

Non-Academic

Non-academic Grievance

Version Control and Modification History Table				
Date	Version	Modification	Approval Authority	Approved & Published Date
Jan 2017	1.0	Creation of the policy	Director Student and Industry Engagement and approved by Chief Executive and Principal	Jan 2017
Oct 2019	2.0	Removed reference to the Office of the Training Advocate	Dr George Brown and Gerald Lipman	Oct 2019
Nov 2019	3.0	Revisions and improvements for alignment with National Code 2018 and accommodation of specific procedures for sexual assault and sexual harassment and membership of the Non-academic Grievance Committee	Chief Executive and Principal	Nov 2019
March 2020	4.0	Change to ensure College Council is the Approval Authority.	College Council	March 2020
August 2020	4.1	Additional clarifications for student attendance at Non-Academic Grievance Committee Meetings and non-access to Second Stage and External Review	College Council	September 2020

1 POLICY STATEMENT AND PURPOSE

To ensure that all non-academic grievances are managed in a fair and objective manner, with the desired outcome of reaching a mutually acceptable solution in the shortest possible timeframe.

All students of International College of Hotel Management as well as those seeking to enrol in a course of the College, are entitled to access the non-academic grievance procedures set out in this policy for matters related to any non-academic complaint.

2 SCOPE

This policy applies to all ICHM students and prospective students.

3 DEFINITIONS

Non-Academic Grievance - Any expression of dissatisfaction with some aspect of a student's experience with ICHM (including agents or other related parties who represent or act on behalf of ICHM) and is not academic in nature.

Informal grievance - An initial complaint that is often verbal between the complainant and respondent, generally minor in nature, and does not escalate to a formal grievance (see informal internal process below).

Formal grievance - A formal complaint submitted in writing requiring resolution (see formal internal process below).

Complainant - Person making the complaint.

Respondent - Person against whom the complaint is made.

Victimised - Person victimises another if they subject them to, or threaten them with unfair treatment because they have either made a complaint or assisted a person making such a complaint.

Racial or Religious Vilification - Actions that incite hatred, ridicule, contempt or revulsion towards a person or group of people because of their race or lawful religious activity.

Bullying - Repeated, unreasonable behaviour directed towards a student or group of students that a reasonable person would expect to victimise, humiliate, undermine or threaten.

Sexual harassment and/or Sexual assault - See Sexual Harassment and Assault Prevention policy.

Discrimination - Treating a person less favourably or unfairly (either directly or indirectly) because of a protected attribute (e.g. age, impairment, sex, race, religion etc.).

Support person - A person nominated by the student to provide support and/or represent the student during the process. Example: a friend or a member of the family. This **may not** include legal counsel.

4 POLICY DETAILS

The college has established a Non-Academic Grievance Committee to receive formal complaints from students. The Non-Academic Grievance Committee will consist of the following:

- Director Marketing (Chair)
- Manager Admissions and Administration
- Senior Student Counsellor and Welfare Advisor

All complaints are viewed with the utmost seriousness and are treated in confidence, including those associated with bullying, racial and religious vilification, sexual harassment and unlawful discrimination allegations made by students.

The complainant(s) and respondent(s) are to be informed of the College's procedure and offered the option of having a support person present or accessing counselling.

Complaints may be informal or formal. The difference between the two is an informal complaint is unwritten and often unofficial, whereby a formal complaint is in writing.

At any time, complaints can be discussed between the persons involved. However, if this is impracticable and/or with unsatisfactory outcomes, complainants have the following complaint mechanisms available. Please note that there are no fees associated with the following internal and external processes.

The complainant may choose to discuss the complaint with the Senior Student Counsellor and Welfare Advisor who will raise the complaint directly with the Principal if the complaint is perceived to be of an extreme, threatening or criminal nature.

Please note

- **If a complaint is deemed to be of an extreme, threatening or criminal nature such as (but not limited to) sexual assault**, then the *Critical Incident Policy & Procedure* will be followed.
- **If a complaint involves allegations of sexual harassment**, then the complainant is encouraged to discuss the complaint **immediately** with the Senior Student Counsellor and Welfare Advisor. The Senior Student Counsellor and Welfare Advisor will advise the Principal as soon as practicable about the issue and the recommended course of action. Upon assessment of the situation, the Principal may invoke the *Critical Incident Policy & Procedure*.

Alternatively, the student may approach other staff members that they feel comfortable with, to deal with the issue, and these staff members will communicate immediately with the Principal. Upon assessment of the situation, the Principal will invoke the *Critical Incident Policy & Procedure*.

The safety and support of students is paramount in these situations. To this end, students are encouraged to discuss such matters with the Senior Student Counsellor and Welfare Advisor who is trained to receive such disclosures. Students may wish to disclose and receive support but may not wish to proceed with a formal complaint. ICHM also acknowledges that the student will decide whether an incident is reported to the police.

Internal Mechanisms

Informal Internal Process

The complainant is recommended to address and seek resolution of the non-academic grievance initially with the original source of the grievance. If this is not possible or inappropriate, the complainant is encouraged to submit a formal grievance as per the Formal Internal Process outlined below.

Formal Internal Process

- **First stage of the formal process:**

The complainant may submit the complaint in writing to the Chair of the Non-Academic Grievance Committee. Following submission of the complaint to the Chair, he/she will acknowledge receipt of the complaint within 5 working days and the complaint will be addressed as soon as practicable. The student will be invited to the Non-Academic Grievance Committee to present their case and may bring a support person (see Further Information below), however the student is not compelled to attend the meeting. The complainant will be provided with a written statement of the outcome within 5 working days of the scheduled Non-Academic Grievance Committee meeting.

- **Second stage of the formal process:**

If not satisfied with the decision of the Non-Academic Grievance Committee, the complainant may submit the complaint in writing to the Chief Executive Officer within 21 working days of receipt of the Non-Academic Grievance Committee's decision. The complaint will be addressed within 10 working days of receipt of the complaint, and a written statement of the outcome will be given within 21 days.

External independent review

If not satisfied with the decision of the Chief Executive Officer, the complainant may request that the matter be dealt with through an External Visitor appointed for that purpose within 10 working days of receipt of the Chief Executive Officer's decision. The Chief Executive Officer will provide the contact details of the External Visitor with the written response to the student, The Visitor will acknowledge receipt of the complaint within 5 working days and provide a written statement of the outcome within 21 days of receipt of the complaint.

*Note – Where a student has chosen not to access the Second stage of the formal process, nor seek an External independent review within the timeframes outlined above, the matter will be deemed closed and no further action is required.

Additional External Mechanisms

In addition to the internal avenues of grievance resolution provided in this policy, all persons have the right to refer complaints to other bodies:

All students have the right to refer complaints to the:

- Office of the State Ombudsman of South Australia.
<http://www.ombudsman.sa.gov.au>
- Equal Opportunity Commission of South Australia
<http://www.eoc.sa.gov.au>
- Office of Consumer and Business Services
<http://www.cbs.sa.gov.au/wcm/>
- Australian Human Rights Commission
<http://www.hreoc.gov.au>
- TEQSA
<https://www.teqsa.gov.au/complaint-form>

International Students may contact the:

- Department of Education and Training through ESOS enquiries
<https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOSenquiries/Pages/Default.aspx>.
- Overseas Students Ombudsman
<http://www.oso.gov.au/>
- Complaints about education agents, who also function as migration agents, should be reported to the Office of the Migration Agents Registration Authority
<https://www.mara.gov.au>
- Complaints about immigration or citizenship fraud should be made to the Department of Home Affairs
<https://www.homeaffairs.gov.au/help-and-support/departmental-forms/online-forms/border-watch>

Further information

The complainant and respondent will not be victimised or discriminated against in any procedures set out in this policy. Students are entitled to remain enrolled in their course of study and attend classes during the complaint handling process.

The complainant and/or respondent have the right to be represented by a third person (such as a family member, friend, counsellor, translator/interpreter or other professional support person) if they so desire. This person should not be a legal practitioner. If a complainant wishes to be represented by a third person, 24 hours' notice should be given.

At all stages of the formal process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.

Records of all non-academic grievance formal appeals, decisions and outcomes must be kept for a period of 5 years. Such records will be strictly confidential and kept in a separate file (not kept in the student or staff file) The ICHM Principal is responsible to maintain the record of non-academic grievances sent to the Chief Executive Officer, and they will be stored in the Principal's office for 5 years. Parties to the complaint will be allowed supervised access to these records.

Students of the College are entitled to access and use the grievance procedures set out in this policy, regardless of the location of the campus of the College at which the grievance has arisen, the student's place of residence or the mode in which they study.

5 SUPPORTING DOCUMENTS

Not applicable.

6 RESPONSIBILITIES AND AUTHORITIES

The Principal is the policy owner and any changes to this policy must be approved by College Council.

7 REVIEW

The Principal is responsible for the review of this policy for all minor and major changes or on a 3 yearly basis, whichever comes sooner.

8 ACKNOWLEDGEMENT (if applicable)

Not applicable.

9 APPROVAL

<i>NON-ACADEMIC GRIEVANCE</i>	
Policy Owner	Principal
Version Number	4.1
Approval Authority	College Council
Approval Date	September 2020
Next Review Date	September 2023