



Melbourne College of Divinity

Academic Conduct Policy

C – Administrative Grievances

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Administrative grievance may arise from situations such as the following

- ◆ Being refused enrolment or progression or graduation in an MCD award on the grounds of age, gender, marital status, sexual orientation, colour, race, ethnicity, or country of origin
- ◆ The claim that a student enrolled in an MCD award has an unpaid financial obligation to the enrolling body
- ◆ A student who withdraws from a unit after the census date and is denied a re-crediting of their FEE-HELP balance for the unit concerned
- ◆ Harassment, sexual or otherwise, and/or bullying, belittlement or vilification of a person associated with the MCD by any other person associated with the College such as students, supervisors, Council, Board or Committee members, and staff. Such grievances are considered in Document D – *Harassment Policy and Procedures*

From time to time it may not be clear if a grievance is academic or administrative, or involves sexual harassment or discrimination: the decision on which applies is made

by the complainant. In such cases especially, informal or non-formal mediation should be followed as far as possible (see A2).

C1 Administrative Grievance Policy

Each enrolled student of the MCD should find their learning to be supportive, engaging and empowering, and each staff member and committee member should find their participation in its life to have similar qualities. Everyone involved with the MCD has the right to be free from harassment, belittlement, vilification or unjust treatment. This is the fundamental policy of the College.

Administrative grievances may include issues relating to State and Federal privacy laws. In respect to personal information held about students, the MCD is required to comply with Higher Education Support Act (HESA) section 19:60 (2) (3). A copy of personal information or opinions held by the MCD must be made accessible to students on application (see HESA section 179:5, this section explains the meaning of 'personal information'). Such data may be in physical form, or form part of an electronic database. Students are entitled to receive a copy of information held about them by the MCD office or an RTI at the beginning of each academic year. It is expected that each RTI will publish details of the academic and personal support accessible to enrolling students. This is especially significant for students with special needs.

Each RTI must have published and accessible administrative grievance procedures for the internal resolution of Administrative grievances brought by students, faculty or staff. Grievance procedures for each institution need to comply with HESA and the Higher Education Provider Guidelines. MCD procedures apply to each RTI unless the RTI governing body specifies others which meet the above requirements, and which are endorsed by the MCD Council.

Grievances are lodged under the terms of the policy adopted by the institution at which the grievance arises.

C2 Administrative Grievance Procedures

2.1 Introduction

Any member of the College, as defined in the *MCD Act* section 3(2) or any person intending to enrol with the MCD who has a Administrative grievance, should first consider informal and non-formal mediation procedures, through the appropriate grievance contact person (see A2). If resolution is not possible, the formal grievance process is to be initiated.

The procedures of this administrative grievance policy do not replace or modify procedures or any other responsibilities of the Higher Education Provider policies or statute or any other law.

As with academic grievances, these stages are required by Commonwealth legislation

- initial informal and non-formal mediation (see A1, A2)
- formal process for Administrative grievances (see below)

- Grievance Panel (A3)
- appeal to an external body (A4)

2.2 Formal process for Administrative grievances

The complainant initiates a formal grievance procedure which is supervised by the appropriate grievance contact person, and conducted by the MCD Registrar.

If the MCD Dean or Registrar is named in the written grievance, the MCD President acts instead.

If the MCD Registrar or Dean has or perceives there to be a conflict of interest in the management of the grievance, the President will refer the matter for investigation to another eligible and qualified member of the Council. The complainant must be informed in writing of this decision.

Anyone who conducts a formal grievance investigation must occupy a position senior to that occupied by any person involved in making the original decision which has given rise to the grievance.

Within ten (10) working days of the alleged incident related to the grievance, the complainant must

- in writing submit his or her grievance, or if writing is not possible for the complainant, in another permanent mode of communication. This grievance statement must contain
 - a) a clear description of the cause of grievance, including the times and places involved
 - b) an account of the steps taken to resolve the grievance
 - c) the names and positions of any persons previously consulted
 - d) copies of all documentation related to the grievance
- submit the grievance statement to the appropriate grievance contact person or to the MCD Registrar if the complainant believes that the normal grievance contact person cannot supervise a fair grievance process
- participate in a meeting to discuss the grievance with the appropriate grievance contact person, if this has not taken place already, unless the complainant believes that this is likely to prejudice him or her receiving a fair hearing, in which case the discussion takes place with the MCD Registrar

The grievance contact person is required to

- acknowledge within five (5) working days, in writing to the complainant, receipt of the complainant's grievance statement
- nominate immediately, a person independent of the MCD to act as the complainant's support person (such as a family member, counsellor, or other professional support person). This person must be acceptable to the complainant, but does not constitute legal representation
- nominate immediately, a person independent of the MCD to act as the respondent's support person. This person must be acceptable to the respondent, but does not constitute legal representation
- inform the MCD Registrar that an administrative grievance has been lodged, and forward the complainant's grievance statement to the Registrar

- maintain appropriate contact with the complainant throughout the grievance process, and seek to ensure that strict confidentiality (including the fact that a grievance exists) is maintained

Within ten (10) working days of receipt, the MCD Registrar must inform the relevant grievance contact person, that the complainant's grievance statement has been received. Further, the Registrar must

- independently review the grievance, including the consistency of relevant decisions of the MCD administration, Boards, or teaching institution(s) with the published Administrative Grievance Policy and Procedures of the College and any teaching institution(s) involved
- attempt to find a resolution of the problem
- ensure that written records are kept of all actions taken
- notify the complainant, the respondent and the Council in writing of the outcome of the grievance process, and
- document the resolution of the grievance

If the grievance is found to be frivolous or vexatious or there are no grounds or evidence for the grievance the Registrar (or replacement) will not attempt resolution. During the grievance process, a complainant or respondent has the right, regardless of her or his place of residence, or the mode in which s/he studies, teaches, works or functions within the MCD to

- speak in person with the MCD Registrar (or replacement)
- have a suitable person appointed in his or her support
- withdraw the grievance at any time
- not be victimised, harassed, belittled or otherwise discriminated against, and
- ask that a review of the decision be made through a Grievance Panel.

C3 Review of a FEE-HELP balance

When an MCD student uses a FEE-HELP loan to have their tuition fees for a unit paid, this amount, plus any loan fee, is reported to the Australian Tax Office (ATO). Once the census date for a unit has passed, the tuition fee paid by FEE-HELP cannot be repaid.

Students who have successfully **completed** a unit are not eligible to apply to have their FEE-HELP balance reduced at the ATO or to have their debt removed for that course.

In accord with the *Higher Education Support Act 2003* (HESA), the MCD has established the following procedures for reviewing decisions made in relation to FEE-HELP.

3.1 Initial appeal

Students may lodge a written application, signed by the Dean of the RTI in which they are enrolled, for review of FEE-HELP to the MCD Finance Manager within 6 months of the date the student withdrew from the course of study, or within 6 months of the end of the semester that the course of study was, or was to be, completed.

Within 10 days of receiving the application for review, the MCD Finance Manager will determine if the student's circumstances

- were beyond the student's control

- did not affect the student until, on or after the census date for the relevant unit
- were such that it was not possible for the student to complete the said unit during the semester in which the student was enrolled in that the unit

The Registrar will then write to the student with the decision.

3.2 Review of initial decision

If not satisfied with the outcome of the initial appeal, the student may lodge a review of the FEE-HELP decision in writing to the MCD Registrar, outlining the reasons for requesting a review of the FEE-HELP decision. This request must be received by the MCD Registrar within 28 days of the student's receipt of notification that their initial review of FEE-HELP was unsuccessful. The MCD Registrar's decision regarding the appeal is final.

The MCD Registrar will acknowledge in writing the receipt of an application for review within 5 working days, informing the applicant that, if she or he has not been advised of a decision within 45 days of the application for review being received, the MCD Registrar will have confirmed the original decision.

3.3 Administrative Appeals Tribunal appeal

When the MCD Registrar acknowledges the receipt of a review request, the applicant will also be informed of his/her right to apply to the Administrative Appeals Tribunal (AAT) for an independent review of the decision. The MCD Registrar will at the same time advise the applicant of the contact details of the AAT and the approximate cost of making an application.

Once the decision is reviewed, the MCD Registrar will provide the applicant with written notice of the outcome and reasons as to why the decision was taken. A filing fee is normally payable to the AAT. If a person's application is successful, the fee will be refunded by the College.

C4 Grievance Procedures Summary Table

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

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