

Student Complaints and Academic Appeals Policy



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1. PURPOSE

This policy sets out how NIDA manages and resolves complaints and academic appeals from current and prospective students in relation to NIDA's accredited courses.

2. SCOPE

2.1. This policy applies to:

- Prospective students to an accredited course.
- Students who are currently enrolled in an accredited course.

- c) Students previously enrolled in an accredited course and have completed or ended their study.
- d) Staff employed or engaged by NIDA.

2.2. The policy excludes: -

- a) Complaints and grievances raised by staff. These are managed through the staff Grievance Resolution Policy.
- b) Complaints that fall under the Crime and Corruption Act 2001.
- c) Matters relating to whistleblowers and public interest disclosures. These are managed under the NIDA Whistleblower Policy.
- d) Review of decisions relating to fees. This is managed under the Fee Policy – Domestic and Fee Policy – International.
- e) Management of student feedback obtained through mechanisms such as surveys, questionnaires and focus groups.

3. PRINCIPLES

NIDA takes complaints and academic appeals received from students seriously. NIDA's approach to student complaints and academic appeals is guided by the following principles:

3.1 Accessibility:

- a) Information about complaints and appeals processes are publicly available, easy to understand and accessible. This includes information about external avenues for complaints and academic appeals.
- b) Students can raise concerns easily and without unnecessary barriers or fear of retaliation.
- c) Processes are straightforward, conducted in a culturally competent manner, and inclusive.

3.2 Procedural fairness:

- a) Decision-making is fair and based on objective consideration of all relevant evidence.
- b) People affected by a complaint or academic appeal are engaged in the resolution process as far as practicable. They are treated with respect and without judgement and are given a reasonable opportunity to be heard.
- c) Decision-makers and investigators are familiar with their obligations to remain impartial and objective and disclose any actual, potential or perceived conflict of interest.

3.3 Transparency:

- a) Process, roles, and responsibilities are clear and applied consistently.
- b) Relevant information is communicated throughout the process clearly to complainants, appellants, and respondents.

3.4 Confidentiality and privacy:

- a) Information is handled sensitively to protect the privacy, dignity and wellbeing of all parties involved, maintain the integrity of the review or investigation process, and support procedural fairness. Confidentiality requirements are not intended to silence students or restrict their access to support. .
- b) Confidentiality will be respected to the extent practicable and appropriate, but must be balanced with NIDA's duty of care and legal obligations under WHS and other laws.

3.5 Responsiveness:

- a) Matters are addressed in a timely way that is proportionate to their complexity and seriousness.
- b) Determination of outcomes from a complaint will be proportionate to the nature and seriousness of the subject of the complaint and will consider educative responses where appropriate.
- c) There is a focus on early resolution where possible and if the matter is urgent.

3.6 Informative practice:

- a) Complaints and academic appeals are welcomed as valuable information for improving courses, operations, and the student experience.
- b) Data and insights are used to inform improvements.

3.7 Trauma-informed practice:

- a) Safety and support for students and staff is prioritised.
- b) Choice and flexibility are offered where possible.
- c) Risk of re-traumatisation is minimised.

4. POLICY STATEMENTS

General

4.1. Prospective and current students have a right to:

- a) Appeal a decision that affects their academic progression at NIDA. This is referred to as an 'academic appeal'.
- b) Raise a complaint where they are dissatisfied about a service, resources, people or other matters associated with teaching and learning and its administration. When raising a complaint, the complainant would like a specific response or remedy.

4.2. Prospective and current students may seek confidential guidance, advice, and support from the Head of Student Services and Operations, at any stage of an academic appeal or student complaint. For complaints involving the Head of Student Services and Operations, complainants may contact the Deputy Director, Learning and Innovation. For complaints involving the Deputy Director, Learning and Innovation, complainants may contact the Director, Learning and Innovation.

4.3. Current students may also seek support at any stage during the complaints or appeals process from the following:

- a) NIDA Student Counselling Service.
- b) Students experiencing discrimination or exclusion based on perceptions of their identity may seek guidance and advice from the Head of Equity and Inclusion.
- c) Aboriginal and / or Torres Strait Islander students may seek cultural support, guidance and advice from the First Nations Team.

Members of the Student Counselling Service, the Head of Equity and Inclusion and Director of First Nations and Outreach may provide advice to students on the appeals and complaint pathways outlined in this policy. Where a student is unable to follow one of the pathways, these staff can discuss the matter with the Head of Student Services and Operations with permission from the student. The Head of Student Services and Operations in consultation with the staff member and student will determine the appropriate pathway to manage the student's appeal or complaint.

4.4. Staff involved in an academic appeal or student complaint may seek support from NIDA's Employee Assistance Program (EAP), AccessEAP, for confidential support and counselling.

4.5. There are no charges for lodging an academic appeal, student complaint, or request for review to NIDA.

4.6. NIDA may at any time seek external assistance in managing or dealing with an academic appeal, student complaint or request for review under this Policy.

4.7. Staff or other persons involved in the review or appeal of a decision or complaint in this Policy must not have been directly involved in the determination of the initial complaint or decision and must not have any conflict of interest that would lead a reasonable person to consider they could not decide the matter impartially. If any conflict of interest is identified during the process,

NIDA will determine the appropriate course of action to manage the conflict, which may include appointing an alternative decision-maker or reviewer.

- 4.8. NIDA will endeavour to resolve complaints and appeals under this Policy in a timely manner, and in accordance with the timeframes set out in this Policy. However, there may be times where it is not reasonable, appropriate or possible to do so, and in such situations, the relevant parties will be advised of any delays.
- 4.9. Prospective or current students requiring reasonable adjustments as part of lodging an academic appeal or complaint are to notify the Head of Student Services and Operations. The Head of Student Services and Operations will make reasonable adjustments to the process where possible in consultation with the prospective or current student.
- 4.10. Students experiencing or who have concerns of victimisation, retaliation, discrimination or disadvantage as a result of lodging a student complaint or academic appeal should report this to the Deputy Director, Learning and Innovation or Head of Student Services and Operations in writing, or verbally. Where appropriate, these concerns will be managed under the relevant policy, such as the Student Misconduct Policy (for students) or the Code of Conduct (for staff).
- 4.11. Confidentiality requirements apply to participants in the academic appeal and complaints process, including appellants, complainants, respondents, witnesses, support persons and staff involved in handling the matter as follows:
 - a) Information relating to an academic appeal or complaint will be managed confidentially by NIDA staff and will only be disclosed on a need-to-know basis for the purposes of assessing, investigating, reviewing, resolving and reporting on the academic appeal or complaint. Some incidents may need to be reported to external authorities as required or authorised by law. In this situation NIDA will seek consent from the complainant or relevant party where possible but is obligated by law in specified circumstances to report to external agencies such as NSW Police, Federal Police, or the Independent Commission Against Corruption.
 - b) Participants are expected to avoid sharing detailed information about the academic appeal or complaint process in a way that could compromise the integrity or fairness of the process.
 - c) Participants can discuss their personal experience of the event that gave rise to the academic appeal or complaint to get support, advice or assistance. This includes speaking to:
 - i. Friends, family or trusted support people.
 - ii. Health or counselling professionals.
 - iii. Student support or advocacy services
 - iv. a legal representative or advisor
 - v. external complaint bodies, agencies, or regulators
 - d) Confidentiality requirements apply during the active management of an academic appeal or complaint. At the conclusion of the academic appeal or complaint, information may continue to be protected in accordance with privacy laws and other NIDA policies; however, participants are not prevented from discussing their experience.
 - e) NIDA will maintain confidential records of academic appeals and complaints. Access to these records will be restricted to relevant complaint handlers, reviewers and investigators. Where information is reported to executive or governance committees for the purpose of business improvement, data will be de-identified.
- 4.12. In any discussions or interviews, staff, prospective students or current students may, at their discretion, be accompanied by one other person designated as a support person. A support person:

- a) is an individual chosen to provide personal support during a complaint or academic appeal process. They do not represent or speak on behalf of the appellant, complainant or staff member.
 - b) may not be a person who was involved in, associated with, or alleged to have been involved in or associated with the subject matter of the discussion.
 - c) will only be provided with access to information that is reasonably necessary to support the complainant, appellant or staff members participation in the process.
 - d) is required to maintain the confidentiality of all information obtained through their involvement as per 4.11.
 - e) who breaches confidentiality or does not comply with the role outlined in this policy may result in NIDA limiting or ending the support person's involvement in the process.
- 4.13. All participants in a complaint or appeal process are expected to be honest and not provide misleading information. Breaches of this will be managed in accordance with the Student Misconduct Policy (for students) and Performance Improvement and Misconduct Policy (for staff).
- 4.14. A prospective or current student may decide to withdraw an academic appeal or complaint at any stage. This must be in writing to the Head of Student Services and Operations. Upon receiving this request for withdrawal, the complaint or appeal will be discontinued. NIDA reserves the right to further investigate matters on its own initiative, maintaining confidentiality of the original complainant, where:
- a) The complaint raises significant systemic issues that should be addressed.
 - b) The complaint is considered serious enough to investigate.
- 4.15. Submission of student complaints and academic appeals outside of the timeframes listed in this policy will only be accepted where the prospective or current student can provide evidence of compassionate or compelling circumstances that prevented them from submitting the appeal within the timeframes stipulated in this policy. A decision on whether late applications will be accepted is made by the Deputy Director Learning and Innovation.
- 4.16. All complainants, respondents, appellants and other interested parties involved in an appeal or complaint are expected to:
- a) Treat NIDA staff with respect at all stages of the complaint or appeal process, and not behave in an unreasonable or unreasonably persistent manner; and
 - b) Respond to requests for additional information from NIDA in a timely manner.
- 4.17. Disrespectful or unreasonable conduct, including attempts to disrupt or bypass the process set out in this Policy, will not be tolerated. Behaviour may be considered unreasonable where it is determined to have an unreasonable impact on NIDA, its staff, services, time and / or resources
- a) The Deputy Director or Learning and Innovation, the Head of Student Services and Operations (or their delegates) may decide that a complainant, respondent, appellant or other interested party's behaviour is considered unreasonable or disrespectful and give the affected person a warning in relation to their behaviour in writing.
 - b) If the affected person's behaviour does not change after the warning is provided, NIDA can decide to change or restrict the way NIDA interacts with that individual, and action may be taken under the Student Misconduct Policy or otherwise to ensure the health and safety of the NIDA community. In exceptional circumstances, a person may be restricted from any contact or access to NIDA staff and services, including its premises. Any restriction imposed will be communicated to the affected person in writing, which may be appealed by the affected person in writing within 10 working days. The restriction decision can only be appealed once, and will be determined by an

independent director or executive at the same or higher level than the initial decision maker.

- 4.18. Complaints or academic appeals that raise health and safety issues, i.e physical or psychosocial incidents or hazards, will be managed to ensure compliance with NIDA Work, Health and Safety and Wellbeing Policy and NIDA's Health and Safety Digital Handbook (which are available on the NIDA intranet site). Complainants should raise WHS issues as part of a complaint initially using any of the complaints options detailed in this policy. On receipt of the complaint by the Head of Student Services and Operations, further advice will be provided to the complainant should there be the need to lodge the WHS incident(s) into NIDA's safety portal, to enable further investigation in accordance with NIDA's WHS procedures.
- 4.19. At any stage while a complaint or appeal is being investigated, NIDA may impose interim measures, in its discretion, where NIDA considers that it is otherwise reasonable and/or necessary:
- a) To ensure the physical or psychological health, safety, or wellbeing of any student, staff member, or other person within the NIDA community;
 - b) To ensure the safety and protection of the environment, infrastructure or financial resources; and / or
 - c) To preserve the integrity of an ongoing investigation or complaint process.
- 4.20. Interim measures may include, but are not limited to:
- a) Directing a person to absent themselves from NIDA premises, specified facilities, or specified activities for a defined period;
 - b) Restricting access to particular NIDA systems, services, facilities, or resources;
 - c) Adjusting class or assessment arrangements, including providing alternative modes of participation;
 - d) Requiring the person not to contact specified persons;
 - e) Any other reasonable measure proportionate to the identified risk.
- Any interim measure imposed by NIDA is precautionary in nature. It is not punitive and does not constitute a finding of misconduct or a determination of the complaint.
- 4.21. The decision to implement an interim measure may only be made by the Director, Learning and Innovation or their delegate or the Chair of the Academic Board.
- 4.22. Where interim measures are imposed, NIDA will:
- a) Take reasonable action to provide alternative ways for the complainant, respondent or appellant to engage in their studies to minimise disruption to their learning;
 - b) Review interim measures at least every 14 days, or sooner if circumstances change, to determine whether they remain necessary and proportionate.
- 4.23. Where NIDA propose to impose an interim measure, the affected student will be advised in writing and will ordinarily be provided with the opportunity to respond before the interim measure is imposed. In urgent circumstances, including where NIDA considers there is an imminent or serious risk of physical, psychological, environmental or financial harm, NIDA may impose an interim measure before receiving a response from the affected student. In those circumstances, the affected student will be given an opportunity to respond as soon as practicable after the measure is imposed.

Academic Appeals

- 4.24. Academic decisions have two levels:
- a) Level 1 academic decisions are made or overseen at a subject level by Course Leaders.
 - b) Level 2 academic decisions are made by the Deputy Director, Learning and Innovation, Head of Academic and Research Development or by a committee.

- 4.25. An appeal against an academic decision (excluding decisions made under the Admissions Policy) is made on the grounds that the current student has suffered a disadvantage because of one or more of the following:
- a) A procedural irregularity has occurred.
 - b) The decision was manifestly wrong.
 - c) New information has become available that could not reasonably have been provided at the time of the original decision.
- 4.26. An appeal against an academic decision made under the Admissions Policy is made on the grounds that the prospective student has suffered a disadvantage because:
- a) A procedural irregularity has occurred.
- 4.27. For appeals against a level 1 academic decision:
- a) Students are recommended to discuss the decision with their Course Leader or Head of Discipline first to understand the basis of the decision.
 - b) If a student is dissatisfied in relation to a level 1 academic decision, they may submit an academic appeal in writing.
 - c) Where unable to express their concerns in writing, an appellant may raise their issue verbally with the Head of Student Services and Operations. The Head of Student Services and Operations will document the appeal in writing on the appellant's behalf.
 - d) Appeals against a level 1 academic decision must be submitted within 10 working days of the original decision.
 - e) The Head of Student Services and Operations will receive the academic appeal and undertake a preliminary assessment. This assessment will ensure that the academic appeal complies with policy, is supported by sufficient information and documentation, and will determine the process and timing for consideration of the appeal. The process typically includes a review by a staff member who was not involved with the original decision, and may include reporting and management of identified physical or psychosocial incidents or hazards in accordance with NIDA's Health and Safety Digital Handbook.
 - f) Where the student is required to provide additional information, the Head of Student Services and Operations will contact the student in writing to request the information. The student will have 10 working days to provide the information. If the information is not provided within this timeframe, the academic appeal will be closed.
 - g) The Head of Student Services and Operations will acknowledge receipt of the academic appeal in writing within 5 working days and confirm in writing with the appellant the process, timeframe for resolution, and support available.
 - h) The Head of Student Services and Operations will coordinate the process and forward completed documentation to the relevant decision-maker. Appeals for a level 1 academic decision are decided by the:
 - i. Director of Learning and Innovation for higher education courses.
 - ii. Head of Vocational Education for vocational education courses or delegate appointed by the Director, Learning and Innovation.
 - i) Where there is a perceived or actual conflict of interest, the Director of Learning and Innovation or Head of Vocational Education will disclose this to the Head of Student Services and Operations and the decision will be reviewed by the Student Complaints and Academic Appeals Panel.
 - j) The Director of Learning and Innovation or Head of Vocational Education will consider all the evidence provided and make a determination on the appeal against the criteria at 4.25.
 - k) The Director of Learning and Innovation or Head of Vocational Education communicate the outcome of their decision to the appellant in writing with the rationale and evidence to support their decision, and the right of the appellant to a review. A copy of this will be provided to the Head of Student Services and Operations.
 - l) The Head of Student Services and Operations in collaboration with Course Teams is responsible for implementing the outcome of the appeal promptly. The appellant is notified in writing when the decision is implemented.

- m) Appeals against level 1 academic decisions should be resolved, where practicable, within 15 working days of receipt by the Head of Student Services and Operations.
- 4.28. For academic appeals against a level 2 academic decision:
- a) If a prospective or current student is dissatisfied in relation to a level 2 academic decision, they may submit an academic appeal in writing.
 - b) Where unable to express their concerns in writing, appellants may raise their issue verbally with the Head of Student Services and Operations. The Head of Student Services and Operations will document the appeal in writing on the appellant's behalf.
 - c) Appeals against a level 2 academic decision must be submitted within 20 working days of the original decision.
 - d) The Head of Student Services and Operations will receive the academic appeal and undertake a preliminary assessment. This assessment will ensure that the academic appeal complies with policy, is supported by sufficient information and documentation, and will determine the process and timing for consideration of the appeal. The process typically includes a review by a staff member who was not involved with the original decision, and may include reporting and management of identified physical or psychosocial incidents or hazards in accordance with NIDA's Health and Safety Digital Handbook.
 - e) Where the student is required to provide additional information, the Head of Student Services and Operations will contact the student in writing to request the information. The student will have 10 working days to provide the information. If the information is not provided within this timeframe, the academic appeal will be closed.
 - f) The Head of Student Services and Operations will acknowledge receipt of the academic appeal within 5 working days and confirm in writing the process, timeframe for resolution, and support available.
 - g) Academic appeals for a level 2 academic decision are decided by a Student Complaints and Appeals Panel. See 4.40. The Panel will consider all the evidence provided and make a determination on the appeal against the criteria at 4.25 and 4.26.
 - h) The appellant and original decision-maker, where the decision was not made by a committee, will be provided with an opportunity to attend the Panel meeting to present their case. 5 working days notice will be given of the date and time of the meeting.
 - i) The Chair of the Student Complaints and Appeals Panel will communicate to the appellant in writing the outcome of the Panel's decision with the rationale and evidence to support the decision, and the right of the appellant to a review. A copy of this will be provided to the Head of Student Services and Operations.
 - j) The Head of Student Services and Operations is responsible for implementing the outcome of the Student Complaints and Appeals Panel promptly. The appellant is notified in writing when the decision is implemented.
 - k) Appeals against level 2 academic decisions should be resolved, where practicable, within 20 working days of receipt by the Head of Student Services and Operations.
- 4.29. Appellants may submit a Request for Review of an academic appeal decision if they feel their appeal was not managed in accordance with this policy and supporting procedures.
- a) A Request for Review must be submitted in writing within 10 working days of receiving the appeal decision.
 - b) The Head of Student Services and Operations receives the Request for Review, and confirms it complies with policy, and is supported by sufficient information and documentation.
 - c) The Head of Student Services and Operations will acknowledge receipt of the Request for Review within 5 working days and confirm in writing with the appellant the process, timeframe for resolution, and support available.
 - d) The Head of Student Services and Operations will forward the Request for Review to the appropriate review body:
 - i. For appeal decisions made in relation to level 1 academic decisions, the review will be completed by the Student Complaints and Appeals Panel and a decision made by the Student Complaints and Appeals Panel. The Chair of the Student Complaints and Appeals Panel will communicate in writing the outcome of the

- review, rationale and evidence to support their decision, and appellant access to external agencies.
 - ii. For appeal decisions made in relation to level 2 academic decisions, the review will be completed externally by the National Art School with a recommendation made to the Chair of Academic Board who convene an Appeals Panel with a minimum of 2 external representatives from the Academic Board to decide on the outcome of the review. The Chair of Academic Board will communicate the outcome of the review, rationale and evidence to support their decision and appellant access to external agencies.
 - e) The outcome of a Request for Review, where practicable, should be determined and communicated to an appellant within 40 working days of receipt of the request.
- 4.30. Where a decision is made to cancel or suspend a student enrolment, and a student appeals this decision, the student will remain enrolled until an outcome of the academic appeal is determined.
- 4.31. The Head of Student Services and Operations will keep relevant parties informed in writing of any delays in the process to resolution of an academic appeal or Request for Review of an academic appeal decision.

Student Complaints

- 4.32. NIDA has three resolution pathways for students to raise a concern:
- a) Direct resolution.
 - b) Course Leader Supported resolution.
 - c) Central resolution for formal management of a complaint. This is typically where:
 - i. The complainant feels unsafe or intimidated by trying to resolve an issue directly or with support of the Course Leader.
 - ii. a student has attempted to resolve an issue directly or with Course Leader support and has been unsuccessful
 - iii. The matter is sensitive or presents a significant risk to NIDA and / or its members.
 - iv. The matter has a serious impact on a students' wellbeing or safety.
 - v. The matter involves a Course Leader.
 - vi. The matter is complex and suggests more systemic issues need resolution.
 - vii. The matter is cross-disciplinary.
 - viii. The matter involves allegation of serious misconduct.
- 4.33. To resolve a concern by direct resolution:
- a) Students raise the concern directly with the relevant person(s) concerned or the area responsible for the matter. This must only be attempted if the student feels safe doing so.
 - b) Parties work together to attempt a satisfactory and prompt resolution.
 - c) No formal records are required by NIDA.
- 4.34. To resolve a concern via Course Leader Supported resolution:
- a) Students raise the concern verbally or in writing to their Course Leader as soon as practicable after the event that led to the concern.
 - b) Within 5 working days of the concern being raised, the Course Leader will acknowledge receipt of the concern verbally or in writing.
 - c) The Course Leader works with the student to determine an appropriate approach and timeframe for managing the issue. Course Leaders are not expected to manage matters outside their role, authority or wellbeing capacity.
 - d) Actions that a Course Leader may take to resolve a concern include the following. Advice may be sought from the Deputy Director, Learning and Innovation and / or the Director of People and Culture, or delegate, where the matter involves a staff member.
 - i. Discussion with the student to clarify their concern.
 - ii. Interviews with other staff or students involved in the matter.

- iii. Gathering information and confirming factual details.
 - iv. Arranging a facilitated discussion between parties to the concern with agreement of the parties.
 - v. Consultation with other NIDA staff and departments about appropriate adjustments to address a concern.
 - vi. Lodgment of workplace health and safety incidents and hazards in the NIDA Safety Portal.
 - vii. Referral of the student to appropriate support services.
- e) Concerns raised with the Course Leader should be resolved as soon as practicable and within 20 working days of the Course Leader receiving the complaint. Any delays must be discussed with the student.
- f) The outcome of the complaint will be communicated to the student verbally or in writing. The communication will outline actions taken, the outcome, the evidence and rationale for those actions, any agreed future actions and timeframes, and the right of the student to escalate the concern to central resolution.
- g) The Course Leader and student is recommended to keep their own confidential record of the concern and how it was managed.
- h) The Course Leader is responsible for monitoring implementation of any resolution to ensure that there is no recurrence of the original issue.
- 4.35. To resolve a concern as a formal complaint by central resolution:
- a) Students submit the issue in writing to the Head of Student Services and Operations.
 - b) The complaint may be submitted confidentially. Where a complaint is submitted confidentially, only the Head of Student Services and Operations will identify the complainant. The complaint will be handled as per this policy and related procedures as far as practicable whilst maintaining procedural fairness. However, this may limit NIDA's ability to:
 - i. Fully investigate an issue
 - ii. Test or corroborate evidence
 - iii. Take specific individual remedial action. In such cases NIDA may instead consider broader or systemic action to address the issue.

Complainants will be informed of any limitations arising from their request for confidentiality.

- c) The complaint may be submitted anonymously and will be considered where sufficient information is provided to enable assessment or action. The complaint will be handled as per this policy and related procedures as far as practicable whilst maintaining procedural fairness. However, this may limit NIDA's ability to:
 - i. Fully investigate an issue
 - ii. Test or corroborate evidence
 - iii. Take specific individual remedial action. In such cases NIDA may instead consider broader or systemic action to address the issue.
 - iv. Inform the complainant of progress or outcomes.

NIDA will consider the substance of anonymous complaints and determine an appropriate response based on the nature, seriousness, and specificity of the information provided, and the extent to which the information can be verified.

- d) The complaint should be lodged as soon as practicable after occurring and no later than 12 months after the last incident leading to the complaint. A complaint lodged after 12 months will only be investigated where the Deputy Director of Learning and Innovation is satisfied that:
 - i. It relates to a serious matter; or
 - ii. Compelling circumstances or circumstances outside the complainant's control prevented them from lodging the complaint within the deadline; and
 - iii. It is still practicable for NIDA to investigate the complaint.

- e) Where unable to express their concerns in writing, students may raise their issue verbally with the Head of Student Services and Operations. The Head of Student Services and Operations will document the complaint in writing on the student's behalf.
- f) The Head of Student Services and Operations, in consultation with the Deputy Director Learning and Innovation, will undertake a preliminary assessment of the complaint and determine the process to resolve the complaint. This will include:
 - i. Assessing the nature and grounds of the issues.
 - ii. Identification of potential physical or psychosocial incidents or hazards that need to be reported and managed as a workplace health and safety issue.
 - iii. Prioritising the complaint for action based on the severity, complexity and urgency of the complaint.
 - iv. Seeking direction from the Director of People and Culture, or delegate, for matters involving staff.
 - v. Determining whether any immediate corrective action is required to ensure as far as reasonably practicable the safety and protection of people and resources.
 - vi. Determining the appropriate method to engage with respondent(s) to a complaint. Respondents are to be advised of the claims against them, given an opportunity to ask questions and respond to the complaint, advised of the complaint management process, kept informed of progress of the complaint at agreed intervals, and referred to appropriate support services. If the respondent is a staff member, advice must be sought from the Director of People and Culture, or delegate.
 - vii. Determining the appropriate method for collecting evidence and resolving the complaint, which may include internal enquiries, investigation, facilitated conversations, review of relevant policy and procedure. Where an investigation is required this will be conducted by a staff member appointed by the Deputy Director, Learning and Innovation. The staff member cannot have been involved with the subject of the complaint and cannot be involved in the decision on the complaint.
 - viii. Determining a timeline for resolution. Complaints submitted via central resolution are to be resolved, where practicable, within 20 working days of receipt of the complaint subject to the urgency of the issue.
- g) The Head of Student Services and Operations will acknowledge receipt of the complaint within 5 working days and will communicate the proposed process for resolving the complaint, timeline, and support services to the complainant. The complainant will confirm the approach or otherwise work with the Head of Student Services and Operations to identify an alternative approach that satisfies policy and procedure. For complaints involving staff members, consultation with the Director of People and Culture, or delegate, is required where changes to the complaint management process is requested by the student.
- h) The Head of Student Services and Operations will facilitate and monitor the complaint resolution process and provide information to the complainant and respondent and Director of People and Culture (where applicable) where there are delays in resolving the complaint.
- i) The Student Complaints and Appeals Panel makes a determination on a student complaint:
 - i. The student and respondent (where relevant) will be provided with an opportunity to attend the Panel meeting to present their case. 5 working days notice will be given of the date and time of the meeting.
 - ii. The Chair of the Student Complaints and Appeals Panel will communicate the outcome to the student in writing with the rationale and evidence to support their decision, and the right to a review. The Head of Student Services and Operations will be included in the communication.
 - iii. If a respondent is a student, the Chair of the Student Complaints and Appeals Panel will also communicate the outcome to the respondent in writing with the rationale and evidence to support their decision, and the right to a review.
 - iv. If a respondent is a staff member, communication with the respondent will be determined in consultation with the Director of People and Culture, or delegate.
- j) The Head of Student Services and Operations is responsible for monitoring the prompt implementation with relevant staff of any resolution to ensure that there is no reoccurrence

of the original issue. The complainant is notified in writing when the decision has been implemented.

- 4.36. Complainants and respondents may submit a Request for Review of a determination of a complaint made via central resolution if they feel the complaint was not managed in accordance with this policy and supporting procedures.
- a) A Request for Review must be submitted in writing within 20 working days of receiving the determination.
 - b) Where unable to express their concerns in writing, appellants may raise their issue verbally with the Head of Student Services and Operations. The Head of Student Services and Operations will document the appeal in writing on the appellant's behalf
 - c) The Head of Student Services and Operations receives the Request for Review, and confirms it complies with policy, and is supported by sufficient information and documentation.
 - d) The Head of Student Services and Operations will acknowledge receipt of the Request for Review within 5 working days and advise the complainant of the process and timeframe to receive an outcome. Where a staff member is involved, the Director of People and Culture, or delegate will be notified of the review.
 - e) The Head of Student Services and Operations will forward the Request for Review to the National Art School.
 - f) The National Art School Review Panel will conduct the review and then make a recommendation to the Chair of Academic Board, who will convene an Appeals Panel of at least 2 external representatives from the Academic Board to decide on the outcome of the review.
 - g) The Chair of Academic Board will communicate the outcome of the review, rationale and evidence to support their decision in writing with details of student access to external agencies. A copy will be provided to the Head of Student Services and Operations, as well as the Director of People and Culture where a staff member is involved.
 - h) The outcome of a Request for Review should be determined and communicated to an appellant, where practicable, within 40 working days of receipt of the request.

Sexual Misconduct and Gender-based violence

- 4.37. Reports or disclosures of sexual misconduct, sexual harassment or gender-based violence are made as per the Sexual Misconduct and Gender-Based Violence Policy.
- 4.38. These will be managed via the central resolution student complaint pathway taking into consideration the requirements relating to investigations, and outcomes as outlined in the Sexual Misconduct and Gender-Based Violence Policy.
- 4.39. Where the complaint involves a staff member, the Director of People and Culture will be notified immediately and will work with the Head of Student Services and Operations to determine actions to manage the complaint.

Student Complaints and Appeals Panel

- 4.40. The Head of Student Services and Operations will convene a Student Complaints and Appeals Panel to determine complaints, academic appeals, and Requests for Review as per this policy.
- 4.41. The Student Complaints and Appeals Panel will be chaired by the Deputy Director Learning and Innovation.

4.42. The Chair will determine the composition of the panel which will include 3-5 members selected from:

- a) The Director Learning and Innovation
- b) The Head of Academic Development and Research
- c) A Course Leader or Head of Discipline.
- d) Head of Vocational Education for matters involving vocational education students.
- e) Director of People and Culture, or delegate, for student complaints that involve staff members.
- f) Other staff with relevant expertise in relation to the concern, ie Director, First Nations and Outreach, Head of Equity and Inclusion, Workplace Health and Safety Manager

4.43. Members of the Panel cannot have been involved with the academic appeal or student complaint being considered. Where Panel members identify a potential or perceived conflict of interest, they are to notify this to the Chair who will nominate an alternative Panel member.

External avenues for complaints and academic appeals

4.44. If a complainant is dissatisfied with the outcome of their complaint or academic appeal, and the way it has been handled by NIDA, the complainant may consult external agencies to address the complaint. External agencies to which a matter may be referred include:

- a) National Student Ombudsman (higher education courses only).
- b) Australian Human Rights Commission.
- c) NSW Anti-Discrimination Board
- d) NSW Ombudsman (vocational education and training courses only)
- e) Commonwealth Ombudsman (vocational education and training courses only)
- f) Resolution Institute (vocational education and training courses only). Students must first attempt to resolve an issue via NIDA processes before lodging a request for review through the Resolution Institute.
- g) National Training Complaints Hotline (vocational education and training courses only).

4.45. Where NIDA's internal processes for complaints or academic appeals do not resolve a matter to the satisfaction of the complainant or appellant, or where both parties agree that independent dispute resolution is appropriate, NIDA may arrange for the matter to be considered by an external qualified dispute resolver, at its discretion.

External dispute resolution may take the form of:

- a) Mediation, where both parties agree to participate; or
- b) determination by the dispute resolver, where mediation is not acceptable to either party or where mediation has been attempted but has not resolved the matter.

5. RECORDKEEPING AND REPORTING

5.1. The Head of Student Services and Operations will record the academic appeal and student complaint in the Student Complaints and Academic Appeals Register and store all relevant documentation in a confidential folder in Content Manager. The register will include a reference for any complaint or academic appeal with a corresponding entry in the NIDA Safety Portal.

5.2. Records relating to student complaints and academic appeals must be retained for at least 5 years.

5.3. De-identified data on academic appeals and complaints are reported to the Board of Directors via Academic Board twice a year. Presentation of data must ensure confidentiality is maintained and students cannot inadvertently be identified. The report will:

- a) Identify the types of issues raised and any trends.
- b) Demonstrate how underlying causes of issues and trends are being addressed.

- c) Reflect on the effectiveness of the complaint and academic appeal handling policy and process and identify areas of improvement and activities to address these.
- d) Reflect on the wellbeing of staff involved in the complaints and appeals process.

5.4. Records will be disposed of in accordance with NDA Retention and Disposal Authority.

6. ROLES AND RESPONSIBILITIES

6.1. Board of Directors

- a) Receive regular internal reports on the quality, timeliness, and effectiveness of complaint and appeal handling, and the wellbeing of students and staff involved in the complaints and appeals process.
- b) Use internal reports to inform strategic initiatives and ensure underlying causes of trends or issues is being addressed.
- c) Promote a positive complaint management culture.
- d) Exercise due diligence to ensure compliance, including oversight of complaint related workplace health and safety risks and controls.

6.2. Academic Board

- a) Approve policy relating to student complaints and academic appeals and ensure alignment with legislative requirements, and consideration of student feedback.
- b) Receive regular internal reports on the quality, timeliness, and effectiveness of complaint and appeal handling, and the wellbeing of students and staff involved in the complaints and appeals process.
- c) Use internal reports to inform review of academic matters to ensure underlying causes of trends or issues are being addressed.
- d) Exercise due diligence to ensure compliance, including oversight of complaint related workplace health and safety risks and controls.

6.3. Director of Learning and Innovation

- a) Ensure complaint and appeal management processes are sufficiently resourced.
- b) Promote a positive complaint management culture.
- c) Decide on appeals for level 1 academic decisions for higher education courses.
- d) Within the limits of their authority, take action to address systemic issues for higher education courses identified as a result of complaint and academic appeals data review and analysis.

6.4. Head of Vocational Education

- a) Promote a positive complaint management culture.
- b) Decide on appeals for level 1 academic decisions for vocational education courses.
- c) Ensure awareness of complaints and appeals processes across staff and students involved in vocational education courses.
- d) Within the limits of their authority, take action to address systemic issues for vocational and educational courses identified as a result of complaint and academic appeals data review and analysis.

6.5. Deputy Director, Learning and Innovation

- a) Ensure complaints and appeals processes are effective and efficient.
- b) Implement periodic reviews of complaints and appeals processes to ensure ongoing compliance with legislative requirements and fitness for purpose. This will include benchmarking, consultation with the student body on changes, and feedback from students who have engaged with academic appeals and student complaints processes as complainants or respondents.
- c) Ensure complaint and appeal handling staff are appropriately trained and their wellbeing and safety is supported with action taken to address underlying risks. This includes training on:

- i. Cultural competence
 - ii. Trauma informed practice
 - iii. Disability and inclusion training.
 - d) Ensure confidential and secure management of complaints and appeals and alignment with record-keeping obligations.
 - e) Analyse complaints and appeals at least once every 6 months to identify systemic issues and make recommendations for improvements to the Director of Learning and Innovation, Head of Vocational Education and executive or governance committees as appropriate to inform their consideration and responses to key risks and actions.
 - f) Ensure awareness of complaints and appeals processes across staff and students involved in all accredited courses.
 - g) Monitor the operating environment to identify any changes that may impact student demand for student grievance and complaints and make adjustments accordingly.
- 6.6. Director of People and Culture
- a) Ensure complaint and appeal handling staff are appropriately trained and their wellbeing and safety is supported with action taken to address underlying risks.
 - b) Ensure availability of support mechanisms for staff respondents to a student complaint.
 - c) Provision of advice and support on management of student complaints that involve staff.
- 6.7. Head of Student Services and Operations
- a) Management of student complaints and appeals processes to ensure alignment with policy and procedure.
 - b) Preliminary assessment of academic appeals and student complaints received by Student Services.
 - c) Management of communications with students, respondents, and investigators.
 - d) Maintenance of the Student Complaints and Appeals Register and compilation of the reports to Academic Board and Board of Directors.
 - e) Ensuring complete records are maintained for individual complaints.
 - f) Act as the liaison with the National Art School for complaints and appeals that have been escalated for external review.
 - g) Assessment of academic appeals and complaints for workplace health and safety issues and coordinate these to ensure workplace health and safety requirements are met.
 - h) The Head of Student Services and Operations roles and responsibilities as per this policy may be delegated by the Deputy Director, Learning and Innovation where there is a conflict of interest or due to leave arrangements.
- 6.8. Course Leaders
- a) Be familiar with student complaints and academic appeals policy and procedures.
 - b) Within the limits of their authority, help students resolve problems or concerns as quickly and early as possible to minimise escalation of complaints to central resolution.
 - c) Where unable to help the student resolve their concern, escalate the complaint as per this policy.
- 6.9. Staff making decisions about or investigating complaints and academic appeals
- a) Act fairly and impartially.
 - b) Exercise independent judgement about the specific complaint and appeal based on their objective assessment of the evidence.
 - c) Declare any perceived or actual conflict of interest as soon as possible.
- 6.10. All staff
- a) Be aware of the complaint and appeal handling policies and procedures to advise students appropriately.
 - b) Take reasonable care, comply with reasonable instructions and provide information to enable resolution.
 - c) Implement corrective actions when complaint and appeal management processes identify systemic corrections.

6.11. Students

- a) Submit accurate information to the best of their knowledge in relation to complaints and appeals.
- b) Take reasonable care, comply with reasonable instructions and provide information to enable resolution.
- c) Follow documented policies and procedures in relation to complaints and appeals.
- d) Provide information as requested to enable resolution of concerns.

7. DEFINITIONS

Term	Definition
Academic Appeal	An application by a student to have decision reviewed, where that decision affects the student's enrolment, progression or graduation.
Accredited course	A course which leads to the award of a qualification identified under the Australian Qualifications Framework.
Appellant	A person making an academic appeal.
Australian Qualifications Framework	The national policy framework that defines all regulated Australian Qualifications.
Compassionate or compelling circumstances	Circumstances generally beyond a student's control that have had a significant impact on the student, and which may justify alternative arrangements. These could include, but are not limited to serious illness or injury, bereavement, natural disaster, political upheaval, or a traumatic experience.
Complainant	A person making a complaint.
Complaint	An expression of dissatisfaction for which a response, remedy or resolution is explicitly or implicitly required.
Conflict of interest	A conflict of interest arises where a person's personal, professional, or financial interests, relationships, or duties could improperly influence, or be reasonably perceived to influence, the impartial and objective performance of their responsibilities. A conflict of interest may be actual, potential, or perceived.
Current student	A student enrolled in an accredited course at NIDA.
Discrimination	Discrimination occurs when someone is treated less favourably or is disadvantaged because of a protected attribute. Protected attributes are listed in the NIDA Equity and Diversity Policy.
Gender-based violence	Any type of harm that is perpetrated against a person or group of people because of their actual or perceived sex, gender, sexual orientation and/or gender identity.
Harassment	Harassment is a form of discrimination. In general, harassment refers to behaviour: • that is unwelcome (not wanted) or uninvited (not asked for); • that a reasonable person would have anticipated would humiliate, offend, or intimidate the persons concerned; and • that is based on one of the protected attributes.

	Protected attributes are listed in the NIDA Equity and Diversity Policy.
Higher education course	A Bachelor or Masters qualification.
Investigation	A process of gathering and assessing relevant information to establish the facts of a matter and support a determination.
Investigator	The Person appointed to undertake an investigation into a complaint or appeal.
Physical hazard	A physical hazard is any source, situation, or condition in the physical environment that has the potential to cause injury, illness, or harm to a person. Physical hazards may arise from the workplace, facilities, equipment, activities, or environmental conditions.
Physical incident	A physical incident is an unplanned or unintended event arising from the physical environment, activities, or equipment that results in, or has the potential to result in, injury, illness, or harm to a person.
Prospective student	A person interested in studying at NIDA in an accredited course.
Psychosocial hazard	Aspects of work, work environment, plant or interactions/behaviours that may cause psychological or physical harm, including bullying and sexual harassment.
Psychosocial incident	A psychosocial incident is an unplanned or unintended event arising from work, study, or interpersonal interactions that result in, or has the potential to result in, psychological harm or a negative impact on a person's mental health and wellbeing.
Reasonable adjustment	A modification or measure made to ensure that a person with disability is able to participate on the same basis as others, in accordance with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Education 2005.
Respondent	A person or organizational unit against whom a complaint has been raised.
Sexual harassment	An unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature where a reasonable person in the circumstances would anticipate that the conduct would make a person feel offended, humiliated and / or intimidated. Acts of Sexual Harassment may also constitute Sexual Misconduct
Sexual misconduct	Any sexual act that a person does not consent to, including sexual assault, sexual assault by forced self-manipulation, sexual touching, sexual acts, voyeurism, recording or distributing a sexual image. The term Sexual Misconduct covers a range of unwanted sexual behaviours.
Staff	Any person engaged by NIDA to perform work or services, whether on a continuing, fixed-term, or casual basis, and includes academic staff, professional staff, sessional staff, and any other individual engaged as an employee or contractor.
Student feedback	Comments, opinions or suggestions provided by students about their learning experiences, courses, teaching or NIDA services with the aim of contributing to continuous improvement. Feedback can be positive, neutral, or constructive and is typically provided through channels such as surveys, focus groups, class discussions or informal conversations.
Victimisation	Any form of unreasonable detriment directed at a person for their participation in or deemed participation in making, supporting, or resolving a grievance.

Vocational education and training course	A Certificate or Diploma qualification.
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8. RELATED DOCUMENTS

Supporting Procedures and Forms	- TBC
Associated Policies	- Academic Integrity and Plagiarism Policy - Anti-Discrimination, Harassment and Bullying Policy - Assessment Policy - Attendance Policy - Credit Transfer and Recognition of Prior Learning Policy - Course Completion and Awards Policy - Course Regulations - Deferral, Suspension, Withdrawal and Cancellation Policy (Domestic Students) - Deferral, Suspension and Cancellation of Study Policy (International Students) - Equity, Inclusion and Diversity Policy - Fitness to Study Policy - Industry Placement Policy - International Student Transfer Policy - Sexual Misconduct and Gender-Based Violence Prevention and Response Policy - Student Code of Conduct - Student Misconduct Policy - Student Support and Academic Intervention Policy - Work, Health and Safety and Wellbeing Policy
Related Legislation	- Education Services for Overseas Students Act 2000 - Higher Education Standards Framework (Threshold Standards) 2021 - Higher Education Support Act 2003 - National Code of Practice for Providers of Education and Training to Overseas Students 2018 - National Vocational Education and Training Regulator (Outcome Standards for Training Organisations) Instrument 2025 - Statement of Regulatory Expectations: Student grievance and complaint mechanisms (TEQSA)

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- Work Health and Safety Act 2011 (NSW)
 - Work Health and Safety Regulation 2025
 - NSW Code of Practice: Managing psychosocial hazards at work
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9. CHANGE HISTORY

Date	Change description	Reason for change	Author	Version
July 2026	Update to confidentiality requirements and clarification of complaint pathways.	Finalisation of procedures	Head of Quality and Compliance	2.0
February 2026	Replacement policy for the Academic Complaints and Appeals Policy and Non-Academic Complaints and Appeals Policy	Improve clarity and ensure alignment with legislative requirements	Learning and Innovation	1.0
