NON-ACADEMIC COMPLAINTS

1. Purpose and Scope
A non-academic complaint arises from an event occurring in the activities of the Academy of Music and Performing Arts (AMPA), or a decision made by AMPA, in which the complainant perceives a lack of procedural fairness and/or unjust discrimination and/or an affront to person or conscience, which does not arise from the complainant’s academic performance or potential. This policy is intended to cater for non-academic complaints that are not restricted to and may encompass any of the following:

1. Harassment, sexual or otherwise, and/or vilification of a student enrolled in a course of AMPA by another student or member of AMPA staff;
2. Complaint regarding behaviour of AMPA staff;
3. Being refused enrolment or progression or graduation in a course of AMPA based on discrimination;
4. Overseas student being refused a transfer to another provider;
5. The claim that a student enrolled in a course of AMPA has an unpaid financial obligation to AMPA;
6. Complaint arising from the use of personal information provided by a student.

All students of AMPA or those seeking to enrol in a course of study with AMPA are entitled to access the complaint procedures set out in this policy regardless of the location of the campus at which the complaint has arisen, the student’s place of residence or the mode in which they study. The complainant and/or respondent will not be victimised or discriminated against at any stage of the complaints process set out in this policy. AMPA does not charge any fee for the processing of complaints.

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.

2. Procedures

2.1 Avenues Available to Pursue Complaints
A complainant has the option of pursuing a complaint through four levels:

1. Informal discussion
2. Formal written complaint to the Executive Dean
3. Formal written complaint to the Non-Academic Complaints Committee
4. Written request for External Review

2.2 Level One – Informal Discussion
Complainants are encouraged to raise their complaint in the first instance directly with the person concerned, or the manager responsible for the non-academic service involved in the complaint. This is appropriate in matters where the complainant feels comfortable with making a direct approach, or where the complaint does not relate to allegations of unlawful behaviour. Complaints at this level are not considered ‘formal’ and do not require documenting unless they proceed to the next level.
2.3 Level Two - Formal written complaint to the Executive Dean
Where a complainant is not comfortable in discussing the issue informally, or has discussed their complaint with the relevant person and is unable to resolve the issue, or is dissatisfied with the outcome of an informal discussion, he or she may choose to lodge a formal complaint with the Executive Dean. Mindful of the nature of the complaint, it must be dealt with in a reasonable time-frame, and at any rate within 20 working days of receipt of the complaint. The Executive Dean must give reasons and a full explanation in writing for decisions and actions taken in relation to this complaint as part of the procedures if requested by the complainant and/or respondent.

2.4 Level Three - Formal written complaint to the Non-Academic Complaints Committee
In the event that the Executive Dean’s decision does not resolve the issue, the complainant has the right to lodge a complaint with the Non-Academic Complaints Committee. The complaint must be submitted in writing to the Executive Dean and explicitly seek the involvement of the Non-Academic Complaints Committee. The Executive Dean must acknowledge receipt of a complaint in writing within 5 working days.

AMPA’s Non-Academic Complaints Committee will consist of:
- a) Member of the Board of Directors (as Chair)
- b) Executive Dean
- c) External member of AMPA’s Course Advisory Committee.

Where a member of the Committee is a respondent in a complaint that member’s place will be taken by a person of equivalent qualifications to be appointed by the Executive Dean.

The Non-Academic Complaints Committee must address a complaint requiring its consideration within 20 working days of the receipt by the Executive Dean of the written complaint. The complainant must be given the opportunity to appear before the Non-Academic Complaint Review Committee. The complainant and the respondent have the right to be represented by a third person, such as a family member, counsellor or other professional support person if they so desire. If a request for an impartial observer is received from the complainant or the respondent, an observer agreeable to both the Executive Dean and the complainant will be permitted to attend the proceedings. This observer will normally be drawn from an institution affiliated with the Council of Private Higher Education (COPHE), or from a registered higher education provider.

The Non-Academic Complaints Committee must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures. The complainant must be informed in writing that AMPA has a process by which the decision of the Non-Academic Complaints Committee can be reviewed externally.

2.5 Level 4 External Review
If the complainant remains unsatisfied with the outcome of AMPA’s procedures mediation is available through:

Resolution Institute.
13-15 Bridge Street, Sydney NSW 2000
Phone: 61 2 9251 3366 Freecall: 1800 651 650
www.resolution.institute
AMPA will endeavour to achieve a resolution within 20 working days. If complaints remain unresolved, the complainant may decide to refer the matter to another external agency, such as:

- Anti-Discrimination Board
- NSW Office of Fair Trading
- NSW Ombudsman
- Australian Human Rights Commission

3. Records
Records of all complaints and applications for review of decisions must be kept for a period of at least five years after which time they will be destroyed. Records of complaints and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and kept in the office of the Executive Dean. Only the Executive Dean has access to AMPA locked files. Parties to the complaint will be allowed supervised access to these records at any time by making a written request to the Executive Dean.

4. Publication of this Policy and Procedure
This document is made available in the Staff and Student Handbooks, in the Policy and Procedures Manual and publicly on the AMPA website in order to be readily accessible.

5. Authority and Implementation
This policy and procedure was agreed to by AMPA Board of Directors at its January 2016 meeting. The Board of Directors determined that a copy of this procedure be made available to all staff and support staff through the Staff Handbook. The Executive Dean is responsible for training staff and support staff in the application of the policy. Staff members are trained in the policy at the beginning of year staff meeting, or for new staff as a part of their general orientation.

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. Nothing in this Non-academic Complaints Policy limits the rights of students to take action under Australia’s Consumer Protection laws. Also, these dispute resolution procedures do not circumscribe students’ rights to pursue other legal remedies.

6. Reporting of Outcomes
All policy reviews undertaken and their outcomes, must be reported annually by the Executive Dean to the Board of Directors.

Policy Details

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