

Principles for Addressing Student Grievances Guidelines

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.

COMPLIANCE

This is a compliance requirement under the:

- [Higher Education Standards Framework \(Threshold Standards\)](#);
- [Standards for Registered Training Organisations \(RTOs\)](#); and
- [National Code of Practice for Providers of Education and Training to Overseas Students](#).

INTENT

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

RELEVANT DEFINITIONS

In the context of this document

Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee; and

Student means a person prescribed as a student of the University in By-law 2 of the [Charles Darwin University \(Student of the University\) By-laws](#);

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.

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.

ESSENTIAL SUPPORTING INFORMATION

Internal

[Conflicts of Interest Policy](#)

[Conflicts of Interest Procedures](#)

[Privacy and Confidentiality Policy](#)

[Student Academic Grievance Procedures](#)

[Students - Administrative Complaints Procedures](#)

[Students - Breach of Academic Integrity Procedures](#)

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

External

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

Document History and Version Control

Last amendment:	15 Dec 2017	Next Review:	Jan 2013
Sponsor:	Director, Strategic Services and Governance		
Contact Officer:	Director, Strategic Services and Governance		

Version	Date Approved	Approved by	Brief Description
1.00	28 Jan 2011	Academic Board	Creation of original document and upload to CDU website. As an appendix to the Student Academic Greivance Procedures
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	9 Apr 2013	Governance	<ul style="list-style-type: none"> • Converted document to current template • Updated and added hyperlinks • Assigned document number • Minor changes to wording, formatting and grammar
1.03	15 Dec 2017	Governance	<ul style="list-style-type: none"> • Conversion to new Governance template due to new University branding • Updated definitions • Updated hyperlinks • Policy and Procedure titles corrected in internal essential supporting information