



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

# Procedure:

## STUDENT GRIEVANCE

Effective: 19 April 2023

Audience: Students

Policy Category: Governance  
Policy Sub-category: Grievances and Appeals

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## 1 PURPOSE

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- 1.1 This is the Student Grievance Procedure (**Procedure**).
- 1.2 The University recognises that students may wish to raise a complaint, problem, issue or concern (**Grievance**) relating to their current or past involvement with the University.
- 1.3 The University is committed to dealing with all Grievances efficiently, without bias, in a timely and transparent manner and in accordance with the principles of natural justice.

## 2 APPLICATION & SCOPE

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- 2.1 This Procedure applies to all staff members and to all prospective, current and past students of the University.
- 2.2 This Procedure does not apply to matters dealt with under the University's General Regulations or for which there is any other separate University policy or procedure.
- 2.3 This Procedure does not limit the right of a student to seek the assistance of an external person or agency for the resolution of a Grievance. Should a Grievance be referred to an outside body, the internal processes of the University may be suspended pending the outcome of the external review.

## 3 GRIEVANCE OFFICERS

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- 3.1 The University employs a Student Grievance Officer to provide independent procedural assistance to all parties concerned with making or responding to a grievance. Contact details are published on the University website.
- 3.2 The Student Grievance Officer is responsible for ensuring compliance with this Procedure. The Student Grievance Officer fulfils an administrative function only and will not have any direct involvement resolving a Grievance. The areas of responsibility of the Student Grievance Officer includes:
  - Providing assistance and direction to staff members and students on the application and scope of this Procedure.
  - Monitoring and control of the grievance process.
  - Making an initial determination on whether the subject matter of the student's matter falls within the scope of this Procedure and if so, whether the grievance is academic or administrative in nature.
  - Receiving, monitoring and recording the number and nature of Grievances initiated under this Procedure.
  - Referring the student to any appropriate student support services.

## 4 GENERAL PRINCIPLES

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- 4.1 The University will respond to any Grievance made by a student regarding their dealings with the University, the University's education agents, or any related third party involved in the delivery of a program, course, or related services on behalf of the University.
- 4.2 Anonymous Grievances, or Grievances made on behalf of another student will not be considered.
- 4.3 All documentation must be provided to the responsible Grievance Officer by all parties.
- 4.4 All students must be able to seek resolution of a Grievance free from fear of discrimination and victimisation.
- 4.5 Where possible, Grievances should be resolved informally at the Campus concerned. However, the University may determine that because of the nature of the Grievance or those involved in the Grievance, it is more appropriate for the resolution procedure to be conducted at another Campus or location.
- 4.6 A Grievance may be dismissed or discontinued at any time if found to be frivolous, vexatious or result in abuse, harassment or victimisation to any person.
- 4.7 The student or any other party to a Grievance may be accompanied at any meeting or hearing by a support person. The support person:
- may not act as advocate;
  - may not be a person who was, or may be perceived to be involved in, or associated with the Grievance; and
  - must not be a legal practitioner unless permitted in writing by the University.
- 4.8 A student may withdraw a Grievance at any stage.
- 4.9 The time limits set out in this Procedure are to enable a swift and efficient resolution of Grievances. They may altered, varied or changed by the University for the purpose of properly considering the Grievance and with the consent of all parties. The Senior Officer or Campus Deputy Vice Chancellor may alter, vary or change the time limits on reasonable request from the parties or where he or she considers it necessary for the proper consideration of the Grievance.
- 4.10 The Grievance may be suspended by the Senior Officer or Senior Staff member (eg PVC, NHOS, Executive Dean) if the Grievance raises an allegation of misconduct against a staff member.

## 5 PRELIMINARY ACTION

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- 5.1 A student should first attempt to resolve a Grievance directly with the staff member or student concerned and as soon as possible after the Grievance occurs.

- 5.2 All staff members and students must give due and proper consideration to any Grievance and must try to resolve the Grievance in good faith.
- 5.3 If the student is unable or unwilling to resolve a Grievance directly, the student must contact a Grievance Officer to discuss the Grievance.
- 5.4 The Student Grievance Officer will advise the student about how best to address the Grievance including (if the student wishes) addressing the Grievance further in accordance with this Procedure.

## 6 INITIATING A GRIEVANCE

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- 6.1 If a Grievance cannot be resolved by preliminary action, a student is required to make a written request for resolution (**Request**) within twelve months of the incident occurring to either:
  - the relevant Head of School (academic matters);
  - the relevant Director or Manager (non-academic matters); or
  - the next most senior staff member to the Director or Head of School (as advised by the Student Grievance Officer).
- 6.2 A Grievance Officer will assist a student in identifying the person listed above who is responsible for resolving the Grievance (**Senior Officer**).
- 6.3 The Request must clearly identify the nature of the Grievance and provide any supporting documentation in support of the Grievance.
- 6.4 The Senior Officer may refer the Request back to the Student Grievance Officer for further advice if he/she considers that the matter sits outside the scope of this Procedure.
- 6.5 The Senior Officer, as soon as reasonably practicable after receiving the Request, shall provide sufficient detail of the grievance to any staff member against whom the grievance has been made to enable the staff member/s to understand, properly consider and respond to the grievance raised. The senior Officer should also provide an outline of the steps he or she intends to take in order to resolve the grievance.
- 6.6 The Senior Officer will attempt to resolve the grievance through investigation and conciliation and will commence the resolution process within 10 working days of receiving the Request, provided that all parties to the grievance have been given sufficient time to prepare their response. If further time is required in order to prepare a response, parties should request an extension of time in writing to the Senior Officer including their reasons for the request.
- 6.7 In order to reach an agreed resolution the Senior Officer may conduct separate interviews, convene conciliation meetings or request relevant information. This stage will be completed within 20 working days of the Request having been received.

- 6.8 If a resolution cannot be reached, the Senior Officer will provide either or both parties with a proposed resolution, including reasons for the resolution, in writing. Each party must either accept or decline the resolution within 5 working days of receipt. If both parties accept the resolution, the agreed course of action will be implemented immediately.
- 6.9 If the proposed resolution is not accepted, the Senior Officer will, within 5 working days of receiving notification of non-acceptance, notify the parties of the failure to reach a resolution and refer the Grievance to the appropriate Senior Staff Member of the relevant Campus.

## 7 REFERRING THE GRIEVANCE TO THE PRO VICE CHANCELLOR, STUDENT EXPERIENCE

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- 7.1 A referral must include all documentation relating to the Grievance including an outline of the steps undertaken by the Senior Officer and the time frames in which these steps have been taken.
- 7.2 Within 5 working days of receiving the referral either the Senior Staff Member or their nominated staff member who is at a senior level to the Senior Officer (**Nominee**) should:
- Notify the student in writing that he/she is considering the Grievance; and
  - Begin an independent review of the Grievance.
- 7.3 The Senior Staff Member or Nominee may inspect all the documentation relevant to the grievance and the resolution process, take statements and consult with or interview any student, staff member or third party that he or she regards as relevant to the resolution of the Grievance.
- 7.4 The Senior Staff Member or Nominee should complete the review within 20 working days from the date of appointment and may take any action to resolve the agreement, including but not limited to:
- referring the Grievance back to the Senior Officer for further action.
  - making a final determination in respect of the Grievance which is the same or different to the determination/resolution proposal made by the Senior Officer.
  - convening a committee to consider the Grievance and referring the Grievance to the Committee for investigation; or
  - referring the Grievance to the Vice Chancellor.
- 7.5 The Senior Staff Member or Nominee should notify the student in writing of the decision and details of the reasons for the decision within 5 working days of it being made.
- 7.5.1 The notification sent to the student will include the contact details of the appropriate complaints handling and external appeals body. (Refer to clause 10.1 of this procedure)
- 7.5.2 Any decision in favour of the student will be implemented immediately.

- 7.6 The Senior Staff Member or Nominee shall notify any other staff member/s in writing of the decision as considered appropriate, including any party who has appeared in a grievance hearing convened under paragraph 7.4.
- 7.7 Where a decision of the University is not favourable to the student, the Senior Staff Member or Nominee will advise the student of their right to external review under this Procedure or, if the student is an international student, the student's right to make a complaint with the Overseas Students Ombudsman.

## 8 EXTERNAL REVIEW

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### Domestic Students

- 8.1 The University has arranged for independent external reviewers (an “**External Reviewer**”) to be available to students to consider Grievances.
- 8.2 If a domestic student is dissatisfied with a decision, or manner in which the Grievance has been handled by the University, the student may request the Senior Staff Member to refer the Grievance for independent external review.
- 8.3 A request to the Senior Staff Member for independent external review must be made in writing within 5 working days of receipt of the decision. The Senior Staff Member will refer the Grievance to an External Reviewer within 5 working days of receiving the request and will provide each party with notice of the referral.
- 8.4 The External Reviewer must review the process and consider whether it was fair and proper. The External Reviewer must provide written recommendations in relation to the Grievance to the Senior Staff Member within 20 working days of receipt of the referral. The Senior Staff Member will provide a copy of these recommendations to the student and, if requested the other party to the grievance. A copy is to be provided to the Student Grievance Officer.
- 8.5 The Senior Staff Member must ensure that a recommendation in favour of a student is implemented immediately.

### International Students

- 8.6 If an international student is dissatisfied with the decision of the University, or manner in which the grievance has been handled by the University, the University must refer the student to the Overseas Students Ombudsman (**OSO**) and the external process provided for under the *Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011*.
- 8.7 An international student must advise the Student Grievance Officer of their intention to lodge a complaint to the OSO within 10 working days of receiving the University's decision.

- 8.8 The Student Grievance Officer will monitor the status of the complaint and any recommendations from the OSO shall be provided to the Pro Vice Chancellor, Student Experience. The Pro Vice Chancellor, Student Experience will determine if those recommendations will be implemented and advise the student in writing within 5 working days of receiving the OSO's recommendations.

## 9 CONFIDENTIALITY, ACCESSIBILITY AND RETENTION OF GRIEVANCE RECORDS

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- 9.1 Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored with the Student Grievance Officer for a period of five years or as required under legislation.

## 10 RESORT TO EXTERNAL AGENCIES FOR DISPUTE RESOLUTION

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- 10.1 Students are advised that a number of external agencies may be able to assist them in the resolution of a dispute should they find that the above procedures do not address their concerns. Some of these agencies are as follows:

- (i) Equal Opportunity Commission (WA) (<http://www.equalopportunity.wa.gov.au>)
- (ii) Anti-Discrimination Board of NSW (<http://www.lawlink.nsw.gov.au/adb>)
- (iii) Australian Human Rights and Equal Opportunity Commission (<http://www.hreoc.gov.au>)
- (iv) Migration Review Tribunal (<http://www.mrt.gov.au>)
- (v) Administrative Appeals Tribunal (<http://www.aat.gov.au>)<sup>1</sup>  
\*note: the AAT reviews decisions relating to FEE-HELP only.
- (vi) Overseas Student Ombudsman ([www.oso.gov.au](http://www.oso.gov.au))
- (vii) *Director of Professional Standards, Professional Standards Office NSW/ACT, Archdiocese of Sydney* ([http://www.sydneycatholic.org/links/professional\\_standards\\_office.shtml](http://www.sydneycatholic.org/links/professional_standards_office.shtml))
- (viii) *Director of Professional Standards, Western Australian Professional Standards Office, Catholic Archdiocese of Perth* (<http://www.perthcatholic.org.au/Home.htm>)

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<sup>1</sup> The Administrative Appeals Tribunal: details of costs can be found at <http://www.aat.gov.au/FormsAndFees.htm>.

<b>Version</b>	<b>Date of approval</b>	<b>Approved by</b>	<b>Amendment</b>
1	January 2012	Vice-Chancellor	New procedure
2	6 August 2015	Policy owner	Amendments following review of procedure
3	19 April 2023	PVC Student Experience	Transferred to new template; Minor amendments to align with organisational roles and to clarify ESOS requirements