

Statement of JMC Academy Principles of Procedural Fairness

Policy

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1. PURPOSE

The purpose of the Statement of JMC Academy Principles of Procedural Fairness Policy is to adopt a structured and principled approach to decision making and to ensure that decisions are impartial, fair and correct.

2. SCOPE

The Statement of JMC Academy Principles of Procedural Fairness Policy applies to all JMC Academy's students (including potential students), and to all the members of the workforce involved in managing or responding to complaints and appeals.

The Principles do not apply to routine administration and policy-making, or to decisions conveying a benefit.

3. DEFINITIONS

For the purpose of the Statement of JMC Academy Principles of Procedural Fairness Policy complaints and appeals will be collectively referred to as 'complaints'.

All definitions are located in the *JMC Academy Glossary*.

4. POLICY

- 4.1. The JMC Academy Principles of Procedural Fairness involve ensuring that:
 - 4.1.1. The complaint is made in writing and that the complainant is committed to seek and support resolution of the issues and cooperate with the process,
 - 4.1.2. The parties affected by the complaint are informed of any allegations made against them and provided with a copy of the complaint,
 - 4.1.3. All parties have been given an opportunity to have a fair hearing and those who have had complaints made against them understand the case to be met and are given the opportunity to reply in a way that is appropriate for the circumstances before a decision is made,
 - 4.1.4. Any decision is in writing, refers to the evidence that was relied upon and the reasoning behind the decision and to any right to appeal the decision,
 - 4.1.5. Where action is required to be taken, the proposed action is first communicated to the parties in writing with an explanation as to why it is necessary (where the circumstances justify an exception those circumstances must be recorded in writing),
 - 4.1.6. The decision maker is independent, unbiased and does not have a 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),
 - 4.1.7. There is proper investigation of the facts and that there is appropriate evidence to support a decision,
 - 4.1.8. All relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken,
 - 4.1.9. The parties are informed of the process and procedures to be adopted and the progress of the complaint,
 - 4.1.10. Parties are not victimised or discriminated against for initiating the complaint or for being the subject of the complaint,

- 4.1.11. The complainant and respondent have the right to be accompanied by a support person (family member, friend, colleague, interpreter, or other non-legal support person) during any interviews or meetings,
 - 4.1.12. The complainant has the right of access to two levels of appeal within the JMC Academy, and that these procedures do not pre-empt, limit, or delay the complainant's right to concurrently pursue other avenues of resolution outside of JMC Academy's internal processes,
 - 4.1.13. Principles of natural justice and procedural fairness are applied to all parties,
 - 4.1.14. All complaints and any subsequent appeals processes are dealt with in a timely manner and according to approved policy and procedure,
 - 4.1.15. At all times, the appropriate level of confidentiality (as set out in the applicable policy and procedure documents) is maintained regarding the subject matter of the complaint and the subsequent process and procedures, and that the parties are aware of the need to maintain the appropriate level of confidentiality, a breach of which may result in disciplinary action,
 - 4.1.16. The management and resolution of complaints is documented appropriately, and
 - 4.1.17. All parties are informed that if the complaint is of such a serious nature that disciplinary action may result, JMC Academy may rely upon the facts revealed during an investigation to support subsequent disciplinary proceedings.
- 4.2. The complainant must be willing to be identified, unless the facts of the matter are not in dispute, or the matter involves allegations of serious misconduct or if the circumstances of the complaint warrant the identity of the complainant remaining confidential.

5. RELATED DOCUMENTS

- 5.1. JMC Academy Glossary
- 5.2. Student Complaints and Appeals Policy and Procedure
- 5.3. Academic Integrity Policy and Procedure
- 5.4. Non-Academic Misconduct Policy and Procedure

6. RELEVANT LEGISLATION

- 6.1. Higher Education Support Act 2003 (Cth)
- 6.2. Higher Education Standards Framework (Threshold Standards) 2021

7. POSITIONS RESPONSIBLE

- 7.1. Governing Council
- 7.2. Academic Board
- 7.3. Chief Executive Officer
- 7.4. Dean
- 7.5. Director of International Services
- 7.6. Campus Directors
- 7.7. Student Services
- 7.8. JMC Academy Students
- 7.9. JMC Academy members of the workforce

8. APPROVAL INFORMATION

Approval Authority	Governing Council
Health Check approval authority	JMC Academy CEO
Review date	30/10/2024

Version	Approved by	Approval date	Effective date	Modifications	Status
2.0	Director of Education	17/01/2018	17/01/2018	Updated to new format.	Superseded
2.1	Director of Education	19/10/2018	19/10/2018	Refined responsibilities	Superseded
2.2	JMC Academy CEO	05/08/2021	15/09/2021	Policy content has been moved to the new template. Position titles have been updated. Minor amendments to strengthen the 'Purpose' and 'Scope' sections.	Superseded
2.3	JMC Academy CEO	12/08/2022	12/08/2022	Positions updated.	Current