-award course students (incomplete or complete)
- Staff, guests, general public or contractors wishing to raise a grievance or complaint.

## Exclusions

- 2.5. Any grievance involving suspicion of illegal activity may be reported to the Police and dealt with accordingly.
- 2.6. Grievances and Complaints regarding academic misconduct and academic judgment including outcome of assessments; decisions made about student's progress on a course; decisions about awards; admissions decisions; and disciplinary procedures will be made according to the Academic Appeals Policy and the responsible officer will be the Director, Teaching and Learning.
- 2.7. Complaints of misconduct including discrimination or harassment will be handled through the Misconduct Policy and the responsible officer is the Director, People and Culture. Grievances resulting in complaints including discrimination and harassment will be treated in the same manner.
- 2.8. For any matters relating to sexual harm or sexual violence, refer to the Student Handbook; 4. Safe Environment.
- 2.9. For any applications for the re-credit of fees or refund of upfront payments, refer to the Fees Policy.
- 2.10. For any matters relating to Whistle blowers and Public Interest Disclosures, please refer to the Code of Conduct and the Public Interest Disclosure Procedure.

## 3. Policy Statement

- 3.1. AFTRS uses the principles of a values-led, strengths-based approach this allows grievances and complaints to be resolved by ensuring accountability and fairness and minimising adverse impacts to all involved parties.
- 3.2. AFTRS prioritises the safety, wellbeing and support of students involved in grievances and complaints.
- 3.3. AFTRS will ensure grievance and complaint resolution methods employed are culturally safe for those involved.
- 3.4. AFTRS is embedding First Nations knowledges, values, and principles in all activity and this includes in dispute resolution methods. AFTRS centres collective rights and interests, the restoration of social relationships, collective decision making, peacemaking and restitution.
- 3.5. AFTRS recognises Aboriginal and Torres Strait Islander staff and students may also require culturally based dispute mechanisms including ceremonial and on-Country healing. Grievances and complaints requiring these resolution methods will be addressed on a case-by-case basis and AFTRS may engage an external consultant.
- 3.6. In line with AFTRS continuous improvement, action is taken to address any underlying causes identified as sources of ongoing grievances and complaints.
- 3.7. AFTRS will handle grievances and complaints in accordance with procedural fairness– all parties involved will be given reasonable opportunity to respond prior to any findings that are made, and reasonable opportunity to be heard before any action is taken<sup>1</sup>.
- 3.8. Every effort will be made to resolve grievances, and complaints where applicable, with the people directly involved, at the local level and in the least formal way that is appropriate, involving as few people as possible.

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<sup>1</sup> NSW Ombudsman, <https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-referred-complaints#:~:text=Principles%20of%20procedural%20fairness%20apply,action%20is%20taken%20against%20them.>

- 3.9. Confidentiality will be preserved as far as is practically possible while ensuring thorough review or investigation of the matter and the development of an action plan, as appropriate.
- 3.10. AFTRS acknowledges that grievances and complaints may not always be resolved to the satisfaction of all involved parties.
- 3.11. Students may access the internal processes contained within this policy free of charge.

## Considerations

- 3.12. Delays in raising a concern may make it difficult or not possible to resolve.
- 3.13. Grievances and complaints will be dealt with as swiftly as possible but the requirement of thoroughness of process may impact the time required to reach resolution.
- 3.14. Any recrimination, harassment, or discrimination against a complainant as a result of the grievance or complaint may result in a charge of misconduct against the perpetrator of that action.
- 3.15. All matters commence as a grievance and, if cannot be resolved at the local level, can be escalated via the channels in this Procedure document for consideration by the CEO as a complaint. Only the CEO or their delegate can trigger the complaint resolution procedure.
- 3.16. Grievances can only be lodged internally. If the matter has been escalated through the approved channels, and deemed a complaint, it can be lodged with an external body.
- 3.17. Anyone involved in a grievance or complaint is entitled to a support person/third party as part of the internal process. Permission must be sought from the CEO or their delegate to involve a legal representative.
- 3.18. AFTRS acknowledges that complaints investigations may raise subjective accounts of personal experiences, and at times, may result in serious allegations from one party about another. AFTRS will ensure that any instances of serious allegations are treated fairly and with measure, to ensure that these allegations are substantiated and responded to accordingly. At times this response may fall outside of the scope of this policy and therefore, outside of scope of the initial grievance. AFTRS reserves the right to withhold the outcome of such a response from the initial aggrieved party.

## 4. Procedure

### Direct Resolution

- 4.1. Students should address their concerns informally with the persons concerned, with a view to resolution. If the involved parties can reach a resolution, the matter is considered resolved and does not need to be escalated. If the student is not comfortable in addressing their concern directly, they should seek advice from the Student Engagement Manager or they can choose to proceed to 4.3.
- 4.2. The student should address their concern as promptly as possible to ensure a timely resolution

**If a student is unsure whether their grievance is academic or non-academic, they should contact the Head of Student Centre who will be able to advise on the right pathway for the matter.**

### Grievance Resolution

- 4.3. If the matter cannot be resolved directly the student should lodge the matter in writing via the grievance's portal. This will be raised as a grievance. This will be assessed by the Head of Student Centre and referred to the appropriate responsible officer listed below.
- 4.4. If a student is not able to or does not wish to put the matter into writing they can have an informal discussion to raise the matter as a grievance, with a view to resolution, with:
  - i. A Student Engagement Manager or Head of Student Centre.
  - ii. Director, People & Culture
  - iii. Director, Teaching & Learning

- 4.5. Without a grievance lodged through the official portal, or in writing direct from the student or by equivalent method (signed statement dictated by Student to a third party, audio recording or video recording) the potential to escalate the matter into a formal complaint may be limited.
- 4.6. If a responsible officer (Director People & Culture, Director Teaching & Learning or Head of Student Centre) receives a potential grievance via email from a student, they will discuss the matter with them directly. These responsible officers, where appropriate, will attempt to resolve the grievance locally using suitable methods.
- 4.7. A valid grievance is not frivolous, vexatious and must be made in good faith.
- 4.8. The Head of Student Centre or their delegate is responsible for assessing lodged grievances and will either:
  - i. Attempt local resolution where appropriate, or delegate to a responsible officer (see 4.4) to attempt local resolution.
  - ii. Escalate to Director, People & Culture, for consideration for “Resolution by Mediation.”
  - iii. Escalate to Director, People and Culture, for consideration for “Complaint Resolution.”
- 4.9. The indicative response timeframe from the point the grievance is raised via the portal or with a responsible officer is 7 business days.
- 4.10. If the grievance cannot be resolved, the responsible officer will put the facts of the matter into writing (if this has not already occurred), and the matter will be returned to the Head of Student Centre to escalate to the Director People & Culture for consideration for ‘resolution by mediation’ or escalation to “Complaint Resolution”. This concludes the “Grievance Resolution” procedure and triggers the “Resolution by Mediation” or “Complaint Resolution” phase of this procedure.

### Resolution by Mediation

- 4.11. The resolution by mediation process can only be triggered by the recommendation of the Director of People & Culture, at the conclusion of the Grievance Resolution procedure.
- 4.12. Where the Director, People and Culture makes the recommendation for mediation, both parties must be willing and consent to take part. Where a party does not consent, refer to 4.9.
- 4.13. Mediation will be conducted by a trained staff member or an external third party, appointed by the Director, People and Culture, who will assess the appropriateness of the mediator to the matter.
- 4.14. The Director, People and Culture will provide Participants with an information and consent form for completion prior to the commencement of the mediation.
- 4.15. The mediator will work with the people in conflict, using appropriate, culturally safe dispute resolution methods to negotiate a mutually agreeable outcome.
- 4.16. The indicative resolution timeframe from the point the grievance is raised via the portal or with a responsible officer and is processed through the Resolution by Mediation procedure is 3-4 weeks.
- 4.17. If a student is dissatisfied with the process or outcome, they may refer the grievance only to the Director, People & Culture, or delegate, in writing, explaining the action, stating they feel aggrieved and their desired outcome. The written record must include:
  - i. Student name
  - ii. the name of the person(s) against whom the matter is against.
  - iii. the date the application for complaint resolution is made.
  - iv. the date(s) the matter/occurrence took place, a brief description of the nature of the matter.
  - v. a summary of follow up actions taken since 4.1 of this procedure.
- 4.18. The Director of People & Culture will make an initial assessment to determine whether the matter falls within the scope of this policy and will either:
  - i. Make a recommendation in writing to the CEO that it should be a complaint, or
  - ii. Deem that no appropriate resolution can be reached, and formally close the grievance, informing the student in writing.
  - iii. This action will conclude the ‘Resolution by Mediation’ procedure.

## Complaint Resolution

- 4.19. When a grievance is escalated by the Director, People and Culture to the CEO for consideration as a complaint, the CEO will assess the written record provided to decide whether,
- they reasonably believe the grievance is frivolous, vexatious, or not made in good faith.
  - there is a more appropriate person or authority to lodge the complaint with.
  - they reasonably believe investigation is not warranted having regard to all the circumstances of the case, or they have referred the matter to a court or tribunal.
- 4.19.1. If the grievance fits the above criteria, the CEO will advise the student in writing on the outcome of their assessment and outcome on the grievance. This will conclude the procedure for the particular grievance.
- 4.19.2. If the CEO deems the matter to be a complaint, they will appoint an investigator as their delegate who will investigate the matter in the manner, they see fit, in line with this policy. The CEO will inform the complainant of this in writing. In selecting the Investigator, the CEO, in collaboration with the Director, People and Culture will assess any known or perceived conflicts of interest as well as any workload issues. The CEO can outsource the complaint and nominate an external party as the investigator.
- 4.20. The indicative resolution timeframe from the point the grievance is raised via the portal or with a responsible officer is 6 weeks.
- 4.20.1. While the complaint is being investigated, students should refer to Student Centre for all support options. In certain cases, Student Centre may be in touch directly with the complainant and/or respondent.
- 4.21. The investigator will then:
- i. Contact the complainant in writing, acknowledging receipt of the complaint, identifying themselves as the appointed investigator and requesting an interview with the complainant, with at least 2 days notice. However, this may not be required if the complainant is ready.
  - ii. Interview the complainant to document the key facts of the complaint.
  - iii. Seek written agreement from the complainant of their written account of the complaint.
  - iv. Contact the respondent in writing, introducing themselves as the appointed investigator, providing them with a summary of the allegations, and request an interview, providing at least 2 days' notice.
  - v. Interview the respondent to document their case and response.
  - vi. Seek written agreement from the respondent of the written account of their case.
  - vii. Provide update on the timeline of the complaint investigation to the complainant in writing.
  - viii. Interview any witnesses as required, and re-interview the respondent or complainant if new information comes to light throughout the investigation.
  - ix. Prepare final report for submission to the CEO. This may include recommendations for outcomes.
  - x. Meet with the CEO to discuss the complaint and the report.
  - xi. The investigation will then conclude.
- 4.22. The CEO or delegate will consider the report, and then determine the proposed sanctions.
- 4.23. The CEO or delegate will then send a letter to the respondent, outlining the outcome and proposed sanctions. The letter will also indicate a timeframe of 5 business days for the Respondent to appeal or show cause.
- 4.24. The respondent has the right to respond to this letter within 5 business days. If they respond, the CEO or delegate will consider their response in making their final determination on the outcomes of the complaint resolution.
- 4.25. The CEO or delegate will inform the Respondent of the outcomes via a formal letter.
- 4.26. The CEO will meet with Complainant and discuss the outcomes (where appropriate) of the formal complaint.
- 4.27. The CEO will notify any involved staff of any outcomes arising from the complaint that may impact course processes, delivery, processes, or design. Any confidential contents of the outcomes will be handled accordingly.
- 4.28. This will conclude the Complaint Resolution Procedure.

## Appeals

- 4.29. If the student is dissatisfied with the outcome of the complaint procedure, they may pursue the matter by referring it to the Chair of the AFTRS Council or their delegate.
- 4.30. The complaint will be addressed within a reasonable time, around 30 days from receipt.

## External Appeal

- 4.31. Externally, the options for resolution of a complaint may include the Commonwealth Ombudsman. The Ombudsman's website is [www.ombudsman.gov.au](http://www.ombudsman.gov.au). The complaint will be dealt with according to the procedure of the external organisation selected. If the appropriate organisation makes recommendations in relation to their complaint that relate to, and are received by, AFTRS, the AFTRS' CEO may take reasonable steps to implement them.

# 5. Responsibilities

## Compliance, monitoring, and review

- 5.1. The Director, People & Culture is responsible for ensuring this policy:
  - i. aligns with relevant legislation, government policy and/or AFTRS requirements, strategies, and values.
  - ii. is implemented and monitored (i.e. that the policy and procedure are followed, reflect the changing policy environment, and emerging issues are identified); and
  - iii. is reviewed to evaluate its continuing effectiveness (e.g., achieving its purpose, remaining relevant/current).
- 5.2. The policy and procedure will be reviewed nine months from the effective date initially, to ensure alignment with strategic priorities, and following this review, every three years from the effective date or earlier or later depending on external factors such as legislative reform or internal policy review.

## Reporting

- 5.3. The Head of Student Centre and Director, People and Culture will report to AFTRS Executive on trends and patterns across all grievances and complaints to ensure systemic issues can be identified and addressed. This will contain no confidential material.
- 5.4. Any actionable outcomes from complaints will be tracked through the AFTRS Red Flag Register managed by the AFTRS Project Management Office. These will contain no confidential material.

## Records management

- 5.5. All documents relating to complaints will be kept strictly confidential and will not be accessible to anyone who is not directly involved in the handling of the complaint.
- 5.6. Material relating to the outcome of the complaint will be placed in a separate file (not kept on the student or staff file) and stored in the Student Centre in accordance with AFTRS' policies.
- 5.7. Separate complaint files will only be accessible to authorised AFTRS' staff. Permission for others to access the files must be obtained from the CEO or their delegate.
- 5.8. Records in relation to a complaint may only be destroyed according to the *Archives Act 1983* and any applicable AFTRS' Disposal Authority issued under that Act.

## 6. Definitions

**Aggrieved Party:** any person who is raising a grievance, who believes they have been negatively impacted by another's actions.

**Award Course Student:** A person who is enrolled in a course of study with a higher education provider that leads to a qualification or an award.

**Complainant:** The student who has raised the initial complaint.

**Complaint:** Any grievance requiring a formal method for resolution

**Grievance:** Any expression of dissatisfaction with some aspect of a student's experience with the provider (including with agents or other related parties who represent or act on behalf of the provider)<sup>2</sup>.

**Aggrieved:** *The student who has raised the initial grievance.*

**Mediation:** Mediation is a process in which a neutral third party helps people in conflict to discuss and negotiate a mutually agreeable outcome. The mediator facilitates communication, works to encourage understanding and use creative problem solving to reach agreement.

**Non-Award Course Student:** A persons who is enrolled in a short course or other program of study that does not lead to a qualification of an award.

**Respondent:** the person who the grievance or complaint is against.

**Strengths Based Practice:** this is an approach that focuses on abilities, knowledges, and strengths rather than deficits.

**Witness:** anyone named in a complaint who was present when the matter occurred and may be able to provide information in a complaint investigation.

## 7. Related Legislation and Documents

- AFTRS Service Charter
- AFTRS Student Code of Conduct
- AFTRS Student Handbook
- *The Australian Film, Television and Radio School Act 1973* (AFTRS Act)
- AFTRS Corporate Plan
- AFTRS Staff Code of Conduct

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<sup>2</sup> TEQSA, Guidance Note Grievance & Complaint Handling

## 8. Approval and Review Details

Approval and Review	Details
Approval Authority	CEO
Responsible Officer	Director, People & Culture
Contact Officer	Head of Student Centre
Distribution	BaseCamp and AFTRS website Staff and Student facing
Next Review Date	<b>01/08/2024</b> The <i>Student Grievance and Complaints Interim Policy and Procedure</i> will initially be reviewed nine months from the effective date above. Following this, review will occur every three years from the effective date or earlier or later depending on external factors such as legislative reform or internal policy review.

Approval and Amendment History	Details
Original Approval Authority and Date and relevant amendments details	CEO, 27 November 2023 —this new policy and procedure the replaces the former Student Complaints P&P, includes updated language to strengthen and clarify complaint handling process and adopts some early recommendations from the AbStarr audit.
Amendments History and Dates	N/A <<DD/MM/YYYY —Amendment detail; DD/MM/YYYY—Amendment detail >> [Include the previous approval authority approval dates and corresponding amendment detail. This section ill will expand over time. In the case of a brand new policy doc, insert N/A]
Notes	This policy and procedure replaces the Student Complaints Policy and Procedure, and has been registered with a new PPG number.
Minor Amendment Approval and History	N/A <<DD/MM/20YY — Xxxxx>> <ul style="list-style-type: none"> <li>• <b>[A minor amendment consists of an administrative edit made to the document or a change that is not material to the document.</b></li> <li>• <b>The Responsible Officer can approve a minor amendment.</b></li> <li>• <b>Insert the date that the Responsible Officer approved the minor amendment along with the details of the amendment (E.g., “01/12/2020 —administrative amendment: update of role titles aligned to restructure” or insert, if not relevant, N/A</b></li> <li>• <b>[If making a minor amendment, <u>do not</u> amend details in the Original Approval Authority section nor amend the version number, <b>only replace the new minor amendment approval date to the file]</b></b></li> </ul>

AFTRS acknowledges its reference to the University of Melbourne’s Guidelines for Drafting Policy (June 2013) in developing this template.