

VISITOR POLICY – ADVICE AND PROCEDURES FOR STUDENTS

1. Policy on Review by the University Visitor of Unresolved Appeals or Complaints by Students

Many universities have a role such as Ombudsman to provide the highest level of appeal by students. Due to its national character and the nature of the legislation establishing Australian Catholic University, the University does not have an Ombudsman as such; however, the University has established the role of University Visitor to fulfil functions similar to those that might otherwise be performed by an Ombudsman.

The University has established the **Policy on Review by the University Visitor of Unresolved Appeals or Complaints by Students** (<http://www.acu.edu.au/216539>) (referred to in this document as the **Visitor Policy – Students**) which sets out the criteria and processes for taking an unresolved appeal or complaint to the University Visitor. This policy can only be accessed after you have exhausted avenues of appeal under the **Student Appeals Policy** (<http://www.acu.edu.au/216394>) or the **Student Complaint Management Policy** (<http://www.acu.edu.au/216430>).

This document contains advice to assist you if you have an unresolved appeal or complaint regarding a matter that comes within the ambit of this policy. In the case of any conflict or inconsistency between this document and the Visitor Policy - Students, the policy takes precedence.

2. Principles

The principles adopted by the University for dealing with appeals and complaints are set out in the **Student Appeals Policy** (<http://www.acu.edu.au/216394>) and the **Student Complaint Management Policy** (<http://www.acu.edu.au/216430>). In particular, they are based on values that are consistent with the University Mission and are underpinned by principles of mutual respect, procedural fairness and natural justice for and by all students, staff and others who may be involved. There is also an expectation and requirement that students adhere to all relevant University statutes, rules, regulations, policies and standards of conduct.

These same principles underpin the **Visitor Policy – Students**.

3. What types of situation are covered by the Visitor Policy - students?

An appeal under the **Visitor Policy – Students** is not available until you have exhausted all other internal avenues of appeal or complaint. Access to the Visitor is also only available if there is no relevant external avenue of appeal available to you. Examples of external avenues of appeal relating to particular subject matters include (but are not limited to):

- Complaint relating to breach of privacy – the Federal Privacy Commissioner (<http://www.privacy.gov.au>)
- Complaint regarding to discrimination (eg on grounds of age, race, sex, disability etc) – the Federal Human Rights and Equal Opportunity Commissioner (<http://www.hreoc.gov.au>)
- Complaint regarding administrative actions or decisions under the *Higher Education Support Act 2003* (eg regarding fees, HECS liability etc) – Administrative Appeals Tribunal (<http://www.aat.gov.au>).

You cannot provide new evidence, or grounds for appeal/complaint at the stage of appeal to the Visitor, unless you can demonstrate that –

- (a) there has been a major change in circumstance following the finalisation of the appeal/complaint under the Student Appeals Policy or the Student Complaint Management Policy;
- (b) the associated information or evidence has a significant bearing on the appeal or complaint; and
- (c) that information or evidence was not reasonably available at the time you first lodged the appeal or complaint.

Where substantial new information or evidence is provided, the Visitor would normally refer the matter to the level of Dean/Director for reconsideration. If the matter is then resolved to your satisfaction within 20 working days of being referred back, the Dean/Director will notify the Visitor who will confirm the conclusion of the matter with you. If the matter is not resolved to your satisfaction within that timeframe, the Dean/Director will notify the Visitor who will proceed to deal with the case in accordance with the policy.

4. Timing

If you wish to lodge an appeal or complaint with the Visitor, you must do so within 40 working days¹ of notification of the decision against which you wish to appeal/complain. If you do not take action within that timeframe, the Visitor can rightly decline to consider the matter.

6. Investigation by Visitor

The Visitor will investigate the matter in accordance with the policy. Normally the Visitor will undertake a preliminary assessment within 10 working days of receipt of the appeal or complaint. If he/she considers it falls within the policy, he/she will undertake the substantial investigation, which may include inviting you to attend a meeting.

7. Taking a support person with you

At any such meeting, you can take a support person with you. That support person can be a relative, a friend, a fellow-student or a colleague, but cannot be someone who is legally qualified or a member of staff of the University. The role of that person is simply to be present at the meeting as 'moral support' and/or a neutral observer. They cannot make a representation on your behalf but their being there may assist you, as an independent observer may hear and interpret advice or statements differently from how you hear or interpret them, or indeed confirm that your understanding of the discussion is correct. If you want to take a support person to accompany you at a meeting, you should advise the Visitor of the name of the support person; such advice should normally be provided in writing (eg via email) at least three days in advance of the meeting.

8. Notification of outcome

The Visitor will normally complete his/her investigation within 30 working days of receipt of the appeal or complaint. He/she will submit a report to the Vice-Chancellor and you will be advised in writing of the process followed, the decision reached and the reasons for the decision. Where another person is named in the appeal or complaint, that person may be advised regarding elements of the decision relevant to him/her.

There is no further avenue of appeal or complaint available under University policies or regulations. However, you can still exercise any other legal right available to you in the relevant state/territory.

¹ Under the ESOS Act, an international student must take action within 20 working days of notification of the decision.