MIT STUDENTS

GRIEVANCE PROCEDURES

ACADEMIC MATTERS

INTERNATIONAL STUDENTS
GRIEVANCE PROCEDURES: ACADEMIC MATTERS

Approval

This policy was approved by Melbourne Institute of Technology on 24th October 2005 and updated 8th August 2013.

Purpose

To provide a procedure which enables students to pursue grievances that are not covered by other, specific policies and procedures.

The policy endeavours to establish procedures through which:

- All parties have access to clearly defined processes designed to facilitate resolution of grievances
- Grievances are addressed in a timely and equitable manner
- The principles of natural justice are observed in the conduct of proceedings to which this policy relates

The policy also endeavours to establish a framework within which members of the MIT community are encouraged to:

- resolve issues as close to source as possible
- Undertake appropriate actions to address systemic or underlying causes with a view to preventing problems from occurring or recurring.

Natural Justice requires that:

- the person affected by a disputed matter be given the right to present his/her case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used; and members of the decision making body be free of bias or other personal interest in the outcome.

Victimisation and Discrimination

- Under these procedures the complainant and respondent will not be victimised or discriminated against as a result of a grievance being raised.
Policy communication to academic and support staff

- This policy is communicated to academic and support staff through the Melbourne Institute of Technology academic staff handbook. The Academic Director is responsible for the training of academic staff in the application of this policy. The Manager Student Services is responsible for the training of support staff in its application.

Third party representation

- Under these procedures the complainant and/or respondent have a right to be represented by a third person (such as a family member, friend, counsellor or other professional support person but not a lawyer) if they so desire.

Application of Policy & Procedures to student’s

- Students of Melbourne Institute of Technology are entitled to use the grievance procedures set out in this policy, regardless of the location of the campus of the institution at which the grievance has arisen, the student’s place of residence or the mode in which they study.

All students of Melbourne Institute of Technology can use these procedures to submit a grievance about an academic matter.

Scope - This procedure applies to all academic aspects of a student’s experience at MIT. This procedure covers, but is not limited to, grievances which may arise as a result of:

(a) assessment and examinations;
(b) student discipline;
(c) network discipline;
(d) credit transfer;
(e) recognition of prior learning;
(f) class timetables; and
(g) student academic progress
(h) curriculum and awards in a course of study.
(i) other academic related matters
**Student** - A person who is enrolled in any course/subject/module/competency offered by the Melbourne Institute of Technology, regardless of the location of the campus at which the grievance has arisen, the student’s place of residence or the mode of study. The term ‘student’ in these procedures can also refer to a group of students.

**Head of Academic unit** – Department Manager, Administration Manager, Divisional Manager, or their equivalent/s.

**Grievance** - a complaint presented by an individual, or a group, based on the opinion of that individual or group that he/she or they are, or have been, receiving unfair treatment.

**Grievance Procedure** - a prescribed set of processes to be followed when a grievance is presented.

**Publication** – A copy of these procedures will be provided to all staff and students as part of staff/student induction and orientation programs and will be made publicly available on the Melbourne Institute of Technology website at [http://www.mit.edu.au/about-mit/institute-rules-policies-and-plans/policies-procedures-and-guidelines](http://www.mit.edu.au/about-mit/institute-rules-policies-and-plans/policies-procedures-and-guidelines) and in staff and student information handbooks.

**Induction/Orientation** – these procedures will form part of academic staff/student induction and orientation programs.

Students at Melbourne Institute of Technology have access to a 3 stage academic grievance process which is set out below. Each stage is free of charge.

**PROCEDURE**

1. **Actions which give rise to a grievance**
   A grievance arises when a student has no other avenue of redress available to him or her under the procedures of the Institute for what he/she considers to be unfair treatment.

2. **Resolving a grievance**
   2.1 **Informal Resolution (First stage)**

   2.1.1 In the first instance, the student should normally discuss the grievance informally with the relevant academic staff member who should try to resolve it. Where it appears that the grievance should be dealt with under another MIT policy the academic staff...
member shall immediately refer the student to the appropriate policy. Where a student is unable to make contact with or is reluctant to approach the relevant academic staff member, the student may then raise the matter with the Head of Academic unit.

2.1.2 Students have up to ten (10) working days to initiate the informal review process, from the date of the occurrence which gives rise to the grievance or the date the circumstances giving rise to the grievance are brought to the student’s notice/the student becomes aware of the circumstances giving rise to the grievance.

2.1.3 During the informal process, the academic staff member/Head of Academic unit (as the case may be) may take such action as deemed appropriate to resolve the matter. This must include discussing the matter with the student, and may also include, but is not limited to:

- reviewing the student’s records/results; and/or
- discussing the matter with other members of academic staff; and/or
- allowing the student to re-submit documentation where the academic staff member has reason to believe that the student had valid grounds for misunderstanding relevant requirements.

2.1.4 The informal resolution process must be completed within ten (10) working days from the date on which the student contacted the relevant academic staff member of the academic unit. The Head of the Academic unit may grant an extension not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

2.1.5 The student will be advised in writing within two (2) working days of the conclusion of the informal resolution process (by Express Post notice to the student’s semester address and by email (where the student has provided his/her email address) of:

- the outcome of the informal resolution process;
- the availability of support services at MIT; and
- the appeals mechanism.

2.2 Formal Resolution (Second Stage)

2.2.1 If a student is not satisfied with the outcome of the informal resolution process or the time taken under the informal resolution stage to resolve the matter, the student may submit the grievance in writing to the Head of Academic unit and/or explicitly seek the involvement of the appeals committee (see item 2.3). The appeals committee will deal with the complaint within a reasonable time, normally within 30 days of receipt of the complaint. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal resolution process.
The student’s letter shall:

- state the reason/s for the grievance;
- detail the outcome of the informal resolution process;
- include any specific issues which the student wishes to present to the Head of the Academic unit; and
- where relevant, attach copies of documentary evidence.

2.2.2 The Head of Academic unit will consider the formal grievance by:

- reviewing the student’s letter and the outcomes of the informal resolution process;
- verifying that all appropriate procedures have been correctly carried out;
- seeking additional information from appropriate academic staff concerning the subject of the grievance;
- discussing the matter directly with the student; and
- undertaking other action as appropriate.

2.2.3 After consideration of all of the available evidence, the Head of Academic unit may decide to:

a) dismiss the grievance; or
b) uphold the grievance and direct that:
   (i) reparation as appropriate be made to the student; and/or
   (ii) where relevant, the student’s academic result be amended and/or
   (iii) where relevant, that administration systems, policies or procedures be reviewed;
   (iv) appropriate actions to address systemic or underlying causes (if any) be undertaken, with a view to preventing problems from occurring or recurring;
   and/or
   (v) other actions as appropriate.

c) where appropriate grant the student an opportunity for re-assessment.

2.2.4 The student will be informed of the outcome in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt by the Academic unit of the student’s letter.

2.2.5 If the Head of Academic unit and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Campus Director will appoint another person to investigate the formal grievance.
2.3 Appeals

2.3.1 A student has the right of appeal to the Grievance Appeals Committee from a decision of the Head of Academic unit on one or more of the following grounds:

- that the case was not heard on its merits;
- that the student is able to provide new evidence which could not reasonably have been provided at the time of the Head of Academic unit investigation;
- that a procedural irregularity has occurred in the hearing of the grievance during the investigation by the Head of Academic unit.

2.3.2 A student who wishes to appeal against a decision of the Head of Academic unit shall:

- lodge the appeal with the office of the Campus Director;
- lodge the appeal in the format shown below;
- lodge the appeal within twenty (20) working days of receipt of written notification of the decision of the Head of Academic unit.

The written appeal must:

- state the grounds on which the appeal is made, in accordance with section 2.3.1 of this policy;
- detail and, where appropriate, provide evidence relevant to the grounds for appeal. A copy of documentary evidence referred to in the letter of appeal must be attached. (Failure to present evidence referred to in the letter of appeal will be taken into account by the Grievance Appeals Committee.)

Format of Appeal Letter

The Campus Director
Melbourne Institute of Technology
Level 11, 388 Lonsdale Street
Melbourne 3000

I hereby lodge an appeal pursuant to the decision of the Head of (insert details of Academic unit) advised to me by (insert date of notification).

The ground(s) of my appeal is/are:

(insert ground(s) as appropriate from section 2.4.1)
In support of this appeal, I submit the following information for consideration by the Grievance Appeals Committee.

*(include summary of all relevant information or material here)*

*Student Signature*

Date:

Family Name:

Given Name:

Student ID: (where relevant)

Address for notices:

Contact telephone:

Email address:

2.3.3 Upon lodgment of the written appeal, the Campus Director will:

- check that the written appeal substantially complies with the format required in section 2.3.2;
- check that, where reference is made to supporting documentation, a copy of the documentation is attached;
- check that the student has included a description of the relevant evidence in relation to the grounds for appeal to the Grievance Appeals Committee; and
- if applicable, consider the reasons provided for the late lodgement of an appeal and determine whether or not these are such as to warrant the appeal proceeding.

Where, in the opinion of the Campus Director, the appeal does not comply with one or more of these criteria and therefore should not be heard by the Appeals Committee, the Campus Director will refer the appeal to the Chief Executive Officer for a final decision on whether the appeal is to be rejected or a Grievance Appeals Committee convened to hear the appeal.

Where an appeal has not been rejected, the Campus Director will forward the appeal to the appropriate Grievance Appeals Committee.
2.4 Grievance Appeals Committee

2.4.1 The composition of the Committee shall be:
   a) the Campus Director or nominee, who shall be Chair of the Committee;
   b) one academic staff member from the relevant academic unit or discipline different from that of the Chair;
   c) President of the Student Association or nominee of the Student Association;
   d) Where a member of academic staff is required to attend an appeals hearing, a representative of the academic staff may be invited to attend the meeting of the Committee in an advisory capacity.
   f) Both genders will be represented.

2.4.2 In allocating appeals to the Committee, the Campus Director shall select a Committee whose Chair and academic staff member are from a discipline area other than that in which the student has been taught.

2.4.3 The Manager Student Services or nominee shall attend and act as Secretary to the Committee and shall:

   • collate all documents relevant to the appeal hearing (including the “Grievance Form” referred to in section 3) and disseminate to all parties;
   • establish a date, time and place for the appeal hearing and advise all parties in accordance with section 2.5.3;
   • maintain a record of the proceedings of the appeal hearing and the decision(s) taken;
   • advise the Campus Director of the outcome of the appeal immediately after the proceedings have concluded;
   • draft the letter advising the student of the outcome of the appeal for the Chair’s approval prior to obtaining the Campus Director’s signature; and
   • ensure that a copy of all documentation is maintained on the official file in Record Management Services.

2.4.4 Where an appeal has been forwarded to the Grievance Appeals Committee, a meeting of the Committee shall be convened within 15 working days of lodgement of the letter of appeal. All participants shall be given at least 5 days notification in writing of the time, date and place at which the appeal is to be heard. Notification will be forwarded to the student via express mail to his/her semester address.
2.4.5 The hearing shall be held in camera. The Committee shall regulate its own proceedings. The Committee may call before it any witnesses to provide additional evidence.

2.4.6 The student shall be given the opportunity to appear in person before the Committee and to call witnesses. An advocate, who is not a member of the Committee and is not a legal practitioner, may represent the student.

2.4.7 The student must be given the opportunity to hear and examine the evidence of all witnesses called before the Committee.

2.4.8 The Committee must hear the matter on its merits, taking account of all of the circumstances of the case.

2.5 Decision of the Appeals Committee

2.5.1 After consideration of all of the available evidence, the Committee shall reach its decision by consensus or, if a consensus cannot be reached, by a majority vote, of the members. In the event that the Committee consists of four (4) members (see section 2.4.1 (d)), the Chair shall have a casting vote. Otherwise, Committee members shall have equal voting rights. The Secretary does not have voting rights.

2.5.2 The Committee may:
   a) confirm the decision against which the student has lodged his/her appeal;
   b) uphold the appeal and/or c) and/or d) and/or e) as applicable;
   c) modify the directions of the Head of Academic unit;
   d) direct that appropriate actions to address systemic or underlying causes (if any) with a view to preventing problems from occurring or recurring be undertaken; and/or
   e) take other action as appropriate.

2.5.3 The Secretary will then:
   a) document the decision and reasons for the decision.
   b) contact the Campus Director as soon as the decision has been made to brief him/her of the outcome;
   c) after briefing the Campus Director, draft the written communication for the Chair’s approval prior to obtaining the signature of the Campus Director;
d) send the signed communication (which shall include the reasons for the decision) to the student by express post within five (5) working days of the Committee’s decision being made;

e) provide copies of the decision to other appropriate parties;

f) update the Records Management file as required.

2.5.4 There is no further appeal against the decision of the Grievance Appeals Committee to any other officer or body within the Institute. There is no cost to student or other affected person’s at this stage.

2.5.5 After the appeal, if the student is still unhappy with the Grievance Appeals Committee’s decision, the student is advised to use the Overseas Students Ombudsman Services. This service is at no cost to the student.

The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia.

The legal basis for the Ombudsman role is the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011, passed by the Australian Parliament on 21 March 2011. Further information on The Overseas Ombudsman can be found at www.oso.gov.au

The Overseas Students Ombudsman
GPO Box 442 Canberra ACT 2601
Tel: 1300 362 072
Website: http://www.oso.gov.au
Email: overseas.students@ombudsman.gov.au

The time it takes to address a grievance will vary, please refer to the information available on the website.

Recommendations and their Implementation at MIT

If a decision is made to investigate a complaint, the Ombudsman will ask MIT about the problem. The Ombudsman may request relevant documents, or information such as student records from MIT.

If the Overseas Students Ombudsman makes recommendations in relation to a grievance they have reviewed, the Ombudsman will forward those recommendations to the Campus Director MIT who will ensure that the recommendations are implemented.

3.0 External Mediation

After the appeal, if one or both parties are still unhappy with the Grievance Appeals Committee’s decision, the unsatisfied party or both parties are advised to use external mediator services MIT will share the cost of external mediator services if MIT happens to be one of the parties in dispute.

LEADR provides a mediator service, which is external to MIT. Further information on LEADR can be found at www.leadr.com.au

Level 1, 13-15 Bridge Street, SYDNEY NSW 2000
Tel: +61 2 9251 3366 or 1800 651 650
Fax: +61 2 9251 3733
Email: leadr@leadr.com.au

Recommendations and their Implementation at MIT

If LEADR makes recommendations in relation to a grievance they have reviewed, LEADR will forward those recommendations to the Campus Director MIT within fourteen 14 working days who will ensure that the recommendations are implemented within a period of 30 days.

Student Enrolment

MIT will maintain the student’s enrolment while the internal and external complaints and appeals process is ongoing.
Record Keeping

- At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given if requested by the complainant and/or respondent.
- Records of all grievances, applications for review of decisions and outcomes of the grievance process will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Campus Director for a period of 5 years. Parties to the complaint will be allowed supervised access to these records.

4.0 Complaints

TEQSA is Australia’s regulatory and quality agency for higher education. Students with a complaint about MIT may contact Complaints@teqsa.gov.au