PR_AC_034 External Review (Appeal) Procedure

1. Scope
These procedures apply to students who wish to lodge an external review.

2. Purpose
The purpose of this process is to provide information on lodging external reviews.

3. Torrens University Australia’s approach to complaint management
   1. Informal discussion
   2. Formal complaint
   3. Internal review (appeal)
   4. External review

4. Lodging an external appeal or review
   • All students are strongly encouraged to complete all internal steps to resolve their complaint before making external complaints. However, at any point, the student may decide to refer the matter to an external agency, mediator or reviewer (refer to sections 4.1 to 4.3). If the University receives notification that a complaint under consideration internally is the subject of formal external enquiry or legal action, in accordance with the Student Complaints Policy, the internal resolution process will be suspended until the external action is completed. However, in cases of formal complaints involving sexual harassment and sexual assault, making a police report will not stop the University from acting on the formal complaint, or issuing an outcome to that complaint (Sexual Harassment and Sexual Assault Prevention Policy).
   • If a student believes that the outcome of their internal review (appeal) is unfair or incorrect, they may lodge an external review or complaint. The student can seek:
     o independent mediation services to resolve the complaint, and/or
     o a resolution via the relevant external agencies, or
     o independent external review if the subject of the complaint or appeal is not addressed by any external agency.
   • If an international student decides to pursue a complaint or internal review (appeal) with an external agency about an Intention to Report due to unsatisfactory course progress or unsatisfactory attendance, the student must notify the Vice President, Governance, Strategy and Student Administration of their intention within 10 working days of receiving the internal review (appeal).
decision by emailing academicservices@laureate.net.au. If the student fails to notify the Vice President, Governance, Strategy and Student Administration, the University will proceed to report the cancellation of their enrolment to the Department of Home Affairs (DHA). The Student Complaints Manager or Student Complaints Officer may request evidence of lodgement for the University’s records.

- All students are encouraged to continue their studies during this process unless advised otherwise.

4.1 Seeking independent mediation services

Students can seek external mediation in resolving a complaint by accessing the Resolution Institute Student Mediation Scheme (‘the External Grievance Mediator’). Additional information is available on the Resolution Institute website including the process for applying for an external review. The University will pay the full fee for the service. The student has to make sure to note this in the application form to ensure that the Institute invoices the University for the full cost of the service.

NOTE:

- External mediation is another means to resolve the student’s complaint but does not guarantee a resolution.
- If the student is dissatisfied with the outcome of the process, they can refer the complaint to the relevant external agency (refer to section 4.2) or to an independent external reviewer on matters not covered by the agencies listed in Table 1.

4.2 Lodging a complaint with external agencies

A student dissatisfied with the outcome of the following can refer their complaint to external agencies:

- internal complaints and appeals, and/or
- external mediation.

Contact details of external agencies

For information on an external agency’s complaints and review processes, it is recommended that students contact the agency or visit their website. Table 1 provides a list of external agencies, matters they address and links to their websites.
Table 1 – List of external agencies

<table>
<thead>
<tr>
<th>Area</th>
<th>Subject of the complaint</th>
<th>External Agency</th>
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</thead>
<tbody>
<tr>
<td>National</td>
<td>Discrimination, sexual harassment, victimisation, vilification</td>
<td>Australian Human Rights Commission</td>
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<td></td>
<td>Privacy breach</td>
<td>Office of the Australian Information Commissioner</td>
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<td></td>
<td>For complaints from international students (e.g. Intention to Report)</td>
<td>Overseas Student Ombudsman</td>
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<td></td>
<td>FEE-HELP, intellectual property rights</td>
<td>Administrative Appeals Tribunal</td>
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<td></td>
<td></td>
<td>Australian Competition and Consumer Commission</td>
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<tr>
<td></td>
<td>VET Student Loans program and VET FEE-HELP scheme</td>
<td>VET Student Loans Ombudsman</td>
</tr>
<tr>
<td>ACT</td>
<td>Refunds</td>
<td>ACT Fair Trading</td>
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<tr>
<td>New South Wales</td>
<td>Refunds</td>
<td>NSW Office of Fair Trading</td>
</tr>
<tr>
<td></td>
<td>Discrimination, sexual harassment and vilification</td>
<td>NSW Anti-Discrimination Board</td>
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<tr>
<td></td>
<td>Safety of campuses</td>
<td>SafeWork NSW</td>
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<tr>
<td></td>
<td>Privacy breach and refunds</td>
<td>NSW Civil and Administrative Tribunal (NCAT)</td>
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<tr>
<td>Northern Territory</td>
<td>Refunds</td>
<td>NT Consumer Affairs</td>
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<tr>
<td>Queensland</td>
<td>Refunds</td>
<td>QLD Office of Fair Trading</td>
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<tr>
<td></td>
<td>Discrimination</td>
<td>QLD Anti-Discrimination Commission</td>
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<tr>
<td></td>
<td>VET</td>
<td>Queensland Training Ombudsman</td>
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<tr>
<td></td>
<td>Safety of campuses</td>
<td>Workplace Health and Safety Queensland</td>
</tr>
<tr>
<td>South Australia</td>
<td>Refunds</td>
<td>SA Office of Consumer and Business Services</td>
</tr>
<tr>
<td></td>
<td>Discrimination</td>
<td>SA Equal Opportunity Commission</td>
</tr>
<tr>
<td></td>
<td>Safety of campuses</td>
<td>Safework SA</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Refunds</td>
<td>TAS Consumer, Building and Occupational Services</td>
</tr>
<tr>
<td>Victoria</td>
<td>Refunds</td>
<td>VIC Consumer Affairs</td>
</tr>
<tr>
<td></td>
<td>Discrimination, sexual harassment and racial and religious vilification</td>
<td>Victorian Civil &amp; Administrative Tribunal</td>
</tr>
<tr>
<td></td>
<td>Safety of campuses</td>
<td>Victorian Equal Opportunity &amp; Human Rights Commission</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Refunds</td>
<td>WA Consumer Protection</td>
</tr>
</tbody>
</table>
4.3 Requesting reassessment by an external reviewer

Where the subject of the complaint or appeal is not addressed by any external government agency, a student can request an independent external reviewer to consider the decision on their complaint. The External Reviewer will review the complaint or appeal to the extent that the University’s policies and procedures as well as relevant legislation have not been followed. To make the request, the student must write to the Head of Academic Governance, Policy and Student Complaints (HAGPSC) to refer their complaint for external review in writing. This must be submitted within 20 working days from receipt of the appeal outcome. The request must include the following information and be sent to academicservices@laureate.net.au:

- the decision and circumstances the student is requesting be reviewed, and
- an outline of how the policies and procedures have not been followed, and/or
- additional, new, evidence to support the claim, and
- the student’s desired outcome.

The HAGPSC will refer a student’s complaint for external review if:

- the subject of the complaint or appeal is not within the jurisdiction of any external agency
- the subject of the complaint or appeal is serious enough and warrants a review by an External Reviewer, and
- the University did not follow the internal complaint and appeal process correctly and/or did not apply the relevant criteria and/or relevant legislation correctly.

If the student:

- provides new evidence which was not available to the original decision maker, the HAGPSC will refer the matter back to a formal complaint or internal appeal (whichever is applicable)
- has not accessed the University’s internal complaints and appeal process, the complaint will be referred back to a formal complaint or internal appeal (whichever is applicable).

Unless the Vice-Chancellor (or delegate) or Vice President, Governance, Strategy and Student Administration (or delegate) advises otherwise, a student who has lodged a request for external review against an appeal or complaint decision may continue in the course until the University notifies the student of the outcome. The University will advise the student of the outcome within 60 working days from receipt of the reassessment request. The HAGPSC (or delegate) will advise the student of delays.

The External Reviewer will review the complaint or appeal according to the principles of natural justice. If deemed appropriate, the External Reviewer may request further information or documents as well as interview involved parties.

If the University receives notification that a complaint is the subject of a formal external enquiry or legal action initiated by the student, the external review process will be terminated.

External review requests made on the grounds that the student disagrees with the outcome of their appeal or complaint will not be referred to the External Reviewer.

The University does not charge students for requesting a review of a complaint or appeal decision by the External Reviewer.
5. Tertiary Education Quality and Standards Agency (TEQSA) and Australian Skills Quality Authority

Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA) are the national quality assurance and regulatory agencies for education. TEQSA looks after higher education (HE) while ASQA looks after Vocational Education and Training (VET). These agencies investigate complaints against education providers and use these to inform their regulatory activities. Therefore, TEQSA and ASQA do not act as advocates for individual students. Both advise students to follow the University’s internal complaints process prior to lodging a complaint with either agency.

5.1 TEQSA (HE and ELICOS only)

TEQSA addresses complaints related to a higher education provider’s compliance with the
- Higher Education Standards Framework (HES Framework)
- Education Services for Overseas Students Act (ESOS Act)

TEQSA does not address complaints about:
- FEE-HELP matters
- matters of academic judgement, such as examination results
- requests for the University to re-mark student’s assessment
- complaints against individual staff
- visa issues
- problems that the provider has already remedied
- isolated mistakes or incidents of bad practice.

Additional information is available from the TEQSA Complaints page including information on how to lodge a complaint.

5.2 ASQA (VET and ELICOS only)

ASQA considers the following complaints:
- marketing, student recruitment or enrolment process
- the accuracy of information about fees or loan terms and changes to fees
- training, assessment and study support
- receiving a certificate after completing a course
- the number of students vis-à-vis available staff or resources.

ASQA does not process complaints about:
- refunds
- bullying and discrimination
- cleanliness and safety of campuses.

Additional information is available from the ASQA Complaints page, and complaints are lodged via the same page.
6. Additional information for domestic VET students accessing VET Student Loan
If a student on the VET Student Loan Scheme decides to lodge an external complaint and is charged a fee, the University will shoulder the entire cost for the resolution process. However, where the student has to be accompanied or assisted by another person at the review, it will be at the student’s expense.

Both the University and the student must be provided written notice of the outcome including the reasons for the decision.

7. Outcome of external review
The University will consider the recommendations arising from an external review.

8. Record keeping and confidentiality
Records of all complaints handled under this procedure and their outcomes will be recorded in the Student Records Management System and will be maintained for at least five years. This is to allow all parties to the complaint or review appropriate access to these records, upon written request to the Vice President, Governance, Strategy and Student Administration.

All records relating to external complaints will be treated as confidential and will be covered by the Privacy Policy.