

Student Complaints and Appeals Procedure



Purpose

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

Scope

This procedure applies to all students of the IMVC and is made available on the IMVC website, and in the student, VCAL student and parent and trainer handbooks.

Definitions

A complaint is a clear communication of a concern, dispute or grievance. The communication may be oral or written, formal or informal, by a student or students including issues involving:

- The provision and resources of a course/program or related student service by the IMVC.
- The conduct of another student or students of the IMVC.
- The conduct of a member of staff or volunteer of the IMVC.
- People and organisations external to the IMVC with whom students interact in relation to their involvement with the IMVC, or as part of an approved work placement.
- The interpretation and application of any policy, procedure or administrative process.
- A health and safety issue.
- An unresolved appeal against assessment.
- An allegation of discrimination, harassment, or bullying.

Students may make a complaint about any matter which relates to their course of study even if the incident did not occur on campus.

Misconduct is generally understood to be student behaviour that is unacceptable in accordance with the Student Code of Conduct.

Feedback from students about IMVC administrative and academic courses and services will not normally be viewed as a complaint unless specific action is requested by the student.

Anonymous complaints

The IMVC will not normally act on anonymous complaints unless the issues raised are serious and sufficient information is provided to substantiate the allegations.

Where an anonymous complaint involves allegations of corruption or maladministration, the manager or trainer receiving the complaint should immediately refer the matter to the Executive Officer.

Anonymous complaints alleging child abuse or other serious criminal conduct shall be referred immediately to the Executive Officer.

Certain complaints excluded from this procedure

This procedure *does not apply* to the following:

- A disciplinary decision of the IMVC.
- A decision by the IMVC with respect to an access to information application, which shall be dealt with under the provisions of the IMVC Privacy Policy.
- A concern regarding corruption, maladministration, fraud or serious waste.
- A concern arising from a final decision that is subject to review or appeal under a specific policy or procedure of the IMVC.
- Any other concern falling under a policy or procedure for which an appeal or complaints procedure is prescribed.
- Any decision of the IMVC Board.

Informal procedure

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).

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.

The procedure involves the following steps:

Step 1: If you can, try to sort it out directly with the person(s) involved

If possible tell the person(s) the basis 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.

Step 2: Raise concern informally with an IMVC Trainer, Coordinator or Manager

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 an IMVC trainer, Vocational Operations Coordinator, Vocational Training Manager, or even the Executive Officer.

Step 3: Facilitating a Mutual Understanding

Where the concern is raised with an IMVC staff member, the manager or officer responsible for handling the matter will attempt to facilitate a mutual understanding to resolve the problem.

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

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

The formal procedure involves the following steps:

Step 1: Lodge a formal complaint

The student should lodge a formal complaint using the Student Complaints and Appeals Form. The complaint must include the details of the student's concern. If the complaint relates to a person(s), you will need to name the person(s) for reasons of procedural fairness.

Step 2: Referral

The Executive Officer will refer the formal complaint to an appropriate manager(s) in the IMVC. This will be a manager who is generally responsible for the overseeing the area concerned, unless the complaint is about that manager in which case it will be assigned to a different manager. The manager who receives the referral will communicate with the student who lodged the complaint, including a written acknowledgement. This communication will happen within 3 working days from when the complaint was referred, or as soon as practicable.

If an informal attempt to facilitate a mutual understanding has not been made, an informal 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.

Step 3: Investigation

If informal mediation is not successful or not appropriate, and if the student who raised the concern agrees, the Executive Officer will appoint a manager within 10 working days to investigate the matter. The investigation will generally involve:

- Providing a summary of the complaint to the person(s) being complained about (if the concern is about a named person(s));
- Requesting the person(s) to provide a formal written response;
- Consider the appropriateness of an external mediator;

- Formally interviewing or obtaining statements from people who can assist in establishing the facts;
- Obtaining documentation that is necessary; and
- Regularly updating the person lodging the complaint until an outcome is reached

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.

Step 4: Making recommendations

After any investigations, meetings or mediations, if the complaint remains unresolved the manager will write to each of the relevant parties involved. This will include setting out their findings and putting forward recommendations to resolve the matter. The recommendations will be in line with the seriousness of the concern.

Some of the possible outcomes of a student complaint include:

- The student who made the complaint 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 the Student Disciplinary Procedure. 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.

Step 5: Final Decision

Unless the matter is referred for disciplinary action, the recommendations for resolution shall be discussed with all those involved. The people involved will be given an opportunity to provide comments or objections to the findings and recommendations within 5 working days. In general these should be in writing.

After considering any comments or objections by those involved, the manager 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.

If the person lodging the complaint is not satisfied with the outcome, the complaint may be referred to the Executive Officer to make a final decision. Any comments and objections received by the due date will be noted and taken into account by the Executive Officer in examining the complaint and in making a final decision on the matter.

If the complaint or appeal is not resolved within sixty (60) days the manager or Executive Officer will notify the persons involved in writing of this and outline the next process of the complaint or appeal. The manager or Executive Officer will update the persons involved on a regular basis until the issue is resolved.

If the person lodging the complaint is not satisfied with the final outcome they may take the matter to the Victorian Registration & Qualification Authority (VRQA) www.vrqa.vic.gov.au.

Step 6: Monitoring and Evaluation

The complaint or appeal, including documents, communications and resolutions will be documented on filed in the Complaints Register. Any disciplinary actions will be recorded in the Disciplinary Register. The IMVC will ensure that it securely maintains records of all complaints and appeals and their outcomes.

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.

Feedback on the process will be sought from the parties to identify where any improvements can be made. The outcomes and feedback of the complaint or appeal will be discussed at the RTO management meeting in order to put preventative measures in place to eliminate or reduce the likelihood of recurrence. The IMVC will continue to monitor the environment under which the complaint occurred to ensure responses are adopted appropriately.

General

Misconduct: At any time when a manager is handling a student concern, if it appears that the matter may involve misconduct, the matter must be referred to the Executive Officer for investigation.

Corruption, maladministration or waste: If the matter involves any form of corrupt conduct, maladministration or serious waste, the manager handling the matter must seek advice from the Executive Officer.

Criminal conduct: If a matter involves evidence of criminal conduct, the IMVC may refer the matter to the Police or an appropriate agency. Where the IMVC receives evidence of matters that must be reported under mandatory reporting obligations, such as child protection laws, the trainer or manager receiving the complaint will immediately report such matters in accordance with the IMVC's legislative obligations. Staff should consult with the Executive Officer on allegations of this type.

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.

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 prevent both the original complaint and the subsequent complaint from the respondent(s) being considered together.

Lodging false or malicious complaints: If during an investigation, a manager finds and is satisfied that a student has knowingly lodged a false or malicious complaint, the matter must be referred to the Executive Officer. The matter may then be referred for action under the Student Disciplinary Procedure.

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.

Advice or mediatory services: At any time during the complaint and appeal process the person making/appealing the complaint may seek the advice or mediatory services of an external independent body.

For example the:

- Dispute Settlement Centre of Victoria - Free mediation service
 - Website www.disputes.vic.gov.au
 - Ph 1300 372 888 or email dscv@justice.vic.gov.au
- The Victorian Registration and Qualifications Authority (VRQA)
 - Website www.vrqa.vic.gov.au

Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will share the financial costs (50/50) of such services. Special consideration regarding costs may be given if this is lodged in writing.

Please note the purpose of the external process is to consider if IMVC followed its student/client complaint and appeals procedure effectively, not to make determination in regards to complaint.

Equity-related complaints: An equity-related complaint is when a student believes they are being discriminated against or harassed in the IMVC community 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.

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 Executive Officer 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 Executive Officer. 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.

Associated documents

- Student Complaints and Appeals Policy
- Student Complaints and Appeals Form
- Student Bullying Prevention Policy
- Student Disciplinary Procedures
- Student Code of Conduct
- Staff Code of Conduct
- applicable Assessment Policy