

External Grievance Resolution Policy

1. Background

Gateway Business College (GBC) recognises there must be systems in place that give students and staff access to independent third parties if internal processes fail to provide adequate resolution to grievances. The effective implementation of such processes will uphold GBC's commitment to transparency, impartiality, and accountability.

2. Purpose

The purpose of the *External Grievance Resolution Policy* is to outline the processes through which grievances at GBC that cannot be resolved by the internal student complaints and appeals process may be externally resolved. The policy provides an external process of review and grievance resolution by an independent third party – the Resolution Institute – though the appointment of an impartial external expert (dispute resolver).

The effective utilisation of the policy will enable GBC to uphold its commitment to transparency, impartiality, and accountability and will ensure that all students – domestic and international - may access an independent external grievance resolution process.

This policy should be read in conjunction with the *Student Complaints and Appeals Policy*, and *Information to Students Policy*.

3. Scope

This policy applies to all students enrolled at GBC, and all academic and non-academic staff members. Additionally, the policy applies to all GBC graduates, as well as all potential students who have a complaint or appeal regarding any aspect of the application, selection and admission process.

4. Definitions

Academic staff: staff engaged in higher education teaching, learning and research as employees of GBC.

Corporate Governance Board: the formally constituted governing body accountable for the governance of GBC as a higher education operation.

Course: a program of study that is aligned to a higher education certified qualification. A course of study is organised according to requisite subjects and credit points. Students enrol in a course of study and, when they fulfil all requirements for that course of study, receive a certified qualification on graduation.

Graduate: a student who has successfully completed a GBC course of study.

Non-academic staff: staff employed at GBC in administrative, IT, marketing and student support roles.

Student: a person currently enrolled in study in a GBC course.

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5. Principles

GBC recognises the right of students to seek an external grievance resolution if they feel that the internal processes of GBC are not satisfactory. Students who dispute the outcomes of the GBC internal grievance and appeals process may proceed directly to independent external grievance resolution.

Students are able to initiate an external grievance resolution process without fear of reprisals or disadvantage.

GBC will ensure that students are made aware of their rights with regards to an external grievance resolution process.

Information regarding external grievance resolution processes will be provided to the student as a part of the notification of the outcomes of the internal grievance and appeals process.

GBC has engaged the services of the Resolution Institute to provide dispute resolution by external expert determination. Students may elect (but are not required) to take part in independent mediation and review through the Resolution Institute if they find it appropriate before initiating dispute resolution.

GBC will use its best endeavours to contribute effectively to, and cooperate with, all external grievance resolution processes.

International students who believe proper process has not been followed by GBC may take their complaint to the Overseas Student Ombudsman within the Office of the Commonwealth Ombudsman.

If the external grievance resolution process supports the student, GBC will implement any decision and/or actions required and so advise the student in writing.

6. Procedures

The procedures outlined below will only be implemented upon the exhaustion and unsatisfactory result of all procedures outlined in the *Student Complaints and Appeals Policy*.

GBC will ensure adherence to the following guidelines:

- If a student is unhappy with the outcome of their internal grievance or complaint, or if it cannot be resolved internally, they can seek an independent, third party review by an external expert (dispute resolver) by contacting the Resolution Institute.
- The external expert (dispute resolver) appointed to resolve the dispute must be neutral towards both parties
- The external expert (dispute resolver) appointed to resolve the dispute must demonstrate the capability to achieve resolution. The grievance shall be submitted to an expert (dispute resolver) in accordance with, and subject to, Resolution Institute Expert Determination Rules. Unless the parties agree upon an Expert (dispute resolver), either party may request a nomination from the Chair of Resolution Institute.

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- During any discussions held as part of the external grievance resolution process, both parties have the right to be accompanied by a support person.
- All costs of external grievance resolution under this Policy will be covered by GBC.
- GBC must keep the student enrolled for the duration of the grievance process
- Once the external resolution process has been undertaken, it is the responsibility of all parties to be completely cooperative
- All parties will be informed in writing of the outcome
- Any actions required by relevant parties must be implemented promptly
- The outcome of the external resolution will be final and will not be subject to review or appeal under this Policy.

6.1 External Grievance Resolution (All Students)

Information regarding the external grievance resolution processes will be provided to the student as a part of the notification of the outcomes of the internal grievance and appeals process.

If the student is not satisfied with the outcome of the internal appeal processes, they may contact the Resolution Institute (see below for contact details) and begin the process of external expert determination. Students are encouraged to contact the Student Support Officer and advise that they have initiated the external grievance resolution process.

The Resolution Institute will contact GBC and seek payment of the full fee if an external expert determination process is initiated by the student.

GBC will ensure that records of the complaint, including the outcomes of internal processes, are made available to the external expert (dispute resolver).

The student's enrolment will be maintained while the process is ongoing.

The Student Support Officer is available to assist the student in the external expert determination process through the Resolution Institute if the student so asks.

The Resolution Institute

The GBC external grievance resolution process involves independent mediation, review and resolution. The 'Resolution Institute' is a community of mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals. GBC is a member of the Resolution Institute.

The Expert Determination Service offered by the Resolution Institute is a flexible procedure for the resolution of disputes based upon the decision of an independent third party: the expert (dispute resolver). The expert is independent of both the complainant and GBC and must act fairly and impartially. Both the complainant and GBC agree to be bound by the decision of the expert appointed by the resolution Institute. See:

<https://www.resolution.institute/dispute-resolution/expert-determination>

GBC agrees to be bound by any recommendations made by the expert (dispute resolver) through the Expert Determination Service and the CEO and/or Dean as appropriate will

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implement any decision and/or actions required and so advise the student in writing within ten (10) working days.

Contact Details:

Level 2, 13-15 Bridge Street
Sydney NSW 2000
Phone: (+612) 92513366
Fax: (+612) 92513733
Freecall: 1800 651650
Email: infoaus@resolution.institute
Website: <http://www.resolution.institute/>

Process Flowchart – See Appendix 1

6.2 Overseas Student Ombudsman

GBC adheres to the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (in particular, National Code Part D, Standard 8 (Complaints and Appeals)). The student's enrolment will be maintained while an appeal or complaint process is ongoing.

Future, current or former international GBC students who believe proper process has not been followed by GBC may take their complaint to the Overseas Students Ombudsman within the Office of the Commonwealth Ombudsman. The Overseas Students Ombudsman (OSO) investigates complaints from international students about private providers that relate to administrative actions or decisions made by the provider and the related processes, but not about broader educational quality issues.

The service is free, and the OSO does not charge for considering a student complaint.

For further details refer to Ombudsman: www.oso.gov.au.

Contact Details for the Overseas Students Ombudsman:
Overseas Students Ombudsman
GPO Box 442, Canberra ACT 2601
Phone: 1300 362 072 (calls from mobile phones at mobile phone rates) or
+612 6276 0111 for calls from outside Australia
Fax: +612 6276 0123

GBC agrees to be bound by any recommendations arising from decisions made by the OSO. The CEO and/or Dean as appropriate will implement any decision and/or actions required and so advise the student in writing within ten (10) working days.

Record Keeping

A written record of all grievances and their outcomes handled under this Policy will be maintained for a period of at least five years to allow all parties to the grievance appropriate access to these records. Parties wishing to access records of the grievance must submit a written request to the Student Support Officer.

6.3 Further Steps

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A complainant may, following the completion of the external grievance resolution process, refer the matter to an external agency, such as NSW Fair Trading or the Anti-Discrimination Board of NSW.

Complainants can also refer the matter to the Australian Competition and Consumer Commission (ACCC). The ACCC will only have jurisdiction to investigate complaints that are in breach of the Competition and Consumer Act 2010. The ACCC website is <http://www.accc.gov.au/>

ACCC Sydney office
Level 20
175 Pitt Street
Sydney NSW 2000
GPO Box 3648
Sydney NSW 2001
Ph: (02) 9230 9133
Fax: (02) 9223 1092

Nothing in this Policy circumscribes an individual's rights to pursue other legal remedies.

7. Review

This policy will be reviewed by the Corporate Governance Board every three years, or more frequently should the Board deem it necessary.

An annual report will be made to the Governance Board which provides a record of complaints, an analysis of complaint patterns and recurring complaints, and the steps taken to address any systemic issues.

Document History			
Document Name	External Grievance Resolution Policy		
Document Owner	GBC	Date Developed	19.11.2016
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Related Documents	Student Complaints and Appeals Policy		
Version No.	Summary of Changes		

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2.	5. Principles: Additional information appended 6. Procedures: revised and added information from external review
3.	5. Principles: Additional information appended 6.1 External Independent Arbiter clarified as being available to all students. 6.2 Services provided by the OSO clarified 6.3 New section inserted specifying the time limit for GBC responses following external mediation.
4.	6. Procedures: amendment to specify that GBC will meet all costs 6. Procedures: amendment to clarify GBC's commitment to adhere to any recommendations arising from the resolution process. 6.1 Clarification that GBC will make the Expert Determination Service (Resolution Institute) available to the complainant as required and that GBC will adhere to all recommendations. 6.2 GBC's commitment to adhere to all recommendations. 6.3 Replaced with description of the record keeping process.
5.	5. Clarification that a student may proceed directly to external expert determination. 6. Clarification of procedures.

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Appendix 1 – Process flowchart

