



## **GRIEVANCE PROCEDURES: NON-ACADEMIC MATTERS**

The following policy and the review procedures are based on Schedule 1A of the Higher Education Support Act 2003.

The person who is a client or intended client of the College who is affected by a disputed matter will be given the right to present his/her case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used; and members of the decision making body be free of bias or other personal interest in the outcome.

Under these procedures the complainant and respondent will not be victimised or discriminated against as a result of a grievance being raised.

This policy is communicated to academic and support staff through the Elly Lukas Beauty Therapy College staff handbook. The Principal is responsible for the training of academic staff in the application of this policy. The Vice Principal is responsible for the training of support staff in its application.

A non-academic matter includes any matters, concerns or complaints which do not relate to student progress, assessment, curriculum and awards in a course of study and includes complaints in relation to personal information that the provider holds in relation to the student.

In these guidelines, the following lodgement guidelines apply:-

A formal notice of grievance shall be posted to the Principal, Elly Lukas Beauty Therapy College or lodged in person at, Elly Lukas Beauty Therapy College, Elly Lukas House, 345 Flinders Lane Melbourne Vic 3000.

Students or persons seeking to enrol in course of study are entitled to access the grievance procedure, regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

A formal review of an investigation shall be posted to the Principal, Elly Lukas Beauty College or lodged in person at, Elly Lukas Beauty Therapy College, Elly Lukas House, 345 Flinders Lane Melbourne Victoria 3000.

A request for an external review of a decision (through external mediation) shall be posted to The Administrator, Institute of Arbitrators & Mediators Australia Level 13 / 200 Queen Street Melbourne Vic 3000, with a copy of such request also posted to the Principal, Elly Lukas Beauty Therapy College, Elly Lukas House, 345 Flinders Lane Melbourne Victoria 3000.

The grievance policy and review procedures will be made available to students on the College website and at the College.

Access to the grievance procedure should be at no or minimal cost to the complainant. Apart from travel expenses there is no charge to the complainant accessing the review procedures established by Elly Lukas Beauty Therapy College.

The terms of the non-academic grievance policy are to be available to staff and all faculty members.

The procedures of the policy do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies or under statute or any other law.

This policy applies to complaints by current students or those seeking to enrol with Elly Lukas Beauty Therapy College.

Elly Lukas College will give reasons and a full explanation in writing for decisions and actions taken, if requested by the complainant and/or the respondent.

## **1 Informal Resolution**

1.1 In the first instance, the complainant (which includes a prospective student) should normally discuss the grievance informally with the relevant staff member who should try to resolve it. Where a student is unable to make contact with or is reluctant to approach the relevant staff member, the student may then raise the matter with the Head of Department or the Vice Principal.

1.2 Complainants have up to fourteen (14) working days to initiate the informal review process, from the date of the occurrence which gives rise to the grievance or the date the circumstances giving rise to the grievance are brought to the complainant's notice/the complainant becomes aware of the circumstances giving rise to the grievance.

1.3 During the informal process, the staff member/Head of Department (as the case may be) may take such action as deemed appropriate to resolve the matter. This must include discussing the matter with the complainant.

1.4 The informal resolution process must be completed within ten (10) working days from the date on which the student contacted the relevant staff member of the unit. The

Head of Department may grant an extension not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

1.5 The complainant will be advised in writing within two (2) working days of the conclusion of the informal resolution process (by Express Post notice to the complainant's semester address).

## **2 Formal Resolution**

2.1 If a complainant is not satisfied with the outcome of the informal resolution process, he/she may submit a formal grievance in writing to the Principal. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal resolution process.

2.2 After consideration of all of the available evidence, the Principal may decide to:

- a) dismiss the grievance; or
- b) uphold the grievance and direct that:
  - (i) reparation as appropriate be made to the student; and/or
  - (ii) where relevant, the student's enrolment status be restored; and/or
  - (iii) where relevant, that administration systems, policies or procedures be reviewed;
  - (iv) appropriate actions to address systemic or underlying causes (if any) be undertaken, with a view to preventing problems from occurring or recurring; and/or
  - (v) other actions as appropriate.

2.3 The complainant will be informed of the outcome in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt by the School of the complainant's letter.

2.4 If the Principal and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Principal will nominate an independent staffmember to be appointed (this person may be a senior staff member) to investigate the formal grievance.

## **3 Appeals**

3.1 A complainant has the right of appeal to the Student Grievance Appeals Committee from a decision of the Principal.

3.2 A complainant who wishes to appeal against a decision of the Principal shall lodge the appeal in writing with the office of the General Manager within five (5) working days of receipt of written notification of the decision of the Principal.

3.3 Upon lodgement of the written appeal, the General Manager will determine whether the appeal application meets the criteria for an appeal.

3.4 Where an appeal has been forwarded to the Student Grievance Appeals Committee (Appeals Committee), a meeting of the Appeals Committee shall be convened within 15 working days of lodgement of the letter of appeal. All participants shall be given 5 days notification in writing of the time, date and place at which the appeal is to be heard.

Notification will be forwarded to the complainant via express mail to his/her semester address.

3.5 The hearing shall be held in camera. The Committee shall regulate its own proceedings. The Committee may call before it any witnesses to provide additional evidence.

3.6 The complainant shall be given the opportunity to appear in person before the Committee and to call witnesses. An advocate, who is not a member of the Committee and is not a legal practitioner, may attend with the student (or intended student).

3.7 The complainant must be given the opportunity to hear and examine the evidence of all witnesses called before the Committee.

3.8 The Committee must hear the matter on its merits, taking account of all of the circumstances of the case.

3.9 After consideration of all of the available evidence, the Committee shall reach its decision by consensus.

3.10 The complainant will be notified in writing of the decision and reasons for the decision by express post within five (5) working days of the Committee's decision being made.

3.11 After the appeal, if one or both parties are still unhappy with the Grievance Appeals Committee's decision, the unsatisfied party or both parties will be notified of their ability to use external Mediator services. Elly Lukas Beauty Therapy College will share the cost of external Mediator services if Elly Lukas Beauty Therapy College happens to be one of the parties in dispute. The Institute of Arbitrators & Mediators Australia provides a Mediator service, which is external to Elly Lukas Beauty Therapy College. The college accepts selection by students/nominees of only those Mediators included in the panel maintained by the The Institute of Arbitrators & Mediators Australia.

The Institute of Arbitrators & Mediators Australia  
Level 13 / 200 Queen Street  
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Phone (03) 8648-6578 Facsimile (03) 8648-6480  
Web : [www.iama.org.au](http://www.iama.org.au) Email [vic.chapter@iama.org.au](mailto:vic.chapter@iama.org.au)

The parties must be available to attend Mediation within 30 days.

If the Mediator makes recommendations in relation to a grievance they have Mediated, the Principal of Elly Lukas Beauty Therapy College will ensure that the recommendations are implemented within a period of 30 days.

3.12 In the case of grievances relating to FEE-HELP please refer to separate procedures.

#### **4 Record Keeping**

4.1 All outcomes, decisions and dealings associated with the pursuit of a grievance under this Policy and Procedures, and any appeals arising there from are confidential and are to be managed in accordance with the Elly Lukas Beauty Therapy College's policy on confidentiality of student records.

4.2 Confidentiality will be strictly observed throughout the grievance process.

4.3 Records of all grievances, applications for review of decisions and outcomes of the grievance process will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Head of Department for a period of 5 years. Parties to the complaint will be allowed supervised access to these records.

Nothing in this *Grievance Procedure* or the Student Enrolment Agreement limits the rights of students or persons seeking to enrol with Elly Lukas Beauty Therapy College to take action under Australia's Consumer Protection laws.

Approved by – Director /July 2018  
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Elly Lukas House  
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