

# Independent Review of Appeals or Complaints Policy

## Section 1 - Purpose

(1) This Policy provides for the appointment of an independent arbiter for the review of final decisions under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#), where students have exhausted all internal avenues of review or appeal and no external avenue exists.

## Section 2 - Scope

(2) This Policy applies to situations where:

- a. a student has exhausted all internal avenues of review or appeal under the [Student Appeals Policy](#) and the [Student and Public Complaints Policy](#); and
- b. there is no external avenue of appeal, or complaint mechanism available to the student as legislated in the relevant State or Territory or at the Commonwealth level.

(3) The Independent Reviewer is the final avenue of review in respect of internal appeals and complaints. The Independent Reviewer will:

- a. make determinations as to whether an error has occurred and request that the University reconsider or change an academic or administrative decision;
- b. propose remedies to resolve matters that have resulted in an appeal or complaint; and
- c. make observations on the University's processes and/or recommendations to the University for improvement (if applicable).

(4) The Independent Reviewer will not make a decision on the academic merit of a student's mark or grade for an assessment.

(5) The [Commonwealth Ombudsman](#) has jurisdiction over matters relating to ACU's international students, excluding complaints about the quality of the education provider, under the [Ombudsman Act 1976 \(Cth\)](#).

## Section 3 - Appointment of the Independent Reviewer

(6) The Independent Reviewer will be appointed:

- a. by the Chair, Audit and Risk Committee on the recommendation of the Corporation Secretary for a 3-year term; and;
- b. is eligible for reappointment where the successive terms would not exceed a period of 9 years.

(7) The Independent Reviewer will be remunerated in return for services rendered to the University under this Policy in accordance with a separate agreement entered into between the University and the Independent Reviewer.

(8) Where the Independent Reviewer is unavailable for a period of more than 20 working days, the Corporation Secretary will appoint an acting Independent Reviewer.

## Section 4 - General Provisions

(9) Unless the Vice-Chancellor and President otherwise directs, a student who has continued in their program of study or has been terminated and been allowed to remain enrolled under Section 11 of the [Student Appeals Policy](#), may continue in their program of study:

- a. while a final decision is pending on their request for an independent review lodged under this Policy; or
- b. while a final decision is pending on their complaint lodged with the [Commonwealth Ombudsman](#); or
- c. where an external jurisdiction has made a legally binding order staying the implementation of a decision.

(10) The Executive Dean may prevent a student from enrolling in particular units until the final decision of the Independent Reviewer, the [Commonwealth Ombudsman](#) or the external jurisdiction is notified to the student.

(11) Nothing in this Policy affects the right of a student to access any other appeal/complaint mechanism or legal right available to them as legislated in the relevant State or Territory or at the Commonwealth level.

(12) There is no fee to lodge a request for review of an appeal or complaint with the Independent Reviewer.

## Section 5 - Revisions Made to This Policy

(13) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description of Revision(s)
30 November 2016	Minor	Higher Education Standards Framework (Threshold Standards) 2015 compliance review and process consultation amendments
9 December 2019	Major	Policy and role retitled and conditions for appointment included. Procedural updates including changes to time limit, and acknowledgement/ notification.
4 February 2021	Minor	Amendments to Procedure following report from the Independent Reviewer in Oct 2020. Amendments include ability for Academic Registrar to make the procedural assessment as to whether internal avenues of appeal of complaint have been exhausted.
9 May 2023	Minor	Amendments arising from the cyclical review under the Policy Development and Review Policy. The review was brought forward to 2023 following the reviews of the Student Complaints Procedure and the Student Appeals Procedure.
27 March 2024	Minor	Changes to the Procedure reflect where administrative processes are undertaken by the appeals, complaints and conduct team in the Office of the Academic Registrar rather than by the Academic Registrar

## Section 6 - Associated Information

(14) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th December 2023
<b>Review Date</b>	1st January 2028
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	19th December 2023
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Helen Murnane Academic Registrar
<b>Responsible Manager</b>	Cheryl Fullwood Academic Registrar
<b>Enquiries Contact</b>	Kerry Blair Policy and Projects Officer <hr/> Student Administration