



## Principles for Addressing Student Grievances Guidelines

gui-007	Version: 1.02 Last amendment: 09 Apr 2013	Approved By: Academic Board Date: 28 Jan 2011
To be read in conjunction with: <a href="#">Student Academic Grievance Procedures</a>	Next Review: Jan 2013	Contact Officer: Director, Office of Leadership and Organisational Culture

All guidelines are intended to give further details to information contained in a particular piece of legislation, policy, code, agreement or procedure and must therefore be read in conjunction with them.

### INTRODUCTION

The University is committed to a healthy work and study environment that promotes tolerance and respect for others. This document has been developed to ensure staff members are always professional in their approach to addressing student grievances, and promote principles of natural justice, confidentiality, impartiality, and fairness.

### INTENT

This document defines the principles that should be applied when addressing student grievances in accordance with the University's [Student Academic Grievance Procedures](#).

### RELEVANT DEFINITIONS

#### In the context of this document:

**Staff members** mean an employee of the University and include all staff whether employed on a full-time, part-time, casual, voluntary or adjunct basis. Staff members do not include employees of another institution or entity who are physically located at the University;

### GUIDELINES

#### Principles for addressing grievances

The University is committed to a healthy work and study environment that promotes tolerance and respect for others. All forms of bullying and harassment are not to be tolerated. The University will seek to achieve this in the following ways:

#### Act fairly, impartially and exercise independent judgment

Staff members who investigate or decide complaints or appeals must act fairly and impartially. While they may seek legal or other professional advice about the process, or their responsibilities under it, they still must exercise independent judgment about the particular complaint or appeal, based on their objective assessment of the evidence.

Staff members, who investigate, hear, decide or are otherwise involved in the resolution of student complaints or appeals are expected to conduct themselves in a professional and courteous manner at all times.

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While staff members may at times be faced with rude, aggressive or otherwise unreasonable behaviour, they should try to remain calm and dispassionate to avoid any perception of bias.

### **Confidentiality statement**

Staff members who investigate or hear complaints or appeals, must treat them and the process as confidential, and not discuss any aspect of the case with anyone not involved in that process.

Any disclosures of information to others involved in the process should only be on a strictly “need-to-know” basis, depending on the nature of their role in that process.

### **Statement about conflicts of interest**

Staff members involved in complaints or appeals should disclose actual, perceived or potential conflicts of interest (whether personal, financial or otherwise) as soon as they become aware of them. The staff member’s supervisor (or other person to whom they are accountable under that process) must assess whether that conflict is, or is likely to, (or be seen to), preclude that staff member from acting fairly and impartially. If so, then another person must be appointed to replace the staff member (For further information on conflicts of interest refer to the University [Conflicts of Interest Policy](#) and [Conflicts of Interest Procedures](#)).

Staff members who have previously advised or supported a student must not be involved in any investigation or decision-making in relation to that student’s complaint or appeal.

### **Statement about evidence and rules of evidence**

Staff members who hear and decide a complaint or an appeal are not bound by the rules of evidence and may make or initiate such other inquiries as they think appropriate in the circumstances. However, this does not mean that the rules of evidence can simply be ignored where it is fair to follow them, for example, to weigh or exclude particular evidence such as hearsay evidence.

Oral evidence does not always have to be given in the presence of a student, but the substance of it must be given to the student, who must also be given a reasonable opportunity to respond. Wherever possible, that documentary evidence should be provided to the student a reasonable time before the matter is heard by the Committee, to avoid unnecessary delays in the process.

### **Statement about how findings or recommendations must be based**

Staff members who decide (or make recommendations to a decision-maker about) a complaint or an appeal, must assess the evidence fairly and objectively and base their recommendations or decisions on all relevant evidence. Evidence is relevant when it is logically probative and rationally leads to the conclusions drawn about a particular fact that is in issue (whether alone or combined with other evidence). Irrelevant evidence must always be disregarded.

If there is a conflict in evidence about a particular version of events, efforts should be made to try and corroborate those versions to ascertain which should logically be preferred over the other. In disciplinary and administrative complaints or investigations conducted by the University, the standard of proof for allegations is “balance of probabilities” (known as the civil standard of proof), that is to say, that it must be more probable than not that the events or conduct alleged, actually occurred.

For more serious allegations, the degree of probability increases. This is known as the “Briginshaw Test” after the case of *Briginshaw v Briginshaw* (1938) 60 CLR 336. In that case, the High Court of Australia said that a measure of flexibility is required, so that standard of proof increases according to the seriousness of the allegation.

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## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Conflicts of Interest Policy](#)

[Conflicts of Interest Procedures](#)

[Student Academic Grievance Procedures](#)

[Student Administrative Complaints Procedures](#)

[Student Breach of Academic Integrity](#)

[Student Grievances with Staff and Other Students Procedures](#)

### External

(Jackson et al. (2009). Student grievances and discipline matters project. Australian Learning and Teaching Council)

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## Document History and Version Control

Version	Date Approved	Approved by	Brief Description
1.00	28 Jan 2011	Academic Board	Creation of original document as appendix to the Student Academic Grievance Procedures and posting to CDU website.
1.01	15 Nov 2012	Governance	Separated appendix from document as per current practice. Document now stand-alone and retitled Principles for addressing Student Grievances Guidelines.  Minor changes to formatting and content including addition of introduction, intent and relevant definitions as per template.
1.02	09 Apr 2013	Governance	<ul style="list-style-type: none"> <li>• Converted document to current template</li> <li>• Updated and added hyperlinks</li> <li>• Assigned document number</li> <li>• Minor changes to wording, formatting and grammar</li> </ul>

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