Academic Complaints and Grievances Policy and Procedure

Policy
Blue Mountains International Hotel Management School Pty Limited (BMIHMS PL) trading as Blue Mountains International Hotel Management School (BMIHMS) to be known as ‘the School’ is committed to ensuring that all academic policies and procedures used throughout the School are not only compliant with current Australian legislation but are also deemed to be ‘best practice’.

Coverage
This policy and procedure applies to the Leura and Sydney campuses and, if applicable, wherever BMIHMS programmes are delivered.

Purpose and Scope
The purpose of this procedure is to ensure:
- that the School will treat complaints/grievances seriously and will ensure that all processes are confidential.
- that the principles of natural justice will be followed to achieve an acceptable resolution;
- that the School is committed to dealing with complaints/grievances at the local level. Most difficulties can be resolved at an early stage by talking with the individual/s most concerned with the issue. Complaints/grievances which are resolved quickly and locally have the greatest chance of removing any barriers to good working/teaching/learning relationships;
- that all students can use these procedures to submit a complaint/grievance about an academic matter;
- that no complainant or respondent will be victimised or discriminated against in any of the three stages set out in this policy

Responsibilities
Assistant Head of School: responsible for the training of academic and support staff in the application of this policy.
CEO’s Executive Assistant maintains the School’s Complaints Register
Head of School/Director Academic Affairs (HOSDAA): overall responsibility for this policy; will deal with the complaint/grievance.
Staff members: are to follow the procedures outlined if a grievance or complaint is issued.

Glossary
Complainant/Grievant: the person making a complaint/grievance
Complaint/Grievance: a clear statement expressing dissatisfaction with an act, decision or omission which the grievant considers to be unjust, wrongful or discriminatory and which is within the control of the school
Discrimination: a discriminatory action is one which results in less favourable treatment of an individual or a group in comparison with another individual or group in the same or similar circumstances
Duty of Care: if a complaint/grievance is of a serious nature (eg: unlawful behaviour), the School will take formal action to protect individuals in their care
Harassment: any action that is uninvited or unwelcome and interfered with an individual’s right to work in a non-threatening environment
Natural Justice: Right to a fair hearing (prior notice of hearing, opportunity to be heard, conduct of the hearing, right to independent external advisor, the decision and reasons for it)
Respondent: the person against whom a complaint is brought
Staff: any person currently employed by the School
**Student:** any person currently enrolled by the School. Complaint/grievance from former students must be made within 10 days of their leaving the School.

**Procedure**

Academic complaints and grievances procedures are for grievances which relate to student progress, assessment, curriculum and awards in a course of study.

**Handling and Resolution of Examination/Assessment Appeals**

This policy is available on the Staff & Student Information System – SSIS (SharePoint) under Academic Compendium, Documents, and Academic Policies & Procedures.

**Complaints/Grievances Procedure**

Students enrolled at the School have access to a three stage academic process which is set out below.

The complainant and/or respondent has the right to be accompanied and assisted by a third person (such as a family member, friend, counsellor or other professional support person) if they so desire at any relevant meeting.

**Stage 1**

In the first instance, complaints/grievances should be discussed with the person/s involved. However, if this is impracticable, complaints/grievances should be communicated with the Assistant Dean.

Every effort will be made to make a decision about the complaints/grievances and will be made within fourteen (14) days of receipt of the complaint/grievance. A written record of the complaint or appeal will be maintained on the School’s *Complaints Register*, which is currently maintained by the CEO’s Executive Assistant.

Students then have three (3) options for proceeding:

- Take no further action; or
- Make comments or suggestions; or
- Make a written complaint/grievance using the *Grievance Form*

**Stage 2**

If unsatisfied with the response to the complaints/grievances or the time taken to resolve the matter under Stage 1, the student may submit the complaint/grievance in writing to the Assistant Dean and/or explicitly seek the involvement of the HOSDAA, who may seek advice from the Teaching & Learning Committee. The HOSDAA will deal with the complaint/grievance. The written complaint/grievance must be dealt with within a reasonable time, normally within fourteen (14) days of receipt of the complaint/grievance. The complainant or appellant will be given a written statement of the outcome, including reasons for the outcome.

Staff handling the complaint will ensure that they:

- listen and understand the nature of the complaints/grievances;
- explore all the options and possible implications for resolving the issue with the student;
- avoid any behaviour which might reasonably be interpreted as interrogative or judgemental;
- record and minute all meetings.

**Stage 3 – International Students**

If not satisfied with the decision in Stage 2, the complainant or School may request that the matter...
be dealt with through an external dispute resolution process. If you wish to lodge an external appeal, you can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by the School. The Overseas Students Ombudsman investigate complaints at no cost to the provider or the student.

Stage 3 - Domestic Students
If not satisfied with the decision in Stage 2, the complainant or School may request that the matter be dealt with through an external dispute resolution process via COPHE (Council for Private Higher Education) for this purpose. COPHE will appoint an external reviewer with an appropriate background who is acceptable to both parties.

The process is as follows:

- An application will be made by the School in writing to the Executive Officer of COPHE, detailing the complaint, the process applied as at that point in time, the decision to be reviewed and grounds for an external review of the decision.
- The complainant will not, at any stage in the process, in any way be discriminated against or victimised, and in any meeting may be accompanied and assisted by a third party if that is their wish. The complainant will be advised of the cost, if any, for utilising the external grievance appeals process.
- The COPHE appointed reviewer must make a determination and advise the relevant senior officer of the School, the complainant and COPHE within 30 days, providing in writing the reasons and rationale for any decisions and/or actions to be taken.
- The cost of fees incurred from the external bodies will be borne at 50% each by both the complainant and the School.

External Contact Details

<table>
<thead>
<tr>
<th>International Students</th>
<th>Domestic Students</th>
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</thead>
<tbody>
<tr>
<td>Overseas Students Ombudsman (OSO)</td>
<td>Council of Private Higher Education (COPHE)</td>
</tr>
<tr>
<td>GPO Box 442</td>
<td>Suite 244, Level 4, 813 Pacific Highway</td>
</tr>
<tr>
<td>CANBERRA ACT 2601</td>
<td>CHATSWOOD NSW 2067</td>
</tr>
<tr>
<td>AUSTRALIA</td>
<td>AUSTRALIA</td>
</tr>
<tr>
<td>1300 362 072</td>
<td>02 8021 0841</td>
</tr>
<tr>
<td><a href="http://www.oso.gov.au">www.oso.gov.au</a></td>
<td><a href="mailto:admin@cophe.edu.au">admin@cophe.edu.au</a></td>
</tr>
</tbody>
</table>

Stages 1 – 3: If either the internal or external complaint/grievance process results in a decision that supports the student, the School will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

All Stages of the process will commence within ten (10) working days of the formal lodgement of the complaint/grievance and supporting material and all reasonable measures are taken to finalise the process as soon as practicable.

At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given.

Records of all complaints/grievances, applications for review of decisions and outcomes of the complaints/grievances process will be kept for a period of five (5) years. These records will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Executive Assistant for a period of five (5) years. Parties to the complaints/grievances
will be allowed supervised access to these records.

**Associated Forms**

- Grievance Form
- Complaints Register

**Related Information**

N/A

**Review**

Any suggestions for changing this Policy/ procedure are welcome. Please complete the Improvement Request Form.

**Comments**

- **September 2010:** Amend ‘External Contact Details’ from ACPET to COPHE
- **April 2011:** Updated information for Overseas Students.
- **June 2012:** Updated as part of the School’s response to new regulatory requirements embodied in the Threshold Standards; updated responsibilities; removed all reference to AIHS
- **November 2012:** Updated lines of communication; update ‘natural justice’;