

# Australian College of Theology

## Grievance Resolution Policy for Domestic Students

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### Overview

The ACT has a policy and a process for dealing with student grievances (also called ‘complaints’). The policy ensures that students have access to fair and just avenues to deal with any grievances, and that they can follow those avenues without fear of reprisal. The policy applies to all colleges affiliated to the ACT.

Where possible, grievances are handled by the college involved, as well as by the ACT office if necessary. If a grievance is not resolved in this way, it is referred to the Council of Private Higher Education for independent external resolution. Any recommendations from that council must be implemented within 25 days.

The policy and its accompanying process (that is, the actions to be taken for reporting and resolving a grievance) are set out below in five sections, plus an appendix containing a diagram of the process.

Part 1: The policy

Part 2: The process: Reporting and resolving a grievance

Part 3: The Tertiary Education Quality & Standards Agency

Part 4: Contact and administration details

Part 5: Principles of natural justice

Appendix: Diagram of the process

### Part 1: The policy

The Australian College of Theology (the ACT) is committed to ensuring that students who have a concern about any aspect of our higher education operations have ready access to fair, just and effective grievance processes. Specifically, this means:

- A student may report a grievance about any aspect of the ACT’s higher education operations, including operations provided on its behalf by its affiliated colleges and other entities.
- The student may do this without fear of reprisal.
- The grievance may be about an academic or a non-academic matter.
- There is a comprehensive process for handling and resolving grievances, which includes review by an independent third party if the process cannot resolve the dispute.

If an affiliated college or other entity acting on behalf of the ACT does not comply with this policy, the Board of Directors of the ACT (‘the ACT Board’) will take disciplinary action as it sees fit, with the maximum penalty being dis-affiliation and exclusion from the ACT.

Our policy and its accompanying process are based on the following principles:

### Principles underpinning the policy

1. Actions will be undertaken promptly, and deadlines for responses will be specified at each stage of the process.
2. The process will be as simple as possible and easily accessible to students.
3. The process will not victimise or discriminate against any student or respondent.
4. Reasons and full explanations will be given for decisions and actions taken.
5. Records of the handling of a grievance will be kept for at least 5 years and treated as confidential, with access available to involved parties as appropriate.
6. Components of the process will be at no cost to the student, apart from travelling expenses. A fee may apply when a review is formally requested in relation to a 'passed' grade of either an assessment or a unit.
7. All staff involved in a grievance or appeal have a duty to observe the principles of natural justice <sup>1</sup>.
8. A student's enrolment will be maintained while the appeal process is ongoing.
9. Students may seek resolution of a grievance under this policy regardless of where the college involved is located, where the student lives, and the mode in which the student studies.
10. The student reporting the grievance may withdraw it at any stage in the process. If the grievance is withdrawn, the matter will be considered closed.
11. If the appeal results in a decision that supports the student, the ACT will immediately implement that decision and take any corrective and preventative action required, and will advise the student of the outcome.

This policy does not take away the right of any student to pursue other legal remedies, or take action under Australia's consumer protection laws in the case of financial dispute.

### Definitions

**Student:** All domestic students of the ACT. They may be prospective, enrolled or former students.

**Grievance:** A statement of concern made by a student which the student has reported to an affiliate college or to the ACT office, and which requires action or a response under this policy. A grievance can also be called a 'complaint', or a 'dispute'.

**What is *not* a grievance?:** General feedback and comment about administration, academic programs and services is not treated as a grievance unless action or a response is required under this policy.

**Academic matter:** An action, inaction or decision by a member of the academic staff that affects the student's academic assessment or progress.

**Non-academic matter:** Administrative or other matters (for example, matters related to fees, withdrawals, expulsion, allegations of bullying or harassment, etc) and other action, inaction or decisions that students may consider are interfering with the progress of their studies or with the granting of an award.

**Natural justice:** A term used in government and administrative decision-making, meaning the duty to act fairly in a dispute – that is, to act without bias and to ensure a fair hearing for all parties. It can also be called 'procedural fairness'. The underlying assumption is that some legal principles are self-evident, or 'natural'.

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<sup>1</sup> These are listed in Part 5.

## Distribution and awareness of the policy

**Access to the policy:** The ACT is required to make this policy clearly accessible to all current and prospective students on the ACT website and in student handbooks. Affiliated colleges are required to make this policy accessible to all current and prospective students.

**Distribution of the policy:** Affiliated colleges must provide students with access to this policy on enrolment or within 7 days of starting an award course. In addition, continuing students must be reminded of this policy at the beginning of each subsequent year of their enrolment.

**Student awareness:** Students must make themselves aware of this policy before they enrol in a course or pay any fees, whichever occurs first, and within 7 days of starting an award course.

## Record-keeping and reporting

Affiliated colleges and the ACT office must:

- keep written records of all formal grievances, as well as the steps taken and decisions reached
- report all formal grievances and decisions reached in their annual report to the ACT Board of Directors.

# Part 2: The process: Reporting and resolving a grievance

The process to follow for reporting and resolving a grievance consists of several steps. The grievance may be resolved at Step 1 (informal resolution); if not, it is escalated to Step 2, and so on. Each step provides a fair and just avenue to deal with the grievance, and students are free to take as many of the steps as they believe appropriate, with no fear of reprisal.

This section is set out in three parts:

1. Grievances about academic matters
  - 1.1 Concerns about a final grade awarded in a unit
  - 1.2 Concerns about other academic matters
2. Grievances about non-academic matters
3. External dispute resolution

The process is also illustrated graphically at the end of this document.

## 1. Grievances about academic matters

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In this policy, an ‘academic matter’ means the action, inaction, or a decision of a member of the academic staff that affects the student’s academic assessment or progress.

Examples of academic matters are final grades for units; matters concerning student admission or progression; curriculum and awards; marks for intra-semester assessment tasks (eg. essays).

Students may lodge grievances without fear of reprisal, and the appeals process provides for review by an appropriate independent third party if internal processes do not resolve a grievance.

## 1.1 Concerns about a unit grade

If a student wishes to complain about the grade awarded in an enrolled unit, they must take the following steps.

### 1.1.1 Step 1: Informal resolution with the Registrar

#### Student's action

- Within 25 days of the results being released, discuss the issue informally with the Registrar of your college of enrolment.

#### Registrar's action

- Respond to the issue promptly, giving a full explanation of the reasons the grade was awarded.
- If the student's concerns are not resolved, explain the next step, as set out below.
- Give the student access to this policy and instruct them to read it.

#### Advice to students

If your concerns are not resolved by the Registrar, or if you believe the process has not been followed, you may contact the Academic Dean of your college of enrolment. This may be done on an informal or a formal basis.

**Note 1:** If you choose to approach the Academic Dean informally, this does not prevent you making a formal appeal later if necessary.

**Note 2:** A fee might be charged for an appeal where you have been awarded a 'passing' grade in the unit.

### 1.1.2 Step 2: Appeal to the Academic Dean

#### INFORMAL COMPLAINT

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##### Student's action

- Contact the Academic Dean to discuss your concern in person.
- You must do this within 15 days of the outcome of your discussion with the Registrar.

##### Academic Dean's action

- Respond to the student's concern promptly, giving a full explanation of the reasons for the academic decision, action or inaction.

#### FORMAL COMPLAINT

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##### Student's action

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the Academic Dean.
- You must do this within 15 days of the outcome of your discussion with the Registrar.
- The normal grounds for a formal appeal are one or more of the following:
  - the lecturer did not provide a unit outline as required
  - the assessment requirements in the unit outline were varied in an unreasonable way

- you believe that the examiners’ judgement was not applied objectively because of prejudice against you
- you believe there has been a clerical error in the calculation of the grade
- you believe that due regard has not been given to the evidence of illness or misadventure if submitted by the specified date
- you believe you have been disadvantaged in some way due to the circumstances surrounding your unit’s examination or other assessment.

**Note:** A fee might be charged for appeals where you have been awarded a ‘passing’ grade in the unit.

### **Academic Dean’s action**

**Note:** If the Academic Dean was involved in the original decision, the college Principal must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days. This could involve:
  - bringing the student and the relevant lecturer together to discuss the matter
  - having the contested assessment marked by another lecturer in the same college.
- Advise the student of your decision in writing, including:
  - setting out your reasons
  - advising that if the student does not agree with the decision, they have the right of formal appeal to the Dean of the ACT
  - enclosing a copy of this policy and instructing the student to read it.

### **Advice to students**

If your concerns of an informal complaint are not resolved by the Academic Dean of your college, or if you believe the process has not been followed, you may lodge a formal complaint to the Academic Dean under this section of the policy. See **1.1.2 Step 2** above below for how to do this.

If your concerns of a formal complaint are not resolved by the Academic Dean of your college, or if you believe the process has not been followed, you may contact the Dean of the ACT. See **1.1.3 Step 3** below for how to do this.

**Note:** A fee might be charged for an appeal where you have been awarded a ‘passing’ grade in the unit.

### **1.1.3 Step 3: Appeal to the Dean of the ACT**

#### **Student’s action**

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the Dean of the ACT.
- You must do this within 15 days of receiving the Academic Dean’s written response.

**Note:** A fee might be charged for appeals where you have been awarded a ‘passing’ grade in the unit.

See Part 4 of this document for  
Contact details for the Dean of the ACT

**Dean of the ACT's action**

**Note:** If the Dean of the ACT was involved in the original decision that has become the matter in dispute, the Chair of the ACT Board must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of your decision in writing, including:
  - setting out the reasons the final grade was awarded
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to the Academic Appeals Committee
  - enclosing a copy of this policy and instructing the student to read it.

**Advice to students**

If your concerns are not resolved by the Dean of the ACT, or if you believe the process has not been followed, you may approach the Academic Appeals Committee. See **1.1.4 Step 4** below for how to do this.

**1.1.4 Step 4: Appeal to the Academic Appeals Committee****Student's action**

- Put your grievance in writing, explaining clearly the nature of your complaint and the grounds for its appeal.
- Send it to the ACT's Registrar (for the Academic Appeals Committee) within 15 days of receiving the ACT Dean's written response.

**Note:** The membership of the Academic Appeals Committee is decided on a case-by-case basis (explained in the *Committees of the Academic Board Policy*, available at [www.actheology.edu.au](http://www.actheology.edu.au)). Therefore you should send your complaint through the ACT's Registrar.

See Part 4 of this document for Contact details for the Registrar

**Academic Appeals Committee's action**

- Acknowledge the formal appeal in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of your decision in writing, including:
  - setting out the reasons the final grade was awarded
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to an independent external agency
  - enclosing a copy of this policy and instructing the student to read it.

**Advice to students**

If you remain dissatisfied with the outcome of this appeal, you can make a final appeal free of charge to the Council of Private Higher Education (COPHE), which is an independent third party.

Please see **3. External dispute resolution** for how to proceed with this step.

## 1.2 Concerns about other academic matters

In this policy, ‘other academic matters’ means matters relating to student admission or progression, the curriculum and awards in a course of study, and marks for intra-semester assessments.

### 1.2.1 Step 1: Informal resolution with the lecturer

#### Student’s action

- Discuss your concern informally with the relevant lecturer at your college of enrolment.
- If the concern is about the result of an intra-semester assessment, ask that the assessment be reviewed by the lecturer of the unit of study.
- You must do this within 25 days of the academic decision.

#### Lecturer’s action

- Respond to and deal with the matter promptly, giving a full explanation of the reasons for the action, inaction or academic decision.
- If the student’s concerns are not resolved, explain the next step, as set out below.
- Give the student a copy of this policy and instruct them to read it.

#### Advice to students

If your concerns are not resolved by the lecturer, or if you believe the process has not been followed, you may contact the Academic Dean of your college of enrolment. This may be done on an informal or a formal basis. See **1.2.2 Step 2** below for how to do this.

**Note 1:** If you choose to approach the Academic Dean informally, this does not prevent you making a formal appeal later if necessary.

**Note 2:** There might be a fee for a formal appeal.

### 1.2.2 Step 2: Appeal to the Academic Dean

#### INFORMAL COMPLAINT

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##### Student’s action

- Contact the Academic Dean to discuss your concern in person.
- You must do this within 15 days of the outcome of your discussion with the lecturer.

##### Academic Dean’s action

- Respond to the student’s concern promptly, giving a full explanation of the reasons for the academic decision, action or inaction.

#### FORMAL COMPLAINT

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##### Student’s action

- Put your grievance in writing, explaining clearly the nature of your complaint and the grounds for its appeal, and send it to the Academic Dean.
- You must do this within 15 days of the outcome of your discussion with the lecturer.

### Academic Dean's action

**Note:** If the Academic Dean was involved in the original decision, the college Principal must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- If the grievance relates to the mark for an intra-semester assessment, arrange for the assessment to be marked by another lecturer in the same college.
- Advise the student of your decision in writing, including:
  - setting out your reasons
  - advising that if the student does not agree with the decision, they have the right of formal appeal to the Dean of the ACT
  - enclosing a copy of this policy and instructing the student to read it.

### Advice to students

If your concerns of an informal complaint are not resolved by the Academic Dean of your college, or if you believe the process has not been followed, you may lodge a formal complaint to the Academic Dean under this section of the policy. See **1.2.2 Step 2** above below for how to do this.

If your concerns of a formal complaint are not resolved by the Academic Dean of your college, or if you believe the process has not been followed, you may contact the Dean of the ACT. See **1.2.3 Step 3** below for how to do this.

### 1.2.3 Step 3: Appeal to the Dean of the ACT

#### Student's action

- Put your grievance in writing, explaining clearly the nature of your complaint and the grounds for its appeal, and send it to the Dean of the ACT.
- You must do this within 15 days of receiving the Academic Dean's written response.

See Part 4 of this document for  
Contact details for the Dean of the  
ACT

#### Note for students

If your complaint relates to the mark for an intra-semester assessment, the Dean may appoint an independent assessor who will re-mark the assessment script. A fee may apply for these appeals.

#### Dean of the ACT's action

**Note:** If the Dean of the ACT was involved in the original decision that has become the matter in dispute, the Chair of the ACT Board must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- If the grievance relates to the mark for an intra-semester assessment, consider having the assessment re-marked by another lecturer in a different college.
- Advise the student of your decision in writing, including:
  - setting out your reasons



- advising the student that if they do not agree with the decision, they have the right of formal appeal to the Academic Appeals Committee
- enclosing a copy of this policy and instructing the student to read it.

### Advice to students

If your concerns are not resolved by the Dean of the ACT, or if you believe the process has not been followed, you may approach the Academic Appeals Committee. See **1.2.4 Step 4** below for how to do this.

## 1.2.4 Step 4: Appeal to the Academic Appeals Committee

### Student's action

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal.
- Send it to the ACT's Registrar for the attention of the Academic Appeals Committee.
- You must do this within 15 days of receiving the Dean of the ACT's written response.

**Note:** The membership of the Academic Appeals Committee is decided on a case-by-case basis (explained in the *Committees of the Academic Board Policy*, available at [www.actheology.edu.au](http://www.actheology.edu.au)). Therefore you should send your complaint through the ACT's Registrar.

See Part 4 of this document for Contact details for the Registrar

### Academic Appeals Committee's action

- Acknowledge the formal grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of the Committee's decision in writing, including:
  - setting out their reasons
  - if the grievance relates to the mark for an intra-semester assessment, advising that the decision is final
  - on other academic matters, advising the student that if they do not agree with the decision, they have the right of formal appeal to an independent external agency
  - enclosing a copy of this policy and instructing the student to read it.

### Advice to students

If you remain dissatisfied with the outcome of this appeal, you can make a final appeal free of charge to the Council of Private Higher Education (COPHE), which is an independent third party.

Please see **3. External dispute resolution** for how to proceed with this step.

## 2. Grievances about non-academic matters

In this policy, 'non-academic matters' means various administrative and other matters related to fees, withdrawals, expulsion, allegations of bullying or harassment, etc, and any other action, inaction or decision that students may consider are interfering with the progress of their studies or with the granting of an award.

Students may lodge grievances without fear of reprisal, and the appeals process provides for review by an independent third party if internal processes do not resolve a grievance.

## 2.1 Step 1: Informal resolution with the Registrar

### Student's action

- Discuss your concern informally with the Registrar of your college of enrolment.
- You must do this within 25 days of the decision, action or inaction.

### Registrar's action

- Notify the student promptly of any action taken or any decision made in relation to the grievance.
- If the student's concerns are not resolved, explain that they may take the matter further, as set out in 2.2a and 2.2b below.
- Give the student a copy of this policy and instruct them to read it.

### Advice to students

If your concerns are not resolved, or if you believe the process has not been followed, you may proceed as follows:

- If the matter relates to the college, contact the Principal (Step 2a).
- If the matter relates to ACT policy or regulations, contact the ACT Registrar (Step 2b).

## 2.2a Step 2a: Appeal to the Principal

### Guidance for students

Take this step (Step 2a) if your grievance relates to the college you are enrolled in.

### Student's action

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the Principal of your college.
- You must do this within 15 days of the outcome of your discussion with the Registrar.

### Principal's action

**Note:** If the Principal was involved in making the original decision, action or inaction that has become the matter in dispute, the Chair of the college council (or equivalent) must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of your decision in writing, including:
  - setting out your reasons
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to the Dean of the ACT
  - enclosing a copy of this policy and instructing the student to read it.

## 2.2b Step 2b: Appeal to the ACT's Registrar

### Guidance for students

Take this step (Step 2b) if your grievance relates to ACT policy or regulations.

### Student's action

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the ACT's Registrar.
- You must do this within 15 days of the outcome of your discussion with the Registrar.

### Registrar' action

**Note:** If the Registrar was involved in making the original decision, action or inaction that has become the matter in dispute, the Dean of the ACT must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of your decision in writing, including
  - setting out your reasons
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to the Dean of the ACT
  - enclosing a copy of this policy and instructing the student to read it.

See Part 4 of this document for  
Contact details for the Registrar

## 2.3 Step 3: Appeal to the Dean of the ACT

### Guidance for students

If your concerns are not resolved by the Principal or the Registrar, as applicable, or if you believe the process has not been followed, you may contact the Dean of the ACT. This may only be done on a formal basis, as follows:

### Student's action

- Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the Dean of the ACT.
- You must do this within 15 days of receiving the written response from the Principal or Registrar.

See Part 4 of this document for  
Contact details for the Dean of the  
ACT

### Dean of the ACT's action

**Note:** If the Dean of the ACT was involved in the original decision that has become the matter in dispute, the Chair of the ACT Board must appoint another person of appropriate rank and expertise to review the matter.

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.

- Advise the student of your decision in writing, including:
  - setting out the reasons for the decision
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to an independent external agency
  - enclosing a copy of this policy and instructing the student to read it.

### **Advice to students**

If you remain dissatisfied with the outcome of this appeal, you can make a final appeal free of charge to the Council of Private Higher Education (COPHE), which is an independent third party.

Please see **3. External dispute resolution** for how to proceed with this step.

### **Note for Colleges**

If an affiliated college is dissatisfied with the ACT Dean's decision, they should refer to the Affiliated College Appeal Policy.

## **3. External dispute resolution**

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Students who remain dissatisfied with the outcome of any appeal, except those related to a mark for an intra-semester assessment, may make a final written appeal – free of charge – to the Council of Private Higher Education (COPHE).

Affiliate colleges and the ACT office may also make representations to COPHE regarding the matter.

COPHE is an independent third party, and its decisions are final and binding on all parties.

See Part 4 of this document for Contact details for the Council of Private Higher Education

## **Part 3: The Tertiary Education Quality & Standards Agency**

If a student has a complaint about the ACT's actions, they may raise concerns with the Tertiary Education Quality & Standards Agency (TEQSA) regarding the ACT's registration as an education and course provider.

TEQSA does not deal with students' academic or non-academic grievances. Those grievances are dealt with under this policy.

See Part 4 of this document for Contact details for TEQSA

## Part 4: Contact and administration details

### Contact details

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Dean of the ACT

Rev Dr Martin Sutherland  
 Dean & CEO  
 Australian College of Theology  
 Level 10, 257 Clarence Street  
 Sydney NSW 2000  
 Ph: 02 9262 7890  
[CEO@actheology.edu.au](mailto:CEO@actheology.edu.au)

ACT Registrar

Mr Simon Davies  
 Registrar  
 Australian College of Theology  
 Level 10, 257 Clarence Street  
 Sydney NSW 2000  
 Ph: 02 9262 7890  
[registrar@actheology.edu.au](mailto:registrar@actheology.edu.au)

Tertiary Education Quality & Standards  
 Agency (TEQSA)

TEQSA  
 GPO Box 1672  
 MELBOURNE VIC 3001  
 Ph: 1300 739 585  
[www.teqsa.edu.au](http://www.teqsa.edu.au)  
[enquiries@teqsa.gov.au](mailto:enquiries@teqsa.gov.au)

COPHE

Mr Simon Finn  
 CEO  
 Council of Private Higher Education  
 Suite 612, Level 6  
 198 Harbour Esplanade  
 Docklands VIC 3008  
 Ph: (03) 9642 5212

### Administration

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Policy owner	Academic Board of the ACT
Location of the policy	The policy is published in the ACT's handbooks and on the ACT website <a href="http://www.actheology.edu.au">www.actheology.edu.au</a> .
Applicable legislation and standards	TEQSA: Provider Registration Standard 6.4 TEQSA Act 2011, section 26 (delivery of courses through affiliate colleges must comply at all times with the Threshold Standards)
Review of policy	Every two years
Last update	January 2018

## Part 5: Principles of natural justice

All staff involved in resolving a grievance have a duty to observe the principles of natural justice (or ‘procedural fairness’). In summary, they encompass the following elements:

1. The right of the student to a fair hearing.
2. The right to an independent, unbiased decision-maker.
3. A final decision that is based solely on the relevant evidence with all submissions considered.



Summary of Grievance Resolution Procedures

