



Melbourne College of Divinity

Grievance Policy and Review Procedures

A - General

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Summary of the MCD grievance procedures

As required by the *Higher Education Support Act 2003* there are several stages in the MCD grievance process

- initial informal mediation (A1, A2)
- where this does not resolve the grievance, formation of a Grievance Panel (A3)
- after the Panel has reported, appeal may be made to an external reviewer (A4)

Formal grievance processes for particular situations are set out in the following documents

B - Academic Grievances

C - Administrative Grievances, including review of a FEE-HELP balance dispute

D – Harassment Policy and Procedures

A tabular summary of the procedures, people and timelines involved is given in A5, B6, C4 and D4.

No charge is made by the MCD for conducting a grievance process.

Students should ensure they are familiar with the [MCD Course Progress Policy](#) and the [MCD Intervention Policy](#) to verify their program and progress of study complies with all relevant MCD and Government regulations, and to ensure they have access to all available support and supervision.

International students should additionally be familiar with [The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students](#) (The National Code 2007) published by the Australian Federal Government.

A1 Introduction

1.1 Fundamental policy

The MCD must ensure that all staff and students are treated fairly, in both academic and non-academic matters. This is intrinsic to being a ‘college of divinity’, an academic body offering degrees and diplomas, whose subject matter demands the highest ethical standards. Each part of the College is involved, including the Council, Academic Board, Committees, Recognised Teaching Institutions (RTIs), Libraries, staff and all people associated with the institution.

In *academic matters*, such fair treatment includes following the established procedures for student selection, admission and assessment. The maintenance of approved standards, appropriate assessment of student learning and accountable structures of academic policy formation, governance and administration ensure that awards retain their integrity. More widely, it means appropriate personal relationships, secure and confidential maintenance of personal and sensitive information, and efficient administration.

In *non-academic matters*, such fair treatment includes maintaining a culture in which respect for individuals, their opinions, beliefs, faith and spirituality is paramount, and all academic or administrative processes are conducted in a timely and just manner. No form of bullying, belittlement, vilification or prejudice will be tolerated in the life of the College. Harassment policy and procedures are outlined separately.

The fundamental policy of the College adheres to these standards which are regularly reviewed as are the procedures for dealing with grievances which may arise. Procedures are designed to be transparent and fair, confidential and timely, for all those involved in any form of grievance.

Staff

It is essential that faculty and staff are aware of these procedures, and that Registrars, Deans, Chairs of Examiners and Coordinators are familiar with them. The MCD Grievance Policy must be included in the induction process for all new staff.

MCD staff and students have the right to institute a grievance process, to seek the review of a decision through a Grievance Panel (see A3), and then through external

review. This process will be followed strictly, irrespective of the individual's place of residence, the location of the RTI involved, and the mode of learning.

1.2 Government policy

The MCD Grievance Policy and Procedures comply with Australian Federal Government legislation. All Higher Education Providers in Table B of the *Higher Education Support Act* (HESA) 2003 must publish a grievance policy and review procedures in accord with the provisions of the Act, and the Guidelines issued by the Department of Education, Employment and Workplace Relations (DEEWR).

The MCD is listed as a Higher Education Provider in Table B of the Act and is thus required to comply with the Guidelines: the policy and procedures here following are based on division 19, sections 45 to 60 of the Act, and the *Higher Education Provider Guidelines* published by DEST (now DEEWR) in March 2004.

This document outlines the grievance policy of the MCD, and procedures for the resolution of grievances. In order that all students or people considering enrolment are aware both of the policy and procedures, and also that a review process is available, they are published on the MCD website and are to be available at Recognised Teaching Institution (RTI) offices. They are also available to all staff and faculty, especially those who are trained in their application.

In addition to the MCD Grievance Policy and Procedures, a complainant has the right to request external review (see A4). This may include appeal to the Human Rights & Equal Opportunity Commission or the State Equal Opportunity Commission (in relation to discrimination and sexual harassment), the State and Commonwealth Ombudsman's Office or the Administrative Appeals Tribunal (in relation to the application of policies and procedures, administrative processes and FEE-HELP matters), and DEEWR (for international student grievances in relation to the Education Services for Overseas Students Act (ESOS Act)).

1.3 Record Keeping

Secure records of all written grievances and their resolution must be kept and be accessible to all relevant parties only, for five years, after which they must be destroyed. The records are lodged with the MCD Registrar, or held at the relevant MCD RTI.

The MCD Dean will annually record in the MCD Annual Report all formal grievances, as well as the decisions of any Grievance Panel (see A3) of the College for the year. Each MCD RTI is likewise to report the outcomes of any formal grievances.

In the following, 'the complainant' means the person or persons who initiate a grievance and 'the respondent' means the person or persons against whom a grievance is lodged (the definition of a 'contact person' is outlined in section A2.2). When the grievance concerns a process (academic or administrative) the respondent is the officer responsible for that process. Refer to section 2.2 below for a definition of 'the grievance contact person'.

1.4 Withdrawal of grievance

A complainant may withdraw a grievance at any time during the grievance process. In this case the matter will be concluded and deemed to be resolved, without prejudice to the complainant.

The complainant must notify the MCD Registrar in writing of the withdrawal. The complainant must additionally notify a person of similar standing in any MCD RTI involved in the original grievance, the grievance contact person concerned (see A2.2 below), as well as the respondent. The written notification must be signed by the complainant, and indicate that the grievance is resolved.

A2 Initial grievance mediation

2.1 Informal mediation

A complaint must be initiated within five (5) working days of the cause of the grievance. The person who receives the complaint must in turn acknowledge it within five (5) working days.

The College expects and encourages students, faculty and staff to make reasonable attempts to resolve any grievance by private discussion, before entering into a formal grievance procedure.

If the matter cannot be privately resolved, the complainant should contact the appropriate *grievance contact person* (see A2.2 below), who will attempt to initiate a non-formal process of mediation between the parties involved, though not participating directly in that process.

When a grievance has been submitted in writing, an outcome of a non-formal process of mediation that is satisfactory to both complainant and respondent must be set in writing and signed by them and the grievance contact person. A signed copy is then placed in a sealed envelope. This ensures that the terms of resolution are available if necessary, and that the resolution has been correctly and securely recorded.

The grievance contact person will lodge the sealed envelope with the MCD Registrar, who must ensure that it remains secure. *This document remains confidential*, accessible only in the case of a formal grievance procedure if the same matter arises later. The MCD Registrar will then provide the sealed envelope either

- to the grievance contact person (in regards to a non-academic grievance), or
- to the Chair of a Grievance Panel (in regards to the review of an decision regarding an academic grievance)

The sealed envelope will be retained for five (5) years, and then destroyed. If the grievance is not resolved, the complainant has the right to ask that a formal grievance procedure be initiated: see documents B for academic grievances, C for administrative grievances and D for complaints of harassment.

2.2 The grievance contact person

The grievance contact person enables grievances to be heard fairly and as quickly as reasonably possible. This person is the first point of contact for a non-academic grievance, or for initiating a Grievance Panel (see A3) in the case of an unresolved academic grievance.

The grievance contact person must remain impartial to ensure a fair hearing for all parties involved. If harassment or discrimination is alleged, separate procedures apply (see document 'D - *Harassment Policy and Procedures*').

For all other grievances, the grievance contact person is:

Complainant/ Complaint	Grievance Contact Person
U/grad, P/grad Course work students	Course work co-ordinator at student's RTI
P/grad research students or supervisors at an RTI	Research co-ordinator at their RTI
Other research P/grad students (including Ministry Studies)	Director of Research
Human Research and Ethics Committee (HREC) decision	HREC liaison officer
MCD Faculty	Independent person appointed by their institution and approved by MCD Council
Other MCD staff, members of Academic Board or committees	HREC liaison officer
Non-academic grievance	MCD Registrar

If the MCD Registrar is involved in any complaint, the MCD Dean will act as Registrar for the purpose of the grievance process.

If review of a decision concerning an academic grievance is taken to a Grievance Panel, the MCD Dean (or President, if the Dean is named in the grievance) will act as the grievance contact person.

A3 Review of a decision through a Grievance Panel

3.1 Introduction

A Grievance Panel is constituted when a complainant appeals in writing to the MCD Registrar against a reviewable decision resulting from a formal grievance procedure. Such an appeal must be made within ten (10) working days of the decision being made in writing, and must be acknowledged by the MCD Registrar within five (5) working days of submission.

3.2 Grievance Panel membership

The Grievance Panel will be particular to each grievance, and will include five people as follows

- a member of the Council acting as Chair, appointed by the MCD Dean on the nomination of the grievance contact person
- a member appointed by the MCD President, if the grievance concerns the MCD Administration Office, or the College, or by the MCD teaching institution involved in the grievance complaint
- a person associated with the MCD, nominated by the grievance contact person
- in the case of an academic grievance, a full-time faculty member of the University of Melbourne of Lecturer Level B standing or higher, nominated by the grievance contact person
- a person acceptable to the complainant

In addition

- an impartial observer acceptable to the complainant and respondent may attend the proceedings of the Panel if the complainant and/or respondent request(s) it. The observer will be nominated by the grievance contact person after consultation with both the complainant and the respondent
- if they so desire, the complainant and/or the respondent have the right to be supported by a third party, such as a family member, counsellor, or other professional support person, but not to legal representation

Any such observer or supporter of the complainant or respondent is not a member of the Panel, nor has the right to vote.

3.3 Grievance Panel procedures

A Grievance Panel must be initiated by the MCD Registrar (or immediate past MCD President, if the Registrar is named in the written grievance) as soon as possible, and at the most within ten (10) working days of the Registrar's acknowledgment that review of a decision has been requested, or that an academic grievance has been appealed to a Grievance Panel.

The timing may be different for international students as providers are obliged to comply with [The National Code 2007](#) published by the Australian Federal Government

Once constituted, the following procedures apply:

- The Panel arranges its own agenda, meeting times and procedures by common consent, and keeps written minutes of proceedings
- The Panel and all persons entitled to be present at a meeting must have received documentation related to any discussion in advance of the meeting

- All Panel members must be present at any meeting a decision is taken: the quorum for the Panel is the presence of all members. If a vote is taken about any matter, the decision of the majority of the members of the Panel prevails; in the case of a tied vote, the Chair will resolve the decision with a casting vote
- Procedures for resolution must be agreed by the Panel only after the Panel has established that a grievance warranting a review of an earlier decision exists
- Both the complainant and the respondent must have the opportunity to present personally to the Panel, or forward a written statement in lieu of a personal appearance. The complainant and respondent may each be accompanied by a support person who may offer advice but does not act as an advocate or spokesperson before the Panel
- The Panel will determine any action necessary to resolve the grievance. When resolution is reached, both the complainant and respondent, together with the Chair of the Panel and any observer present, must sign the agreement, and must receive a signed copy
- If requested by the complainant and/or the respondent in writing, the Panel must give a full written explanation of the decisions
- The Panel must record its decisions and recommendations in writing, and convey them to the complainant, respondent, grievance contact person and the MCD President (or Vice-President)
- If the Panel finds any matters concerning which mandatory reporting applies, or that possible criminal activity has taken place, it must report this in writing to the Chief Commissioner of Police in Victoria

All documents tabled at Panel meetings, a copy of the minutes signed by the Chair, a signed copy of any resolution reached, and a copy of any other written decisions or recommendations, must be forwarded in confidence to the MCD Registrar for secure and confidential safekeeping for five years, after which time they must be destroyed.

Complainants or respondents involved in Grievance Panel processes have the right, to withdraw the grievance at any time, and not be victimised, harassed, belittled or suffer any further discrimination.

Decisions of Grievance Panels are final; however, complainants have the right to appeal to an external reviewer (see below).

A4 External review of a grievance

If the result of a Grievance Panel is considered unsatisfactory, an external reviewer appointed by the MCD Council for that purpose, may consider the matter. A request

for external review must be made in writing to the MCD President within ten (10) working days of the Grievance Panel delivering its written findings.

The external reviewer will speak with the complainant and the MCD Registrar, review all documentation, and make a written recommendation to the MCD President within thirty (30) working days of the complainant's written request being received.

The external reviewer is

Ms Rowena Armstrong QC,
151 Park Drive,
PARKVILLE 3052.

If Ms Armstrong makes recommendations in relation to a grievance she has reviewed, those recommendations will be forwarded to the MCD Registrar within thirty (30) days. The Registrar will ensure that the recommendations are implemented within ten (10) working days and will inform the complainant immediately.

A5 Grievance procedures: Summary Table

Stage/ Action	Lodged with	Complaint	Timeline	Response	Fee?	Others involved
Academic grievance:						
U/G Enrolment	MCD Registrar	5 working days	5 working days	5 working days	No	
Probationary enrolment	MCD Registrar	5 working days	5 working days	10 working days	No	
P/G graduate standing	MCD Registrar	5 working days	5 working days	5 working days	No	
P/G enrolment	MCD Registrar	5 working days	5 working days	10 working days	No	
Coursework grading	Coursework co-ordinator	5 working days	5 working days	5 working days	No	
Coursework Appeal	Chair of Examiners	5 working days	5 working days	10 working days	No	
Research Students:						
-refusal to continue	MCD Registrar	5 working days	5 working days	10 working days	No	Supervisor
-Doctoral upgrade	MCD Registrar	10 working days	5 working days	10 working days	No	Supervisor
-supervision	Director of Research	N/A	5 working days	One month	No	Academic Board
-thesis examination	MCD Registrar	10 working days	5 working days	20 working days	No	Chair of Examiners
Refusal to make award	MCD Dean	10 working days	5 working days	10 working days	No	MCD President
Non-academic grievance						
Initial complaint, formal process	Grievance Contact person	10 working days	5 working days	10 working days	No	MCD Dean [President] decision to Council in 5 working days
FEEHELP - Initial appeal	MCD Executive Assistant	12 months	10 working days	10 working days	No	
- review	MCD Registrar	28 working days	5 working days	45 working days	No	
Review of Decision	(Grievance Panel)					
Formal complaint	MCD Registrar	10 working days	5 working days	20 working days		Panel members
External Review	External reviewer	10 working days		30 working days		MCD Registrar to respond in 10 working days

In accord with the Australian Government *National Code 2007* the timetable for international students in relation to grievances may vary to that noted above. Jan09