

## Statement of JMC Academy Principles of Procedural Fairness

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### 1. PURPOSE

The Principles of Procedural Fairness apply to the complaint and appeals processes adopted by the JMC Academy. For the purpose of the present document complaints and appeals will be collectively referred to as 'complaints'.

A decision-maker who follows a fair procedure is more likely to reach a fair and correct decision. The Principles apply to decisions that may be prejudicial to an existing interest or expectation of a person or the Academy. The Principles do not apply to routine administration and policy-making, or to decisions conveying a benefit.

The Principles of Procedural Fairness are referenced in certain JMC Academy policy and procedural documents. These documents include:

- a) Student Complaints and Appeals Policy
- b) Student Complaints and Appeals Procedure

### 2. SCOPE

This statement applies to all JMC Academy's students (including potential students), and to all the staff involved in managing or responding to complaints and appeals.

### 3. DEFINITIONS

Please refer to *JMC Academy Glossary*.

### 4. POLICY

In practice, the JMC Academy Principles of Procedural Fairness involve:

- a) ensuring 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;
- b) ensuring that the parties affected by the complaint are informed of any allegations made against them and provided with a copy of the complaint;
- c) ensuring that 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;
- d) ensuring that 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;
- e) ensuring that 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.)
- f) ensuring that 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.)
- g) ensuring that there is proper investigation of the facts and that there is appropriate evidence to support a decision;
- h) 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;
- i) ensuring that the parties are informed of the process and procedures to be adopted and the progress of the complaint;

- j) ensuring that parties are not victimised or discriminated against for initiating the complaint or for being the subject of the complaint;
- k) ensuring that 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;
- l) ensuring the complainant has the right of access to two levels of appeal within the 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 the Academy's internal processes;
- m) ensuring that principles of natural justice and procedural fairness are applied to all parties;
- n) ensuring that all complaints and any subsequent appeals processes are dealt with in a timely manner and according to approved policy and procedure;
- o) ensuring that 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;
- p) ensuring that the management and resolution of complaints is documented appropriately; and
- q) ensuring that all parties are informed that if the complaint is of such a serious nature that disciplinary action may result, the Academy may rely upon the facts revealed during an investigation to support subsequent disciplinary proceedings.

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. COMPLAINTS and APPEALS

Students may access the Student Complaints and Appeals Policy and its associated procedures to appeal against any decisions made under this statement.

## 6. POSITIONS RESPONSIBLE FOR IMPLEMENTING PROCEDURE

- Governing Council
- Academic Board
- Chief Executive Officer
- Director of Education
- Director of International Services
- Campus Manager
- Administration
- JMC Academy Students
- JMC Academy Staff

## 7. RELATED DOCUMENTS

- Student Complaints and Appeals Policy
- Student Complaints and Appeals Procedure
- JMC Academy Glossary
- International Students Appeal against Intention to Report Procedure

## 8. RELATED LEGISLATION

This Policy supports JMC Academy's compliance with the following legislation:

- Higher Education Support Act 2003 (Cth),

- Higher Education Standards Framework (Threshold Standards) 2015.

## 9. PROCEDURE REVIEW DATE

28<sup>th</sup> February, 2021

## 10. VERSION CONTROL TABLE

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Title	<i>Statement of JMC Academy Principles of Procedural Fairness</i>			
Maintained By	Education Team			
Approving Authority	Academic Board			
Approved Date	22/03/2018			
Version Number	Modified By	Modifications Made	Date Modified	Status
2.0	S. Stanford	Updated to new format. Refined responsibilities	17/01/2018	Superseded
2.1	M. Hafda	Updated format	19/10/2018	Current