

Independent Review of Appeals or Complaints Procedure

Section 1 - Governing Policy

(1) This procedure is governed by the [Independent Review of Appeals or Complaints Policy](#).

Section 2 - Lodgement of Request for Independent Review

(2) Where a matter has not been resolved to a student's satisfaction, they have the right to refer the matter to a relevant independent external body. External avenues include, but are not limited to:

- a. a State-based independent statutory authority;
- b. a civil and administrative tribunal; or
- c. in the case of international students, the [Commonwealth Ombudsman](#).

(3) A request for review by the Independent Reviewer may only be lodged where:

- a. the student has exhausted all internal avenues of appeal/complaint; and
- b. there is no external body with jurisdiction in relation to the matter.

(4) Any such request for independent review must be lodged in writing by email at Independent.Reviewer@acu.edu.au or by mail, addressed to:

The Independent Reviewer
c/- The Office of the Academic Registrar
Australian Catholic University
PO Box 968
North Sydney NSW 2059

(5) A student who has been terminated and has been allowed to remain enrolled under Section 11 of the [Student Appeals Policy](#) and who wishes to continue in their program of study under clause (9) of the [Independent Review of Appeals or Complaints Policy](#) must, within 20 working days of notification of the relevant final decision under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#):

- a. lodge a request for independent review by the Independent Reviewer; or
- b. provide the University with a copy of a complaint lodged with the [Commonwealth Ombudsman](#) and/or written confirmation of the complaint or review lodged with the [Commonwealth Ombudsman](#); or
- c. provide the University with a copy of any legally binding order from an external jurisdiction staying the implementation of the decision pending the final outcome of that external jurisdiction.

(6) Unless a student has been terminated and is seeking to continue in their program of study at clause (5) of this Procedure, a request for independent review must be lodged:

- a. within 12 months of the notification of the final decision under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#); or
- b. after 12 months of the notification of the final decision under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#) if accompanied by an explanation for the delay in making the request.

(7) A request for independent review under this Policy must:

- a. include a clear statement of the nature and grounds of the review of the appeal/complaint;
- b. be accompanied by all supporting documentation on which the student relied when pursuing the matter under the [Student Appeals Policy](#) or the [Student and Public Complaints Policy](#);
- c. not include new evidence, or new grounds for the review of the appeal/complaint based on such evidence; and
- d. in the case of a request lodged after 12 months of the final decision under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#), an explanation for the delay in lodging the request.

Section 3 - Acknowledgement and Procedural Assessment

(8) Upon receipt of any request for independent review, the Office of the Academic Registrar will undertake a procedural assessment as to whether the student has exhausted all internal avenues available to them under the relevant University policies.

(9) Within 10 working days of receipt of the application for independent review, the Office of the Academic Registrar will:

- a. notify the student that they must exhaust the internal avenues available to them; or
- b. acknowledge receipt of the application in writing, outlining the process for the conduct of the independent review. For international students this is also a requirement of the [Education Services for Overseas Students Act 2000 \(Cth\)](#) and [ESOS National Code](#); and
- c. refer the application to the Independent Reviewer who will take steps in accordance with section 4 of this Procedure.

Section 4 - Decision to investigate

(10) Upon receipt of the application, the Independent Reviewer will undertake preliminary inquiries (subject to independent advice, if required) as to whether there are any circumstances, taken together or in isolation, that would prevent the Independent Reviewer from undertaking the independent review. Such circumstances may include, (but are not limited to) the following:

- a. there is new evidence which was not available to the original decision-maker; and/or
- b. there is an external body with jurisdiction in relation to the subject matter of the review of the appeal/complaint; and/or
- c. the application for independent review is frivolous, vexatious or is not made in good faith; and/or
- d. the appeal/complaint is not sufficiently serious to warrant a review by the Independent Reviewer; and/or
- e. the request for independent review has been made more than 12 months after the student had received

notification of the relevant final decision under the [Student Appeals Policy](#) or [Student and Public Complaints Policy](#) and the explanation for the delay in lodging the review lacks merit.

(11) If a determination is made that one or more of the considerations under clause (10) of this Procedure prevent the Independent Reviewer from undertaking the independent review, the Independent Reviewer may either:

- a. refer any new evidence provided by the student back to the original decision maker, for consideration as part of the original appeal/ complaint; or
- b. direct the student to a relevant external body; or
- c. notify the student that their matter is unable to be reviewed.

(12) Where the Independent Reviewer has determined that the matter will not proceed to investigation under clause (11) of this Procedure, the Independent Reviewer will notify the student of their decision and the reasons for the decision.

(13) If a determination is made that the request for review should proceed to investigation under clause (10) of this Procedure, the Independent Reviewer will:

- a. notify the student of the decision to review the appeal/ complaint; and
- b. consider the request for independent review under Section 5 of this Procedure.

Section 5 - Review of the Appeal or Complaint

(14) The Independent Reviewer will review the appeal/complaint documentation lodged with them and will undertake such investigation as the Independent Reviewer deems appropriate and practicable, having regard to the principles of natural justice, to ensure that the review process is fair and equitable.

(15) A student and/or officer of the University will be required to respond to a request for further information by the Independent Reviewer.

(16) If any other party is named in the review of the appeal/complaint, the Independent Reviewer will provide that person with:

- a. relevant details from the appeal/complaint documentation, subject to the [Privacy Policy](#); and
- b. the opportunity to respond.

(17) If, at any time during the Independent Reviewer's review of the appeal/complaint, the student who lodged the review of the appeal/complaint becomes aware of an external avenue for its resolution, and that external process is initiated by the student, the Independent Reviewer's review of the appeal/complaint may be terminated by the Independent Reviewer.

Section 6 - Notification and Recording of Review Decisions

(18) The Independent Reviewer will determine the matter within 30 working days of receipt of the application for review of the appeal/complaint, or such further time as may be determined reasonable by the Independent Reviewer. The Independent Reviewer will notify the student in writing of any delay.

(19) The Independent Reviewer will advise the student in writing of:

- a. the process undertaken to consider the review of the appeal/complaint;
- b. the decision reached; and
- c. the reasons for the decision.

(20) The Independent Reviewer will provide the Office of the Academic Registrar with:

- a. a copy of their decision; and
- b. where relevant a report that makes observations on the University's processes and/or recommendations for improvement.

(21) The Office of the Academic Registrar will provide a copy or summary of the advice to the:

- a. Vice-Chancellor and President; and
- b. relevant University officer required to take action as a result of the Independent Reviewer's decision subject to the [Privacy Policy](#).

(22) Any action required of the University as a result of an outcome of a review of an appeal/complaint by the Independent Reviewer must be initiated within 10 working days of the notification.

(23) All complaints records including correspondence between the University, the Independent Reviewer and a student in relation to a review of an appeal/complaint will be placed on the student file by the Office of the Academic Registrar.

Section 7 - Associated Information

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

Status and Details

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