

# Continuing Education Grievance, Appeals & Refund Policy

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## Grievance and Appeals Policy

Fitness Australia is committed to maintaining a fair and harmonious learning environment for staff, students and participants which provides equality of opportunity. We strive to maintain this principle and practice not just in relation to the matters covered by anti-discrimination laws, but to all work, training and learning matters to our diverse students/participants.

Fitness Australia recognises the right of students/participants to express their concern about learning and training related issues with Fitness Australia’s continuing education programs and has an official avenue to resolve student/participant grievances and complaints in a confidential, fair, effective and timely manner.

## Applicability

This policy applies to all Fitness Australia continuing education programs, customers and students. This includes Grievances, Appeals, Refunds and Cancellation policies.

## Purpose

Fitness Australia is committed to the delivery of quality services and quality improvement processes. This policy is designed to facilitate the effective and confidential resolution of complaints, grievances, and potential appeals from any student/participant who enrolls within Fitness Australia administrated continuing education programs. This policy also covers grievances and rights to refunds as they relate to course cancellation or withdrawal from course attendance.

The purpose of this policy is to:

- Ensure complaints, grievances and appeals from customers and students are handled in a fair, equitable and effective manner
- Ensure that all complaints and grievances are dealt with in a confidential and timely manner ensuring students and customers have a clear understanding of the process and steps involved in reporting, managing and resolving conflicts and grievances
- Ensure customers and students feel comfortable with reporting complaints or grievances without fear of retribution
- Provide a framework for managing complaints, grievances and appeals
- Provide a procedure for investigating complaints and grievances

All education and training related issues, problems, complaints, concerns, misunderstandings, or disputes may be the subject of a complaint or grievance process. Operations of our programs which may cause a grievance covered by this policy may include:

## Academic Grievances

- Educational materials and resources
- Program content or structure

- Delivery of learning outcomes
- Relating to assessment
- Support services
- The learning environment

### **Non – Academic Grievances**

- Administrative processes or decisions
- Complaints about another student/participant or group of students
- Complaints about a staff member/s and/or contractors
- Discrimination in any form, including but not limited to race, religion, gender, sexuality, marital status, disability, pregnancy and parental status.
- Issues relating to access and equity to training
- All types of harassment, bullying, intimidation or coercion
- Personal and learning safety

Students/participants involved in any of Fitness Australia’s continuing education programs are assured there will be no recrimination against them for availing themselves of the rights established under this policy. However, students/participants are to exercise good judgment and good faith in availing themselves of these rights.

It is important that all grievances be dealt with as quickly as possible. It’s the responsibility of all students/participants, Fitness Australia employees, or other related parties to minimise delay and to proceed through the grievance process in a timely and efficient manner. All involved have an obligation to be absolutely diligent in maintaining confidentiality and to remain fair, impartial and respectful of people and process.

Everyone is reminded that in any grievance procedure, the aim is to ascertain the facts as fully as possible, investigate the facts, gather supporting evidence, and then endeavour to reach a fair and reasonable resolution after evaluating all information. All concerned will be given the opportunity to present their version of events and to put forward supporting material. All concerned, including the complainant (i.e. the person making the complaint) and the respondent (i.e. the person or person(s) named in the complaint) will not be discriminated or victimised against in any manner and any complaint, investigation and findings will remain strictly confidential, barring mandatory reporting requirements or other reporting requirements enforced by law.

This policy establishes both informal and formal grievance resolution procedures, structured to promote a fair, sensitive, quick, and confidential process. Students and customers are encouraged to use this policy to resolve learning and training related disputes, problems, or concerns.

### **Bullying Behaviour**

Bullying behaviour may involve anyone with whom students/participants come into contact in the ordinary course of their education program with Fitness Australia.

Bullying may be active or passive, direct or indirect, physical or psychological but it does include:

- Unacceptable language and rudeness
- Bullying behaviour directed against someone including their property
- Unreasonable teasing
- All forms of intimidating behaviour including physical assault or threats
- Marginalising or ignoring someone
- Any form of demeaning behaviour whether business or personal which serves to denigrate the individual being attacked
- Abuses of authority

Bullying may sometimes involve harassment or discrimination where a person unreasonably picks on a personal characteristic such as race, gender, marital status, pregnancy, religious beliefs, disability or age which causes another to feel embarrassed, humiliated, offended or intimidated.

### **Principles**

- Any student/participant involved in Fitness Australia's education or training programs has the right to lodge a grievance and have it handled promptly and equitably, without fear of recrimination.
- The grievance policy should be seen by students and customers to be a positive and productive mechanism.
- The grievance policy and procedures should be fair and just and be applied equally to all parties regardless of their role.
- As far as possible, normal learning and training activities will continue whilst the grievance process is being pursued.
- Any party to a grievance should be given the opportunity to have a support person of their choice present during any interviews. The support person’s role is to observe the proceedings, not to participate in the interview or advocate for any person. However,

if this person represents a conflict of interest to the matter, Fitness Australia reserves the right to request another support person to be present.

- This policy may be modified to suit the individual needs of centres and sites (following consultation with a Human Resources representative) however, the fundamental principles of this Policy need to remain intact.

## Procedure

A student/participant who wishes to raise a grievance must commence the process (formal or informal) within 10 business days of the issue arising. In the first instance, all efforts should be made to resolve the complaint directly between the parties in an informal manner.

### Informal Grievance

Students and customers are encouraged to resolve a problem or concern directly with the person or persons involved. Alternatively, students or customers may raise a grievance with a Fitness Australia staff member, who shall ensure they are open and accessible to discussing matters and addressing issues.

If after attempts to resolve the grievance using informal procedures have failed, or should a resolution not be reached within one (1) month of the initial notification of the grievance, the parties should escalate their grievance to the formal grievance procedure.

Where informal procedure does not resolve the issue within one month of the initial notification of the grievance, a student, or customer may follow the formal process, see below.

A student/participant may opt to follow the formal procedure without first pursuing informal resolution if desired.

### Formal Grievance

All formal grievances must be lodged in writing to:

Standards & Development Manager  
Fitness Australia  
Level 3, 80 Dorcas St  
South Melbourne, VIC 3205  
Or email: [cecsupport@fitness.org.au](mailto:cecsupport@fitness.org.au)

This can be initiated by the complainant by completing a Notification of Complaint letter and lodging it with the Standards & Development Manager. This letter should outline the nature of the grievance in detail, and should detail the complainant's suggestion to remedy the situation. Where a complainant is not equipped with writing skills, assistance is to be given to document the oral complaint from the complainant.

A student/participant wishing to embark on formal grievance procedures may raise a complaint with the Fitness Australia's Standards & Development Manager representative within 10 business days of the issue arising.

## Investigation

- 1) The recipient of the complaint (the Standards & Development Manager) is to acknowledge receipt of the grievance within seven (7) business days by letter, and inform the complainant that the formal grievance procedures will now be instigated.
- 2) The recipient of the grievance is to make an initial investigation, (if appropriate) to evaluate the validity to the grievance by obtaining relevant information from the student or staff member involved, the complainant and if necessary, other students, employees/volunteers or customers.
- 3) In situations where the recipient is a Standards & Development Manager, they will communicate with the complainant and discuss possible actions to resolve the matter. Standards & Development Manager will appoint a suitable person to make the initial investigation to evaluate the validity of the grievance by obtaining relevant information as outlined above. This person will become the recipient of the grievance and take responsibility for the matter to be resolved. This person will provide the Standards & Development Manager with regular updates as to the progress of the matter.
- 4) In situations where a Fitness Australia staff member is directly named in the complaint, they will not be able to handle an escalated complaint made against them. In this situation, the investigation into the incident will instead be carried out by an independent party. Such mediation is to be conducted by a mediator appointed by agreement of the parties, who is independent of the parties, nationally accredited and a member of LEADR (<http://leadr.info/searchdirectory>). Failing agreement within 10 business days of receiving any party's notice of dispute, by a person appointed by the Chair of LEADR (ACN 008 651 232; Level 1, 13-15 Bridge Street, Sydney NSW 2000; telephone: 02 9251 3366; email: [leadr@leadr.info](mailto:leadr@leadr.info)), or the Chair's designated representative.
- 5) After the investigation, if the recipient of the grievance believes it appropriate to progress the matter further (i.e. there may be some substance to the grievance) it is his/her responsibility to notify the person who the grievance has been lodged against. This person should be provided with details of the complaint, the identity of the complainant (except in cases of a protected

disclosure), a copy of the grievance policy, the process, and possible outcomes. This person on receipt of this information must not victimise the person making the grievance and should this occur, disciplinary action may be taken.

- 6) Should there be no substance to the grievance, the recipient of the grievance must advise the complainant in writing and the Standards & Development Manager (if the matter was originally referred to this person).
- 7) Where necessary, the recipient of the complaint (i.e. the Standards & Development Manager) is to complete investigations by obtaining relevant information from students, staff, the complainant and, if necessary, other staff/volunteers/participants.

An interview should then be scheduled involving all relevant parties and chaired by the Standards & Development Manager. If it is the Manager who is being investigated, the meeting should be chaired by a Human Resources representative or nominee. All parties in this process must be informed that all information and outcomes to the grievance is to be treated in strict confidence. The representative is to complete an investigation of the matter by obtaining relevant information from the individual the complaint was made against, students, staff, the complainant and, if necessary, other students and customers and make recommendations for resolution.

## Record Keeping

A record of interview, including details of the strategies and actions agreed upon to resolve the conflict, is to be prepared and distributed to all relevant parties.

All grievance reports are to be kept by the Standards & Development Manager or representative in a secure place. A copy of appropriate reports is to be given to each of the parties involved, who in turn must respect all other parties' right to privacy and confidentiality in their storage and handling of the report.

## Time frame for resolution

Any resolution should contain a time frame of events. A review time should be scheduled shortly after the expected implementation of the resolution plan, to evaluate the results and determine if the grievance has in fact been resolved.

## Plan of action

If the parties cannot agree to a resolution, then either the Standards & Development Manager or whoever was chairing the interview should prescribe a plan of action to be implemented to temporarily alleviate the grievance, and may refer the grievance to Senior Management Team at Fitness Australia, at their discretion they may either carry out another grievance investigation, or prescribe a plan of action to resolve the grievance, and nominate a time frame for implementation. Following implementation of either the agreed strategies or the prescribed strategies, a second interview should be held to review the progress of the conflict resolution.

## Appeals Process

The student/participant must lodge a written Notice of Appeal within ten (10) business days of the grievance outcome or determination being made. The appeal must set out the grounds of the appeal or any new information which was previously unavailable which may support their case and must include the nature of the outcome sought.

## Education and Assessment Appeals

Students have the right to raise and have resolved grievances in relation to assessments, program enrolment, or service delivery or appeals in relation to any rulings or decisions made regarding these aspects to be heard or made without retribution.

Appeals in relation to education and assessment outcomes should be made in writing to the Standards & Development Manager outlining concerns, issues and requested outcomes.

Where an appeal is made relating to the above, an investigation into the marking and outcomes of assessments will be carried out by the Standards & Development Manager (Qualified Trainer and Assessor).

Where the outcomes of the assessment have resulted in borderline results and subsequent program or subject failure or where the Standards & Development Manager deems the marking of the assessment were prejudiced, bias or otherwise inaccurate, a second qualified assessor and trainer will remark the exam and examine the assessment. The outcomes of this assessment are final.

Where the Standards & Development Manager deems the process for assessment and/or program enrolment and service delivery have been followed appropriately, the matter will be dismissed.

Written notice of the outcome or all investigations will be made to all parties concerned.

Should this outcome be deemed unsatisfactory by the complainant, the complainant may make a written appeal to the Senior Management Team at Fitness Australia and follow the steps outlined below and within this policy.

## Grounds for Appeal

Appeals may be made when:

- New relevant evidence is made available or comes to light
- Due course and process was not followed
- Bias, prejudice or a conflict of interest was made by the investigator or hearing body
- Significant procedural or policy irregularity occurred in relation to the investigation of the case

## Hearing of Appeals

The Appeals Committee will be responsible for hearing appeals. The Appeals Committee must not consist of any persons:

- Directly involved in the complaint or who has personal involvement with the complainant or responder
- Involved in the matter or other related matters which could lead to potential bias, conflict of interest or prejudice in relation to the grievance or appeals process

## Appeals and the Appeals Committee

- If it is of the view that the grievance was properly handled, no further action will be taken.
- If not, another investigation may be undertaken by a person other than the one who conducted the initial one. This decision is final.

Should the complainant remain unsatisfied with the decision at this point, they should pursue further grievance resolution measures through an appropriate external agency. Counselling services will be made available if required to all parties.

The Standards & Development Manager may seek the advice and assistance of any government department, authority, agency or person including legal advisers to resolve the grievance.

## Outcomes to Grievance

All grievances should be resolved, whenever possible, within 28 days.

There are, essentially, three (3) possible outcomes of an investigation process. These are:

- 1) The grievance is substantiated
- 2) The grievance is unsubstantiated (facts do not support the allegations)
- 3) The grievance has proven in fact not to have occurred

A written report of the evaluation, supported by recommendations, is to be provided within two (2) weeks of the complaint being lodged. Action which may be taken, depending on the nature and seriousness of the grievance and outcome of procedures, range from requiring a written apology, to warning, training or counselling to termination of employment or program enrolment.

The following written records will be made and retained as part of the formal grievance procedure:

- The written statement of the student/participant with the grievance
- The written statement of the person who has the grievance made against them
- Notes or reports of contact coordinators
- Notes or reports of those reviewing the grievance
- Any supporting documentation

The records will be maintained in a 'grievances' file for five years.

## Refunds

Should training be provided on a fee for service basis, a full refund is payable if a training course is cancelled.

No refund will be payable where less than 14 days' notice is provided from the course/event. Late cancellations (within 7 days of course/event date) due to illness or other issues will be considered on a case by case basis. Any requests for refunds must be requested formally in writing, applications should include reason for request and supporting documentation, if possible. Late cancellation fees will apply to any refunds.

Any student no-showing (not attending a booked date with no notice prior to the course date) will not be eligible for any refund.

## Cancellation and Changes

Fitness Australia does not guarantee class delivery dates. Courses may be cancelled or dates and times altered. Where there are insufficient student/participant numbers seven (7) days prior to course/event delivery, course/event may be cancelled. Where courses are cancelled or times and dates altered, enrolled students/participants will be notified via email. Should subsequent dates and times be unsuitable, a full refund will be made available.