

Students' Complaints and Discipline Procedures

PURPOSE

This document sets out the procedures for handling complaints from students about other students, actions of staff members or concerns with their course, and disciplinary actions associated with breaches of the Student Code of Conduct. It covers academic misconduct, misconduct with regards to computers and ICT and behaviours that breach the Student Code of Conduct.

PRINCIPLES

These procedures are governed by the following principles:

1. **Transparency** – students have a right to full information concerning their rights and responsibilities and the avenues available to them to raise a complaint. Toi Ohomai will provide information to students on the avenues available to them to have their concerns or complaints addressed.
2. **Advocacy** – at all steps in any complaint or disciplinary process students are encouraged to discuss matters with Toi Ohomai staff, support people or independent advocates.
3. **Natural justice** – Toi Ohomai will uphold the principles of natural justice, ensuring that any complaint or breach of the Student Code of Conduct is fully investigated, including giving all parties involved the right to be heard and the right to respond prior to a recommendation being reached. Natural justice ensures that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case and a fair opportunity to answer it. The mere fact that a decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice.

APPLICATION

These procedure apply to handling any concerns or complaints raised by staff, students or their advocates and to any suspected breaches of the Student Code of Conduct.

PROCEDURES

1. Information for students

- 1.1 Students will be advised of the institution's complaints process and the contact details for the Ombudsman and NZQA through information on the Toi Ohomai website and in the Student Guide.

2. Raising a concern or making a complaint

- 2.1 Anyone wishing to raise a concern or make a complaint should, in the first instance seek help or support from friends, family, another student, student advocates, tutors or other Toi Ohomai staff to clearly define the problem and seek ways to resolve it. Clearly defining the problem means to be specific when describing the issue, including the date/s that the problem occurred, and what was said or done that gave rise to the problem.
- 2.2 Once the problem is clearly defined, and before any formal written complaint is made, students are encouraged to discuss the issue with the staff member most directly associated with the matter, or if the complaint is against a staff member, then with that staff member's line manager to see if a resolution can be agreed. If agreement is reached at this point, the complaint is considered resolved and the process will be completed.
- 2.3 If the complaint is unable to be resolved at this stage or the student is not satisfied with the outcome, the student may either raise the matter with the Head of Department/Group Leader who will work with them to find a resolution. If agreement is reached at this point, the complaint is considered resolved and the process will be completed. If the resolution suggests changes to institution policy or practice this must be reported to one of the institution's directors.
- 2.4 Failing a satisfactory resolution, the student (or support person(s)) should make a formal complaint in writing to the Complaints Officer. A Complaints Form is available to assist with this.
- 2.5 All written complaints will be acknowledged in writing within five (5) working days, including an estimated timeframe for response to the complaint.
- 2.6 The Complaints Officer will provide the written complaint to the Head of School/Faculty Dean/Manager. If the complainant prefers not to address the complaint through the Head of School/Faculty Dean/Manager it may be addressed directly to the Complaints Officer or to the Academic Director/Director of Teaching, Quality and Student Experience.

3. Investigation

- 3.1 All complaints investigations will uphold the principles of natural justice. This means that students will be notified of their rights and responsibilities and be fully informed of allegations made against them. In all cases, students will have the right to be heard, including the right to fully respond to allegations made against them.
- 3.2 The investigating party will interview each person involved in the matter separately including taking individual statements from each person involved. This will ensure that the issues are clearly defined and described as each person sees them where there is more than one party making a complaint. Responses must also be recorded individually, where there is more than one accused, as the response from one accused may well be different to that of another accused.
- 3.3 The investigating party must make a decision in relation to the complaint and must notify the decision to the affected parties, in writing, within 28 days of receiving the complaint. A copy of the letter must be provided to the Complaints Officer.

- 3.4 If the complaint involves an intuitional process or service, and if, in the opinion of the relevant Head of School/Faculty Dean/Manager, the complaint has substance, they must arrange for the relevant process or service to be reviewed, with a view to preventing a recurrence.
- 3.5 Complaints that indicate that the Student Code of Conduct has been breached will be handled as set out in section 4 below.

4. Handling breaches of the Student Code of Conduct

- 4.1 Any breaches of the Student Code of conduct, whether academic or behavioural, must be handled using the principles of natural justice. This means that students must be notified of their rights and responsibilities as a student when their enrolment is accepted and that students have a right to be warned of behaviour that is unacceptable and, where possible, have an opportunity to correct this behaviour.
- 4.2 Teaching staff are encouraged to introduce the Student Code of Conduct including academic, exam and ICT expectations (the Code), in the first week of teaching and work with the class to determine how these should apply to class conduct (class rules). This enables the Code to be interpreted, agreed and applied in a manner appropriate to the teaching and student group.
- 4.3 Except where the breach of the Code represents a risk to the immediate physical safety of other students, students should receive a verbal warning that the behaviour is unacceptable and be given an opportunity to explain the circumstances leading to the behaviour. Any repeat of the behaviour will result in the student receiving a written warning and/or notification that a disciplinary action will be initiated. Any further breaches will result in the initiation of the disciplinary process.
- 4.4 Where the breach is a criminal act and represents a risk to other students, immediate action must be taken to keep other students safe and the matter must be reported to the police. Any such breach will result in immediate initiation of the disciplinary process.
- 4.5 A decision to initiate a disciplinary process against a student must be notified to the Complaints Officer who will keep a formal record of circumstances and the investigation and any disciplinary action.
- 4.6 Where a disciplinary process is initiated, the student(s) involved will be notified, within 5 working days, in writing of the disciplinary process, the process used in investigating the breach, their right to get independent advice and support, and the possible outcomes of the process.
- 4.7 Where the breach is serious and poses a risk to other students, the student may be immediately suspended while the investigation is conducted.

5. Investigation and Academic Appeal/Disciplinary Committee meetings

- 5.1 Investigation of a breach of the Code will involve an independent party nominated by the Academic Director/Director Teaching, Quality and Student Experience interviewing affected parties and gathering relevant evidence. They will prepare a summary report of findings which will be presented to the Academic Director/Director Teaching, Quality and Student Experience.

- 5.2 The Academic Director/Director Teaching, Quality and Student Experience will review the evidence and determine whether there is a case to be heard. Where a case is found they will convene either a Disciplinary Committee or Academic Appeals Committee as set out in the Academic Committees Terms of Reference.
- 5.3 The Disciplinary Committee/Academic Appeals Committee will review the evidence, hear presentations from the affected parties (both students and staff) and then deliberate on the evidence available.
- 5.4 Following their deliberation, the Committee will determine the action they deem appropriate taking into account the severity of the breach and the risks posed to other students. This may include penalties as set out in Clause 7.0 of the Academic Regulations.
- 5.5 Where the Committee determines the student poses a risk to other students they will recommend immediate suspension or termination of enrolment. A student whose enrolment has been terminated may be trespassed from any/all of Toi Ohomai's campuses.

6. Appeals

- 6.1 A student who is unhappy with the outcome of the complaints resolution or disciplinary process may appeal the findings by writing to the CEO requesting an appeal of the decision, within 10 working days of their receipt of the notification of the outcome. The CEO will investigate the process used in arriving at the resolution to ensure that it has been fair and consistent with natural justice principles and that the outcome is appropriate. They will notify the appellant of their decision in relation to this investigation within 20 working days of receiving the appeal. Possible outcomes include upholding the decision, initiating a further investigation or approving an alternative action.
- 6.2 Students who are not satisfied with the CEO's decision may appeal it to the Tertiary Ombudsman.

7. Documentation and Records

- 7.1 The Complaints Officer will keep a register of all complaints and their resolution. He/she will follow up whenever necessary and bring the register to the notice of the Academic Director/ Director of Teaching, Quality and Student Experience, who will ensure that an analysis of complaints is made to identify potential improvement to procedures and systems and that all complaints are addressed within an appropriate period of time.
- 7.2 Documentation held relating to complaints comprises:
 - Complaints form
 - Record of intention to take disciplinary action
 - Acknowledgment of the complaint
 - Written reports of all meetings and discussions
 - Formal communication to the complainant/person being disciplined of the resolution.
- 7.3 Access to the Complaints Register will be limited to the Executive and the Tertiary Ombudsman.

LINKS TO POLICY AND FORMS

<u>Relevant Policy</u> Academic Regulations Sections 7.0 and 8.0 Student Code of Conduct Academic Committee Structures and terms of Reference
<u>Related forms</u> Complaints Form

DOCUMENT CONTROL

Responsibility:	
First point of contact:	
Approved:	