

Student Complaint Policy & Procedure

Introduction

The following Policy and Procedure provides a clear mechanism for the management and resolution of complaints and grievances identified by Students and those seeking to enrol.

The National Art School (NAS) is committed to creating and maintaining a culture where all Students, Staff, and external stakeholders feel safe, and are encouraged, and have avenues to raise concerns.

- a.** All Students have the right to a safe study and work environment and be treated with dignity and respect.
- b.** The National Art School will provide free to access procedures through which Students and those seeking to enrol have their complaints and grievances addressed.
- c.** All Students and those seeking to enrol have the right to use the following procedures if they believe they have a legitimate complaint/grievance.
- d.** NAS will seek to ensure that all grievances are dealt with fairly, seriously, constructively, promptly and with due regard for confidentiality.
- e.** The procedures outlined in this policy are for complaints and grievances which do not allege potential breaches of the Student Code of Conduct. Where there is a suspected breach of student conduct this should be managed through the provisions of the Student Code of Conduct.

Student Complaint Procedure

This procedure applies to all enrolled students, and those seeking to enrol; covering academic and non-academic complaints regardless of the location of where the complaint has arisen, or the level/mode in which study is undertaken. Complaints should be made in a timely manner. Any complaint which alleges a potential breach of the Student Code of Conduct will be managed through the application of the Student Code of Conduct and its provisions for investigation and disciplinary resolution.

Advice and guidance

Students can receive free, confidential advice on making a complaint or receive support whilst making a complaint from the Student Wellbeing Officer or the School Counsellor.

Making a complaint

Should a student wish to make a complaint they may do so either directly with the person(s) involved, if they feel comfortable doing so, or alternatively the student is welcome to raise their complaint with either Student Services, a Head of Department, Head of Undergraduate Studies Postgraduate Studies or via email or letter to Student Services.

Confidentiality and perceived repercussions

Some students may wish to complain confidentially. Whilst NAS will always hear and respond to complaints, the actions available to the School are severely hampered where those who complain do not wish to be identified to those they may be complaining about.

NAS has a strict policy of no adverse repercussions on those making a complaint. Should it be shown that a student has been negatively affected, or been treated differently as a result of making a complaint, then this may be considered a form of staff misconduct.

Sexual harassment & assault

NAS is committed to providing a safe and inclusive environment for all students, staff and members of the public. As such, any form of sexual assault or sexual harassment is unacceptable in the National Art School community, and any such behaviour would be considered misconduct under the codes of conduct for both students and staff. Students that experience sexual harassment or assault should refer to the NAS Sexual Harassment & Assault Policy.

For free and confidential advice please contact the Student Wellbeing Officer.

Bullying, harassment & discrimination

NAS is committed to providing a safe and inclusive environment for all students, staff and members of the public. As such, any form of bullying, harassment or discrimination are unacceptable in the National Art School community, and any such behaviour would be considered misconduct under the codes of conduct for both students and staff.

Complaints which allege bullying, harassment or discrimination will be investigated through the processes detailed in the Student Code of Conduct.

For free and confidential advice please contact the Student Wellbeing Officer

Informal Complaint Resolution

The process of addressing student complaints offers informal resolution as an option at any point.

Where a matter can be dealt with directly, the complainant should raise their concerns with the person(s) involved, if they feel comfortable doing so.

This can be done verbally (phone or face to face), in writing (letter or email), or via an appropriate member of staff such as a Lecturer or Student Services. If the student does not wish to address the matter directly, then these concerns may be resolved informally with the support of a NAS member of staff.

The parties involved will then attempt to reach a satisfactory resolution of the matter and take any agreed actions resulting from the process.

If the complainant is dissatisfied with the outcome of the informal process, the complainant may consider the asking for the matter to be dealt with formally.

Formal Complaint Resolution

A formal complaint resolution process can be initiated by either the complainant or NAS where:

- A resolution through the informal complaint process has not been achieved; or
- The complaint is deemed to be of a more serious nature; or
- The complainant requests a formal resolution process.

Where a complaint is to be resolved formally, NAS will appoint an Investigating Officer (IO) to manage the complaint. NAS will acknowledge receipt of the complaint and begin resolution processes with 10 working days of the complaint being received. Cultural competency should be considered in the selection of the IO, where relevant.

In seeking to resolve a complaint the IO will act fairly and with due regard for reasonableness of outcome. Only staff with no involvement in the complaint or any other conflicts of interest will be selected to fulfil the role of IO. Where a complainant is not satisfied with the selection of IO for a valid reason then they may request an alternative.

As part of the investigation the IO may require formal written statements from the complainant, and other involved parties. Any statements should provide enough detail to enable the IO to investigate and resolve the complaint.

The IO will investigate the complaint and propose a course of action to resolve the complaint to a Senior Officer of the School for approval.

Should the investigation reveal potential Staff Misconduct this must be directed to Human Resources who will then manage Staff Misconduct Procedures

Should the investigation reveal potential Student Misconduct, this must be resolved through the provisions of the Student Code of Conduct.

Once a resolution has been approved the School will notify the complainant of the outcome of the process, including giving context for the decisions reached, within 10 working days of the conclusion of the process.

The complainant and/or any respondent have the right to be accompanied (by a NAS staff member, family member, friend or counsellor etc) during any meetings with regard to the complaint.

Serious Complaints

All complaints of a serious nature **MUST** be investigated through the formal resolution process. A complaint is deemed serious when:

- A criminal offence may have been committed; and/or
- The nature of the complaint poses a risk to students, staff, members of the public; and/or
- Multiple (at least more than two) previous complaints of a similar nature have been received against a respondent.

Where a criminal offence may have been committed, a Senior Officer of the School must be notified immediately with the knowledge of the complainant, who must then notify the appropriate authorities.

Vexatious complaints

Malicious or repeated trivial complaints may be subject to disciplinary action under the NAS Student Code of Conduct

Appeals

Normally, the only acceptable grounds of appeal are as follows:

- new information has become available which was not included in the original decision making process
- There are reasonable grounds to suspect that the original decision or procedure was discriminatory or biased

An appeal is lodged by giving written notice to the School. The appeal must be lodged within a reasonable timeframe of the grievance outcome and must clearly specify the grounds of the appeal. The communication detailing the outcome of the complaint should stipulate the timeframe allowed for the appeal.

A response notice must be served within a reasonable timeframe of the appeal application being received. The notice should immediately acknowledge receipt of the appeal, and then provide details the place, date, and time for the hearing of the appeal. This must take place within a reasonable timeframe of the appeal lodgment date, with the goal of deciding the appeal as soon as is reasonably practicable.

Complaint Appeals Committee

The National Art School convenes an Appeals Committee ("the Committee") to hear and determine an appeal. The Appeal process will be managed by a Senior Officer of the School.

The Committee is constituted by a minimum of three members of staff and must include:

- A member of staff of the National Art School nominated by the party undertaking the appeal in the notice of appeal, or, if no such nomination is made or if the nominated person refuses to

sit on the Appeals Committee, a member of staff of the National Art School nominated by the Executive of the School;

- A gender balance and, if relevant/requested, First Nations or other cultural support.

A staff member, who issued any notice in respect of the matter and the subject of the appeal, is ineligible to be a member of an Appeals Committee.

The Appeals Process

The Committee must give the complainant and respondent (if applicable) concerned or their nominees (if any) the opportunity to be heard. The complainant and/or respondent have the right to be accompanied and assisted by a support person (such as NAS staff member, family member, friend or counsellor etc) if they so desire.

Minutes will be kept of the Committee's meetings and the Committee must provide a copy of the record to the complainant/respondent at request and without charge.

Written notice of the Committee's decision, including reasons for the decision, must be served on the parties concerned within 10 working days of the conclusion of the process

External Appeal

If not satisfied with a decision of the Appeals Committee, the complainant may request that the matter be dealt with through an external dispute resolution process provided by The NSW Ombudsman.

Details on how to make a Complaint to the Ombudsman can be found at

<https://www.ombo.nsw.gov.au/about-us/contact-us>

Overseas Students

Overseas Students may also be able to make a complaint with the Commonwealth Ombudsman. Details on how to make a complaint can be found at

<https://www.ombudsman.gov.au/complaints/international-student-complaints/information-international-students>

Confidentiality & Records of Complaints

All parties to a complaint in any form are required at all stages to maintain confidentiality in relation to the complaint/grievance and the parties involved.

Records of all formal complaint resolutions and applications for review of all decisions must be kept for a period of 5 years. This is in addition to the legal access rights of regulatory bodies such as Tertiary Education Quality and Standards Agency (TEQSA) and Australian Securities and Investments Commission (ASIC).

All such records will be kept strictly confidential and according to the NAS student records Policy.

Definitions

Complainant is the person(s) with the complaint or grievance.

Confidentiality for the purposes of this policy is limiting disclosure of information relating to a grievance only to those who are legitimately involved in the grievance and any appropriate staff in the process of resolving the grievance.

Grievance is any type of problem, concern or complaint about the National Art School, its environment, or its operations..

Procedural Fairness is the right to a fair hearing, including the opportunity to present one's case, the right to have any material considered by an unbiased, impartial decision maker and the right to have any final decision based in logically probative evidence.

Respondent is an individual(s) against whom a complaint/grievance is made.

Serious Complaints are deemed as such when:

- A criminal offence may have been committed; and/or
- The nature of the complaint poses a risk to the student/s or staff; and/or
- A number of complaints of a similar nature have been received against a respondent.

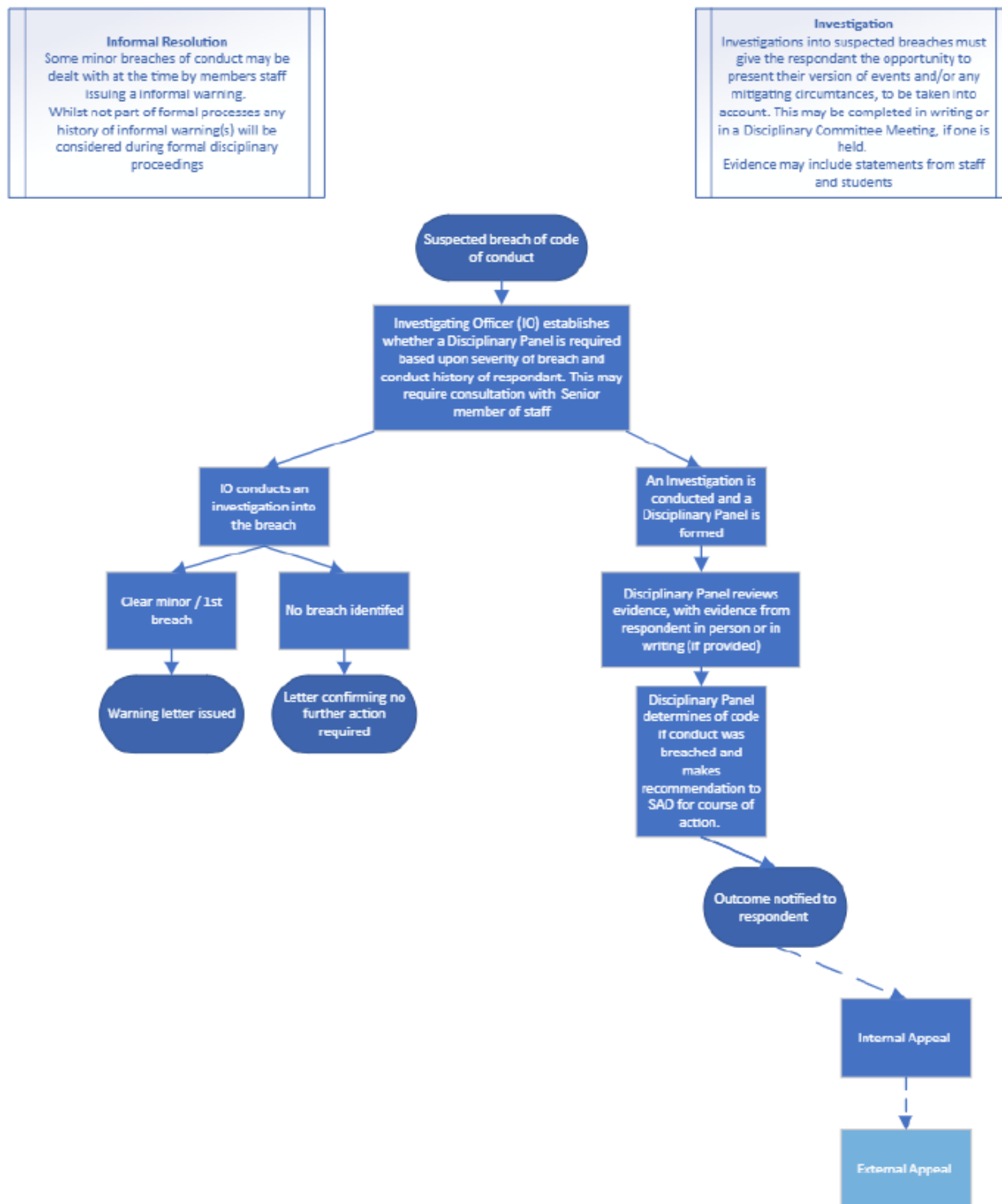
Senior Officer of NAS is any member of the Executive, or their nominee.

Sexual Harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated or offended. It can involve physical or other contact or verbal remarks of a sexual nature.

Staff or **Staff Member** is any employee of NAS and includes any visiting staff, contractor, or consultant to NAS.

Student means any person enrolled in, or in the process of enrolling in, a course of study at NAS whether part time or full time, on exchange, in studies abroad, or cross institutional study.

Appendix 1 – Suspected Breach of Code of Conduct



Appendix 2 – Appeals Process

Grounds for Appeal
> New information has become available which was not included in the original decision making process
> There are reasonable grounds to suspect that the original decision or procedure was discriminatory or biased
NAS reserves the right to hear an appeal without grounds if it believes this to be in the best interest of the School.

