

Non-Academic Grievance Policy and Procedures

Sydney Theatre Management Pty Ltd trading as Sydney Theatre School (STS).
ABN: 64 112 467 348 and ACN: 112 467 348

1. Purpose

1.1.1. The purpose of this STS Non-Academic Grievance Policy and Procedure is to deal fairly and equitably with complaints from students and potential students or applicants applying to study at STS.

2. Definitions

2.1. For the purposes of this document the following applies:

2.1.1. **The Act** refers to the *Higher Education Support Act 2003*

2.1.2. **Student/s** refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are, or would be entitled to VET FEE-HELP or VSL assistance under clause 43 of Schedule 1A of the Act.

2.1.3. **Potential student or applicant** is a person applying to enrol in an accredited higher education course of study at STS.

2.1.4. **Complainant/s** refers to students (as defined above) or potential student or applicant who have lodged a non-academic complaint with STS.

2.1.5. **Respondent** is the individual(s) against whom the complaint is made.

2.1.6. **Grievance** is a problem, concern or complaint alleging unreasonable treatment, discrimination, harassment or victimisation connected with study at STS.

2.1.7. **Discrimination** means unfair or inequitable treatment of a person as a consequence of their involvement in a grievance under this policy and procedure.

2.1.8. **Victimisation** includes any unfavourable treatment of a person as a consequence of their involvement in a grievance under this policy and procedure.

2.1.9. **Confidentiality** means limiting disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance (i.e. to only those with a need to know).

2.1.10. **Procedural fairness** means the right to a fair hearing. It involves:

- ensuring there is a proper investigation of the facts; the opportunity for all parties to be heard, including for those who have had a complaint made against them to be aware of the allegations against them and to respond;
- ensuring all parties are informed of the procedures under which the grievance is being handled and are given a copy of the relevant policy and procedure document;
- ensuring there is a proper investigation of the facts and that all relevant submissions and any mitigating factors are taken into account
- the right to have any material considered by an unbiased, impartial decision-maker advising all parties that if the grievance is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance may be used in any subsequent disciplinary proceedings

3. Scope

- 3.1.1. This policy and procedure covers non-academic grievances and applies to students and potential students of STS as defined above, regardless of the student's or applicant's place of residence or the mode in which they study and regardless of the campus at which the grievance arises.
- 3.1.2. In relation to students, this policy and procedure does not cover grievances with respect to:
- academic matters; or
 - decisions by STS regarding re-crediting of the student contribution amount, the re-crediting of the FEE-HELP or VSL balance or the removal of FEE-HELP or VSL debts which are handled under the respective policy and procedure set out in the Student Handbook and published on the STS website.
- 3.1.3. This policy and procedure does not seek to limit or prevent the right of any person to seek the assistance of an independent person or relevant external agency for the resolution of a grievance.
- 3.1.4. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.
- 3.1.5. Should a grievance be referred to an outside body, the internal processes of STS may be suspended pending the outcome of the external review.
- 3.1.6. Potential students who have a grievance relating to their initial (or only) audition or subsequent audition ("recall") must raise this grievance with STS within three days of the audition. Potential students of a course who have proceeded to the end of the second audition have seven days from the date of the letter advising acceptance or non-acceptance into the course to lodge a grievance.

4. Responsibility

- 4.1.1. The Managing Director of STS is responsible for implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and Students and Complainants are made aware of its availability.

5. Basis for Grievance Handling

- 5.1.1. Grievances should be treated seriously, expeditiously and sensitively having due regard to procedural fairness, confidentiality and privacy. It is essential that confidentiality be observed at all stages in the handling of a grievance. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- 5.1.2. Wherever possible, grievances should be handled as close as possible to their source. This may be influenced by the nature of the grievance and the complainant's wishes.
- 5.1.3. Complainants should raise concerns as early as possible after the relevant incident has occurred. Potential applicants to STS must raise any grievance under this procedure relating to an audition or interview within one week of their audition or interview.
- 5.1.4. Wherever possible, grievances should be resolved by a process of discussion, co-operation and conciliation, with the aim of reaching an acceptable outcome that minimises any potential detriment to ongoing study relationships.

- 5.1.5. Both the complainant and the respondent will receive appropriate information, support and assistance resolving the grievance. The complainant and/or respondent have the right to be accompanied or assisted by a third person if so desired. However a support person cannot be a legal representative nor can they be a person who will otherwise be involved in the complaint or its investigation (e.g. as a witness).
- 5.1.6. Complainants should not instigate grievances that are frivolous or malicious. If the grievance is found to have been malicious on the part of the complainant, STS may take appropriate disciplinary action. Those involved with a grievance are expected to participate in the grievance handling process in good faith.
- 5.1.7. At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.
- 5.1.8. All stages of this grievance procedure concerning the hearing and settlement of grievances shall be free of charge to the student and staff member.
- 5.1.9. The complainant, respondent or anyone associated with a grievance (e.g. as a witness or support person) will not be victimised or discriminated against in any of the three stages set out in this policy. STS will take disciplinary action should it be found that the complainant, the respondent or any other person associated with the grievance, has been subject to reprisal, disadvantage or discrimination as a result of their connection with the grievance.
- 5.1.10. Those involved in the grievance process must disclose information only to those legitimately involved in resolving the grievance. Unnecessary disclosure may also incur liability for breach of confidentiality.
- 5.1.11. STS will maintain secure confidential records of all grievance proceedings and make them accessible to the parties involved for a period of five (5) years. Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file).
- 5.1.12. A complainant is free at any time to decide to withdraw his/her complaint. A withdrawal of a complaint should be made in writing. When this occurs, this ends the process and no further action may be taken. When a withdrawal of a complaint is subject to an agreed condition of the resolution of the complaint, records will be retained. In all other circumstances, the records of the complaint will be destroyed.

6. Informal Grievance Procedure

- 6.1.1. Prior to initiation of a formal grievance procedure, STS has an informal process to address the concerns of a complainant. This informal process is not a mandatory component of the formal grievance procedure. This process involves following steps:
- Initially the complainant is encouraged to raise their grievance directly with the person concerned with a view to resolution. At this stage no written record is kept.
 - If there is discomfort with a direct approach, or where the matter concerns allegations or illegal behaviour, the grievance should be lodged with the Course Director.
 - Discussion at this level may resolve the problem, in which case no documentation is necessary. Grievances at this stage are expected to be resolved within 14 days.

7. Formal Grievance Procedure

7.1 Stage One

- 7.1.1 Formal grievances should be submitted in writing to the Course Director of Sydney Theatre School – 45 Chippen Street, Chippendale, NSW 2008.
- 7.1.2 The Course Director of STS will then assess the grievance, determine the outcome and advise the Complainant in writing of his/her decision within 7 days.
- 7.1.3 The Complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of Stage One.

7.2 Stage Two

- 7.2.1. If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with the Managing Director of Sydney Theatre School.
- 7.2.2. The Managing Director will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision, within 10 working days of the submission of the appeal. The Complainant be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved.

7.3. Stage Three

- 7.3.1. If the Complainant is not satisfied with the outcome of Stage Two they may, after exhausting all internal processes and within 20 days from the date of appeal outcome, request that the matter be referred for external review. The complainant must inform the Administration Manager in writing of their decision to proceed with an external dispute resolution process.
- 7.3.2. Students who wish to lodge an external appeal or complaint against the decision of the internal grievance process can contact:

New South Wales
Community Justice Centres
1800 990 777
www.cjc.nsw.gov.au
- 7.3.3. Sydney Theatre School will request an independent mediator from Community Justice Centres be appointed to resolve the dispute. This process will take no longer than 30 days. Sydney Theatre School will bear all costs of this mediation process.
- 7.3.4. The complainant may request another person to accompany them during this mediation process.
- 7.3.5. If the independent mediator makes recommendations in relation to a grievance they have reviewed, the mediator will forward those recommendations to the Managing Director within 14 days. The Managing Director will ensure that the recommendations are implemented within 30 days of the receipt of the mediator's report.

7.4 Stage Four

- 7.4.1 If a grievance still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency such as The Anti-Discrimination Board or The Office of Fair Trading.

7.4.2 . Any areas for improvement which arise or where a complaint is found to be substantiated are documented for action and rectification.

8. Confidentiality

- 8.1.1. To ensure strict confidentiality, as few people as possible should handle the complaint. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a grievance.
- 8.1.2. Complainants are entitled to access this grievance procedure at the place at which the grievance has arisen, the Complainant's place of residence or mode of study.
- 8.1.3. Where a person's duty involves receiving information and documentation for reporting to appropriate people, they are, under normal circumstances, protected from liability for defamation by the defence of 'qualified privilege'.
- 8.1.4. The law requires that persons act reasonably and in good faith and disclose information only to those legitimately involved in resolving the grievance. Unnecessary disclosure may also incur liability for breach of confidentiality. Both federal and state legislation place a high premium on the maintenance of confidentiality and all of STS's practices will uphold these principles.

9. Monitoring and Evaluation

- 9.1.1. The operation of this policy and procedure will be monitored and a review carried out in 2018.

10. Publication

- 10.1.1. This *Academic Grievance Policy and Procedure* will be made available to Students enrolled with Sydney Theatre School through publication on the website www.sydneytheatreschool.com and is contained in the student handbook.

This policy was approved by the governing body of Sydney Theatre Management Pty Ltd T/A Sydney Theatre School – Directors Mark Matthews and Megan Matthews - on 22nd December 2017.

Version 3

Date of Policy – 22nd December 2017