Student Grievance and Complaint Policy

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Scope

1. This policy applies to all students who wish to raise a grievance or complaint about their experience with NTI, including but not limited to unfair treatment, discrimination, harassment, sexual harassment or sexual assault, suspected foreign state-linked coercion, privacy breaches, victimisation, vilification, bullying, or any other matter that adversely affects them. This policy also applies to international students who wish to make a complaint about an NTI education agent.

   Note: If your complaint relates to sexual harassment or sexual assault, you may prefer not to make a formal complaint at this time. NTI understands this, and you can choose to disclose or seek support first under the Prevention of Sexual Assault and Sexual Harassment Policy, which offers confidential, trauma-informed and self-paced options, including the Incident Form and support through the Director – Student Services. You can decide whether and when to make a formal complaint under this policy.

2. This policy does not apply to appeals against grades or academic judgments, or to misconduct allegations or misconduct appeals. These matters are managed under the Student Academic Consideration Policy, the Assessment Policy, and Student Academic Integrity and Academic Misconduct Policy.
3. This policy cannot be used for a concern or complaint where there already exists a separate Nan Tien Institute (NTI) review, appeal or complaint procedure. See attached document.

   Note: If you are unsure whether your situation falls under this policy, contact the Student Services Office. They will help you find the right process.

4. An NTI student who undertakes cross-institutional study at another education provider is considered a student of the host institution for matters directly relating to their studies at that host institution.
5. This policy and procedures do not remove the right of students to take action under Australia's consumer protection laws (including the ESOS Act 2000) nor do they replace or modify procedures or any other responsibilities which may arise under Australian law.
6. Where a matter is already under investigation by the Police or other external agencies such as NSW Anti-Discrimination Board, Australian Human Rights Commission, the NSW Ombudsman or the National Student Ombudsman, NTI may cease or not commence action under this policy until those external investigations have concluded. Access to pastoral care and counselling support continues regardless of whether the complaint process itself is paused.

Definitions

Bullying	When an individual or a group of individuals repeatedly behaves unreasonably towards a person or group of people and that behaviour creates a risk to health and safety.
Complaint	A statement of dissatisfaction made by a student about the educational environment or learning experience under the direct control of NTI where a response or resolution is explicitly or implicitly expected or legally required.
Complainant	A student who has lodged a grievance or complaint.
Discrimination	When someone is treated unfairly because they belong to a particular group of people or have a particular characteristic (for example gender, pregnancy, colour, ethnicity, descent, disability, sexual preference, religion, carer's responsibilities, marital status, social background, political beliefs, professional association activity, irrelevant criminal record or age). Indirect discrimination occurs when there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups – unless the requirement is reasonable in the circumstances.
Education agent	A person or organisation who recruits international students and refers them to education providers in Australia. For the purposes of this policy, an education agent is a person or organisation who has an agreement with NTI and is listed on NTI website.
Frivolous	A complaint that is deemed to be groundless and trivial.
Foreign state-linked coercion	Conduct that is reasonably suspected to be carried out by, at the direction of, in collaboration with, or on behalf of a foreign state actor, and acts to influence, silence, control or punish a student in relation to their intellectual inquiry, political or civic expression, associations, identity, travel, online activity, or engagement with the NTI.
Grievance	Concerns or complaints about unfair treatment, discrimination, harassment, sexual harassment and sexual assault, privacy breaches, suspected foreign state-linked coercion, victimisation, vilification and/or bullying, which are not otherwise managed under a separate policy, resolution or complaint procedure.
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
Investigator	A person with the authority to investigate grievances.
Mediation	A process that facilitates dispute reolution in which someone who has professional mediation skills helps the aggrieved parties reach a joint agreement that suits everyone concerned. The mediator is neutral, does not influence the outcome and helps parties to consider all possible solutions.
Privacy breach	A privacy breach occurs when there is unauthorised access to or collection, use or disclosure, loss or disposal of personal information held by NTI (or a third party on behalf of NTI) in contravention of the Privacy and Personal Information Protection Act 1998.
Respondent	The person whose action or behaviour is complained about in a grievance.
Sexual assault and Sexual harassment	Please refer to the NTI Prevention of Sexual Assault and Sexual Harassment Policy for a definition.
Unlawful	Any action related to matters prohibited by law.
Vexatious	An action or the action of a person that is brought forward without sufficient grounds purely to cause annoyance, harm or embarrassment to another person or persons.
Victimisation	Less favourable treatment of a person or a group of people for their participation in making, supporting or resolving a complaint of discrimination, harassment or

	vilification, whether the participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.
Vilification	Vilification is generally any act that: a) happens publicly as opposed to privately; and b) could incite others to hate, have serious contempt of, or have severe ridicule of a person or a group of people, because of their race, colour, nationality, descent, ethno-religious or national origin, sexual orientation or gender identity.

Policy Statement

7. NTI is committed to providing a safe, harmonious, supportive and productive environment for its students. NTI has a duty of care to students to resolve grievances and complaints promptly and with minimum distress. NTI has a legal responsibility to resolve equity-related grievances alleging unlawful behaviour.

GENERAL PRINCIPLES

8. It is NTI's objective to achieve a resolution of a complaint or grievance in the context of the following principles:
   a) grievances will be handled within an appropriate time frame and will be treated sensitively and impartially, having due regard to procedural fairness;
   b) resolution of the grievance will be as close as possible to the source of the complaint unless it is serious, unlawful or not practical;
   c) it is expected that all parties involved will approach proceedings with a desire to resolve the grievance cooperatively and in good faith;
   d) individuals will not victimise or harass other parties involved in the matter;
   e) appropriate confidentiality will be observed by all participants and at all stages of the grievance procedure in line with clause 53; and
   f) conflicts of interest will be declared and managed appropriately to ensure impartiality.
   g) complainants and respondents will be informed of the outcome where appropriate.
9. NTI may set limits on its handling of a complaint or grievance or discontinue any process, where a student's conduct, because of its nature or frequency, raises substantial health, safety, resource or equity issues or where the complaint is frivolous, vexatious or lacking in substance. In assessing this, NTI will consider the student's circumstances, the merit of the issues raised, and proportionality.
10. A student making a complaint or grievance is asked to share what information they can at the time of lodging. It is understood that further detail may emerge and can be provided progressively as the process continues. Any new information will be assessed with the same scrutiny as the original complaint, and the respondent will have the opportunity to respond to it.
11. Incidents that are sexual in nature can alternatively be disclosed through the process set out in the NTI Prevention of Sexual Assault and Sexual Harassment Policy, which provides a dedicated and trauma informed reporting pathway.

PRINCIPLES OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE

12. NTI recognises that students have the legal and ethical right to:
   a) raise any concern or complaint related to unfair treatment, discrimination, harassment, sexual harassment and sexual assault, vilification, bullying and other such issues;
   b) have that concern, problem, complaint or grievance dealt with confidentially, fairly, effectively and within an appropriate time frame.
13. All students have a right to a support person during any stage of the grievance process. This may include a family member, friend, colleague, legal adviser, medical practitioner, counsellor or psychologist, mentor,

spiritual guide, or student representative, and for Aboriginal and Torres Strait Islander students, an Elder or trusted community member of their choice. The support person may be internal or external to NTI.

14. A student whose capacity for self-advocacy is impaired because of disability has the right to an advocate of their choice to represent them during the grievance process.
15. All relevant evidence must be considered, and matters that are not relevant will not be considered.
16. Investigators will observe the rules of natural justice in any action taken in relation to a complaint – this includes:
    a) informing all parties of the procedure being followed and providing them with information about relevant policies and procedures;
    b) explaining to the complainant with appropriate care and an opportunity to ask questions, that the requirements of procedural fairness mean that their identity may be disclosed to the respondent;
    c) informing the respondent of any allegation made against them and allowing time for a response;
    d) providing the respondent with the opportunity to state their case, provide an explanation or put forward a defence;
    e) conducting a factual investigation of the allegation, interviewing all parties and considering all relevant information; and
    f) acting fairly, impartially and without bias by considering all relevant information and any mitigating factors.

CONFLICT OF INTEREST

17. Where it can be demonstrated that there is a conflict of interest or there may be a potential perceived conflict of interest:
    a) an investigator will refer the matter immediately to an alternative investigator or escalate to the next level of management;
    b) a complainant or respondent may request an alternative investigator.

Systems and Procedures

GRIEVANCE PROCEDURE

18. Any NTI student may bring a complaint or grievance about an action or a decision relating to their studies at NTI and falling within the scope of this policy. The policy provides three (3) stages to address grievances:
    a) informal discussion
    b) formal grievance
    c) external review
19. The initial step to resolve a complaint or grievance through informal discussion should be commenced by the complainant within twenty (20) business days of the action, incident or event which caused the grievance.
20. A formal grievance must be lodged within forty (40) business days of the action, incident or event which caused the grievance. Where a formal grievance follows an earlier disclosure made under the NTI Prevention of Sexual Assault and Sexual Harassment Policy, this timeframe runs from the date of disclosure or formal report, not from the date of the original incident.
21. Where a student does not meet the deadline for initiating an informal discussion or lodging a formal grievance, the NTI President may waive the notification deadline. Reasons for delay may include the impact of trauma on a person's readiness to disclose, and are not limited to circumstances requiring extensive written justification.
22. If a student submits a complaint or grievance anonymously, NTI may be limited in the actions it can take to resolve the grievance on an individual basis. Anonymous reports are still valued, including for identifying patterns that may need addressing. Students are welcome to share contact details at any time if and when

they feel able to.

23. A complainant may, at any time in the process, declare that the complaint or grievance is withdrawn. Such a declaration must be made in writing, even in the informal stage. It is not mandatory for a complainant to provide any reason for the withdrawal of a grievance.

Informal Discussion

24. This first stage is intended to provide an opportunity for complaints or grievances to be resolved quickly at the source, with the fewest number of people involved, and to avoid the grievance escalating in scope and impact.
25. If the complainant feels safe and comfortable doing so, they should contact the person responsible for the decision, action or behaviour that has given rise to the complaint or grievance with details about the grievance. Should they feel uncomfortable contacting the person whose behaviour, action or decision caused the grievance, they may wish to contact any NTI staff member and attempt to resolve the complaint or grievance informally.
26. Should the grievance relate to discrimination, bullying, privacy breaches, harassment, suspected foreign state-linked coercion, victimisation or vilification by an NTI staff member or student, the complainant should proceed straight to the formal grievance process (clause 28). Regarding matters of a sexual nature, including sexual harassment and sexual assault, please see the process set out in the NTI Prevention of Sexual Assault and Sexual Harassment Policy.
27. Staff members dealing with an informal complaint will:
    a) have adequate training in complaints handling and trauma-informed practice;
    b) listen and understand the nature of the complaint and desired outcome;
    c) explore all the options and possible implications for resolving the issues with the complainant;
    d) avoid behaviour that might be misinterpreted;
    e) look for a resolution;
    f) refer the matter immediately to an alternative NTI staff member if there is conflict of interest, as defined above.

Formal Grievance

28. If the informal discussion does not resolve the grievance, the complainant will lodge a formal written grievance with the NTI President via the NTI Grievance and Complaints Portal found on our website. NTI will acknowledge receipt of a formal grievance within three (3) working days. This acknowledgment will confirm the grievance has been received and outline what happens next, ahead of the substantive investigation timeframes set out below.
29. Complainants who are unsure how to proceed may seek assistance and advice through the Student Services Office.
30. Any formal grievance must contain the details of the incident/issue that the grievance relates to and the desired outcome sought by the complainant, where known. Student Services staff can assist a complainant to think through what outcome they are seeking if this isn't yet clear.
31. NTI's President might investigate the grievance or might delegate this task to another suitable NTI staff member or might appoint a committee for the assessment and investigation of the grievance. The minimisation of complaint transfers, confidentiality, and conflicts of interests will all be considered in this decision.
32. Whoever investigates the grievance, in addition to the steps outlined above under informal procedure, will also:
    a) seek and examine all documents and information relevant to the grievance;
    b) provide the respondent with a copy of any written complaint or list of issues to be answered by the respondent;
    c) interview parties relevant to the grievance;

d) evaluate the information and findings;
e) apply the correct standard of proof (i.e. balance of probabilities);
f) seek relevant documentation; and
g) record and document all matters relating to the grievance.

33. Where necessary to protect a person's safety while an investigation is ongoing, the NTI President or Academic Dean, may, after considering the relevant circumstances, put in place short-term measures such as a no-contact direction between the parties and measures to address any potential classroom repercussions, particularly where a student's attendance requirements mean they cannot avoid contact.If NTI's President is not the person investigating the complaint, the delegated person or delegated committee will provide a detailed report to NTI President setting out evidence, facts and mitigating circumstances.
34. NTI's President will then make a decision as to the appropriate course of action. The complainant will be notified first, followed by the respondent on the same day where possible, with both given a written statement of the outcome, including reasons for the decision.

Appropriate Timeframes for an Investigation

35. The investigator(s) will commence the investigation within ten (10) working days of the complaint or grievance being lodged.
36. At the outset of the investigation, the investigator(s) will determine likely timeframes and inform both the complainant and the respondent. The investigator(s) will also provide proactive progress updates to both parties at agreed intervals (for example, fortnightly), rather than only, when something changes.
37. If any variation to the timeframe is necessary during the course of investigating the grievance, the investigator(s) will inform both the complainant and the respondent.
38. Every effort will be made to handle and resolve grievances as quickly as possible. It would normally be realistic to resolve a grievance within 45 business days (approximately nine weeks). Grievances of greater complexity might take longer.

External Review

39. There are a number of avenues that may be followed by a student (whether this be the complainant or the respondent) who believes that a complaint has not been satisfactorily resolved within NTI.
40. NTI will advise students involved in a complaint or grievance of their right to access the external review process.
41. If a student chooses to access the external review processes in accordance with this policy, NTI will maintain the student's enrolment while the complaint and review process is ongoing.
42. If the external complaint handling or appeal process results in a decision that supports the complainant or the respondent, NTI will immediately implement any decision and/or corrective and preventative action required.
43. External agencies may include:
    a) National Student Ombudsman
    b) Fair Trading, New South Wales
    c) Australian Human Rights Commission
    d) Privacy Commissioner
    e) NSW Ombudsman
    f) NSW Anti-Discrimination Board
    g) TEQSA
    h) Police
44. External review may involve engaging a lawyer and/or lodging court proceedings. A student is free to exercise both of these options but does so at their own cost and risk.

GRIEVANCE OUTCOMES

45. Once the investigation has been conducted, appropriate resolutions to the grievance will be considered, having regard to what the complainant is seeking.
46. A complainant will not be disadvantaged simply by virtue of having made a complaint or grievance.
47. If any allegations have been made and are substantiated, appropriate outcomes might include:
    a) a requirement that the complainant receives an apology and/or the issue complained of is addressed or the behaviour modified;
    b) remedial action (e.g. correction of records);
    c) a requirement that the respondent undertake training or development;
    d) measures to address any potential workplace or classroom repercussions;
    e) mediation by a mutually accepted third party; where this is safe to do and both parties agree to participate;
    f) counselling with a trained professional for the complainant and/or respondent;
    g) establishing a monitoring period to assess the progress of the strategies undertaken;
    h) disciplinary action.
48. If the allegations are not substantiated, appropriate outcomes might include:
    a) the complainant is provided with feedback to help them understand the outcome and how their concerns were considered.
    b) Measures to support the complainant's and respondent's ability to continue their study or work together, such as facilitation or mediation by a trained professional, where this is safe to do and both parties agree to participate.
49. If the allegations cannot be proved or disproved, appropriate outcomes might include:
    a) advice to both parties that no further action is required;
    b) training and development for both parties;
    c) measures to support the complainant's and respondent's ability to continue their study or work together, such as facilitation or mediation by a trained professional, where this is safe to do and both parties agree to participate;
    d) negotiation of "behaviour arrangements" setting out how the parties will, or will not, behave towards each other in the future and what will happen if this does not occur;
    e) establishing a monitoring period to assess the progress of the strategies undertaken.
50. Students will be given the opportunity to provide feedback on the complaints process
51. During the investigation, if systemic issues are identified which involve NTI policies, requirements or practices, the grievance outcomes can include recommendations to address these issues. These recommendations will be appropriately submitted to NTI Planning and Review Committee (PRC) or NTI Education Committee.
52. De-identified complaints data are analysed biannually and reported to the NTI Academic Board to identify trends, root causes, and to inform improvements and risk responses.

REQUIREMENTS OF CONFIDENTIALITY

53. Maintaining appropriate confidentiality helps assure complainants they will not be exposed to public criticism or reprisal for making a complaint, and supports procedural fairness for everyone involved. It can also reduce the risk of the matter being complicated by gossip or rumour. The extent of confidentiality required will be proportionate to the nature and sensitivity of the matter.
54. Investigators of a complaint or grievance must comply with NTI's Privacy Policy and inform all parties of their responsibilities in relation to confidentiality:
    a) Complainants – confidentiality applies to the details of the investigation process itself, not to your own experience, you are always free to talk about what happened to you. You can discuss the complaint and the process with your support person, investigators, a counsellor or health professional (internal or external), a legal adviser, and external bodies including the National Student Ombudsman, TEQSA, or

the Australian Human Rights Commission, at any time. Confidentiality obligations relating to the process end once the matter is finalised.

b) Respondents – confidentiality applies to the details of the investigation process itself. You can discuss the complaint and the process with your support person, investigators, a counsellor or health professional (internal or external), and a legal adviser, at any time. Confidentiality obligations relating to the process end once the matter is finalised.

c) Investigators – should obtain the consent of the complainant before disclosing their identity to others, with the exception of the respondent, unless NTI's duty of care or other obligations may be compromised if action is not taken. Investigators may discuss the matter in the context of getting advice from related parties.

d) Staff with supervisory responsibility – should take steps to manage situations where confidentiality has been breached.

RECORD KEEPING

55. Records and documents created in the course of investigating a grievance, as well as the outcome of the investigation, will be stored in the Grievance Register for a period of at least seven (7) years.
56. No records relating to a grievance will be stored in students' personal files.
57. All parties involved in the grievance are obliged to keep records and documents in line with preserving confidentiality and respecting privacy in accordance with this policy, NTI Code of Conduct, NTI Privacy Policy and other relevant privacy legislation.

Legislation and Regulation

Anti-Discrimination Act, 1977 (NSW)
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Education Services for Overseas Students (ESOS) 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 Higher Education Code to Prevent and Respond to Gender-based Violence 2025

Contacts

NTI President	info@nantien.edu.au
Admissions / Student Services Office	enquiry@nantien.edu.au
	(02) 4258 0740
Director, Student Services	enquiry@nantien.edu.au
	(02) 4258 0741
National Student Ombudsman	www.nso.gov.au 1300 395 775
Fair Trading, New South Wales	www.fairtrading.nsw.gov.au
Australian Human Rights Commissioner	www.humanrights.gov.au

Privacy Commissioner	www.oaic.gov.au
Commonwealth Ombudsman	www.ombudsman.gov.au
TEQSA (Tertiary Education quality and Standards Agency)	www.teqsa.gov.au
NSW Anti-Discrimination Board	www.antidiscrimination.justice.nsw.gov.au
Police	000
NTI LifeWorks Counselling Support	1300 361 008
National Sexual Assault, Domestic and Family Violence Counselling Service (1800RESPECT)	www.1800respect.org.au 1800 737 732
Lifeline	13 11 14
QLife (LGBTIQA+)	1800 184 527
Beyond Blue	1300 224 636
13YARN (Aboriginal and Torres Strait Islander crisis support)	13 92 76