

# Grievance Procedures Relating to Non-Academic Matters

## 1. Preamble

- 1.1 This policy provides for grievances of a non-academic nature, that is, grievances which do not pertain to student progress, assessment, curriculum and awards in a course of study. This encompasses, but is not restricted to, perceived discrimination, effrontery to person or conscience, harassment, breach of privacy or vilification.
- 1.2 This policy also includes complaints in relation to personal information that MIBT holds in relation to a student.
- 1.3 This policy specifies MIBT's commitment to supporting the self-esteem and the achievement of its students' full potential by ensuring a harmonious, fair and just learning environment through processes that allow for grievances, disputes, problems and complaints to be resolved in a timely manner.
- 1.4 This policy is underpinned by the principles of natural justice and procedural fairness, and emphasises the need to resolve the grievance as early as possible and as close to the source as possible. These grievances relate to matter of a non-academic matters. MIBT also has in place an academic grievance policy for all non-academic related matters.
- 1.5 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 stages set out in this policy.
- 1.6 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.
- 1.7 A respondent will have full knowledge of the nature and substance of the grievance.

## 2. Scope

This policy applies to all students 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. This policy also applies to persons seeking to enrol in courses of study at MIBT.

## 3. Definitions

Key Term or Acronym	Definition
Appeal	A request by a student for a decision or determination made by a MIBT staff member to be overturned.
Appeals Committee	A committee which hears and determines appeals from MIBT students. This is the final avenue of appeal available to students within 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.
Grievance	A concern or complaint about any act, behaviour, omission, situation or decision which a student thinks is unfair or unjustified.
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 The complainant and respondent have a right to a fair hearing and 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), if desired.
- 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 involved.

#### **6 Stage Two – Formal Grievance Procedures**

- 6.1 If informal resolution is not practical, possible or appropriate, or if the complainant is dissatisfied with its outcome, the complainant may make a written complaint to the Director Policy and Procedures. There are no fees associated in submitting a complaint.
- 6.2 The Director Policy and Procedures will commence resolution of the complaint within 10 working days of its lodgment. If necessary, the complainant and the Director Policy and Procedures 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 Director Policy and Procedures. The respondent will be given an opportunity to respond to any allegations.
- 6.3 The complainant will be advised of the outcome in writing, including details of the reasons for the outcome.
- 6.4 Where consideration at the formal level does not lead to a resolution, or the complainant is not satisfied with the decision of the Director Policy and Procedures, 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: 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 of this policy, the appellant may request to present his or her case in person to the Appeals Committee in addition to a written appeal. The appellant can call any persons as witnesses.
- 7.4 An outcome will be advised by the Appeals Committee in writing with details of the reasons for the outcome.
- 7.5 Where the decision has been other than to uphold the appeal, the Appeals Committee will advise the appellant of his or her right to access the external appeals process at minimal or no cost, as per section 8 of this policy.

## **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 request that the matter be dealt with through an external dispute resolution process. The complainant may access any of the following bodies:

8.1.1 Australian Council for Private Education and Training (ACPET)

Victorian Office

PO Box 551, East Melbourne, Vic 8002

Suite 101, Level 1, 126 Wellington Parade, East Melbourne, Vic 3002

Tel: (03) 9416 1355, Fax: (03) 9416 1895

Email: [student.appeals@acpet.edu.au](mailto:student.appeals@acpet.edu.au)

[www.acpet.edu.au](http://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, Fax: (03) 9614 0246

Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

[www.ombudsman.vic.gov.au/www/html/7-ombudsman-victoria.asp](http://www.ombudsman.vic.gov.au/www/html/7-ombudsman-victoria.asp)

*N.B. Ombudsman Victoria is a free service.*

8.1.3 Victorian Equal Opportunity & Human Rights Commission

Level 3, 380 Lonsdale Street

Melbourne VIC 3000

Tel: (03) 9281 7100

Email: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)

[www.humanrightscommission.vic.gov.au/Home.asp](http://www.humanrightscommission.vic.gov.au/Home.asp)

- 8.2 If the external body makes 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 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 that 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](http://www.mibt.vic.edu.au)) ;
- 10.1.2 Students during Orientation and published on the MIBT website ([www.mibt.vic.edu.au](http://www.mibt.vic.edu.au)).
- 10.2 The Director Policy and Procedures is responsible for the training of all staff in the application of the policy and for orally advising and explaining the policy to students.

<b>Policy Title</b>	Grievance Procedures Relating to Non-Academic Matters.	
<b>Policy Owners</b>	Compliance Manager	
<b>Contact Persons</b>	Stase Kaintatsis	
<b>Key Stakeholders</b>	All current and prospective students of MIBT. Student Services. Academic Services.	
<b>Approval Body</b>	MIBT Academic Board of Studies	<b>Agenda item and meeting date approved</b> [Agenda item and meeting date approved]
<b>Relevant Legislation</b>	<b>Education Services for Overseas Students Act 2000.</b> <b>Higher Education Support Act 2003.</b> <b>The National Code of Practice for Providers of Education and Training to Overseas Students 2007 (the National Code 2007).</b> <b>Privacy Act 1988.</b>	
<b>Related Policies</b>	Access, Equity and Equal Educational Opportunity Policy. Grievance Procedures Relating to Academic Matters.	
<b>Related Guidelines</b>	Administrative Information for Higher Education Providers: Student Support. Higher Education Provider Guidelines (HEP Guidelines).	
<b>File information</b>	<b>File number</b> [File Number]	<b>Version number</b> V7.4 - 21/09/2010
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