MIT STUDENTS

GRIEVANCE PROCEDURES

NON ACADEMIC MATTERS

INTERNATIONAL STUDENTS
GRIEVANCE PROCEDURES: NON- ACADEMIC MATTERS

Approval
This policy was approved by Melbourne Institute of Technology on 24th October 2005 and amended on 20th March 2007 and updated August 2013.

Purpose
To provide a procedure which enables enrolled students and students seeking to enrol 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 and perceived bias or other personal interest in the outcome

The policy ensures that the following is strictly adhered to:

• Victimisation: MIT will observe that the grievance policy does not victimise against any complaint or respondent.
• Discrimination: MIT will strictly observe that the grievance policy does not discriminate against any complaint or respondent.
• Third party assistance: Complaint and or respondent may be accompanied and assisted by a third party if desired at any stage of the grievance resolution procedure.
Communication with the complaint and or respondent: At any stage, when a decision is made, MIT will give reasons and a full explanation in writing for decisions and actions taken as part of the procedures. Melbourne Institute of Technology will provide support and advice to students and prospective students who require assistance beyond that provided by the Institute itself.

**Scope** - This procedure applies to any non-academic aspect of a Student’s experience at MIT. This procedure covers, but is not limited to, grievances which may arise as a result of:

- payment of fees;
- student charges;
- student loans;
- enrolment;
- scholarships;
- course transfer;
- minimum course component;
- graduation;
- time limits for completing rationalised/discontinued/modified courses; and
- interaction with institute staff.
- Personal information
- Administration of the Commonwealth Learning Scholarships Program

**Student** – For the purposes of this procedure a student is a person who is enrolled or is seeking to enrol 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 Unit**–Department Manager, School 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 Institute’s website and in staff and student information handbooks.

Staff Training – All staff will be informed of and trained in the application of this policy as part of ongoing staff training programs including induction and orientation programs.

Fees/Costs – There are no fees levied or costs imposed on students or staff by MIT for lodging or participating in grievance procedure activities conducted within the institute. However, MIT will share the cost of external mediator services if MIT happens to be one of the parties in dispute.

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 for what he/she considers to be unfair treatment.

2. Resolving a grievance
   2.1 Informal Resolution
   2.1.1 In the first instance, the student should normally discuss the grievance informally with the relevant staff member who should try to resolve it. Where a student is unable to make contact with or is reluctant to approach the relevant staff member, the student may then raise the matter with the Head of 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 staff member/Head of 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; and/or
   - discussing the matter with other members of staff; and/or
- allowing the student to re-submit documentation where the 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 staff member of the unit. The Head of the 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

2.2.1 If a student is not satisfied with the outcome of the informal resolution process, he/she may submit a formal grievance in writing to the Head of Unit. 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 Unit; and
- where relevant, attach copies of documentary evidence.

2.2.2 The Head of 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 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 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 enrolment status be restored; 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.

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 Unit of the student’s letter [See 2.3.1]

2.2.5 If the Head of 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 Unit.

2.3.2 A student who wishes to appeal against a decision of the Head of 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 Unit.

The written appeal must:
   - state the grounds on which the appeal is made;
   - 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 \(\text{insert details of Unit}\) advised to me by \(\text{insert date of notification}\).

The grounds of my appeal is/are:

\(\text{(insert ground(s) as appropriate from section 2.4.1)}\)

In support of this appeal, I submit the following information for consideration by the Grievance Appeals Committee.

\(\text{(include summary of all relevant information or material here)}\)

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.

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 staff member from the relevant unit or area different from that of the Chair;
c) President of the Student Association or nominee of the Student Association;
d) Where a member of staff is required to attend an appeals hearing, a representative of the staff may be invited to attend the meeting of the Committee in an advisory capacity.
e) Both genders will be represented.

In allocating appeals to the Committee, the Campus Director shall select a Committee whose Chair and a staff member are from an area other than that in which the student is concerned.

2.4.2 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 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 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;
   e) refer the matter to an external mediator and/or
   f) 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.

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