

Student Complaints and Appeals Policy and Procedure

Supporting plans, policies and procedures, and other documents	• Academic Assessment and Moderation Policy and Procedure • Academic Integrity and Academic Misconduct Policy and Procedure • Admissions and Enrolment Policy and Procedure • Bullying, Harassment, Discrimination, Sexual Assault and Sexual Misconduct Policy and Procedure • Credit and Recognition of Prior Learning Policy and Procedure • Equity, Diversity and Aboriginal and Torres Strait Islander Peoples Framework and Policy • Health and Safety Policy, Academic Integrity Policy and Procedure • Non-Academic Misconduct Policy and Procedure • Resource Access and Usage Policy • Student Orientation Policy and Procedure • Student Refund Policy and Procedure • Student Welfare, Wellbeing and Support Policy and Procedure • Code of Conduct • Privacy Policy • Student Handbooks • Student Orientation Policy and Procedure
Related legislation and references	• 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) • Ombudsman Act 1976 • https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-grievance-and-complaint-handling • TEQSA, Statement of Regulatory Expectations: Student grievance and complaint mechanisms (https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:06f17ece-c09a-384b-9d80-72ad7ef212a3) • TEQSA, Guidance Note: Grievance and Complaint Handling (https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-grievance-and-complaint-handling)
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Document review	This document is to be reviewed at least every 3years from the date of the most recent 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	

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1.0	Reviewed and approved at 16 June 2020 Academic Board meeting	Subject to minor amendments
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3.2	Reviewed and approved by Academic Board on 16 Dec. 2025 and by the Board of Directors on 20 Jan 2026	Minor updates

Background and Scope

This document outlines MIHE's approach to resolving student complaints and appeals in a fair, consistent and timely manner. The grievances and complaints that fall within the scope of this policy and procedure include decisions and actions that affect students and the behaviour of students and staff, as well as education agents. Appeals in relation to student academic integrity and academic misconduct fall within the scope of this policy and procedure but decisions involving student non-academic misconduct do not.

Definitions

Complaint or grievance	May be an express or implied statement of dissatisfaction where a response is sought, can reasonably be expected or is legally required. A grievance or complaint may be formal or informal. In both cases there is an expectation that MIHE will respond by initiating a process aimed at a timely and fair resolution. The terms complaint or grievance are used interchangeably for the purposes of this policy and procedure.
Decisions and actions	Refers to decisions and actions undertaken by employees or agents of MIHE or other related parties, as well as by students.
Complainant	A student who has lodged a complaint, grievance or an appeal
Respondent	Person that a grievance or complaint is made against
Student	Includes prospective, present and former students

For further definitions, refer to the Glossary of Terms.

Policy

MIHE will abide by the following principles in order to ensure that student complaints and appeals are managed in an effective, fair, transparent and timely manner:

1. The doctrines of natural justice and procedural fairness are the guiding principles in resolving complaints. This ensures that complaints will be dealt with fairly, consistently and promptly.
2. Where possible, complaints will be dealt with informally in the first instance.
3. MIHE will provide a trauma informed process for resolving complaints (<https://globalmindfulsolutions.com/taking-a-trauma-informed-approach-in-workplace-conflict-resolution/>).
4. A party to a complaint may be accompanied or assisted by a support person of their choice. That person should not be a legal practitioner acting in a professional capacity.
5. All details of the complaints, including investigations, will remain strictly confidential, subject only to the disclosures required by law.
6. The parties and any witnesses will not be victimised or treated adversely because of their involvement in the complaints resolution process.
7. All personal information collected under this policy will be held and used in accordance with MIHE's *Privacy Policy*.
8. Students will have access to this policy and procedure before enrolling and via the website. They will also receive information about this policy and procedure during the Student Orientation Program.
9. Students will not be charged any fee in relation to an internal complaint or appeal.
10. MIHE will maintain a student's enrolment during the complaints process including any appeals.
11. Details of formal and informal complaints shall be recorded in the Complaints Register.

Complaints about sexual assault, sexual harassment or other forms of violence

Details of the policy and procedures relating to bullying, harassment, discrimination, sexual assault and sexual misconduct are contained in the *Bullying, Harassment, Discrimination, Sexual Assault and Sexual Misconduct Policy and Procedure*.

Complaints 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 will focus on the safety and support of the students involved, and staff will be specifically trained to receive such disclosures and to provide appropriate referrals. Accordingly, the complainant will decide whether an incident is reported to the police.

Effective, fair and transparent approach

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

Parties have the right to:

- Be present and make an oral or written presentation and respond to questions in any proceeding convened to hear the complaint or appeal.
- Be accompanied or assisted by a support person chosen by them during any proceedings related to the complaint. 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 safety of any person.
- Receive a written copy of any decision and the reasons for the decision.

Timely Complaint Resolution Process

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. Any MIHE staff member who receives an informal complaint should respond within 5 business days

MIHE will acknowledge receipt of a formal complaint or appeal in writing within 5 business days and commence the resolution process within 10 business days of its receipt.

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

The formal resolution process must commence within 10 business days of receiving a formal complaint and supporting information. Normally, the resolution process will be completed within 20 business days, and if there are any delays, the parties will receive notification and the reasons for the delay.

The CEO or delegated staff member may allow a formal complaint to be lodged outside of the time frame provided in this policy and procedure after considering all relevant circumstances including the elapsed time since the events complained of occurred.

While the process is being finalised, the complainant will remain enrolled at MIHE and is expected to continue with their studies and associated assessments.

Procedure

MIHE will follow the following procedure for resolving student complaints and appeals.

Step 1 - Informal Complaints

Making an informal complaint is normally the first step in resolving a complaint. The parties should attempt to resolve the complaint directly before lodging a formal complaint. At step 1 the parties' concerns can be clarified and possible solutions can be explored. If the complainant is not satisfied with the outcome, they may lodge a formal complaint or exercise their legal rights.

Any MIHE staff member who receives an informal complaint should attempt a resolution (if appropriate) within 5 business days of receiving the complaint and inform the Administration Manager to ensure it is added to the Complaints Register.

MIHE staff who are not involved in the complaint may facilitate an informal resolution with the agreement of the complainant. If the complainant experiences discomfort or is concerned about discussing the complaint informally, they may bypass step 1.

Step 2 - Formal Complaints

The following elements are central to the formal complaints process:

- A formal complaint is initiated by completing and lodging a Formal Complaint form (available on the MIHE website) at ask@mihe.vic.edu.au. Details of the complaint will be recorded in the Complaints Register.
- MIHE will acknowledge the receipt of a formal complaint in writing within 5 business days and initiate a resolution process within 10 business days of its receipt.
- The complainant and any other parties must be informed of the dispute resolution process in writing and allowed the opportunity to provide further information or statements.
- Normally an MIHE staff member will be assigned to investigate the complaint, depending on the nature of the complaint and the wishes of the complainant. Academic complaints will be investigated by the Dean or the Course Director, and the CEO or delegate will investigate non-academic complaints.
- The resolution process will be concluded as soon as practicable, normally within 20 business days.
- The complainant and any other parties will receive a written decision with reasons within 5 business days of the decision being made. The outcome of the assessment and proposed resolution must be entered into the Complaints Register.

- Appeals against the decision must be lodged within 10 business days of receiving the written decision.

Step 3 – Appeals and Review

There are a range of appeal and review options available. A student may elect to bypass an Internal Appeal and Review, instead utilising one or more of the external options listed below.

Internal Appeal and Review

The following elements are central to the internal appeal and review process:

- Applications for an Internal Appeal and Review should be lodged within 20 business days of the decision of the internal appeal and review being provided by lodging a Notice of Appeal Form (available on the MIHE website) at admin@mihe.vic.edu.au.
- If a party lodges an application for an internal appeal and review, the process must be conducted by a MIHE staff member at least one level of seniority above the person who conducted the initial review or an external facilitator.
- The appeal and review should commence within 10 business days of receiving written notice and should be completed within 20 business days.
- 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 complainant and any other party will receive a written decision with reasons within 5 business days of the decision being made. The details of the decision must be entered into the Complaints Register.
- When a complainant is not satisfied with the outcome of the appeal they may lodge an external appeal.

External Appeals

If a student wishes to appeal against MIHE 's outcome from the initial internal processing of the appeal, the student may take the appeal to an external body. At the conclusion of any external appeal or review process, the outcome will be recorded in the Complaints Register.

For complaints that do not relate to the quality of delivery and assessment and qualifications issued, details of external bodies that are compliant with regulatory authority standards and/or requirements are listed below:

1. **National Student Ombudsman (NSO)** works with domestic and international students to resolve complaints about particular actions or decisions taken by their higher education provider. The NSO is independent, impartial, and can consider how a higher education provider has handled

a range of issues including student safety and wellbeing, racism and racial vilification, discrimination, gender-based violence, course administration, teaching provisions and facilities, and the fairness and effectiveness of student complaints processes.

The NSO cannot deal with complaints related to:

- A person's employment or related to the appointment of a person to an office of a higher education provider.
- Academic decisions, such as complaints about grades but the NSO may consider complaints about the appeals process relating to a student's grade.

The NSO can consider whether the decisions or actions taken by MIHE were unreasonable or unfair and make recommendations to improve the student experience.

The NSO offers a restorative engagement process, where appropriate, as well as alternative dispute resolution processes including mediation.

The NSO is a free and confidential service for all students complaints can be made by a student in a manner that they feel is safe; e.g. anonymously. The NSO will work with students to consider the best resolution pathway, and if their services aren't appropriate to the student's situation, they can provide a referral to a more appropriate service. Visit www.nso.gov.au to find out more or to lodge a complaint.

2. **Commonwealth Ombudsman:** The Office of the Commonwealth Ombudsman investigates complaints that international students have with private education providers. The Office of the Commonwealth Ombudsman offers a free and independent service for overseas students who wish to appeal against a decision made by their private education or training provider in Australia.

GPO Box 442 Canberra ACT 2601

Phone: 1300 362 072

www.oso.gov.au

3. External Independent Arbiter - Resolution Institute

If a matter relating to an international student remains unresolved following an application to the NSO or the Commonwealth Ombudsman, an application may be made to the Resolution Institute. This is a community of mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals.

Scheme [https://](https://www.resolution.institute/membershipinformation/studentmediation-scheme)

www.resolution.institute/membershipinformation/studentmediation-scheme.

Level 1 and 2, 13-15 Bridge Street

Sydney NSW 2000

Phone: (+61 2) 9251 3366 or 1800 651 650

Email: infoaus@resolution.institute

www.resolution.institute

MIHE will pay for the cost of the Resolution Institute's Expert Determination service..

If the student is not satisfied with 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.

4. Tertiary Education Quality and Standards Agency (TEQSA): Students may also lodge a complaint with TEQSA who will investigate the complaint and may refer it to another government agency.

For more details please see: <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 process and outcome of the internal dispute resolution process must be entered into the Complaints Register and it must be tabled as a report to the Academic Board and the Board of Directors at the final meeting of each academic year.