



# John Paul II Institute

## for Marriage and Family, Melbourne

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# GRIEVANCES POLICY

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## 1. Introduction

### 1.1 Fundamental Policy

The John Paul II Institute for Marriage and Family, Melbourne (Institute) must treat fairly all staff and students enrolled for its awards, in both academic and non-academic matters.

This is intrinsically bound up with it being a 'higher education institute' – an academic body offering degrees and diplomas – 'of theology', whose subject matter intrinsically demands the highest standards.

Each part of the Institute – its Council, Academic Board, Committees, Examiners – is subject to the provisions of this Policy.

As regards **academic matters**, such fair treatment includes:

- following the established procedures for student selection and admission;
- the maintenance of proper standards, so that awards retain their integrity; appropriate assessment of student learning; and
- accountable structures of academic policy formation, governance and administration.

More widely, it means integrity in personal relationships, the keeping of personal and sensitive information securely and confidentially, and reasonable efficiency in administrative matters.

As regards **non-academic matters**, such fair treatment includes:

- maintaining a culture in which respect for persons, their opinions, beliefs, faith and spirituality, is to the fore, and
- that all processes (whether academic or administrative) are conducted in a timely and just manner.

No form of belittlement, vilification or prejudice will be tolerated in the life of the Institute.

This approach to fair treatment also covers sexual harassment, which is dealt with in a separate Sexual Harassment Policy.

A student who has raised a grievance will remain enrolled at the Institute until resolution of the grievance.

**The fundamental policy of the Institute is to adhere to these standards, and to have in place, and regularly review, procedures for dealing with grievances which may arise.**

Procedures are designed to be transparent and fair to all those involved in a grievance, confidential and timely.

### **Staff**

It is essential that faculty and staff are aware of these procedures, and that the Registrar, Associate Dean, Dean, Chairs of Examiners and Coordinators are familiar with them.

When new staff are inducted, it is important opportunity be taken to introduce them to the Institute policy regarding grievances.

NB: a staff member teaching within, or a student enrolled in, an Institute award has the right to:

- institute a grievance process,
- seek a review of decision through a Complaints Sub-Committee, (**refer Section 3**), and
- then progress their grievance through external review.

This right is irrespective of their place of residence and the mode of learning in which they have studied.

## **1.2 Government Policy**

Setting out a grievance policy and procedures is now also a matter of compliance with government legislation.

All Higher Education Providers, not in Table A of the **Higher Education Support Act 2003**, must have in place a non-academic and academic grievance policy and review procedures that accord with the provisions of the Act, and the Guidelines issued by the then Department of Education Science and Training.

The Institute is thus required to comply with:

- the Guidelines,
- this Policy and Procedures which is based on section 19–45–60 of the Act, and
- the Higher Education Provider Guidelines 2012.

This document sets down the Grievance Policy of the Institute, and procedures for the resolution of grievances, which may arise.

In order that all students or people considering enrolment are aware both of the Policy and related Procedures, and also of the existence of a review process, this document is to be published on the Institute's website and copies made available at the Institute.

This Policy and Procedures must also to be made available to all staff and faculty, who need to be trained in its application.

In addition to these grievance procedures, a complainant has the right to request an external review (**refer Section 4**).

**This may include an appeal to:**

- the Human Rights & Equal Opportunity Commission or the State Equal Opportunity Commission (in relation to discrimination and sexual harassment),
- the State and Commonwealth Ombudsman's Office or the Administrative Appeals Tribunal (in relation to the application of policies and procedures, administrative processes and FEE-HELP-related matters), and
- the Department of Education, Employment and Workplace Relations (regarding international student grievances in relation to the ESOS Act).

### 1.3 Record-Keeping

Secure records of all written grievances and their resolution must be kept and be accessible to all interested parties (and to none other) for a period of five years, after which they must be destroyed.

The records are to be lodged with the Institute Registrar.

The Dean of the Institute will record in the Institute's Annual Report all formal grievances affecting the Institute as a whole, and any decisions reached about them, as well as the decisions of any Complaints Sub-Committee (**Refer Section 3**) for the year concerned.

#### 1.3.1 Definitions

**'Complainant'** means the person or persons who initiate a grievance, and

**'Respondent'** means the person or persons against whom a grievance is lodged.

Where the grievance concerns a process (whether academic or administrative), the **'Respondent'** is the officer responsible for that process.

### 1.4 Withdrawal of Grievance

A complainant may withdraw a grievance at any time during the grievance process.

In this case the matter will be concluded and deemed to be resolved, without prejudice to the complainant unless the lodgement of the grievance is considered to be of a frivolous or malicious nature.

The complainant must notify the Institute's Registrar in writing of the request to withdraw the grievance, as well the respondent.

Each written notification must be signed by the complainant, and indicate that the grievance is resolved.

## 2. Initial Grievance Mediation

### 2.1 Informal and Non-Formal Mediation

A complaint must normally be initiated within five working days of the complainant becoming aware of the event that is the focus of the grievance.

The person who receives the complaint must in turn acknowledge it within five working days.

The Institute expects and encourages students, faculty and staff to make reasonable attempts to resolve any grievance by private discussion, before entering into a formal grievance procedure.

If the matter cannot be thus resolved, the complainant is to contact the appropriate **Grievance Contact Person (GCP)**, see 2.2 below, who will attempt to initiate a non-formal process of mediation between the parties involved, though not participating directly in that process.

Where a grievance has been set in writing, an outcome of a non-formal process of mediation that is satisfactory to both complainant and respondent must also be set in writing and signed by them both, and by the GCP, and a signed copy placed in a sealed envelope.

The purpose of this document is to ensure that the terms of resolution are available if necessary, so that all parties involved may be assured that more than memory can be relied upon if questions arise.

The GCP is to lodge the sealed envelope with the Registrar, who must ensure that it remains secure.

This document remains confidential, accessible only in the case of a formal grievance procedure concerning the same matter arising later.

If such a formal grievance is later instituted, the Registrar is to provide the sealed envelope (unopened) either:

- to the GCP (where a non-academic grievance is involved); or
- to the Chair of a Complaints Sub-Committee (where review of an decision regarding an academic grievance is sought).

The sealed envelope is to be retained for five years, and then destroyed.

Where the grievance is not resolved, the complainant has the right to ask that a formal grievance procedure be initiated.

**Refer Section 2.2 below for both academic and for non-academic grievances.**

**Procedures for complaints of a sexual harassment nature are set out in the Sexual Harassment Policy.**

### 2.2 The Grievance Contact Person

The Grievance Contact Person (GCP) has a key role in enabling a grievance to be heard fairly and expeditiously.

The GCP is the first point of contact for a **non-academic grievance**, or for initiating a Complaints Sub-Committee, refer Section 3, in the case of an unresolved academic grievance.

**The Registrar is the GCP for the purposes of this Policy.**

As far as possible, the GCP is not to side with either complainant or respondent, but to ensure that both the person(s) with a grievance, and those against whom a grievance is alleged, receive appropriate support, and a fair hearing.

Where harassment or discrimination is alleged, separate procedures apply.

**For all other grievances**, the GCP is:

- For postgraduate coursework students, the Course Coordinator of the course concerned;
- For postgraduate research students or for their Supervisor, the Associate Dean of the Institute;
- For Institute faculty, an independent person appointed by the Institute who has been approved by the Institute Council for this purpose; and
- For other Institute staff, or a member of the Academic Board or a Committee of the Institute, the Registrar is the contact person.

If the Registrar is involved in any complaint the Dean is to act as Registrar for the purpose of the grievance process.

A review of a decision concerning an academic grievance is taken to a Complaints Sub-Committee, the Dean (or Director, if the Dean is named in the grievance) is to act as the GCP.

### **3. Review of a Decision through a Complaints Sub-Committee**

#### **3.1 Introduction**

A Complaints Sub-Committee is appointed under the Academic Regulations by the Academic Board and is comprised of external members of the Board (members with no direct involvement in administration or teaching at the institute).

An appeal must be made within ten working days of the decision being made in writing, and must be acknowledged by the Registrar within five working days of its being submitted.

#### **3.2 Complaints Sub-Committee Observer**

- An impartial observer acceptable to the complainant and respondent may attend the proceedings of the Committee if the complainant and/or respondent request(s) it.

The observer is to be nominated by the GCP after consultation with both the complainant and the respondent.

- The complainant and/or the respondent have the right to be supported by a third party (such as a family member, counsellor, or other professional support person) if they so desire, but not to legal representation.

Any such observer or supported of the complainant or respondent is not a member of the Committee, nor does such a person have a vote.

### 3.3 Complaints Sub-Committee Procedures

A Complaints Sub-Committee proceeding must be initiated by the Registrar (or Director, if the Registrar is named in the written grievance), as soon as possible, and at the most within ten working days of the Registrar's acknowledgment that review of a decision has been requested, or that an academic grievance has been appealed to a Complaints Sub-Committee.

**Once constituted, the following procedures apply:**

- The Complaints Committee is to arrange its own agenda, meeting-times and procedures by common consent, and keep written Minutes of its proceedings.
- The Committee and all persons entitled to be present at a meeting must have received documentation related to any discussion in advance of the meeting;
- All Committee members must be present at any meeting where a decision is taken: the quorum for the Committee is the presence of all members.

Where a vote is taken about any matter, the decision of a majority of the members of the Committee is to prevail; in the case of a tied vote, the Chair is to resolve the decision by a casting vote.

The Committee must agree upon procedures for resolution only after the Committee has established that a grievance warranting a review of an earlier decision exists;

- The Committee must provide opportunity for both the complainant and respondent to address it in person, or to receive a written statement in lieu of a personal appearance.

A support person who may offer them advice, but not act as an advocate or spokesperson before the Committee, may accompany both the complainant and respondent.

- The Committee is to determine any action necessary to resolve the grievance.

Where resolution is reached, both the complainant and respondent, together with the Chair of the Committee and any observer present, must sign the agreement, and must receive a signed copy.

- If requested by the complainant and/or the respondent in writing, the Committee must give a full explanation in writing for its decisions.
- The Committee must record its decisions and recommendations in writing, and convey them to the complainant, respondent, grievance contact person and the Director of the Institute.
- If the Committee finds any matters concerning which mandatory reporting applies, or that possible criminal activity has taken place, it must report this in writing to the Chief Commissioner of Police in Victoria.

All documents tabled at Committee meetings including:

- the original copy of the Minutes signed by the Chair,
- a signed copy of any resolution reached, and
- a copy of any other written decisions or recommendations,

must be forwarded in confidence to the Institute's Registrar for secure and confidential safe-keeping for five years, after which time they must be destroyed.

A complainant or respondent involved in a Complaints Sub-Committee process has the right, regardless of their place of residence, or the mode in which they study, teach, work or function at the Institute to withdraw the grievance at any time, and not be victimised, harassed, belittled or otherwise discriminated against.

Decisions of a Complaints Sub-Committee are final, but a complainant has the right to appeal to an external reviewer, **refer Section 4 below.**

#### **4. External Review of a Grievance**

Where a person is not satisfied with the outcome of a Complaints Sub-Committee decision they have the right to have the matters considered by an external reviewer appointed by the Institute's Council for that purpose.

A request for external review must be made in writing to the Chair of the Institute Council within 10 working days of the Complaints Sub-Committee delivering its written findings.

The external reviewer will speak with the complainant and the Registrar, review all documentation, and make a written recommendation to the Chair of the Council within 30 days of the complaint's written request being received.

The external reviewer is: Mr Tim McFarlane

McFarlane Legal Dispute Resolution  
Level 7  
469 Latrobe Street  
Melbourne 3000  
Tel: 96029769  
Fax: 96702806  
Email: [info@mcfarlanelegal.com.au](mailto:info@mcfarlanelegal.com.au)

If external reviewer makes recommendations in relation to a grievance reviewed, they will forward those recommendations to the Registrar within 30 days.

The Registrar will ensure that the recommendations are implemented immediately.

**The Institute makes no charge for the conduct of a grievance process.**

**Approved: Academic Board  
11 June 2008  
Council  
16 August 2008**

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**Reviewed by the Council 18 June 2013**