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CROMWELL COLLEGE

STUDENT COMPLAINTS POLICY

Purpose

Cromwell College is committed to having an effective complaints management system based on best practice. This policy specifies the action to be taken to resolve complaints between students or between students and staff at the College


Definitions

The following terms are defined for the purpose of this policy:

- **“administrative decision”** is a decision made by Cromwell College in relation to the administration of its affairs and includes the failure to make a decision;
- **“complaints”** are identified as a problem or concern raised by a student about something affecting his or her studies or life as a residential student at Cromwell College, for which the student is seeking resolution. The term grievance is often used interchangeably with complaint;
- **“Cromwell College”** means the Board of Governors of Cromwell College or the Principal, acting as the delegate of the Board;
- **“decision maker”** means the Principal of the College or the Chairman of the Board of Cromwell College, as the case may be;
- **“facilitated discussion”** means an attempt by an independent third party to bring about resolution between the parties to the grievance. Facilitated discussion may include but is not limited to mediation, conciliation or negotiation;
- **“facilitator”** means an independent third party who is assigned the responsibility of assisting the parties to reach a resolution. The facilitator must be independent from the matter but need not necessarily be external to Cromwell College;
- **“issue of conscience”** refers to a conflict between religious or other similar belief, and the performance of a specific authorised work activity;
- **“staff member”** is any person employed by the College;
- **“natural justice”** is an administrative law principle that provides for fairness in decision-making;

Natural justice has two rules:

Rule against bias – decision makers are to be objective, free of bias and have no personal interest in the matter being decided; and

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Hearing rule - individuals are to be informed of the substance of an allegation/s against them and have the opportunity to present their case prior to a decision being made.

- **“sexual harassment”** has the meaning given to it for the purposes of the *Anti-Discrimination Act 1991*;
- **“workplace harassment”** is where a person is subjected to behaviour, other than sexual harassment, that:
 - is repeated, unwelcome and unsolicited;
 - the person considers to be offensive, intimidating, humiliating or threatening;
 - a reasonable person would consider to be offensive, humiliating, intimidating or threatening.


Workplace harassment is not:

- a single incident of harassing type behaviour;
- reasonable management action taken in a reasonable way;
- acts of unlawful discrimination, vilification or sexual harassment.

Principles

The Principal of Cromwell College or decision-maker will implement effective strategies to:

- Resolve a student’s complaint efficiently, effectively and confidentially;
- Actively address allegations of sexual harassment or workplace harassment;
- Ensure that, wherever possible, complaints are resolved locally and informally without the need for formal management;
- Ensure that all parties to the grievance are afforded natural justice prior to a determination being made
- Ensure that procedural fairness applies to complaints that are made. This means that:
 - The College will not make a decision that could adversely affect either party unless it has given that party an opportunity to present their case;
 - The decision maker will not be biased towards a party or have a separate interest in the complaint

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Policy Coverage

This policy applies to all students and to College staff managing or responding to student complaints raised while attending Cromwell College.

Policy Statement

- the resolution of student complaints will be handled informally where possible and appropriate;
- students will not suffer any reprisal as a result of lodging a complaint;
- a student who lodges a grievance that is frivolous and /or vexatious, will have their complaint dismissed or discontinued;
- students attending an interview associated with resolving their complaint may be accompanied by a support person;
- the student complaint process will promote the principles of Procedural Fairness;
- the students complaint procedure and support available to students will be widely publicised to facilitate access to the complaints resolution process;
- students may choose to take have their complaint reviewed by an external complaint handling process.