

# Procedure - Complaint Resolution

## PURPOSE

This procedure describes the process for resolving complaints from students about other students, actions of staff members or concerns with their course. This procedure also covers complaints received from the public about operational matters.

## PRINCIPLES

This procedure is governed by Principles of Kaupapa Māori and 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 fair, ethical and honest 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 decision 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.

## PROCEDURES

### 1. Information

- 1.1 Students will be advised of the institution's complaints process and [Tellus@toiohomai.ac.nz](mailto:Tellus@toiohomai.ac.nz) contact email, and the contact details for the Ombudsman and NZQA through information on the Toi Ohomai website, in the Student Guide and using other appropriate forms of communication to ensure student awareness.
- 1.2 Members of the public have access to the complaints policy, complaints form and Tell Us contact information on the Toi Ohomai website.

### 2. Concerns and complaints at Faculty level

- 2.1 A student 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, Student Pulse, tutors or other Toi Ohomai employees such as Toi Ohomai's Kaitiaki/Wahine 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. It also means giving the complainant the opportunity to state what they want / their ideal outcome, and for an initial assessment to be made whether this is a realistic solution.

- 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 employee most directly associated with the matter, or if the complaint is against an employee, then with that employee'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 raise the matter with the Faculty Leader/Group Manager who will work with them to find a resolution.
- 2.4 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.
- 2.5 If support is needed to resolve a complaint the complaint must be escalated to the Executive Dean: Teaching and Learning and notified to the Complaints Officer - Academic.
- 2.6 All complaints received in the Faculty must be documented and the record accessible to the Faculty Leader, Executive Dean: Teaching and Learning, and Executive Dean- Academic Development, Innovation and Research.

### **3.0 Concerns and complaints from members of the public**

- 3.1 Where these come through the formal complaints process, those procedures will be followed.
- 3.2 Complaints received by employees on the telephone or face to face at an information centre will be:
  - Listened to
  - Documented and submitted through the Tell Us email address
- 3.3 The complainant will be advised of the complaints process that will be followed .
- 3.4 A decision will be made by the Complaints Officers whether this is Academic in nature or services related (vehicles, facilities, smoking etc).
- 3.5 Service related complaints will be forwarded to the Head of Facilities for investigation, action and feedback to the Complaints Officer – Services.
- 3.6 Academic Related complaints will follow the steps from 4.3 on.

### **4.0 Formal academic related complaints**

- 4.1 Failing a satisfactory resolution at Faculty level, the student (or support person) should make a formal complaint in writing to the Complaints Officer.
  - The Registration of Complaint Form is available to assist with this and asks for the nature and details of the complaint and the resolution requested by the complainant
  - Complaints should be submitted via the [tellus@toiohoma.ac.nz](mailto:tellus@toiohoma.ac.nz) email address.
- 4.2 All written complaints will be acknowledged in writing within five (5) working days, and will include an estimated timeframe for response to the complaint.

- 4.3 The Complaints Officer will send the written complaint to the Faculty Leader/ Department Head for investigation and resolution.

## **5. Faculty/Department Investigation**

- 5.1 All complaints investigations will uphold the principles of natural justice. This means that students or employees will be notified of their rights and responsibilities and be fully informed of allegations made against them. In all cases, students/employees will have the right to be heard, including the right to fully respond to allegations made against them.
- 5.2 The Faculty Leader/Department Head will consider the complaint and appoint an appropriate person to investigate the complaint using the Complaints Investigation Procedure.
- 5.3 The investigator will interview each person involved in the matter separately. This will ensure that the issues are clearly defined and described as each person sees them where there is more than one person making a complaint or the subject of the complaint. Responses must be recorded individually where there is more than one person as the subject of the complaint, as the response from one respondent may well be different to that of another respondent.
- 5.4 In some instances, a neutral person can be useful to attend the interviews in 5.3 both to listen and to record the interview notes.
- 5.5 The investigator must make a decision in relation to the complaint and must notify the decision to the affected parties, in writing, preferably within 20 working days of receiving the complaint. A copy of the letter must be provided to the Complaints Officer.
- 5.6 If the complaint involves an institutional process or service, and if, in the opinion of the relevant Faculty Leader/Department Head, the complaint has substance, they must arrange for the relevant process or service to be reviewed, with a view to preventing a recurrence.
- 5.7 Complaints that indicate that the Student Code of Conduct has been breached will be handled as described in the Student Discipline Procedure.
- 5.8 Complaints that indicate the Staff Code of Conduct has been breached will be referred to People Engagement and Capability.

## **6 Appeal**

- 6.1 A student or member of the public who is unhappy with the outcome of the complaints resolution process may appeal the findings by writing to the Chief Executive (CE) requesting an appeal of the decision, within 10 working days of their receipt of the notification of the outcome.
- 6.2 The CE 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 ten (10) working days of receiving the appeal. Possible outcomes include upholding the decision, initiating a further investigation or approving an alternative action.
- 6.3 Students who are not satisfied with the CE's decision may appeal it to the Tertiary Ombudsman or to NZQA.

## 7 Documentation and Records

- 7.1 Faculty Leaders will maintain a record of all Faculty based concerns and complaints, the investigation notes, and their resolution. This record will be open to review by the Executive Dean: Teaching and Learning and the Executive Dean – Academic Development, Innovation and Research.
- 7.2 The Complaints Officer will keep a register of all formal complaints and their resolution. They will follow up whenever necessary and bring the register to the notice of the Executive Dean: Teaching and Learning, 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.
- 7.3 A summary of complaints both Faculty based and through the formal [tellus@toiohomai.ac.nz](mailto:tellus@toiohomai.ac.nz) email is reported to Academic Board twice a year and noted to Council in the Academic Board summary.
- 7.4. Documentation held relating to complaints comprises :
- Registration of Complaint form
  - Acknowledgment of the complaint
  - Reports of investigations
  - Record of intention to take disciplinary action
  - Written records of all meetings and discussions
  - Formal communication to the complainant and/or person being disciplined of the resolution.
- 7.5 Access to the Complaints Register will be limited to the Complaints Officer, Executive and the Tertiary Ombudsman.

### LINKS TO POLICY AND FORMS

<p><u>Relevant Policy</u></p> <p>Academic Regulations Sections 7.0 and 8.0</p> <p>Student Code of Conduct</p> <p>Academic Committee Terms of Reference</p>
<p><u>Related forms</u></p> <ul style="list-style-type: none"> <li>• Registration of Complaint</li> </ul> <p><u>Process flows</u></p> <ul style="list-style-type: none"> <li>• <u>Concerns and complaints – Faculty based</u></li> <li>• <u>Formal complaints – Academic</u></li> <li>• <u>Formal complaints – Vehicles, facilities, smoking</u></li> <li>• <u>Student discipline</u></li> <li>• <u>Academic Appeals</u></li> </ul> <p>Procedures</p> <ul style="list-style-type: none"> <li>• Complaints investigation</li> <li>• Student discipline</li> <li>• Academic Appeals</li> </ul>

## DOCUMENT CONTROL

Responsibility:	Executive Dean: Teaching and Learning
First point of contact:	<a href="#">Complaints Officers</a>
Approved:	LQSC19/011