

Academic Manual - Procedures

A5-P3 Student Concerns and Complaints

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1. Introduction

- 1.1 These procedures:
- a) give effect to *T2 The Learning Environment* and *T3 Evaluation and Improvement*
 - b) address concerns and complaints from students involving staff, other students and institution processes, not covered by other procedures (add link to relevant student facing procedures)
 - c) address complaints related to the [Harmful Digital Communications Act 2015](#)
- 1.2 Feedback to which students do not expect a response or redress is covered under *A1-P2 Student Surveys*.
- 1.3 In the context of these procedures the following definitions apply:
- a) Concern - Matter best resolved by direct or informal contact with the person/people involved
 - b) Complaint - Notification received in writing of a situation where the complainant considers that they have been directly or significantly adversely impacted; requires a formal process of resolution

2. Principles for concerns and complaints

- 2.1 Students follow relevant institution procedures in the first instance. If the outcome of the procedure is unsatisfactory, students refer to NZQA's 'complaint about a provider' page for further options.
- 2.2 Information about how the institution welcomes and manages feedback and complaints is widely available in different formats.

- 2.3 Complaints about a harmful digital communication are managed under section 5 Harmful Digital Communications Complaint, in compliance with section 24 of the Harmful Digital Communications Act 2015 (HDCA).
- 2.4 All parties are treated fairly and in accordance with the principles of natural justice.
- 2.5 Concerns are resolved informally at the lowest possible level and with those directly involved wherever possible.
- 2.6 Concerns and complaints are resolved as quickly as possible.
- 2.7 Students have the right to seek independent advice.
- 2.8 Personal information related to concerns or complaints is confidential and is only disclosed to those directly involved on a "need to know" basis.
- 2.9 The respondent is given all relevant information regarding a complaint, an opportunity to prepare and present evidence, and to respond to the information provided.
- 2.10 All parties may use a support person during the process.
- 2.11 All parties to the complaint are kept fully informed of their rights and obligations under this process and of the progress of the complaint.

3. Concerns

- 3.1 Students are strongly encouraged to discuss their concerns directly with the relevant staff member or student.
- 3.2 Students may seek advice from support staff, including Māori, Pacific or International student support or a student advocacy service. The institution's contracted counselling services are also available. These people can provide information and support in the resolution process.
- 3.3 When a student approaches a staff member with a concern, the staff member:
 - a. responds in an open and professional manner
 - b. clarifies the outcome the student is seeking
 - c. takes steps to have the concern resolved as quickly as possible
 - d. communicates the outcome to the student
- 3.4 If the concern is not resolved, the student or staff member, with the student's consent, may raise it with a relevant manager who follows the steps in 3.3 above.
- 3.5 Students are advised of the complaints procedures and may escalate their concern to a complaint if the concern is not satisfactorily resolved.

4. Complaints

Where the Concerns process above has not been effective in resolving a concern, or where a student chooses to make a complaint in the first instance, the process below is followed.

- 4.1 Students are encouraged to seek independent advice and advocacy; this may be from academic and support staff, which may include Māori, Pacific or International student support or a student advocacy service. The institution's contracted counselling services are also available. These people can provide information and support in the resolution process.

- 4.2 Students submit their complaint in writing (online *Complaint* form may be used) including the following:
 - a) name and contact details
 - b) programme or course
 - c) description of issue
 - d) supporting evidence
 - e) details of attempt/s, if any, to resolve the concern informally
 - f) preferred outcome
 - g) signature and date of signing, or submitted using the student's registered email address
- 4.3 The institution reserves the right not to proceed with a complaint:
 - a) which is anonymous or based on hearsay
 - b) which is made more than ninety (90) days after the alleged incident/issue
 - c) where no response is received from the complainant within ninety (90) days of the institution communicating with the complainant
- 4.4 Complaints are submitted via the complaints administrator (where there is one, or directly) to one of the following (hereafter called 'the manager'):
 - a) Relevant Dean of Faculty/Head of School/Service Manager – for complaint about a student, staff member or institution process
 - b) Relevant Director Teaching and Learning – for complaint about a Dean of Faculty/Head of School
 - c) Relevant Director for a complaint about a Service Manager
 - d) Chief Executive – for a complaint about a Director
 - e) Chair of Council – for complaint about the Chief Executive
- 4.5 Where there is a conflict of interest, the manager refers the complaint to their manager.
- 4.6 The manager creates an entry on the centralised complaints register and updates the details of the complaint as it is worked through.
- 4.7 The manager, within two (2) working days of receiving the complaint:
 - a) if it is a complaint against a staff member's behaviour, transfers to the relevant HR policy and procedures
 - b) takes ownership of the complaint, or refers it to another relevant manager, or delegates management of the complaint where appropriate
 - c) acknowledges in writing the receipt of the complaint and, if it has been referred, identifies the manager concerned
 - d) informs International if any of the parties are international students
 - e) ensures all parties involved have access to a copy of these Procedures
 - f) notifies their manager.
- 4.8 The manager interviews the parties to the complaint within 20 working days of receipt of the complaint. The parties may be interviewed separately or together, as appropriate. Any of the parties may bring a support person to the interview or meeting.
- 4.9 All parties invited to a meeting/interview are notified of the date, location and names of attendees. They are encouraged to bring a support person to the meeting.
- 4.10 Where all parties agree, a third party may provide formal mediation.
- 4.11 Within five (5) working days of the meeting/s and after consideration of other evidence, the manager makes a decision to uphold or not uphold the complaint.

- 4.12 The manager submits the decision in writing to their manager for approval before sending it to all parties, so that the student receives the decision within 30 working days of the institution having received the complaint.
- 4.13 Where an extension of time is needed the student is kept informed.

5. Harmful Digital Communications Complaint

- 5.1 The process in Section 24 of the [Harmful Digital Communications Act 2015](#) is followed.
- 5.2 Hosts ensure institution approved Terms and Conditions are accessible for all forum users.
- 5.3 An online advisory statement linked to the forum provides information that enables students to make complaints under the HDCA.
- 5.4 Complaints received with insufficient information are returned to the complainant with a request to provide required information.
- 5.5 A student making a HDC complaint is offered guidance regarding how to seek support, including Māori, Pacific or International student support, a student advocacy service or independent advice.
- 5.6 If a complainant agrees to their personal details being given to the author of the content, and author requests them following notice of the complaint the host will seek express permission in writing to release personal information that identifies the complainant.
- 5.7 Staff members with an institutional online presence are given guidance on how to respond to HDC complaints.

6. Decision not to Proceed

- 6.1 The manager, given responsibility for investigating the complaint, may decide to take no further action on the complaint if, in their judgment, the complaint does not warrant it.
- 6.2 The manager submits their decision and the rationale for making it, in writing, to their manager for approval before sending it to the student within five (5) working days of the institution having received the complaint.
- 6.3 Where a decision is made not to proceed an alternative course of action may be recommended.
- 6.4 The manager closes the complaint on the centralised complaints register.

7. Decision to Uphold Complaint

- 7.1 If the complaint is upheld, the manager decides, as appropriate, a response and may recommend changes to documented processes or programmes. If appropriate, a proposed outcome may be discussed with the complainant.
- 7.2 Where an outcome is agreed a plan is put in place to monitor the situation to ensure required improvements are implemented.
- 7.3 The manager closes the complaint on the centralised complaints register.

8. Reporting

- 8.1 A summary report, including resulting improvements, is compiled from the centralised complaints register for annual reporting to Council.

9. Appeal

- 9.1 A student may appeal within ten (10) working days of notification of the decision arising from the complaint.
- 9.2 The *Appeals Procedures* are followed.
- 9.3 Grounds for appeal are that procedure has not been followed or the presentation of new material.