

Student Complaints and Appeals Policy and Procedure

Supporting plans, policies and procedures	<ul style="list-style-type: none"> • Student Handbook • Student Orientation Policy and Procedure • Code of Conduct • Health and Safety Policy, Academic Integrity Policy and Procedure • Bullying, Harassment, Discrimination, Sexual Assault and Sexual Misconduct Policy and Procedure • Equity, Diversity and Aboriginal and Torres Strait Islander Peoples Framework and Policy • Academic Assessment and Moderation Policy and Procedure • Academic Integrity and Academic Misconduct Policy and Procedure • Resource Access and Usage Policy • Student Orientation Policy and Procedure • Admissions and Enrolment Policy and Procedure • Credit and Recognition of Prior Learning Policy and Procedure • Student Welfare, Wellbeing and Support Policy and Procedure • Student Refund Policy and Procedure • Non-Academic Misconduct Policy and Procedure • Privacy Policy
Related legislation and references	<ul style="list-style-type: none"> • Higher Education Standards Framework (Threshold Standards) 2021 • Tertiary Education Quality and Standards Agency (TEQSA) Act 2011 • Education Services for Overseas Students Act (ESOS Act) • National Code of Practice for Providers of Education and Training to Overseas Students (National Code)
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Approved by	Board of Directors and Academic Board
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Document review	This document is to be reviewed every two-years at a minimum from the date of final approval

Version	Review Date and Person/Body	Notes
0.1	Draft prepared by CEO and Dean and reviewed at 6 May 2020 Board of Directors meeting	
0.2	Reviewed by LTC members and updated	Updated based on Board of Directors feedback
0.3	Reviewed at 19 May 2020 Academic Board meeting	
0.4	Reviewed by LTC members and updated	Updated based on Academic Board feedback
1.0	Reviewed and approved at 16 June 2020 Academic Board meeting	Subject to minor amendments
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3.0	Reviewed and approved by the Board of Directors and Academic Board via email circulation on 23 July 2021	Updates made following the response to the TEQSA Request for Information 23 July 2021
3.1	Reviewed and approved by the Board of Directors and Academic Board via email circulation on 11 March 2022	Minor grammatical and structural changes made

Background and Scope

This document outlines MIHE's approach to resolving student complaints and appeals for establishing fairness, consistency and equity at MIHE. It applies to all MIHE students and staff. This document also aligns with TEQSA's Guidance Note: Grievance and Complaint Handling¹.

Definitions

Formal complaint	Made in writing by email to the appropriate staff member, normally the Administration Manager
Informal complaint	Made verbally to the appropriate staff member, normally the Administration Manager
Complainant	Student or former student who has lodged a complaint, grievance or an appeal
Respondent	Person or people that a complaint is made against

Note: Minor reviews or appeals regarding assessment and marks are not defined as complaints and are dealt with under the *Academic Assessment and Moderation Policy and Procedure*.

For further definitions refer to Glossary of Terms.

Policy

MIHE will abide by the following principles and will ensure an effective, fair and transparent approach is taken in a timely manner for managing student complaints and/ appeals. MIHE will treat all complaints seriously and respect the rights and privacy of all involved parties in its dealings with student complaints and appeals. Furthermore, the doctrines of natural justice and procedural fairness will be the guiding principles for all matters related to student complaints and appeals. All student complaints grievances and appeals will be addressed with in an equitable manner and will be judged purely on their merits.

¹ See TEQSA (2019). *Guidance Note: Grievance and Complaint Handling Version 1.1, 22 February 2019*, <https://www.teqsa.gov.au/for-providers/resources/guidance-note-grievance-and-complaint-handling>

- The rights of all parties involved in a complaint or appeal will be protected. The complainant, respondent and any witnesses will not be victimised or treated adversely as a result of their involvement in the complaints resolution process.
- All personal information collected under this policy will be held and used in accordance with MIHE's Privacy Policy
- MIHE will ensure that prospective and current students and staff have access to the details contained in this *Student Complaints and Appeals Policy and Procedure*. Students will receive information about this policy and procedure prior to admission and during orientation programs, and it will always be available on the MIHE website.
- Any party to a complaint may be assisted or accompanied by a support person during the complaint process. The support person should not be a legal practitioner acting in a professional capacity.
- Students will not be charged any fee in relation to an internal complaint or appeal. MIHE will maintain student's enrolment during the complaints process.

Note: Complaints or grievances about sexual assault and sexual harassment require an especially clear reporting and response pathway that offers students choices about how the information provided by them will be processed and responded to. Students may wish to disclose and receive support but not proceed with a formal complaint. MIHE's policies and procedures will focus on the safety and the support of the students involved, and staff will be specifically trained to receive such disclosures. The student decides whether an incident is reported to the police. For details of the policy and procedures relating to bullying, harassment, discrimination, sexual assault and sexual misconduct, refer to the *Bullying, Harassment, Discrimination, Sexual Assault and Sexual Misconduct Policy and Procedure*.

Effective, fair and transparent approach

MIHE will maintain a Complaints Register which will contain details of all informal and formal complaints and appeals.

Complainants and respondents have the rights to:

- Be present and make an oral or written presentation to any forum convened to hear the complaint or appeal and to respond to questions.
- Be accompanied or assisted by a support person chosen by them for any relevant meetings. The support person should not be a legal practitioner acting in a professional capacity.

- Receive and respond to any documentation that is submitted in connection with a complaint or appeal.
- Have a complaint/ or appeal treated confidentially with details only disclosed with permission or as required by law unless MIHE assesses that the information revealed indicates a serious risk to the health or life of any person(s).
- Be given a copy of all outcome(s) and the reasons for the decision in writing by the designated MIHE assessor.

Timeliness and complaint handing

MIHE will acknowledge receipt of the complaint or appeal in writing within 5 business days and commence assessment of the complaint or appeal within 10 business days of the receipt of the complaint.. MIHE will take the necessary steps to resolve the complaint as soon as practicable and to notify all parties involved if any delays that occur and to explain why they occur.

Wherever possible, complainants should attempt to resolve any issues with the respondent prior to initiating the formal complaint process. Any MIHE staff who receive an informal complaint should respond within 5ive working days and inform the CEO to ensure it is added to the Complaints Register.

Where an informal complaint is unable to be resolved or the student wishes to lodge a formal complaint, this should be lodged with the Administration Manager or other appropriate officer. The written formal complaint should be emailed to info@mihe.com.au

The complainant should provide any supporting information within 10 business days of lodging a formal complaint.

The CEO or delegated staff member may allow a formal complaint to be lodged after the timeframes above having taken into account all relevant circumstances including the elapsed time since the events complained of occurred.

The formal resolution process is required to commence within 10 business days of the lodgment of a formal complaint and supporting information. All reasonable measures will be taken to finalise the process as soon as practicable, normally within 20 business days. All parties to the complaint will receive written notification of the decision at this time.

While the process being finalised, the student will remain enrolled at MIHE and is required to continue with their study and assessments.

If the complaint is upheld partially or in full MIHE will advise all parties and implement any decision and required corrective action within 20 working days of the decision being issued or as soon as practicable.

The procedures to this policy are detailed below.

Procedure

MIHE will follow the following procedure to ensure that the principles of an effective, fair and transparent approach are taken in a timely manner for managing student complaints or concerns and/or appeals.

The three steps in the policy include :

- Step 1 - Informal Complaints
- Step 2 - Formal Complaints
- Step 3 - Appeal and Reviews (internal and external appeal and review)

The roles and responsibilities associated with this procedure are shown in a flowchart in Attachment 1.

Where during any of the following steps, if the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, MIHE will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the complainant of that action.

Step 1 - Informal Complaints

Raising an informal complaint is the first step to understand and attempt to resolve the complaint/issue between a complainant and other parties involved. MIHE staff who are not involved in the complaint may support and facilitate an informal resolution if requested by the complainant, or at their own initiative.

Complaints at this early stage should be addressed and resolved in good faith and informally; however if the complainant is not satisfied with the outcome they may decide to lodge a formal complaint or they may choose to exercise their rights under relevant federal or state laws.

When a MIHE staff member becomes aware of an informal complaint, they should provide details to the CEO so that details can be recorded in the Complaints register.

Step 2 - Formal Complaints

The following elements are part of the formal complaints process:

- When a formal complaint is made this must be done by completing and lodging a Formal Complaint Form within the timeframes detailed above. The Formal Complaint form is available on the MIHE website. The completed form should be emailed to info@mihe.com.au
- MIHE must acknowledge the formal complaint within 5 business days of its receipt.
- Upon receiving the Complaint Form, the details of the complaint will be recorded in the Complaints Register and a MIHE staff member will be assigned to review the complaint depending on the nature of the complaint. The Dean or the Course Director will, assess all academic complaints and the CEO, or delegate, assess all non-academic complaints.
- An initial investigation should commence within 10 business days of receiving the formal complaint.
- The complainant and respondent must be informed of the assessment process in writing and allowed the opportunity to provide further information or statements.
- On conclusion of the assessment, the MIHE staff member responsible for the assessment must provide the proposed resolution in writing to the complainant within 5 business working days of making a decision.
- The outcome of the assessment and proposed resolution must be entered into the Complaints Register.

If the complainant is not satisfied with the proposed resolution, they must lodge an Internal Appeal within 10 business working days of receiving the proposed resolution in writing.

Step 3 - Appeal and Review (internal and external appeal and review)

Internal Appeal and Review

If a party lodges an application for an Internal Appeal and Review, the matter must be reviewed by a MIHE staff member at least one level of seniority above the person who conducted the initial review.

The reviewer should commence within 10 business days of receiving written notice.

The reviewer must inform the parties in writing of the Internal Appeal and Review process and allow them the opportunity to provide additional information or statements.

The findings must include in writing, including detailed reasons of the outcome of the Internal Appeal, any resulting actions and the right for lodging an external appeal. This advice must be provided within 10 days to the complainant.

The process and outcome of the internal appeal and review and proposed resolution must be entered into the Complaints Register.

When a complaint is unresolved or the proposed resolution is not accepted by a party through the internal processes, it may be referred for external appeal.

External Appeal and Review

If a student is not satisfied with the proposed resolution from the internal appeal and review, they can request the matter be dealt with externally. MIHE will provide the contact details of the external appeal avenues on the written notification of the formal complaint outcome.

In the event that there is an external process, the outcome will be recorded in the Complaints Register.

External Appeal and Review – International Students

Complainants who are International Students will be able to access the external appeals process through the Overseas Students Ombudsman (OSO) at no cost. Further information on what the OSO will investigate and the process to lodge a complaint with them are available at:

<http://www.ombudsman.gov.au/about/overseas-students>

Students should be aware that OSO will only investigate matters once MIHE's Internal Complaints and Appeal process has been exhausted. If the OSO decides to investigate the complaint, MIHE will fully cooperate and provide all required evidence and documents as required by OSO. The OSO cannot provide a resolution, but they may overturn any decisions made by MIHE.

In the event that a decision is overturned by the OSO and the student and MIHE cannot come to an agreed resolution, that matter will be referred to an external mediation service for resolution, normally the Resolution Institute's Expert Determination service. This service is available to students as an avenue for external appeal and review that is independent of MIHE.

Complainants wishing to access this need to lodge the matter with the Resolution Institute at www.resolution.institute/resolving-disputes/expert-determination.

MIHE will bear the cost of the Resolution Institute's Expert Determination service and there will be no cost to the student.

If the complainant is not satisfied with the resolution provided by the Expert Determination from the Resolution Institute, they will be informed of their legal rights under federal and state law

If the complainant wishes to proceed beyond the Resolution Institute's Expert Determination, they will be advised to seek their own professional legal advice and that any action taken will be at their own cost.

Complainants will also be informed that they may make a complaint to the Tertiary Education Quality and Standards Agency (TEQSA). Students enrolled in a higher education course (subject to TEQSA approval) can make a complaint to TEQSA. For more details on what complaints TEQSA will investigate, please see their complaints page: <https://www.teqsa.gov.au/complaints>

TEQSA contact details are as follows:

Phone: 1300 739 585

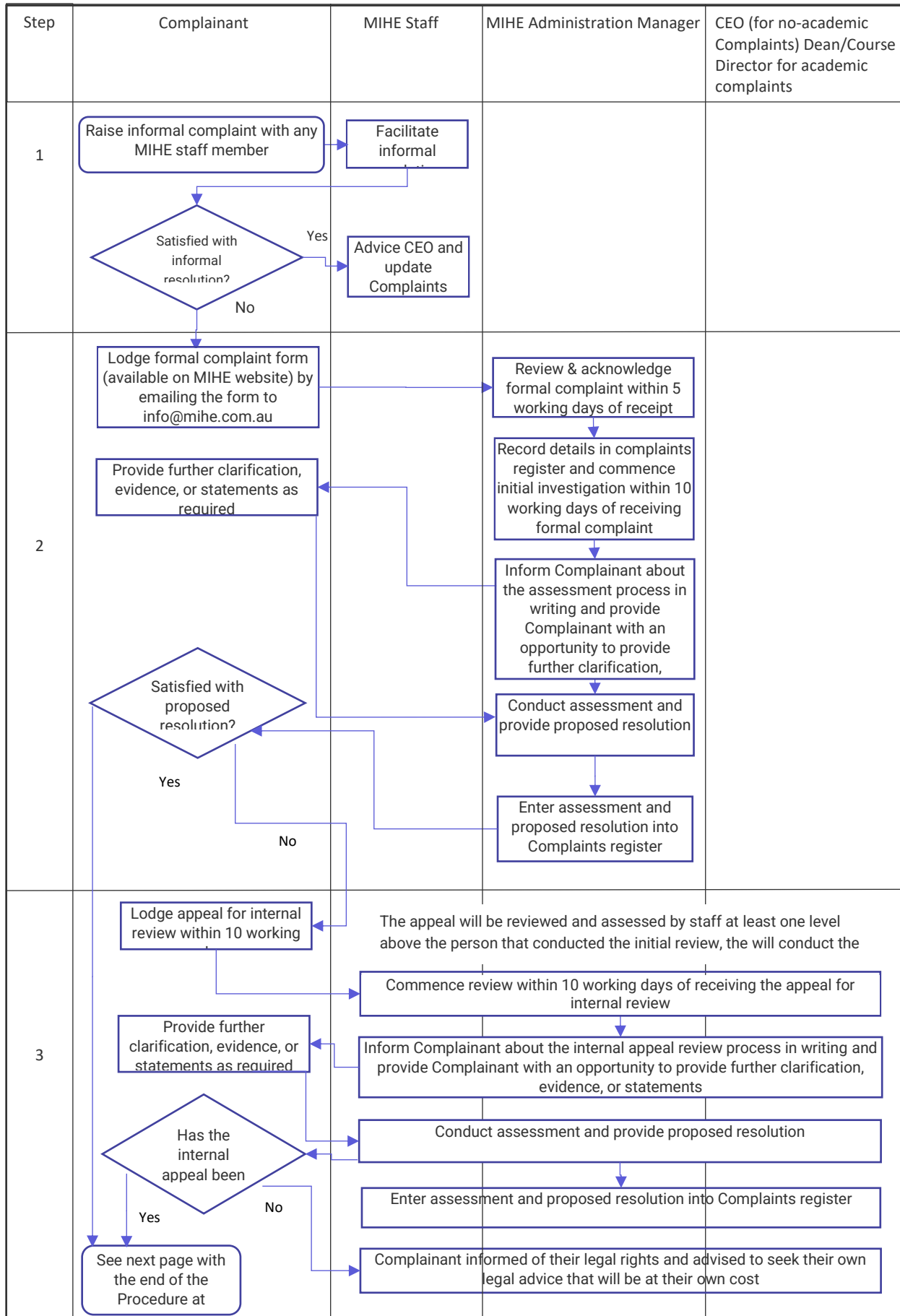
Website: <https://www.teqsa.gov.au/>

Email: enquiries@teqsa.gov.au

Reporting

The Complaints Register must be tabled as a report to the Academic Board and the Board of Directors at the final meeting of each academic year.

Attachment 1 – Procedure Flowchart (steps 1 to 3)



Attachment 1 – Procedure Flowchart (Reporting)

