

Title of Policy	Principles of Procedural Fairness
1. Purpose of Policy	<p>The purpose of this document is to describe the Principles of Procedural Fairness, which are referenced in College policy and procedural documents. These documents include (but are not limited to):</p> <ul style="list-style-type: none"> • 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
2. Scope of Policy	<p>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. It is less likely to apply to routine administration and policy-making, or to decisions that initially give a benefit.</p>
3. Principles	<p>In practice, the College Principles of Procedural Fairness involve:</p> <ol style="list-style-type: none"> 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 <p>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.</p>

Administrative Information and Document Control		
Policy stakeholders	College staff and students	
Related laws and regulations	Higher Education Support Act (HESA) 2003, HESA Fee-Help Guidelines, HESA VET FEE-HELP Guidelines	
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.	
Author/s	Quality and Accreditation Department	
Policy Endorsed by	College Executive	
Policy Approved by	College Council	Endorsement date 03/09/2010
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