



COUNCIL ON HIGHER EDUCATION (CHE)

**APPEALS POLICY ON CHE QUALITY
ASSURANCE INTERVENTIONS IN HIGHER
EDUCATION INSTITUTIONS (HEIs)**

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1.0 RESPONSIBILITY FOR POLICY

- 1.1 Preparation:** Director Policy Strategy and Information (DPSI)
- 1.2 Review:** Chief Executive
- 1.3 Review:** Higher Education Quality Assurance Committee (HEQAC)
- 1.4 Approval:** Council on Higher Education or its Executive Committee (EXCO)
- 1.5 Implementation:** CHE Secretariat, Higher Education Institutions (HEIs), Tuition Providers and Professional Bodies
- 1.6 Revision:** Chief Executive
- 1.7 Distribution:** Higher Education Institutions (HEIs), Tuition Providers and Professional Bodies

2.0 REFERENCES – DOCUMENTS TO BE READ WITH

- 2.1 Minimum Programme Accreditation Standards;
- 2.2 Audit Framework;
- 2.3 Draft Higher Education Regulations; and
- 2.4 Higher Education Act 2004.

3.0 NOMENCLATURE AND COMMENCEMENT

This document shall be referred to as the **Council on Higher Education Appeals Policy on CHE Quality Assurance Interventions in Higher Education Institutions** and shall become effective upon approval by Council.

4.0 PREAMBLE

The Council on Higher Education is a quality assurance agency established by the Higher Education Act of 2004. Among its core functions is to “audit the quality assurance mechanisms of higher education institutions” higher education Act - section 5 (3 b), and “accredit programmes and issue a certificate of accreditation of higher education” (HEA Section 5(3 c). CHE audits quality assurance mechanisms of HEIs, and reviews programmes on the basis of established quality assurance standards. The programme review leads to a decision to accredit or not

to accredit a programme. If a programme has not been granted accreditation it cannot be offered. If, however the programme is already existing, the concerned institution may have to stop offering and revise it until it satisfies the CHE quality assurance requirements.

This appeals policy provides for institutions to appeal decisions that affect them adversely when they are not satisfied with the process followed or the decision reached if there are grounds for appeal.

CHE aims to:

- Provide a transparent procedure for dealing with complaints and appeals;
- Deal with any requests for appeals in a fair and timely manner and keep the institution appropriately informed of the progress of the investigation;
- Notify the institution of the outcome which has been reached and where appropriate, what further action, if any, is to be taken; and
- Monitor and track appeals to identify trends and patterns to be included in CHE policies or standards.

5.0 INTERPRETATION

“Appeal” means a formal request by an institution that CHE undertakes an investigation to review its decision following either the review of a programme, provider or the audit of the institution.

“Appeal decision” means a decision taken by Council on the advice of HEQAC on the basis of an appeals review process.

“Appeals Review Panel” means a technical committee established by HEQAC to review the decision made following the review of a programme, provider or the audit of an institution.

“Applicant” means a higher education institution that lodges a formal appeal.

“Review Panel”: means a group of experts selected to review a programme or provider and consisting of intellectuals and those representing the workplace/industry related to the programme being reviewed or institution being audited.

“Appeals Register” means a register of appeal cases that is maintained by CHE with a view to keeping a formal record and to monitor progress on appeals. It provides details of each appeal and its outcome.

6.0 PURPOSE

The purpose of this policy is to outline the process to be followed when dealing with formal complaints or appeals by institutions in relation to quality assurance interventions in HEIs by CHE. Institutions are entitled to lodge formal complaints with CHE when they are not satisfied with its QA interventions. This appeals policy and procedures confers on institutions the right to appeal against any decision that they deem irregular, irrational or unfair.

7.0 SCOPE

This policy makes provision for:

- 7.1 Appeals against quality assurance intervention decisions made by CHE;
- 7.2 The process to be followed;
- 7.3 The investigation that would provide a resolution to the appeal;
- 7.4 The decisions that may be taken following the appeals process.

8.0 RIGHT TO APPEAL

- 8.1 CHE acknowledges the right of institutions to appeal against decisions made during its quality assurance interventions.
- 8.2 CHE will make information on the procedures for appeals available to all higher education institutions.

9.0 GROUNDS FOR APPEAL

A higher education institution can lodge an appeal on one or more of the following grounds:

- 9.1 The institution being dissatisfied about a quality assurance intervention;

- 9.2 Information used to inform the programme review decision or institutional audit is incorrect or incomplete;
- 9.3 There is evidence that one or more of the peer reviewers engaged by CHE for a QA intervention is conflicted;
- 9.4 The programme review report or institutional audit report is inaccurate and flawed;
- 9.5 The review or institutional audit process was unfair, due to deviation from the stipulated framework of operation and methodology;
- 9.6 The programme review outcomes are inconsistent with prior decisions under similar circumstances, for instance, a programme was reviewed favourably in the same institution under similar circumstances or a similar programme in a different institution with similarities in key areas;
- 9.7 Peer review panel members did not conduct themselves in an appropriate manner during the review;
- 9.8 Submission of programme documentation was not done in accordance with established due processes.

10.0 LODGING AN APPEAL

- 10.1 An appeal may be lodged, by an institution within thirty (30) days of receipt of the formal final outcome (report) of a quality assurance intervention.
- 10.2 An applicant must include the following documents as part of the appeal submission:
 - 10.2.1 Formal letter lodging a complaint and requesting an appeal and clearly stating the grounds for appeal;
 - 10.2.2 Copy of the letter which communicated the outcome to the institution; and
 - 10.2.3 Documentary evidence supporting the appeal.
- 10.3 An applicant is not allowed to submit new evidence/documentation as part of the appeal submission.

11.0 THE APPEAL PROCESS

- 11.1 The appeal comprises six stages as follows:
- 11.2 **Stage 1 - Receipt of appeal:** CHE receives the appeal documentation submitted on a CHE appeals form (Annex 1) and acknowledges receipt through a letter to the institution;
- 11.3 **Stage 2 - Registration of appeal:** The appeal will be registered on the Appeals Register;
- 11.4 **Stage 3 - Establishment of an Appeals Review Panel:** This Appeals Review panel will comprise people who were not involved in the previous review which led to the appeal.
- 11.5 **Stage 4 - Appeals Review Panel undertakes review:** The panel should establish if the grounds for appeal can be upheld, and if so it undertakes the process of auditing the review process and produce a report.
- 11.6 **Stage 5 - Tabling of the report before CHE structures:** The report compiled by the Appeals Review Panel will be tabled before HEQAC and Council respectively.
- 11.7 **Stage 6 - Communicating the outcome of Appeal:** CHE will communicate the outcome of the appeal to the institution in writing.
- 11.8 Time taken to deal with an appeal will depend on the nature of each case, but it should not go beyond six months normally.

12.0 THE APPEALS REVIEW PANEL

- 12.1 The Appeals Review Panel will be an *ad hoc* body established by the Chief Executive of CHE on the advice of Director Quality Assurance and Standards to deal with a specific appeal;
- 12.2 The Appeals Review Panel will consist of at least two professionals knowledgeable in the area of concern who were not part of the previous panel whose work is being reviewed.
- 12.3 The Appeals Review Panel will consider:
- 12.3.1 Whether there are grounds for upholding the decision;

12.3.2 Whether the decision was taken fairly and correctly in accordance with the QA Standards and other established principles and procedures; and

12.3.3 Whether all the appropriate information was taken into account.

12.4 In cases where the Appeals Review Panel upholds the original decision of CHE, the applicant will be required to make representations to the Appeals Panel.

12.5 The Appeals Panel will consider the representations, and make a final determination to be presented to the relevant CHE structures.

12.6 After Council has pronounced itself on the matter the applicant will be notified of its right to challenge that review decision through the courts of law, if still dissatisfied.

13.0 FINANCIAL IMPLICATIONS OF THE APPEAL

13.1 The institutions shall bear the cost of appeal.