

Non-Academic Complaints and Appeals for Students Policy



Policy Number	NAC07
Approving Authority	Board of Directors
Date Implemented	November 2024
Current Version	4.0
Date of Review	March 2026
Contact Officer	Director of Learning & Innovation
Related Policies, Procedures and Documents	Admissions Policy NIDA Student Charter (incorporating the NIDA Code of Conduct) NIDA Student Handbook Privacy Policy Non-Academic Complaints and Appeals for Students Form Fee Policy – International Students Fee Policy – Domestic Students Sexual Misconduct Policy Student Misconduct Policy Anti-Discrimination, Bullying and Harassment Policy

1. PURPOSE

The purpose of this policy is to outline how NIDA manages and ensures that complaints and appeals are dealt with fairly, consistently, promptly, and respectfully.

2. SCOPE OF POLICY

This policy applies to:

Undergraduate Courses (BFAs)	Postgraduate Courses (MFAs)	Vocational Courses
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- 2.1 This policy and procedure applies to all NIDA current and prospective students.
- 2.2 This policy applies to the management of appeals and complaints of a non-academic nature.
- 2.3 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.
- 2.4 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.
- 2.5 Complaints that fall under the [Crime and Corruption Act 2001](#), the [Public Interest Disclosure Act U 2010](#), or anti-discrimination legislation will be identified from the outset and referred to the appropriate position within NIDA delegated to handle such matters and/or the Police and local community services if required.

- 2.6 The Director Learning and Innovation is responsible for:
- a. Ensuring the accessibility of this policy by staff and students.
 - b. Implementation of this policy.

3. PRINCIPLES

- 3.1 NIDA will manage grievances, complaints and appeals in accordance with the principles of procedural fairness (natural justice), and regulatory requirements in a transparent, consistent and timely manner.
- 3.2 NIDA values mutual respect for and by all students, staff and others involved.
- 3.3 NIDA believes that complaints can allow the organisation to identify areas for improvement and improve the quality of services and the experience of its students.
- 3.4 NIDA will take all reasonable steps to prevent students and Complainants from suffering any disadvantage (including through victimisation) as a result of lodging a complaint or appeal.
- 3.5 NIDA recognises that staff, students, and affiliates who study or work at NIDA have the legal and ethical right to:
- a. Raise any concern or complaint related to unfair treatment, discrimination, harassment, vilification, bullying and other such issues; and
 - b. Have that concern, problem, complaint, or grievance handled confidentially, fairly, effectively and within an appropriate timeframe.

4. POLICY

- 4.1 NIDA policy is that all complaints will be dealt with in accordance with the principles of procedural fairness (sometimes referred to as natural justice).
- 4.2 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.
- 4.3 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.
- 4.4 Complainants:
- a. have the right to submit an informal or formal complaint if a matter cannot be resolved amicably, or where an attempt to resolve amicably is inappropriate;
 - b. have the right to be heard by an unbiased investigator or decision-maker who is open to the merits of the case and who will consider only what is relevant and not take into account irrelevant matters;
 - c. must provide information relating to their complaint when making an informal or formal complaint;
 - d. must be given information about the procedures that will be followed to investigate their complaint;
 - e. must be given reasonable advance notice of a requirement for them to attend any meeting to be held

to discuss their complaint;

- f. must be given the opportunity to have a Support Person present at all meetings, provided that person is not a practising solicitor or barrister;
- g. must not make frivolous or vexatious complaints or allegation(s); and
- h. must be notified of the outcome of any investigation into their complaint.

4.5 Respondents:

- a. have the right to know about a complaint made against them;
- b. have the right to be heard in response to the complaint by an unbiased investigator or decision-maker who is open to the merits of the case and who will consider only what is relevant and not take into account irrelevant matters;
- c. must be given information about the procedures that will be followed to investigate a complaint;
- d. must be given details of the complaint or the case against them so they can respond to it. This is their opportunity to present their version of events and to correct any information or evidence presented by the Complainant;
- e. must be given advance notice of a requirement for them to attend any meeting held to discuss the complaint so they have an opportunity to prepare their response;
- f. must be given the opportunity to have a Support Person present at all meetings, provided that person is not a practicing solicitor or barrister;
- g. must ensure any response they provide in relation to the complaint is truthful;
- h. must be notified in writing of the outcome of any investigation; and
- i. have the right of appeal in some circumstances.

4.6 Decision-makers, appeal decision-makers and committee members must always:

- a. Act fairly and reasonably without bias;
- b. 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;
- c. Deal with the matter in as timely a manner as possible, consistent with the need to act reasonably;
- d. Ensure that all parties have the right to be heard;
- e. Work to ensure parties are not discriminated against at any stage during the initial complaint or appeals process;
- f. Ensure that in an escalation, the same decision-makers involved in the complaint or decision are not dealing with the matter again;
- g. 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;
- h. Ensure that in the interests of transparency, all parties have full knowledge of the nature and substance of the academic complaint or appeal;
- i. Ensure that the complainant or appellant is given an opportunity to present their case at minimal or no cost formally;
- j. Ensure that decisions are based solely on the relevant evidence with all submissions from all parties considered.

4.7 NIDA may not consider an appeal where it is determined that the grievance is frivolous, vexatious or not made in good faith.

Complaints and Appeals Procedures

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

Anonymous Complaints

- 4.9.1 NIDA will accept anonymous complaints that relate to non-academic matters. The fact that the complaint is anonymous does not prevent corrective actions or decisions from being implemented, however, it may be difficult to pursue matters and find resolutions without the cooperation of the individual making the complaint.
- 4.9.2 Anonymous complaints can be submitted via email at education@nida.edu.au, the Non Academic Complaints and Appeals Form on the Policy page on NIDA's website, the postal service, or delivered to Student Services on the NIDA Campus.

Informal Complaints and Appeals

- 4.10.1 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 involved with the person or area most concerned or with the appropriate supervisor of that person.
- 4.10.2 If a student is unsure who to contact or how to deal directly with the person involved to resolve an informal complaint, they can seek assistance from Student Services (email: education@nida.edu.au)
- 4.10.3 The following information should be 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.
- 4.10.4 NIDA expects that in most cases, discussing the concern with the person concerned will result in a prompt resolution within 14 days.
- 4.10.5 Students should ensure they take accurate notes of the informal complaint process. These records will not be used for reporting but will be utilised if a formal complaint is made.
- 4.10.6 A Formal Non-Academic Complaint or Appeal can be submitted if the Informal Complaint process fails to resolve the issue

Formal Complaints and Appeals

- 4.11.1 If the Complainant has attempted to resolve a complaint informally and is not satisfied with the outcome, or if the Complainant is not able or unwilling to approach the person concerned, then they may lodge a formal complaint or appeal.
- 4.11.2 It is preferred that formal complaints be submitted in writing to ensure all relevant information and evidence is captured.
- 4.11.3 Verbal Formal Non-Academic Complaints or appeals will be transcribed and presented to the complainant to verify and confirm the facts.
- 4.11.4 Formal complaints and appeals can be submitted by:
- using the [NIDA Complaints and Appeals eForm](#);
 - email to education@nida.edu.au;
 - in writing to the education@nida.edu.au;
 - phoning 02 9697 7654; or
 - in person at the NIDA Campus (Student Services NIDA, 215 Anzac Parade Kensington, NSW).

- 4.11.5 The following information should be included in a formal complaint submission:
- a. name/s and contact details,
 - b. date of the complaint,
 - c. student number and student email address (if applicable),
 - d. course (if relevant),
 - e. the nature of the complaint, including full details of what occurred and when it occurred,
 - f. a summary of any action previously taken to resolve the complaint,
 - g. any supporting documentation such as emails, screenshots, etc., and
 - h. an indication of the outcome being sought.

4.11.6 If a Formal Complaint or Appeal does not provide adequate information it may not be possible for NIDA to pursue the matter. If there is insufficient information, the complainant/appellant will be contacted by the NIDA and further information will be sought. If no additional information is provided within 20 working days, the complaint will be dismissed, and the Complainant/appellant advised.

4.11.7 A complaint must be lodged within 12 months of the adverse experience occurring. It is advisable that a complaint or appeal be lodged as soon as possible, as the sooner a complaint or appeal is lodged, the better the opportunity for resolution.

4.11.8 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.

Unreasonable student conduct

4.12.1 NIDA will not consider a complaint or appeal 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.

4.12.2 NIDA will not action complaints or appeals where the complainant/appellant 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.

Third Party Complaints

4.13 Complaints made by a third party on behalf of another person will be considered by People and Culture and the Director of Learning and Innovation who will determine if the complaint will be accepted for review.

Historical Complaints

4.14 Complaints made by Students who are no longer enrolled at NIDA, will be accepted and investigated in accordance with this policy.

Timeframes

- 4.15.1 NIDA will contact the Complainant/Appellant within five (5) days of the lodgment of the complaint with information about the relevant NIDA Investigator handling the matter.
- 4.15.2 The Investigator will investigate the complaint and provide their findings to the Director of Learning and Innovation within 15 working days from the lodgment of the complaint.
- 4.15.3 The Director of Learning and Innovation will convene a Complaints and Appeals Panel to review the findings and determine an outcome within 5 working days of the investigator completing their

report.

- 4.15.4 The Director of Learning and Innovation will communicate the outcome to the complainant/appellant within 25 days of the original complaint /appeal lodgment.
- 4.15.5 If the complaint /appeal cannot be resolved within the expected timeframes, the Director Learning and Innovation will advise the Complainant that additional time is required, the action that has been taken to date, and the estimated time required to resolve the complaint.

Withdrawal of Complaints

- 4.16.1 A Complainant may decide to withdraw a complaint at any stage.
- 4.16.2 The withdrawal must be in writing (this may be by email to: education@nida.edu.au).
- 4.16.3 Where a complaint has been withdrawn, the complaint will be deemed to be resolved.
- 4.16.4 In exceptional circumstances, the NIDA Chief Executive Officer may determine whether the nature of the complaint requires further internal investigation or whether it should be referred to an external agency. In the case of the latter, the Complainant will be provided with the opportunity to provide written comment on the matter.

Investigation

- 4.17.1 All formal complaints will be assigned to an Investigator by the Director of Learning and Innovation within five (5) days of the lodgment of the complaint.
- 4.17.2 Student Services will be the single point of contact for the investigation of the complaint.
- 4.17.3 The investigation of the complaint will typically include:
 - a. confirming and reviewing the facts in the information supplied;
 - b. identifying the issues;
 - c. identifying relevant stakeholders and persons to be interviewed and subsequent interviews if required;
 - d. analysing all relevant information and formulating findings and recommendations; and
 - e. preparing a report on the results of the investigation.
- 4.17.4 The Investigator will keep accurate records of the investigation and ensure that NIDA has custody of them.
- 4.17.5 Upon completion of the complaint investigation, the Investigator will prepare a report outlining their findings and recommendations regarding the complaint/appeal, including if it was resolved during the process, or withdrawn by the complainant and provide it to the Director of Learning and Innovation as soon as possible.
- 4.17.6 Where a complaint is made against a student regarding any conduct which has interfered with the rights of others on campus, or is a breach of requirements as set out in the NIDA Code of Conduct or any other NIDA policy, the matter will be actioned under the Student Misconduct Policy.
- 4.17.7 Where a mediated discussion between the relevant parties is considered the most appropriate action, the Complainant and Respondent 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.

Complaint and Appeal Outcomes and Decisions

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

4.18.2 Once the investigation phase is completed the Director Learning and Innovation will convene a Complaints and Appeals Panel to review the investigator's findings and recommendations and make a decision as to the outcome.

4.18.3 The Complaints and Appeals Panel may:

- a. review a decision and determine whether or not it should be confirmed or rescinded,
- b. change a decision previously made or an apology,
- c. request any documents that were used in the decision-making process by the original decision-maker; and /or
- d. request any staff member or student to provide further relevant information.

4.18.3 The Director Learning and Innovation will advise the Complainant/Appellant in writing of the following:

- a. the outcome of the complaint/appeal,
- b. the reason/s for the decision made,
- c. how the decision and/or corrective and preventative actions will be implemented (if applicable),
- d. invitation to provide feedback on the complaint management process, and
- e. the review mechanism if the complainant was not satisfied with the outcome.

4.18.4 If a Respondent is involved the Director Learning and Innovation will advise the Respondent in writing of the following:

- a. the outcome of the complaint/appeal,
- b. the reason/s for the decision made,
- c. how the decision and/or corrective and preventative actions will be implemented (if applicable), and
- d. the appeals process should the respondent wish to appeal the panel's decision.

4.18.5 If the internal or external complaint handling 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.

Appeals

4.19.1 Students and complainants have a right to appeal a decision made by NIDA. The types of decisions that can be appealed under the Non-academic Complaints and Appeals Policy include but are not limited to:

- a. a misconduct decision,
- b. a complaint decision,
- c. a safety decision,
- d. a decision about the way in which a NIDA policy has been applied,
- e. harassment, sexual or otherwise, and/or vilification of a student enrolled in a course at NIDA by another student or member of the NIDA staff,
- f. being refused enrolment or progression or graduation in a NIDA course on the grounds of gender, colour, race or country of origin,
- g. Financial issues, including rejecting the application for a refund,
- h. the claim that a student enrolled in a NIDA course has an unpaid financial obligation to NIDA,
- i. exclusion from a course of NIDA or from progression or from graduation in that course,

- j. complaint arising from the use of personal information provided by a student,
- k. A student or prospective student can appeal a non-academic decision that arises from the application process.

4.19.2 NIDA provides three (3) escalating levels for resolving non-academic complaints or appeals, two internal and one external.

4.19.3 Students wishing to appeal a decision or outcome must follow the three (3) escalating levels to resolve the non-academic complaint or appeal.

Level 1 – Informal Non-Academic Review (INAR)

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

4.20.2 Students can bring a support person with them to any Informal Non-Academic Review (INAR). A support person may be another student or a NIDA employee. A support person may not be a legal representative.

4.20.3 An Informal Non-Academic Review (INAR) may resolve a matter, and it is expected that the person directly responsible for the matter will work to resolve it within 14 days. If the matter has not been resolved within 14 days, the student may submit a Formal Non-Academic Appeal.

Level 2 – Formal Non-Academic Complaint/Appeal (FNAC)

4.21.1 If unsatisfied with the outcome from the Informal Non-Academic Review (INAR), or if the student is uncomfortable speaking directly with the person involved or their supervisor, the student may submit a Formal Non-Academic Complaint/Appeal (FNAC) setting out the grounds for the appeal.

4.21.2 Formal Non-Academic Complaint/Appeal (FNAC) are submitted using the Non-Academic Complaints and Appeals for Students form on NIDA's Policy page <https://www.nida.edu.au/courses/policies>.

4.21.3 Formal Non-Academic Complaint/Appeal (FNAC) will be investigated a delegate appointed by the Director of Learning & Innovation. If the Director of Learning & Innovation or their appointed delegate was a decision-maker or involved in the matter originally raised, then the complaint or appeal will be reviewed by the Chief Executive Officer or their appointed delegate.

4.21.4 The Investigator in the matter will have been independent of the matter up to the point of investigation.

4.21.5 The Investigator will within 20 working days review the matter and provide a report of their findings and recommendations to the Director Learning and Innovation

4.21.6 The Director Learning and Innovation will convene a Complaints and Appeals Panel to review the Investigation report and determine an outcome.

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

4.21.8 Within 10 working days of the Panel's decision the Director Learning and innovation will send the student a written notification of the outcome of their non-academic complaint or appeal, including information on their right to an external appeal process if they are not satisfied with the outcome.

4.21.9 The Director of Learning & Innovation or their delegate will investigate with all parties having a

right to procedural fairness. The Director Learning and Innovation may request any person to provide information or documents in relation to the grievance

4.21.10 The Director of Learning & Innovation or their delegate will make the decision and will inform the complainant in writing of the outcome of the investigation, related decisions and the reasons for making the decisions.

4.21.11 In complaints involving the Chief Executive Officer (CEO), the formal complaint will be submitted to the Chair, NIDA Board of Directors.

4.21.12 Where an appeal relates to a decision regarding the student's continued enrolment, NIDA will maintain the student's enrolment in their course, until a decision is made to terminate that enrolment, but may take steps to suspend the student from attendance while the Formal Non-Academic Appeal process is ongoing.

Level 3 – External Non-Academic Complaint or Appeal (ENACA)

4.22.1 If not satisfied with the decision of the Director of Learning & Innovation or their delegate, the complainant may request an external dispute resolution process to be undertaken by an independent party by lodging an appeal via the Non-Academic Complaints and Appeals form.

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

4.22.3 For purposes of this policy, external appeals are determined as follows:

a. 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.

b. 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>

Phone: 1300 362 072.

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

4.22.5 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.

Record Keeping and Reporting

4.23.1 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.

4.23.2 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.

4.23.3 The decision on the complaint or on the appeal will be recorded in the Appeals and Complaints Register.

Support and Advice

4.24 Support and advice with regards to non-academic complaints and appeals are available from NIDA Student Services, education@nida.edu.au or in person at The NIDA Student Hub.

Further options

4.25 If all internal procedures have been followed, but the 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 or other external body. Time limits for the lodging of external complaints may apply. The complainant should contact the relevant external body to determine any complaint submission time limits.

- Australian Human Rights Commission – www.humanrights.gov.au
- Anti-Discrimination New South Wales – <https://antidiscrimination.nsw.gov.au>
- Commonwealth Department of Education, Skills and Employment – www.education.gov.au
- NSW Ombudsman – <https://www.ombo.nsw.gov.au>
- Tertiary Education Quality and Standards Agency – <https://www.teqsa.gov.au/complaints>

5. DEFINITIONS

Term	Definition
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.
Appellant	A person who has requested the review of a decision/outcome.
Complainant	An individual who makes a complaint or lodges an appeal under this policy.
Complaints and Appeals Panel	This panel is convened by the Director Learning and innovation and is responsible for reviewing an investigation report and recommendations and making a decision that is reasonable and proportionate.
Decision-maker	A person with the delegated authority to make decisions on behalf of NIDA.
Grounds for Appeal	Reasons for requesting a review or reversal of a decision.
Investigator	A person with the delegated authority to investigate complaints. This will be a nominated NIDA staff member or an externally engaged investigator.

Non-Academic Appeal	Those matters that relate to conduct, behaviours and issues and breaches of policy that are not academic in nature and or may be criminal in nature. Matters including, but are not limited to, work health and safety, alcohol, drugs, smoking, privacy, discrimination, harassment, bullying, sexual harassment, sexual offences, equity and diversity, IT resources, parking, grounds and maintenance, working from home, counselling and mental health resources, disability and mobility resources, and student fees.
Respondent	A person against whom a complaint has been made under this policy.
Student	Any person enrolled in an accredited course at NIDA who was enrolled in an accredited course at the time the complaint relates to.
Support Person	Someone that an individual can nominate to attend a meeting with them to provide emotional support and reassurance. They are not an advocate. The Support Person cannot be a practicing 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.

6. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
September 2024	Realigned policy to mirror the processes as outlined in the Academic Complaints and Appeals Policy – this includes the establishment of Complaints and Appeals Panel process to review the findings and recommendations of an investigation and make a decision as to the outcome.		L and I	
May 2024	Revised template, New logo, Corrected x2 spelling mistakes, Corrected omission of details in clause 8.7.2 now 5.7.2, Updated email contact to new Director of Learning and Innovation email	Governance Review Report & Policy review	SSQA	
August 2022	New format, revised content	CRICOS audit feedback	SSQA	3.0
September				14/02999 &

2014			14/06489
December 2008	Original policy	Creation	1.0

7. CONSULTATION/BENCHMARKING

Benchmarked against policies and 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

Consultation: NIDA academic and administrative staff and NIDA students

Legislation and Regulatory Frameworks	<p>Higher Education Standards Framework (Threshold Standards) 2021</p> <p>HE Support Act 2003</p> <p>Education Services for Overseas Students (ESOS) Act 2000 National Code 2018</p> <p>Privacy and Personal Information Protection Act 1998</p> <p>Standards for RTOs 2015</p> <p>ASQA General Directions</p>
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