

Principles of Procedural Fairness

Navitas Professional Institute

Document

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Version Control

Issue Date:	Summary of Changes	Review Date
03 September 2010	Initial approval	December 2015
March 2014	Minor amendment	December 2015
April 2015	Full review, only minor amendment required	December 2020
11 July 2016	Transitioned to new policy template	December 2020

Principles of Procedural Fairness

1. Purpose and Scope

This document describes the Principles of Procedural Fairness, which are referenced in College policy and procedural documents. These documents include (but are not limited to):

- Academic Grievances, Complaints and Appeals Policy and Procedure;
- Non-Academic Grievances, Complaints and Appeals Policy and Procedure;
- Non-Academic Misconduct Policy; and
- Refund Policy and Fee Help Review and Appeals Procedures.

The Principles of Procedural Fairness describe the procedure to be used by the College and staff when making a decision. A decision-maker who follows a fair procedure is more likely to reach a fair and correct decision. Not all decisions made by the College and staff are subject to the Principles of Procedural Fairness. The Principles apply to decisions that may negatively affect an existing interest of a person or the College or to matters where a person has a legitimate expectation. They are less likely to apply to routine administration and policy-making, or to decisions that initially give a benefit.

2. Policy

In practice, the College Principles of Procedural Fairness involve:

1. ensuring the complainant has the right to a full explanation in writing for decisions and actions taken at all stages of the grievances, complaints and appeals process;
2. ensuring that the complainant has access to an independent, unbiased decision maker of the College to reach a final decision, if desired;
3. ensuring that there is proper investigation of the facts;
4. ensuring that there is appropriate evidence to support a decision;
5. ensuring that parties are not victimised or discriminated against during the grievance, complaint and appeal procedure;
6. ensuring impartiality on the part of the investigator and/or decision maker, which means the investigator/decision maker must exclude themselves if there is any bias or conflict of interest. Being the supervisor or work associate of the respondent does not in itself give rise to a conflict of interest. The test is whether a fair-minded observer might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the question;
7. ensuring on any occasion when the grievance or complaint is to be discussed, the complainant and respondent have the right to be accompanied by a third party (family member, friend, colleague, interpreter or other non-legal support person);
8. ensuring the complainant has the right to access legal remedies outside of the College grievances, complaints and appeals processes;
9. informing relevant parties of any allegations made against them, as appropriate;
10. ensuring that all persons involved are informed under the procedures under which the grievance or complaint is being handled and have access to the relevant policy and procedure;
11. ensuring that all parties have a fair hearing and those who have had complaints made against them understand the case to be met and given the opportunity to reply in a way that is appropriate for the circumstances before a decision is made

12. ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken; and
13. advising all parties that if the grievance or complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance or complaint may be used in any subsequent disciplinary proceedings

These procedures usually require that the person raising a grievance or complaint must be willing to be identified, unless the facts of the matter are not in dispute, or the matter involves allegations of corruption, mal-administration, or serious waste which results in significant loss or wastage of College money or resources, or child abuse.

3. Responsibilities

Executive members, Heads of School and functional managers are responsible for ensuring their employees are aware of this Policy and their responsibilities defined herein.

Academic and professional staff are responsible for being aware of and complying with this Policy.

Students are responsible for being aware of and complying with this Policy and should seek assistance from appropriate sources in respect of this policy where necessary.

4. Definitions

Academic staff/teaching staff refers to permanent and casual employees engaged in teaching and assessment of courses at the institution.

Institution (the)/College (the) means the Navitas Professional Institute and its colleges (see registration information below).

Unit refers to a unit of study in a higher education course or a unit of study, subject, module and/or unit of competency in a vocational education and training course.

5. Review

This policy is reviewed at a minimum of every 5 years by the policy owner (or designate) to ensure alignment to appropriate strategic direction and its continued relevance to Navitas' current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

6. Records

Records in association with this policy will be kept in accordance with the institution's Records Management Policy and Records Retention and Disposal Schedule. Confidential files related to the implementation of the policy must be maintained according to relevant privacy processes.

7. Related documents

Broad impact across all College student and staff policies, documents and procedures including (but not limited to) Academic Grievances, Complaints and Appeals Policy and Procedure, Non-Academic Grievances, Complaints and Appeals Policy and Procedure, and Refund Policy.

8. Related legislation

Higher Education Support Act 2003; Tertiary Education Quality and Standards Agency Act 2011; National Vocational Education and Training Regulator Act 2011; Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007; and associated Commonwealth and State legislation; and Australian Qualifications Framework.

Registration information

The Navitas Professional Institute is a group of colleges in the Navitas Professional and English Programs (PEP) Division of Navitas Limited the colleges being the Australian College of Applied Psychology (ACAP), Navitas College of Public Safety (NCPS), Health Skills Australia (HSA), and the Australian TESOL Training Centre (ATTC) with respect to ATTC's 39296QLD Graduate Certificate in TESOL and 39297QLD Graduate Diploma in TESOL courses. Navitas Professional Institute Pty Ltd (NPI Pty Ltd), ABN 94 057 495 299, National CRICOS Provider Code 01328A, TEQSA HE Provider Registration Code 12009, RTO 0500. Health Skills Australia Pty Ltd ABN 53 123 479 201, RTO 21646.