REVIEW PROCEDURES FOR DEALING WITH DECISIONS MADE BY MIT OFFICERS (AS REQUIRED UNDER SUBDIVISION 19-D OF THE HIGHER EDUCATION SUPPORT ACT 2003)

REVIEW PROCEDURES FOR RE-CREDITING STUDENT LEARNING ENTITLEMENT (SLE)

Purpose

To provide procedures for reviewing decisions made in relation to re-crediting a students SLE or student contribution amount and the re-crediting of their FEE-HELP balance and removal of FEE-HELP debt.

Natural Justice requires that:

- the person lodging the application for the review be given the right to present his/her case including the opportunity to be heard,
- the Review officer be free of bias and perceived bias or other personal interest in the outcome

Scope - This procedure applies to student’s seeking review of decisions made by Melbourne Institute of Technology in relation to re-crediting their SLE or student contribution amount and the re-crediting of their FEE-HELP balance and removal of FEE-HELP debt.

Prospective Student: A person or person’s seeking to enrol in any course/subject/module/competency offered by the Melbourne Institute of Technology.

Student - A person who is enrolled in any course/subject/module/competency offered by the Melbourne Institute of Technology.
**Review officer** – generally will be the General Manager except in the case where the original decision was made by the General Manager or the original decision was made by a more senior officer of MIT in which cases the review officer will be the Chief Executive Officer.

**Staff Training:** All staff will be trained on how to apply the procedure contained herein as part of the staff induction program.

**Publication** – These procedures will be made publicly available on the Institute’s website and in staff and student information handbooks.

1. **Procedure** – a student has the right to apply for a review of a decision not to re-credit their SLE or student contribution amount and not to re-credit their FEE-HELP balance and not to remove their FEE-HELP debt.

1.1 A student who wishes to apply for a review of an original decision shall:

- lodge the application with the office of the General Manager;
- lodge the application in the format shown below;
- Lodge the application within twenty eight (28) days of receipt of written notification of the original decision.

1.2 The written application must:

- state the grounds on which the review is being sought;
- Detail and, where appropriate, provide evidence relevant to the grounds for the review. A copy of documentary evidence referred to in the letter of application must be attached. (Failure to present evidence referred to in the letter of appeal will be taken into account by the General Manager

2. **Format of Appeal Letter**

The General Manager
Melbourne Institute of Technology
Level 2M, 284-294 La Trobe Street,
Melbourne, VIC 3000
I hereby apply for a review pursuant to the decision of the Manager, Student Services advised to me by (insert date of notification).

The ground(s) for my seeking a review is/are:

(insert ground(s))

In support of this application, I submit the following information for consideration by you.

(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:

1. Lodgement

Upon lodgement of the written application, the General Manager will:

3.1 check that the written appeal substantially complies with the format required
3.2 check that, where reference is made to supporting documentation, a copy of the documentation is attached;
3.3 check that the student has included a description of the relevant evidence in relation to the grounds for review; and
3.4 If applicable, consider the reasons provided for the late lodgement of an application and determine whether or not these are such as to warrant the application proceeding.

Notify the student in writing within five (5) working days that the application has been received and is being considered and request any documentation identified as not being provided in the initial application. Within this notification the student will be
advised that if the Review officer has not advised them of a decision within 45 days of receiving the request the Review officer is taken to have confirmed the original decision.

The applicant will be informed that they may apply to the AAT for a review of the decision once it is made and provided with the contact details for the AAT and approximate cost of making an application.

4. Proceedings

4.1 Consideration of the application shall be held in camera. The Review officer shall regulate his/her own proceedings. The Review officer may seek additional evidence.

4.2 The Review officer will give the student the option of appearing in person before the Review officer and to call witnesses. An advocate, who is not a legal practitioner, may represent the student.

4.3 The Review officer must consider the matter on its merits, taking account of all of the circumstances of the case.

4.5 The Review officer may:

   a) Confirm the original decision against which the student has lodged his/her application or
   b) Vary the original decision against which the student has lodged his/her application; or
   c) Set the decision aside and substitute a new decision and
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;

4.6 Review Officer will then:

   a) document the decision and reasons for the decision.
   b) contact the Manager, Student Services as soon as the decision has been made to brief him/her of the outcome. The applicant will be informed that they may apply to the AAT for a review of the decision once it is made and provided with the contact details for the AAT and approximate cost of making an application.
   c) after briefing the Manager, Student Services, develop and sign the written communication to the student about the outcome;
   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 decision being made;
   e) provide copies of the decision to other appropriate parties;
   f) Update the Records Management file as required.
4.7 There is no further appeal against the decision of the Review Officer to any other officer or body within the Institute.

4.8 If the student is unsatisfied with the outcome of the review they have the right to appeal to the Administrative Appeals Tribunal (AAT). Should a student wish to exercise this further right of appeal then MIT will provide the student with the contact details and address of the nearest AAT agency.

4.9 If the matter is heard by the AAT MIT will comply with all requirements of the AAT and DEEWR

5. Record Keeping

5.1 All outcomes, decisions and dealings associated with the pursuit of an application under this Policy and Procedures, and any appeals arising there from are confidential and are to be managed in accordance with the Institute’s policy on confidentiality of student records.

5.2 Confidentiality will be strictly observed throughout the grievance process.