



Student Mediation Scheme Information Kit

for Students
and Education Institutions

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Introduction

About Resolution Institute

Resolution Institute is a vibrant community of mediators, arbitrators, adjudicators, restorative justice practitioners and other DR professionals. Created as a result of the integration of LEADR with IAMA in 2014, we are a not-for-profit organisation with more than 4,000 members in Australia, New Zealand and the Asia Pacific region.

Our offices are in Sydney (Australia) and Wellington (New Zealand).

What our organisation does:

- Assists organisations to develop effective dispute resolution processes
- Promotes the use of mediation and DR - DR can help prevent, manage and resolve conflict and disputes in business, workplaces, families and communities
- Provides high quality mediation training and accreditation
- Provides a voice for DR practitioners in public discussion about DR - we gather and represent members' views
- Keeps members informed - our website, newsletter and events provide up to date news and information
- Develops the skills of DR practitioners - we have lots of CPD offerings
- Establishes and supports state and regional Chapters and special interest groups - DR practitioners come together to connect, network and learn
- Provides an up to date listing of mediators and other DR practitioners - on this website, look for these in Resolving a Dispute
- Administers building and construction industry payment disputes and domain name disputes in Queensland, New South Wales, Victoria and Tasmania

About the Student Mediation Scheme

Since 2002, Resolution Institute (formerly LEADR) has administered the Student Mediation Scheme to provide educational and training institutions with an external appeals process. The Scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once their internal grievance system has been exhausted. Resolution Institute appoints a suitably qualified mediator, liaises between the parties as necessary and manages the process.

Contact Details

Nomination Services Officer | Resolution Institute
Level 2, 13 -15 Bridge St | SYDNEY 2000 | 02 9251 3366 |
nominations@resolution.institute

Purpose of the Student Mediation Scheme

International Students

The National Code of Practice for Providers of Education and Training to Overseas Students 2007 (the National Code) was implemented under the *Education Services for Overseas Students Act 2000* (ESOS Act). It requires all providers listed on the Commonwealth Register of Institutions and Course for Overseas Students (CRICOS) to have ‘arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider’s internal complaints and appeals process’.

The provider must advise the student of his or her right to access the external appeals process at minimal or no cost if the student is not satisfied with the result or conduct of the internal complaint appeals process.

Domestic Students

Providers of the VET FEE-HELP and FEE-HELP schemes are required to have a formal external review stage as part of their grievance procedure under the *Higher Education Support Act 2003*, to ensure students and the educational and training organisation have access to an independent third party should the internal grievance processes not resolve the matter. The policy under this stage should provide information on an independent or external person or body to the institution and their contact details.

Resolution Institute's Student Mediation Scheme

Resolution Institute is pleased to offer both CRICOS and FEE-HELP providers an avenue for external dispute resolution. Resolution Institute offers a free referral service to a mediator, whereby Resolution Institute will facilitate mediation and manage the process.

Providers who join Resolution Institute's Student Mediation Scheme will have access to the following services:

- Appointment of a mediator;
- Arranging a mutually convenient date and location for any preliminary conference and the mediation;
- Arranging the mediation venue and any teleconference for the preliminary conference, if applicable;
- Notifying the parties and the mediator of the arrangements;
- Providing each of the parties and the mediator with the documentation necessary to conduct the mediation.

Resolution Institute's mediation services under the Resolution Institute Student Mediation Scheme can only be utilised when the provider's internal appeals processes has been exhausted as per requirements under Standard 8 of the National Code.

Schedule of Fees

Provider Annual Fee

Providers can join the Student Mediation Scheme for an annual fee which applies from 1 January to 31 December, or part thereof.

There are no other administration charges regardless of how many referrals are made during the course of the year.

Find our current schedule of fees here

<http://www.resolution.institute/membership-information/table-of-fees>

External Dispute Resolution Fees

Upon referral of a dispute and appointment of a mediator, the mediator will charge an initial fee for the first 4 hours of their services, or part thereof. This includes pre-mediation services. Subsequent hours are billed at an hourly rate, or part thereof.

The costs are shared between the parties unless other arrangement is made.

Find our current schedule of fees here

<http://www.resolution.institute/membership-information/table-of-fees>

Room Hire Fee

The educational and training provider agrees to provide a suitable room to be used for purpose of mediation as part of joining the Student Mediation Scheme with Resolution Institute, unless some other arrangement is made with the mediator.

Joining the Student Mediation Scheme

Provider Application Process

Complete the application form at

<http://www.resolution.institute/membership-information/student-mediation-scheme>

You can pay by credit card, EFT or cheque.

Once payment is received and your application is approved, you will receive a login to access your Certificate of participation in the scheme.

Detailed in this document are the appropriate clauses, terms and forms to communicate the scheme to your students.

Information for Educational and Training Institution

Institution Initiates Proceedings

To initiate proceedings:

1. Provide Resolution Institute with a completed Details of Complaint Form
<http://www.resolution.institute/membership-information/student-mediation-scheme>
2. Contact the student stating that you wish to proceed with the external appeals process
3. If possible, have the student lodge the Application for External Review
<http://www.resolution.institute/membership-information/student-mediation-scheme>
4. Wait to hear back from Resolution Institute. Resolution Institute will contact the student for further information and make all reasonable efforts to initiate mediation
5. Pay the agreed share for the mediator's fees
6. Resolution Institute will liaise with you and the student to facilitate mediation proceedings

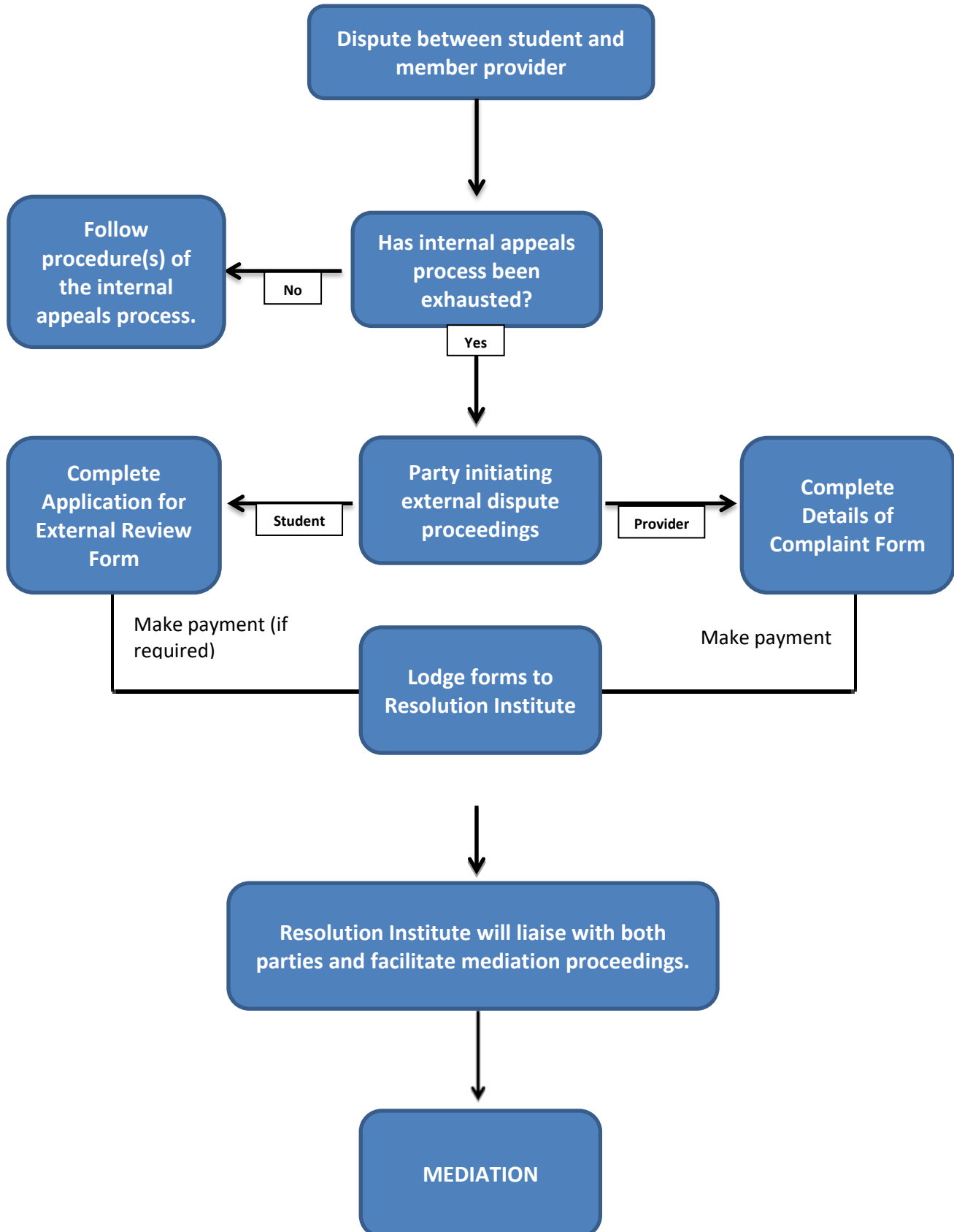
Information for Students

Student Initiates Proceedings

To initiate proceedings:

1. Access the Application for External Review form on Resolution Institute's website
<http://www.resolution.institute/membership-information/student-mediation-scheme>
2. Lodge the Application for External Review form with payment and supporting documents to Resolution Institute
3. Resolution Institute will liaise with you and your educational and training provider to facilitate mediation proceedings

External Appeals Process (Flowchart)



Appendices

Appendix 1: Suggested Clauses

Resolution Institute Model Clause for Mediation

Dispute Resolution

1.1 Discussion / Negotiation

The parties agree that in the event of a dispute arising they shall first meet and attempt to resolve the issues of concern by means of discussion and personal negotiation. If this process does not resolve the issues, they shall refer the matter to mediation in accordance with clause 1.2.

1.2 Mediation – Resolution Institute Overseas Student Mediation Scheme

The parties must endeavor to settle any dispute in connection with the contract by mediation. Such mediation is to be conducted by a mediator who is independent of the parties and appointed by agreement of the parties or, failing agreement within seven (7) days of receiving any party's notice of dispute, by a person appointed by the Chair of Resolution Institute or the Chair's designated representative (ACN 008 651 232).

1.3 Rules

The Resolution Institute Mediation Rules shall apply to the mediation.

1.4 Arbitration or Litigation

It is a condition precedent to the right of either party to commence arbitration or litigation other than for interlocutory relief, which it has first offered to submit the dispute to mediation.

Appendix 2: Mediation Rules

Click here to download Resolution Institute's Mediation Rules

<http://www.resolution.institute/dispute-resolution/mediation-rules>

Appendix 3: Application for External Review

Application for External Review – Student to complete

(NB – Prior to applying for External Review an Internal Review must have been conducted)

*Indicates required field

1. Personal Details

*Family Name:	_____	*Date of Birth:	_____
*First Name:	_____	*Place of Birth:	_____
*Address:	_____	*Nationality:	_____
	_____	Mobile:	_____
*Telephone:	_____	Fax No:	_____
*Email:	_____		_____
*PREFERRED METHOD OF CONTACT: <input type="checkbox"/> Email <input type="checkbox"/> Mail/Post			

2. Course Details

*Student ID Number:	_____	*Name of Course:	_____
*Name of Institution:	_____	*Course Code:	_____
	_____	*Course start date:	_____ (dd/mm/yyyy)
*Campus and/or Address of Institution:	_____	*Anticipated Course completion date:	_____ (dd/mm/yyyy)
*Year of Study:	<input type="checkbox"/> First Year	<input type="checkbox"/> Third Year	<input type="checkbox"/> Fifth Year
	<input type="checkbox"/> Second Year	<input type="checkbox"/> Fourth Year	<input type="checkbox"/> Sixth Year
			<input type="checkbox"/> Other

3. Nature of Complaint

3.1 My complaint relates to:

- Unsatisfactory Course Progress
 Unsatisfactory Course Attendance
 Other Matters: Please specify:

3.2 My claims - I believe that:

<input type="checkbox"/>	There was an error in the assessment of my Course Progress or in calculation of my Course Attendance rate
<input type="checkbox"/>	I did not receive the education provider's policy and procedure in relation to course progress or course attendance
<input type="checkbox"/>	I did not receive Warning Letters
<input type="checkbox"/>	I did not receive Outcome of Internal Review
<input type="checkbox"/>	Claims in my internal appeal were rejected and I did not receive any detailed reasons why it was rejected
<input type="checkbox"/>	I was not given an opportunity to access the provider's Complaints Handling process
<input type="checkbox"/>	Other complaint – please specify:

3.3 This is my first application for external review for this matter

Yes No

If no - please provide details of previous application:

File Number:

Date of outcome

Date of application:

Outcome:

4. Review Details

4.1. Date of Outcome of Internal Review:	
4.2. I am applying for external review within 20 working days of date of Outcome of Internal Review.	<input type="checkbox"/> Yes <input type="checkbox"/> No – go to question 4.3.
4.3. If No – Have you received a Section 20 Notice from your education provider?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.4. I have reported to DIAC regarding the Section 20 Notice	<input type="checkbox"/> Yes <input type="checkbox"/> No

5. Fees and Charges

Student must pay upon lodgement of application for external review.

An External Application will not be lodged unless fees are paid.

This is a *Paper Application* only.

Outline of Total Fees

External Reviewer initial fee – <http://www.resolution.institute/membership-information/table-of-fees>

Student pays 50%
Provider pays 50%

Amount to be paid:	\$	<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/>	
<input type="checkbox"/> BANK CHEQUE	Resolution Institute Level 2, 13-15 Bridge Street, Sydney NSW 2000		
<input type="checkbox"/> CREDIT CARD	Website: www.resolution.institute		
<input type="checkbox"/> DIRECT DEBIT	Westpac Resolution Institute BSB 032 024 Account number 579 164		
<input type="checkbox"/> Visa <input type="checkbox"/> Mastercard	Expiry date:	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	CVV: <input type="text"/> <input type="text"/> <input type="text"/>
Card Number:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
		Date: _____	
Cardholder's Name		Cardholder's Signature	

6. Consent to Resolution Institute to Access Student File from Education Provider

I, _____ (full name),
consent to Resolution Institute and the external reviewer to gain access to my
student file from

_____ (provider)
in relation to my application for external review of the provider's complaint and
appeals process.

I agree to the full disclosure of my personal information, including my academic
results and/or attendance records for the specific purpose of determining compliance
with my student visa conditions (if applicable).

I understand that such information may be disclosed to third parties, such as the
External Reviewer, Department of Education, Employment and Workplace Relations
(DEEWR), and Department of Immigration and Citizenship (DIAC) and other agencies.

Signed: _____

Date: _____

7. Terms and Conditions

- The information requested on this form is essential to the application for external review and will be treated in the strictest confidence and only be used for the intended purpose.
- I agree to participate in mediation in good faith and work towards a mutually acceptable outcome.
- I agree to be bound by any agreement reached at the conclusion of the external review process and such agreement(s) are final and not reviewable.
- I agree to indemnify the external review panel member, the executive council and any members of staff of Resolution Institute against any complaints, suits of action, legal proceedings, liability whatsoever arising out of the process and proceedings in relation to the external review and agreement(s) made as part of the external review.
- I declare that the information I have supplied in this application is true, complete, correct and up-to-date in every detail.
- I understand that if I give false or misleading information, including supplying false, or forged documentation, my application for external review may be refused, and any such information or documentation may be referred to external agencies, including the Australian Federal Police for further investigation.
- I authorise Resolution Institute and the external reviewer to make any enquiries necessary to verify my claims and any information supplied in this application in relation to external review.
- The agencies/organisations to which information may be disclosed include:
 - federal, state or territory government agencies, including the Department of Immigration and Citizenship (DIAC), Department of Education, Employment and Workplace Relations (DEEWR) and;
 - federal, state or territory law enforcement agencies including the Australian Federal Police (AFP);
 - state or territory housing authorities (including private landlords);
 - local government authorities;
 - financial institutions;
 - educational institutions; and
 - private businesses (including telecommunication and internet service providers, insurance companies).
- I consent to my details and information about my application being provided to above agencies.
- I understand the external review will only proceed once funds for the application fee have cleared.
- I have read and understood the information supplied to me in this application.
- I hereby state that the information contained in this form is true, correct and accurate.

Signed: _____

Date: _____

8. Checklist

I have attached the following documents in support of my application for external review:

- Lodgement fee
- Copy of my Student ID card/Passport
- Copy of Outcome of Internal Review from education provider
- Copy of Section 20 Notice from education provider (if applicable)
- Have you signed section 6 and 7 of this form?

Please send this form and any supporting documents to nominations@resolution.institute or to Resolution Institute, Level 2, 13-15 Bridge Street, Sydney NSW 2000.

Appendix 4: Details of Complaint

RESOLUTION INSTITUTE STUDENT MEDIATION SCHEME

Details of Complaint – Provider to complete

Date of complaint:	
Name of College:	
Contact at College:	
Address:	
Phone:	
Email:	
Name of Student:	
Phone:	
Email:	
Has internal grievance system been undertaken:	
Brief outline of dispute:	

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 E: nominations@resolution.institute W: www.resolution.institute