

Grievance Procedures Relating to Academic Matters

1 Preamble

- 1.1 Academic grievances relate to student progress, assessment, curriculum and awards in a course of study. This policy specifies MIBT's commitment to ensuring a harmonious, fair and just learning environment by ensuring that students have access to processes which allow for grievances, disputes, problems and complaints of an academic nature to be resolved in a timely manner.
- 1.2 This policy is underpinned by the principles of natural justice and procedural fairness, and emphasises the need to resolve the grievance as early and as close to the source as possible.
- 1.3 MIBT reaffirms its commitment to the provision of a high quality education with the provision of an appropriately resourced learning environment and an assessment process which is objective, appropriate, fair and timely.
- 1.4 This policy does not prevent a student's right to access Australia's consumer protection laws or to pursue other legal remedies. However, students are encouraged in the first instance to access MIBT's complaints and appeals process.
- 1.5 These grievances relate to academic matters. MIBT also has in place a non-academic grievance policy and procedures for all non-academic related matters. MIBT is committed to the principle that every student has the right to register a complaint or grievance about matters or issues relating to their study. A grievance is a concern or complaint about any act, behaviour, omission, situation or decision which a student thinks is unfair or unjustified. The grievance will be considered with courtesy, in a timely, fair and consistent manner without fear of prejudicial treatment.
- 1.6 All complaints will be dealt with in a supportive environment without victimisation or intimidation of anyone connected with the complaint either during, or subsequent to, a complaint resolution process. The complainant and respondent will not be victimised or discriminated against in any of the four stages set out in this policy.
- 1.7 The procedures set out in this document do not replace any responsibilities which may arise under other higher education provider policies or under statute or any other law.

2 Scope

This policy applies to all students of MIBT regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

3 Definitions

Key Term or Acronym	Definition
APDC	Academic Progress and Discipline Committee. A committee established primarily to consider allegations of any act of academic misconduct and to review the academic progress of each student.
Appeal	A request by a student for a decision or determination made by MIBT to be overturned.
Appeals Committee	Committee which hears and determines appeals from MIBT students. This is the final avenue of appeal available to students at MIBT.
Appellant	A person who appeals a decision.
Complaint	An expression of dissatisfaction with any process, outcome or service provided by MIBT.
Complainant	A person who makes a complaint.
DEEWR	Department of Education, Employment and Workplace Relations. The Australian Federal Government's administrative division for policy and program development on education, science, training and administration of the ESOS Act.
DIAC	Department of Immigration and Citizenship. The Australian Federal Government's administrative division on all immigration and visa matters.
ESOS Act	Education Services for Overseas Students Act 2000.
Grievance	A concern or complaint about any act, behaviour, omission, situation or decision which a student thinks is unfair or unjustified.
Overseas Student	Defined as a student who is not an Australian or New Zealand citizen or holder of a permanent residency visa.
PRISMS	Provider Registration and International Student Management System. A database developed jointly by DEEWR and DIAC for the purposes of administering the ESOS Act.
Respondent	A person against whom an action is brought.
Victimise	To act or omit to act towards a person in a way which is intended to cause disadvantage to that person.

4 General Procedures

- 4.1 This policy provides a complainant with up to four avenues at which a complaint may be addressed. There is no cost to the complainant in accessing any of the internal avenues set out in this policy; however an external agency may choose to charge the complainant a fee for service.
- 4.2 An explanation of all decisions, outcomes and actions taken as part of the grievance procedure will be given to the complainant in writing.
- 4.3 A complainant and/or respondent have the right to be accompanied and/or represented at any stage by a third person (such as a family member, friend, counsellor or other professional support person).
- 4.4 Unless the complainant requests otherwise, all correspondence will be posted to the trimester address recorded on the official MIBT student database.

5 Stage One - Informal Resolution

- 5.1 In the first instance, MIBT encourages informal resolution as close to the source as possible. Therefore, complaints should be discussed as soon as possible with the person(s) involved.

6 Stage Two - Formal Grievance Procedures

- 6.1 If informal resolution is impractical, or if the complainant is dissatisfied with its outcome, the complainant may make a written complaint to the Academic Director. There are no fees associated with submitting a complaint.
- 6.2 The Academic Director will commence resolution of the complaint within 10 working days of its lodgment. If necessary, the complainant and the Academic Director will meet to consider a range of options in the resolution of the matter, including mediation between the complainant and respondent(s).
- 6.3 Under the tenet of natural justice, where a student grievance or complaint includes allegations concerning the conduct or actions of a staff member (the respondent), and the substance of those allegations is not minor in nature, the particular staff member will be immediately notified by the Academic Director. The respondent will be given an opportunity to respond to any allegations.
- 6.4 The complainant will be advised of the outcome of the formal grievance in writing, including details of the reasons for the outcome.
- 6.5 Where consideration at the formal level does not lead to a resolution, or the complainant is not satisfied with the Academic Director's decision, the complainant may proceed to an internal appeal. The written notice of appeal must specify and substantiate the grounds of appeal which may include de novo hearings, misapplication of procedures or new evidence that was not reasonably ascertainable by the student at or prior to the initial decision and that would probably have affected the original decision.

7 Stage Three – Internal Appeal

- 7.1 The appellant may make a written appeal to the Compliance Manager. There are no fees associated with submitting an internal appeal.
- 7.2 The authority responsible for considering and deciding on the internal appeal is the MIBT Appeals Committee. This will consist of the Compliance Manager and at least two of the following members who have not had any involvement with the matter forming the subject of the appeal: Director of Policy and Procedures, College Director/Principal, Deputy Academic Director, Manager Student Services and Academic Services Manager. The Appeals Committee will commence the process within 10 working days of its lodgment.
- 7.3 In addition to the preceding two sections and under section 4.3 of this policy, the appellant may request to present his or her case in person to the Appeals Committee. The appellant can call any persons as witnesses.

- 7.4 An outcome of the appeal will be advised by the Appeals Committee in writing. Where the decision has been other than to uphold the appeal, the Appeals Committee will advise the appellant of the reasons for the outcome and his or her right to access the external appeals process at minimal or no cost, as per section 8 of this policy.
- 7.5 For overseas students, if the appeal is against MIBT's decision to report a student for unsatisfactory course progress or unsatisfactory attendance, MIBT will maintain the student's enrolment until the external appeal process (if accessed) is complete and has supported MIBT's decision to report.
- 7.6 For overseas students, if the appeal is against MIBT's decision to defer, suspend or cancel a student's enrolment, MIBT will maintain the student's enrolment until the internal appeal (if accessed) is complete and has supported its decision.
- 7.7 To 'maintain a student's enrolment' applies to overseas students and affirms that MIBT will not notify the Department of Education, Employment and Workplace Relations (DEEWR) through the Provider Registration and International Management System (PRISMS) whilst the appeal is in progress.
- 7.8 MIBT's appeals process allows for the outcome of only one external appeal. For overseas students, where section 7.6 applies and where the external appeal (if accessed) supports MIBT's decision, MIBT will proceed and report the student to DEEWR through PRISMS.

8 Stage Four - External Agency for Grievances

- 8.1 If an appellant has exhausted each of the preceding three avenues and is still not satisfied with the outcome, the complainant may pursue the matter through an external appeals body. Student may access either:
- 8.1.1 Australian Council for Private Education and Training (ACPET)
Student Appeals
PO Box 551, East Melbourne, Vic 8002
Tel: (03) 9412 5900
Email: Student.appeals@acpet.edu.au
www.acpet.edu.au
N.B. There is a cost in accessing the ACPET appeals service.
- 8.1.2 Ombudsman Victoria
Level 9, 459 Collins Street (North Tower)
Melbourne VIC 3000
Tel: (03) 9613 6222
Email: ombudvic@ombudsman.vic.gov.au
www.ombudsman.vic.gov.au
N.B. Ombudsman Victoria is a free service.
- 8.2 An external appeals body (if accessed) will determine whether process at MIBT was conducted correctly or whether the appeals process was made available to a student.
- 8.3 If ACPET or Ombudsman Victoria make recommendations in relation to an appeal, MIBT will ensure that the recommendations are implemented immediately and advise the student of the outcome.

9 Confidentiality and Record Keeping

- 9.1 MIBT will take all reasonable steps to ensure that information regarding any grievance will be disclosed only to those persons who have a right to the information by virtue of their role in the appeals process.
- 9.2 MIBT will keep records of a complaint for five (5) years after the complainant ceases to be an accepted student.
- 9.3 Once formal grievance procedures are invoked, details of allegations and investigatory notes will be kept in confidential files. These shall be kept separately from either the student or the staff member's personal file.
- 9.4 Where an allegation is proven, the outcome may be placed on a student's or staff member's personal file.

10 Policy Dissemination and Staff Training

- 10.1 This policy is published on the MIBT website and communicated to:
 - 10.1.1 All staff through staff induction and the MIBT website (www.mibt.vic.edu.au) ;
 - 10.1.2 Students during Orientation and published on the MIBT website (www.mibt.vic.edu.au).
- 10.2 The Academic Director (MIBT) is responsible for the training of all staff in the application of the policy and for orally advising and explaining the policy to

Policy Title	Grievance Procedures Relating to Academic Matters	
Policy Owners	Compliance Manager	
Contact Persons	Stase Kaintatsis	
Key Stakeholders	All Students at MIBT, Student Services, Academic Services	
Approval Body	MIBT Academic Board of Studies	Agenda item and meeting date approved [Agenda item and meeting date approved]
Relevant Legislation	Education Services for Overseas Students Act 2000. Higher Education Support Act 2003. The National Code of Practice for Providers of Education and Training to Overseas Students 2007 (the National Code 2007).	
Related Policies	Academic Integrity Policy. Access, Equity and Equal Educational Opportunity Policy. Assessment Policy. Attendance Policy. Grievance Procedures Relating to Non-Academic Matters. Satisfactory Course Progress Policy.	
Related Guidelines	Administrative Information for Higher Education Providers: Student Support	
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