

1. POLICY STATUS AND DETAILS

Policy Number	NAP_004_03
Approving Authority	Academic Board
Date Implemented	August 2022
Current Version	NAP_004_03
Date of Review	August 2024
Contact Officer	Director Learning and Innovation
Related Policies, Procedures and Documents	<p>Academic Complaints and Appeals Form</p> <p>Academic Integrity and Plagiarism Policy</p> <p>Academic Progression and Intervention Policy</p> <p>Assessment Policy and Procedures</p> <p>Attendance Policy and Procedures</p> <p>Course Regulations</p> <p>Credit Transfer and Recognition of Prior Learning Policy and Procedure</p> <p>Deferral, Suspension and Cancellation of Study – International Students Policy</p> <p>NIDA Student Charter (incorporating the NIDA Code of Conduct)</p> <p>NIDA Student Handbook</p> <p>Privacy Policy</p> <p>Misconduct Policy</p> <p>Student Support Policy</p>

2. DEFINITIONS

Term	Definition
Academic Appeal	Academic Complaints and Appeals are those matters that relate to grades, assessment practices and other academic processes, including but not limited to special consideration, readmission following exclusion, recognition of prior learning and reasonable adjustment, and academic intervention.
Accredited Course	A course that is recognised under the Australian Quality Framework (AQF) and is registered with one of the two main regulatory agencies, being TEQSA (Tertiary Education Quality Standards Authority) for Higher Education and ASQA (Australian Skills Quality Authority) for Vocational Programs.
Appeal	A request by an individual for review of a decision about a complaint.

Term	Definition
Compassionate or Compelling Circumstances	<p>Compassionate or Compelling Circumstances are those that are outside the student's control which have an impact on the student's course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> • Serious illness or injury, where a medical certificate states that the student was unable to attend classes. • Bereavement of close family members such as parents or grandparents. • Major political upheaval or natural disaster in the student's home country requiring emergency travel and this has impacted the student's studies • A traumatic experience • Inability to begin study on the course commencement date due to the delay in receiving a student visa.
Complainant	The individual who makes the appeal or raises their concern.
Grounds for Appeal	Reasons for requesting a review or reversal of a Decision.
Investigator	A person with the delegated authority to investigate grievances. This may be a nominated NIDA staff member or an externally engaged investigator.
Misconduct	Behaviour or actions that are in breach of the NIDA Student Charter (NIDA Code of Conduct) and NIDA policies.
Student	Any person enrolled in an accredited course at NIDA who was enrolled in an accredited course at the time the grievance relates to.
Study Access Plan (SAP)	A document that is developed between NIDA and a student's health care professionals to outline reasonable adjustments to assessment to support long-term or chronic health and wellbeing conditions.
Support person	A friend, colleague, student representative, counsellor or any other person chosen by a person to support them, provided that person is not a practising solicitor or barrister.
Unreasonable Conduct	Any behaviour by a student that, because of its nature or frequency, raises substantial health, safety, resource or equity issues for NIDA, staff, other students, or the student themselves.

3. PURPOSE

- 3.1 NIDA is committed to ensuring transparent processes for academic appeals and complaints handling.
- 3.2 This policy and procedure establishes a framework for managing and determining student appeals and complaints about decisions on academic matters. It ensures that appeals and complaints are dealt with fairly, consistently, promptly, and respectfully.

4. SCOPE OF POLICY

- 4.1 This policy and procedure apply to all NIDA students enrolled in accredited courses.
- 4.2 This policy applies to the management of appeals and complaints of an academic nature.
- 4.3 The procedures in this document do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies, statutes, or any other law.
- 4.4 This policy and procedure does not limit or prevent any person from seeking the assistance of an independent person or relevant external agency to resolve an appeal.
- 4.5 The NIDA Examination Committee is responsible for reviewing academic appeals and reports outcomes to the Academic Board.
- 4.6 The Director Learning and Innovation is responsible for:
 - Ensuring the accessibility of this policy by staff and students.
 - Implementation of this policy.

5. PRINCIPLES

- 5.1 NIDA will manage academic complaints and appeals in accordance with the principles of Procedural Fairness, Natural Justice, and regulatory requirements in a transparent, consistent, and timely manner.
- 5.2 NIDA values mutual respect for and by all students, staff and others involved.
- 5.3 NIDA believes that appeals and complaints can allow the organisation to identify areas for improvement and improve the quality of services and the experience of its students.
- 5.4 NIDA will take all reasonable steps to prevent students and complainants from suffering any disadvantage (including through victimisation) as a result of lodging an academic complaint or appeal.
- 5.5 NIDA recognises that students who study or work at NIDA have the legal and ethical right to:
 - a. Raise any concerns or complaints related to academic matters; and
 - b. Have that concern, problem, complaint, or appeal handled confidentially, reasonably, effectively and within an appropriate timeframe.

6. POLICY

6.1 Procedural Fairness and Natural Justice

- 6.1.1 Decision-makers, appeal decision-makers and committee members must always:
 - Act fairly and reasonably without bias;
 - Treat any appeal application or complaint as strictly confidential and only discuss these matters with another person to the extent that this is necessary for applying this policy or to seek legal or other professional advice;
 - Deal with the matter in as timely a manner as possible, consistent with the need to act reasonably;
 - Ensure that all parties have the right to be heard;
 - Work to ensure parties are not discriminated against at any stage during the initial complaint or appeals process;
 - Ensure that in an escalation, the same decision-makers involved in the complaint or decision are not dealing with the matter again;
 - Communicate in advance the right of the student or prospective student to be accompanied by a support person, provided that person is not a practicing solicitor or barrister;

- Ensure that in the interests of transparency, all parties have full knowledge of the nature and substance of the academic complaint or appeal;
- Ensure that the complainant or appellant is given an opportunity to present their case at minimal or no cost formally;
- Ensure that decisions are based solely on the relevant evidence with all submissions from all parties considered.

6.2 Conflict of Interest

- 6.2.1 Where it can be demonstrated that there is a conflict of interest or there may be a potential perceived conflict of interest.
- a. A decision-maker and/or Investigator will refer the matter immediately to an alternative Investigator or the next level of academic management; and
 - b. A complainant or respondent may reasonably request an alternate Investigator where a conflict of interest is apparent.

6.3 Fees

- 6.3.1 NIDA charges no fees for academic appeals or complaints.
- 6.3.2 Any costs, (including but not limited to costs such as legal representation, attendance, travel, accommodation), are borne by the appellant or complainant.

7. COMPLAINTS PROCEDURE

7.1 Types of academic complaints

- 7.1.1 Complaints can be anonymous, informal, or formal and submitted as outlined below.

7.2 Anonymous academic complaint

- 7.2.1 NIDA will accept anonymous complaints that relate to academic matters. The fact that the complaint is anonymous does not prevent corrective actions or decisions from being implemented, however, it will be difficult to pursue matters without the cooperation of the individual making the complaint.
- 7.2.2 Anonymous complaints can be submitted via email at education@nida.edu.au, the Feedback Form on the NIDA website Policy page, the postal service, or delivered to the Student Services on the NIDA Campus.

7.3 Informal Academic Complaint (IAC)

- 7.3.1 If a student feels dissatisfied with a NIDA-related experience or feels they have been treated unfairly or adversely affected in some way, NIDA recommends that they raise the matter directly with the person or area most concerned or with the appropriate supervisor of that person.
- 7.3.2 If a student is unsure who to contact or how to deal directly with a person to resolve an informal complaint, they can seek assistance from the Director Learning and Innovation via (education@nida.edu.au).
- 7.3.3 The student should record the following information so it is available for an informal complaint:
- Name/s and contact details.
 - Date of the complaint.
 - Student number and student email address (if applicable).
 - Course (if relevant).

- The nature of the complaint, including full details of what occurred and when it occurred.
 - Any supporting documentation such as emails, screenshots, etc., and
 - An indication of what outcome is being sought.
- 7.3.4 NIDA expects that in most cases, discussing the concern with the person concerned the Investigator will result in a prompt resolution within 14 days.
- 7.3.5 The Investigator The student will ensure complete and accurate records of the informal complaint process are kept. These records will not be used for reporting but will be utilised if an official complaint is made.
- 7.3.6 A Formal Academic Complaint can be submitted if the Informal Academic Complaint process fails to resolve the issue.

7.4 Formal Academic Complaint (FAC)

- 7.4.1 If a person has attempted to resolve a complaint through the Informal Academic Complaint process and is not satisfied with the outcome, or if the complainant is unable or unwilling to approach the person or area concerned, they may lodge a Formal Academic Complaint.
- 7.4.2 The Director Learning and Innovation will initially review all Formal Academic Complaints and assign the matter to an Investigator.
- 7.4.3 Formal Academic Complaints should be submitted in writing to ensure all relevant information and evidence are captured.
- 7.4.4 Verbal Formal Academic Complaints will be transcribed and presented to the appellant to verify and confirm the facts.
- 7.4.5 Formal Academic Complaints can be submitted:
- Using the NIDA Academic Complaints and Appeals eForm.
 - By email to education@nida.edu.au.
 - In writing to the Director Learning and Innovation, NIDA, UNSW, Sydney 2052.
 - Phoning (02 9697 7654), or
 - In person at the NIDA Campus (Student Services - NIDA, 215 Anzac Parade Kensington).
- 7.4.6 The following information should be included in a Formal Academic Complaint submission:
- Name/s and contact details.
 - Date of the complaint.
 - Student number and student email address (if applicable).
 - Course (if relevant).
 - The nature of the complaint, including full details of what occurred and when it occurred.
 - A summary of any action previously taken to resolve the complaint.
 - Any supporting documentation such as emails, screenshots, etc., and
 - An indication of what outcome is being sought.
- 7.4.7 If a Formal Academic Complaint does not include enough information, it may not be possible for NIDA to pursue the matter. If there is insufficient information, the complainant will be contacted by the Investigator, and further information will be sought. If no additional information is provided within 20 working days, the

complaint will be dismissed, and the complainant advised.

7.4.8 A complaint must be lodged within 12 months of the adverse experience occurring.

7.4.9 A complaint about an adverse experience that occurred more than 12 months ago may be considered if there are exceptional circumstances that prevented the complaint from being lodged within 12 months. Details of the exceptional circumstances must be included in a complaint lodged outside the 12-month timeframe.

7.5 Unreasonable student conduct

7.5.1 NIDA will not consider a complaint where the Director Learning and Innovation determines that a student's behaviour is having a disproportionate and unreasonable impact on the institution, its students, staff, services, and/or its time and resources.

7.5.2 NIDA will not action complaints where the complainant exhibits unreasonable conduct. This includes during the submission, investigation, or determination of a complaint. Unreasonable conduct includes unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments, or unreasonable behaviour.

7.6 Time frames for formal academic complaint handling

7.6.1 NIDA will contact the complainant within five (5) days of the lodgement of the complaint with information about the relevant NIDA Investigator handling the matter.

7.6.2 The Investigator will investigate the complaint and provide a resolution or outcome to the complainant within 25 working days from the lodgement of the complaint.

7.6.3 If the complaint cannot be resolved within the expected timeframes, the Investigator will advise the complainant that additional time is required, what action has been taken to date, and the estimated time required to resolve the complaint.

7.7 Withdrawal of formal academic complaints

7.7.1 A complainant may decide to withdraw an academic complaint at any stage.

7.7.2 The withdrawal must be in writing (this may be by email).

7.7.3 Where an academic complaint has been withdrawn, the complaint will be deemed to be resolved.

7.7.4 In exceptional circumstances, the NIDA Chief Executive Officer (CEO) may determine whether the complaint is serious enough for an internal investigation to continue or for referral to an external agency. In that case, the complainant will be provided with the opportunity to provide a written comment on the matter.

7.8 Investigation of a formal academic complaint

7.8.1 All formal academic complaints will be assigned to an Investigator by the Director Learning and Innovation within five (5) days of the lodgment of the complaint.

7.8.2 The Investigator will be the single point of contact for the investigation of the complaint. The Director Learning and Innovation will notify the complainant of the Investigator's contact details.

7.8.3 The investigation of the complaint will typically include:

- Confirming and reviewing the facts in the information supplied.
- Identifying the issues.
- Identifying relevant stakeholders and persons to be interviewed and subsequent interviews if required.

- Analysing all relevant information and formulating findings and recommendations.
- Preparing a report on the results of the investigation.

7.8.4 The Investigator will keep accurate records of the investigation.

7.8.5 Where a complaint is made against a student regarding any academic conduct which has interfered with the rights of others on campus or is a breach of requirements set out in the NIDA Student Code of Conduct or other NIDA policies, the matter will be actioned under the Misconduct Policy.

7.8.6 Where a facilitated discussion between stakeholders is considered the best outcome, the complainant may be accompanied and assisted by a support person. A support person may be another student or a NIDA employee. A support person may not be a legal representative.

7.9 Complaint Outcomes and decisions

7.9.1 While it may not always be possible for complainants to receive the outcome they seek, NIDA is committed to ensuring that substantiated complaints are addressed, and corrective actions and decisions implemented.

7.9.2 The Investigator may:

- Review a decision and determine whether it should be confirmed or rescinded.
- Change a decision previously made or an apology.
- Request any documents that were used in the decision-making by the original decision-maker; and /or
- Request any staff member or student to provide further relevant information.

7.9.3 Upon completion of the complaint investigation, the Investigator will prepare a report on the outcome of the complaint, including if it was resolved during the process or withdrawn by the complainant.

7.9.4 NIDA will advise the complainant in writing of the following:

- The outcome of the complaint.
- Detailed reason/s for the decision made.
- How the decision and/or corrective and preventative actions will be implemented (if applicable).
- Invitation to provide feedback on the complaint management process, and
- The review mechanism if the complainant was not satisfied with the outcome.

7.9.5 If the internal or external complaints handling results in a decision or recommendation in favour of an international student, NIDA will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the overseas student of that action within 10 days of receiving the external advice.

7.10 Review of the outcome of an academic complaint

7.10.1 Where a complainant is not satisfied with the outcome of the complaint, they may appeal to have the decision reviewed as per section 7.21 Further Options.

8. APPEALS PROCESS

8.1 Students affected by a decision on an academic matter can appeal that decision in accordance with this policy and procedure.

- 8.1.1 The Academic Appeals Committee will hear appeals submitted by students against decisions on academic matters directly affecting them, including but not limited to -
- The outcome of a review of grade after consultation with the Director Learning and Innovation.
 - An academic decision impacting a student's enrolment status.
 - A finding of a breach of academic integrity (academic misconduct).
 - Any other matter decided upon under a policy and procedure that specifies that a student can appeal the decision or outcome.
- 8.3 Students must ensure that they have completed or attempted to complete previous processes required for resolving an academic matter before appealing.
- 8.4 Unless there are documented extenuating circumstances, the complaint or appeal must be lodged within 10 days of the notification of the decision or grade result being appealed.

8.5 Grounds for appeal

- 8.5.1 A student can appeal an academic decision about a grade that arises from, but is not limited to any matters such as the following:
- The Subject Outline or Learning Management System (NIDALearn) was not prepared in accordance with the NIDA Assessment Policy
 - The assessment requirements as specified in the Subject Outline or Learning Management System (NIDALearn) were altered in an unreasonable way.
 - An error occurred in the calculation of a grade
 - Appropriate consideration has not been paid to the evidence of illness or misadventure that was previously provided to NIDA as part of an application
 - Appropriate regard has not been paid to the evidence provided in a previously submitted Special; Consideration Application
 - Appropriate attention has not been paid to the reasonable adjustment conditions outlined in a current Study Access Plan (SAP).
- 8.5.2 An appeal of any other academic decision must be based on one of the following criteria:
- The decision-maker did not follow NIDA policy and procedure
 - The policy or procedure was unreasonably or prejudicially applied to the student
 - Appropriate regard has not been paid to the reasonable adjustment conditions for learning outlined in a student's current Study Access Plan (SAP)
 - Previously supplied relevant information which materially affected the decision was not considered.

8.6 Levels of Appeals

- 8.6.1 NIDA provides three (3) escalating levels for resolving academic appeals, two internal and one external.
- 8.7 Students wishing to appeal a decision or outcome should follow the three (3) escalating levels to resolve the non-academic appeal unless they are unable or unwilling to participate in the Level 1 - Informal Academic Review process.

8.7.1 **Level 1 – Informal Academic Review (IAR)**

Students are encouraged to engage in an Informal Academic Review (IAR) with the person directly responsible for the matter or their supervisor or course leader if they are comfortable doing so.

Students can bring a support person with them to any Informal Academic Review. A support person may be another student or a NIDA employee. A support person may not be a legal representative. The Informal Academic Review will resolve the matter within 14 days. If the matter has not been resolved within 14 days, the student may submit a Formal Academic Appeal.

8.2 **Level 2 – Formal Academic Appeal (FAA)**

8.2.1 If unsatisfied with the outcome from the Informal Academic Review, or if the student is uncomfortable speaking directly with the person involved or their supervisor, the student may submit a Formal Academic Appeal setting out the grounds for the appeal.

8.2.2 Formal Academic Appeals are submitted using the Academic Complaints and Appeals Form on NIDA's Policy page <https://www.nida.edu.au/courses/policies>

8.2.3 The Academic Appeals Committee hears, and reviews Formal Academic Appeals submitted by students and will consider the matter and resolve it within 30 days.

8.2.4 The Chair of the Academic Appeals Committee may request any Formal Academic Appeal stakeholder to provide information or documents about the appeal.

8.2.5 Where an appeal relates to a decision regarding the student's continued enrolment, NIDA will maintain the student's enrolment in their course while the Formal Academic Appeal process is ongoing.

8.2.6 The Academic Appeals Committee will meet to decide the appeal on the papers (i.e., on the documentation provided) without the student present unless it decides to request the student attend a special meeting of the Academic Appeals Committee.

8.2.7 A student can request to participate in an appeal hearing by writing to the Chair of the Academic Appeals Committee.

8.2.8 The Academic Appeals Committee will consider the appeal and determine an outcome.

8.2.9 The Academic Appeals Committee will notify the appellant in writing about the outcome of their appeal within 10 days.

8.3 **Level 3 – External Academic Appeal (EAA)**

8.3.1 If not satisfied with the Formal Academic Appeal, the appellant may request an external dispute resolution process to be undertaken by an independent party by lodging a request via the Academic Complaints and Appeals eForm via the Policy page on the NIDA website.

8.3.2 NIDA will forward requests for an external resolution process to the relevant independent external body within five days of the student submitting the request.

8.3.3 For purposes of this policy, external appeals are managed as follows:

- For Domestic Higher Education and Vocational Education and Training Students, matters will be referred to either UNSW Pro Vice-Chancellor (Students), UNSW Chancellery Building UNSW Kensington or to a relevant independent external reviewer nominated by the Chief Executive Officer, who will be the nominated contact for such an external review.
- For International Higher Education Students, the Commonwealth Ombudsman is the nominated contact: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students/private-education-providers>

PH: 1300 362 072.

- External appeals will be at minimal or no cost to the student.

8.4 Withdrawal of Appeal

- 8.4.1 The withdrawal must be in writing (this may be by email).
- 8.4.2 The original decision shall stand and be implemented when an appellant has withdrawn their appeal.

8.5 Levels of Appeals

- 8.5.1 While it may not always be possible for appeals to receive the outcome they seek, NIDA is committed to ensuring that substantiated appeals are upheld, and corrective actions and decisions implemented.

8.6 Appeals outcomes may include:

- Review of an outcome and determine whether it should be upheld or denied.
 - Alter a penalty related to a previous outcome of an appeal.
 - Apply a penalty.
 - Change a decision previously made.
 - Organise for a remark of an assessment by an appropriately qualified independent academic.
 - Change a grade.
 - Request any documents that were used in the decision-making by the original decision-maker, and /or
 - Request any staff member or student to provide further relevant information.
- 8.7 Upon completion of the appeal, NIDA will prepare a report on the outcome of the appeal, including if it was resolved during the process or withdrawn by the complainant.
- 8.8 NIDA will advise the complainant in writing of the following:
- The outcome of the appeal;
 - The reason/s for the decision made;
 - How the decision and/or corrective and preventative actions will be implemented (if applicable);
 - Invitation to provide feedback on the appeal management process.
- 8.8.1 Any penalties applied will be done so in line with the Misconduct Policy and Procedure.
- 8.8.2 If the appeal process results in a decision or recommendation in favour of the overseas student, NIDA will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the overseas student of that action.
- #### **8.9 Record Keeping and Reporting**
- 8.9.1 All documents relating to complaints and/or grievances will be kept strictly confidential and will not be accessible to anyone who is not directly involved in the handling of the complaint.
- 8.9.2 All documents and evidence collected in the course of an investigation, and any letters or written communications, minutes of emails will be filed electronically on the relevant student's file in a designated secure file.
- 8.9.3 The outcome of the complaint or appeal will be recorded in the Appeals and Complaints Register.

8.9.4 Support and Advice

Support and advice about Academic appeals are available from NIDA Student Services at the following email address: education@nida.edu.au

8.10 Further options

If all internal procedures have been exhausted, and the appellant or complainant does not feel the problem has been resolved or does not feel they have been dealt with fairly, they may lodge an external complaint with the NSW Ombudsman <https://www.ombo.nsw.gov.au/Making-a-complaint>

or

Commonwealth Department of Education, Skills and Employment – www.education.gov.au

9. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
May 2024	Minor template changes, expanded definitions, included information on reporting and included specifying grounds for appeal along with levels in of appeal to provide greater transparency of the process	Policy Review	SSQA	4.0
August 2022	New format, revised content	Policy Review	Student Services	3.0
September 2014				14/02999 & 14/06489
December 2008	Original policy	Creation		Original policy

10. BENCHMARKING and ACKNOWLEDGEMENTS

This policy has been benchmarked against policies and good practice from a number of higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- Avondale University
- Sydney University
- University of New South Wales
- Moore Theological College

Legislation and Regulatory Frameworks	Higher Education Standards Framework (Threshold standards) 2021 Higher Education Support Act 2003 National Code 2018 ASQA Standards and
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