

Student Concerns and Complaints Policy and Procedure

Controlled Document – refer to Intranet for latest version

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Responsibility:	Executive Director Quality & Academic Assurance	Date Last Reviewed:	NA
Approval:	Interim Operations Lead	Version:	23.1

1. Purpose

- 1.1 The purpose of this policy and procedure is to ensure students (referred hereon in as “ākonga”) are given the opportunity to resolve concerns or complaints fairly, quickly, and with due consideration to the principles of natural justice, inclusiveness, and equity.

2. Scope

- 2.1 This policy and procedure applies to:
- conditionally enrolled individuals, currently enrolled and/or former ākonga of UCOL;
 - parents or guardians of under 18 years old conditionally enrolled individuals, currently enrolled, and/or former ākonga;
 - all UCOL kaimahi (staff) involved in the management of ākonga concerns and complaints.
- 2.2 This policy and procedure does not apply to:
- Academic misconduct, such as dishonesty during assessment or plagiarism, or ākonga appeals against a result for a course or component of a course or programme.
 - Where a complaint concerns an academic matter the Interim Operations Lead may, by notice in writing, require the complaint to be dealt with under the Academic Statute (Part VIII: Academic Misconduct, or Part IX: Appeals).
- 2.3 Unless there are exceptional circumstances, UCOL will not investigate or progress:
- anonymous complaints or complaints based on hearsay;
 - complaints made 22 days or more after the alleged incident;
 - complaints where UCOL receives no response from the ākonga within 90 days;
 - where the purpose of lodging a complaint is not, in UCOL’s opinion, a genuine effort to resolve a complaint;
 - complaints that are before the Police until the Police process has finished;
 - the complaint is being addressed in another forum;
 - the complaint would, in UCOL’s opinion, be more appropriately dealt with in another forum;

- viii. the complaint has previously been dealt with under this policy;
 - ix. the complaint is frivolous or vexatious in the opinion of UCOL;
 - x. even where exceptional circumstances exist, given the age of the complaint, it is no longer feasible, in the opinion of the Executive Dean/Director Wairarapa or delegate (as the case may be), to gather sufficient evidence or other information for resolution of the complaint.
- 2.4. In extenuating circumstances, the Interim Operations Lead is able to exercise their powers to waiver or extend the time limits specified in 2.3 (ii) and (iii).
- 2.5 Complaints about the performance or conduct of kaimahi are reported to the relevant Executive Dean/Director Wairarapa but will be investigated with the assistance of People, Culture and Wellbeing. The outcome of the investigation is between the kaimahi involved, the relevant senior manager, and People, Culture and Wellbeing. The outcome will not be communicated to the ākonga.

3. Responsibilities

Role	Responsibilities
Kaimahi	Ensures any concern or complaint received is referred promptly to the appropriate person within UCOL.
Academic Programme Manager (“APM”)	Facilitates or manages resolution of concerns and informal complaints; or refers on to the appropriate person/section.
Executive Dean / Director Wairarapa	Holds primary delegation to manage and resolve concerns and complaints relating to their Faculty or Campus. Defined as the “decision maker”.
Executive Director Quality & Academic Assurance	Responsibility for ensuring the Ākonga Complaints Database is kept up to date, and reporting requirements of ākonga complaints are met.
Interim Operations Lead	Has the power to decide any matter not expressly provided for in this policy. Addresses complaint in event it involves the Executive Dean. In these cases, is defined as the “decision maker”. Considers and decides the outcome of an appeal.

4. Policy Principles

The following principles govern how concerns and complaints are handled regardless of the specific procedures used:

- 4.1 The rights of both the ākonga and respondent are protected, and both parties are treated fairly.
- 4.2 The provisions of the Privacy Act 2020 apply.
- 4.3 Personal information related to complaints is strictly confidential on a ‘need to know’ basis.
- 4.4 All concerns and complaints are handled as quickly as possible and according to the most appropriate procedure.

- 4.5 All concerns and complaints are treated seriously and with due consideration to the principles of natural justice, inclusiveness and equity. They will be handled as quickly as possible and according to the most appropriate procedure to ensure academic progress is not impeded.
- 4.6 Support is available to all parties involved and have the right to representation, advice and advocacy through all stages of the process. Where the ākongā has a disability, communication difficulty or is impacted on by any factor that makes it difficult for them to effectively communicate their complaint then the ākongā may nominate, in writing to UCOL, someone to act on their behalf and under their instruction.
- 4.7 Concerns and complaints are resolved by negotiation between parties where possible.
- 4.8 A concern or complaint may be withdrawn by the ākongā at any stage of the process.
- 4.9 UCOL reserves the right to investigate/resolve a concern or complaint even if the ākongā subsequently decides not to proceed with the concern or complaint.
- 4.10 In accordance with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, UCOL will ensure ākongā are advised of and have prompt access to transparent and fair internal procedures for addressing concerns and complaints.

5. Natural Justice

- 5.1. UCOL must consider the complaint in accordance with the provisions of natural justice and must ensure that all parties to the complaint are afforded the full benefit of those principles.

Parties named in a complaint have the right to natural justice; i.e. generally the right to know who has laid the complaint, the right to representation, and the right to be heard.

Ākongā and other parties named or interviewed relating to a complaint have a right to have a support person present at the interview. If ākongā or any party to the complaint intends to arrange legal representative as their support person they must notify the meeting convenor in advance as in this situation UCOL will always arrange their own legal representative (meeting scheduling will need to take into account the availability of these legal representatives).

6. Recordkeeping and Reporting

- 6.1. All formal complaints are documented and registered in the Ākongā Complaints Database at the time of the complaint being received, with the outcomes of the complaints recorded once a decision has been reached, including any appeal process.
- 6.2. The Executive Director, Academic & Quality Assurance is responsible for oversight of the Ākongā Complaints Database and reporting. The development of complaints service performance measures, indicators and reporting formats will be overseen by the Executive Director, Academic & Quality Assurance, or their nominee. Only those authorised will have direct access to the database.
- 6.3. Serious complaints, that is, those which pose a risk to ākongā or UCOL's reputation, are to be recorded in the Risk Register, and the register item closed when the complaint resolution is complete. This must identify any systemic institutional risk and factors to mitigate and remove the risk in order to improve student experience.
- 6.4. All formal complaints are reported (anonymously) to the Executive Leadership Team and the Academic Committee on a six monthly basis.
- 6.5. Any reports generated from the Ākongā Complaints Database will maintain the privacy of those who have made or been party to a complaint in accordance with the Privacy Act 2020.

- 6.6. Documents pertaining to current (in process) complaints will be handled in a way that ensures the information they contain and the identity of any named parties remains confidential to those with a legitimate role in progressing and investigating the complaint.
- 6.7. Complaints-related information will not be placed on any kaimahi or ākongā file except in the circumstance when the complaint leads to disciplinary action being taken. Then a sealed copy of the action taken will be placed on the involved person's file.
- 6.8. Records of complaints and investigations are to be retained as follows (refer UCOL General Disposal Authority):
 - Complaints and investigations involving no disciplinary hearings: 7 years after date of last action.
 - Complaints involving disciplinary hearings (minor): 7 years after date of last action.
 - Complaints involving disciplinary hearings (serious): 10 years after date of last action.

7. Procedure - Concerns

- 7.1. It is expected that ākongā will raise their concerns as soon as they arise, either directly with the kaimahi/ākongā concerned, by registering their feedback on the Student Feedback Portal (on the Student Intranet), or emailing studentfeedback@ucol.ac.nz. A flowchart of the process is included (**Appendix 3**) and published in the Ākongā Course Handbook.
- 7.2. Kaimahi directly involved will either manage the resolution of the concern, or refer the matter to the Academic Programme Manager ("PM") to resolve or allocate to the appropriate person/section for follow up and resolution.
- 7.3. If the ākongā has indicated they wish to be contacted, they will be advised of the outcome within 5 working days.
- 7.4. Any ākongā who uses the Ākongā Concerns Procedure to raise and seek resolution to a concern and who is not satisfied with the outcome, may request that their concern be reconsidered using the Ākongā Complaints Policy (provided it meets the UCOL definition of a complaint and the other conditions specified in this Policy).

8. Procedure - Complaints

- 8.1. The following procedure (**Table 1 – Complaints Process**) is to be used when ākongā wish to make a formal complaint about UCOL services, processes or the behaviour of another person associated with UCOL. The policy does not prohibit ākongā reporting an incident such as sexual harassment, bullying, aggressive behaviour or assault to the Police.
- 8.2. Where practicable, the complaint should in the first instance be raised with the person directly involved (i.e. fellow ākongā, kaimahi, APM) as soon as possible after the incident or situation has occurred. If the ākongā believes their concern has not been adequately resolved, they maintain their right to have it dealt with in accordance with this policy and procedure.
- 8.3. If the informal complaint is unresolved, ākongā may lodge the concern or complaint with the relevant Executive Dean of Faculty/Director Wairarapa or where it may not be appropriate, the Interim Operations Lead.
- 8.4. Generally ākongā will submit the complaint however in some circumstances ākongā may nominate, in writing, an advocate who may act on their behalf and submit the complaint. The advocate may provide translation for a non-English speaking ākongā, or writing assistance for ākongā with communication or other difficulties.

Oral Complaints

- 8.5. In the situation where ākongā wishes to make an oral complaint:
- 8.5.1. Kaimahi taking the complaint will record the following information:
 - i. Full name, address, phone number and/or email address;
 - ii. Why the complaint has been escalated from 'a concern' or is not to be treated as a concern;
 - iii. If the complaint relates to another person(s), that person(s) full name and designation/title/position or if the student is not able to provide these details, as much information as possible;
 - iv. The concerns raised by the ākongā;
 - v. The desired outcome to the complaint.
 - 8.5.2. The person documenting details of the complaint will verify the accuracy of the recorded details with the ākongā and provide them with the opportunity to make corrections if necessary. If the complaint is made by phone the ākongā will need to receive a copy of the documented record of their complaint so they can complete the verification step.
 - 8.5.3. Once the ākongā is satisfied that the record accurately records their complaint they will be required to sign and date the record.
 - 8.5.4. The verified record of the oral complaint will now be dealt with in the same way as a written complaint.

Withdrawal of Complaint

- 8.6. At any stage of the process of a complaint investigation ākongā can withdraw the complaint by contacting the Executive Dean/Director Wairarapa or delegate who has been liaising with the ākongā. If a complaint is withdrawn, the ākongā is asked to provide a rationale for the purpose of closing the complaint within UCOL's processes.

Mediation

- 8.7. Any complaint may be referred to mediation where there is agreement by the ākongā to participate in mediation. The parties will agree on a suitable person to act as mediator, or where there is no agreement, UCOL will ask the Arbitrators' and Mediators' Institute of New Zealand Incorporated to appoint a mediator.
- 8.8. The mediation shall end by:
- i. the conclusion of an agreement by UCOL and the ākongā; or
 - ii. notice to the parties by the mediator; or
 - iii. notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
 - iv. the expiry of 60 working days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

Table 1 – Complaints Process

Step	Process	Responsibility
<p>A. Receiving a Complaint</p>	<p>Complaints should be submitted in writing within 21 days of the incident or issue, or in exceptional cases orally, as set out under section 8.5, to an Academic Programme Leader (“APM”), Executive Dean/ Director Wairarapa or any UCOL kaimahi. The ākongā must include:</p> <p>a) their name, address, telephone and/or email details;</p> <p>b) details about the complaint should be sufficient to enable UCOL to investigate the complaint, and should include any action the ākongā has already taken, and the desired outcome; and</p> <p>c) the complaint should be signed and dated.</p>	<p>Ākongā</p>
	<p>UCOL kaimahi receiving the complaint will immediately give the complaint to the Executive Dean/Director Wairarapa, who holds the primary delegation for addressing ākongā complaints.</p>	<p>Kaimahi</p>
	<p>The Executive Dean/Director Wairarapa will provide a copy of the complaint to the Executive Director Quality & Academic Assurance who has responsibility for the maintenance of the Ākongā Complaints Database.</p>	<p>Executive Dean Director Quality & Academic Assurance</p>
<p>B. Acknowledgment</p>	<p>The complaint will be acknowledged, in writing, within 24 hours of receipt, and if necessary, the ākongā will be requested to attend a meeting as part of the complaint review process. (Ref Appendix 1: Template – <i>Acknowledgment of receipt of a complaint.</i>)</p> <p>A file will be established to maintain all documentation in relation to the complaint.</p> <p>Any other individuals named in the complaint will receive a copy of the complaint as soon as practicable unless exceptional circumstances exist.</p>	<p>Executive Dean/ Director Wairarapa, or Delegate</p>
<p>C. Responsibility</p>	<p>The Executive Dean/Director Wairarapa may investigate the complaint directly or delegate the responsibility of the investigation to a suitably qualified kaimahi or an external investigator. Where prudent, legal professionals may be engaged.</p> <p>Where appropriate the Executive Dean/Director Wairarapa may refer the complaint to the relevant Executive Director.</p> <p>Where the complaint directly involves the Executive Dean/Director Wairarapa, the Interim Operations Lead will conduct the complaint process or delegate the</p>	<p>Executive Dean/ Director Wairarapa, or Delegate</p> <p>Interim Operations Lead</p>

	<p>review and investigation of the complaint to kaimahi or an external investigator/expert.</p> <p>Where a complaint alleges unprofessional behaviour or a breach of professional standards, an acknowledged speciality expert in may be engaged by UCOL to conduct the investigation or provide ongoing input to the investigation.</p> <p>The Decision Maker, including at appeal stage, may obtain external legal advice before issuing a proposed decision or decisions. This advice will be privileged and not available to the student.</p> <p>Once the investigation has been completed, UCOL will consider all findings and make a determination and final decision on the outcome. The decision maker, unless delegated, will be the Executive Dean/Director Wairarapa or the Interim Operations Lead in cases where the complaint involves the Executive Dean/Director Wairarapa.</p>	
D. Investigation	<p>The Executive Dean/Director Wairarapa, or delegate, will conduct the investigation in a manner that:</p> <ul style="list-style-type: none"> – is thorough and comprehensive; – includes appropriate expert input; – is respectful of all parties rights including their right to: <ul style="list-style-type: none"> ○ details of and time to consider any allegations made against them. ○ time to consider and formulate a response to any allegations. ○ time to organise a support person to attend interviews if desired. – verifies the accuracy of any information provided and discovered. – is constructive and focuses on identifying and addressing issues. – records the investigation findings and recommendation(s). – provides a paper/electronic trail for later review. 	Executive Dean/ Director Wairarapa, or Delegate
E. Investigation - Natural Justice	<p>UCOL will consider the provisions of natural justice during the investigation of all complaints, acknowledging all those complained about or against in the complaint will be informed of any allegation made against them at the earliest convenience unless there is supportable evidence that this will jeopardise the investigation and/or place the safety of others at risk (Refer Section 5).</p>	Executive Dean/Director Wairarapa, or Delegate Operations Lead

F. Investigation - Exclusions	<p>UCOL may, at any time, decide whether the complaint will be excluded from progressing under this policy (Refer Section 2.2 and 2.3). This will occur before any written agreement resolving the complaint is signed by UCOL and the ākongā.</p> <p>If the complaint will not be progressed, the ākongā will be advised and any other individuals concerned stating the reasons for exclusion.</p>	<p>Executive Dean/Director Wairarapa, or Delegate</p>
G. Complaint - Decisions	<p>UCOL will endeavour to resolve formal complaints within 30 days of being received. However it is recognised that some complaints, because of their complexity and/or because people to be interviewed are not available, may not be resolved within the set time period.</p> <p>The Executive Dean/Director Wairarapa will either</p> <ul style="list-style-type: none"> – resolve the complaint and send a resolution letter to the ākongā within 30 days; or – if a resolution is not possible within 30 days, send a letter to the ākongā (Refer Appendix 2, Template - <i>Notification that extra time is needed to resolve a complaint</i>). <p>Copies of letters will be sent to the Executive Director Quality & Academic Assurance who will ensure the information is entered into the Ākongā Complaints Database.</p> <p>UCOL may, at any time, do any one or more of the following actions and may take any such action more than once:</p> <ul style="list-style-type: none"> – negotiate with the ākongā with a view to resolution; and/or – refer to mediation where there is agreement by the ākongā to participate; and/or – issue a proposed decision to the ākongā to give the ākongā an opportunity to comment on the findings before a decision is issued; and/or – give written notice that the ākongā is excluded from this policy under section (2). <p>Should the investigation indicate a need for improvement of an organisational process, the matter can be moved outside the process for this purpose, while ensuring confidentiality is maintained.</p>	<p>Executive Dean/Director Wairarapa, or Delegate</p>
H. Investigation – Notification of Outcome	<p>The Executive Dean/Director Wairarapa must give notice in writing to the ākongā of their proposed decision based on the information available to them, and give the</p>	<p>Executive Dean/Director Wairarapa, or Delegate</p>

	<p>ākonga 10 working days to make written comment on the findings and proposed resolution.</p> <p>After considering any submissions made the Executive Dean/Director Wairarapa issues their final findings and decision and offer of resolution.</p> <p>Following investigation, the Executive Dean/Director Wairarapa will provide a letter of resolution to the ākonga which will record the outcome of the investigation(s); identify any action that that has or will be taken as a result of the complaint and investigation; and advise the ākonga of their right to appeal to the Interim Operations Lead.</p> <p>In cases where investigating the complaint has been delegated, the final record must also go back to the person exercising the delegation to ensure the final record of the investigation findings and recommendations are held on record, including Ākonga Complaints Database.</p>	
I. Privacy Act 2020	<p>Results of any investigation, or a summary of them, will generally be provided to the ākonga and other individuals involved unless exceptional circumstances exist. This is subject to the Privacy Act 2020 and UCOL's and/or the Interim Operations Lead's statutory obligations and delegations.</p> <p>Where the outcome of the complaint involves further action in respect of kaimahi such as further training or disciplinary proceedings the ākonga will be notified that further action will be taken in respect of the kaimahi but will not be provided with details of this action.</p>	<p>Executive Dean/ Director Wairarapa, or Delegate Interim Operations Lead</p>
J. Mediation	<p>At any stage of the process the ākonga may be referred to mediation where there is agreement by the ākonga to participate in one of these processes (Sections 8.7 and 8.8).</p>	<p>Executive Dean/Director Wairarapa, or Delegate</p>
K. Appeal - Application	<p>Ākonga who are dissatisfied with the complaint decision may appeal to the Interim Operations Lead. The ākonga may also appeal a decision to exclude the complaint under this policy.</p> <p>Ākonga will have a period of 28 days from the receipt of their complaint resolution letter to submit a written appeal regarding the resolution, or any part of the resolution, of their complaint.</p> <p>The appeal letter must clearly outline the basis for the appeal and the ākonga preferred outcome from the appeal.</p>	<p>Ākonga</p>

<p>L. Appeal – Decision</p>	<p>The Interim Operations Lead:</p> <ul style="list-style-type: none"> – will consider the relevant documentation and may, at their discretion, consult the person who made the decision. – may, at their discretion, interview any parties to the complaint. – may uphold or dismiss the appeal either in whole or in part. – will communicate the outcome of the appeal to the appellant and all interested parties in writing within 20 working days of receiving the application to appeal. <p>The decision of the Interim Operations Lead shall be final and there is no right of appeal elsewhere within UCOL.</p> <p>When the Interim Operations Lead notifies the parties of the appeal decision, they will also inform the parties of the Ombudsman’s role in relation to complaints about tertiary education institutions, the Tertiary Education Commission, NZQA, Privacy Commissioner, the Health and Disability Commissioner, or the Human Rights Commission – whichever is most relevant to the complaint.</p> <p>International ākonga are able to use the iStudent Complaints Scheme to help resolve contractual and financial disputes.</p>	<p>Interim Operations Lead</p>
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9. Definitions

Advocate: A person nominated by a named ākonga to act on their behalf and under their instruction.

Ākonga (students): Conditionally enrolled, or currently enrolled UCOL ākonga or former ākonga.

Complainant: The person(s) raising the concern or making the complaint.

Complaint: A written adverse comment about UCOL signed by the individual, or an issue that is raised orally by the individual and then recorded in writing by UCOL to the individual. The complaint must contain sufficient detail to enable UCOL investigation.

Concern: A matter that is affecting an individual, is important to them, that may be impacting on their learning, yet is not serious enough to be a formal complaint, and the person would like to have it resolved.

External investigator/expert: An individual who provides specialised advice on a particularly complex matter or technical elements of an investigation or decision.

Formal complaint: A complaint made by UCOL ākonga. Formal complaints are investigated and substantiated to understand the context of the complaint. These complaints are logged in the Ākonga Complaints Register.

Informal complaint: For quick problem solving rather than investigating and substantiating claims. They seek agreement and shared understanding for how to avoid problems in the future. Informal

complaints are most appropriate in cases where the allegations are less serious, or the problem is based on miscommunication or misunderstanding.

Natural Justice: UCOL will uphold the principles of fair, ethical and honest natural justice, ensuring that any complaint or breach of student conduct is fully investigated. Giving all parties involved the right to be heard and the right to respond prior to a decision being reached.

Respondent: The person(s) about who the complaint is made or who has responsibility for the course/programme, service or management practice identified in the concern or complaint.

Support Person: Someone arranged by the ākonga or any other party involved in the investigation. The support person's role will be agreed by the person contacting them but may include accompanying the person who has contacted them to interviews, speaking on the contacting person's behalf, or assisting them to present their case.

10. Relevant Legislation

Education and Training Act 2020

Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

Privacy Act 2020

Employment Relations Act 2000

Health and Safety at Work Act 2015

11. Related Documentation

Te Pūkenga Ākonga Concerns and Complaints Policy

Te Pūkenga Ākonga Appeals Policy

UCOL Academic Statute

Student Discipline Statute (Non-academic)

UCOL Academic Quality Management System

Harassment Prevention Policy for Employees

Harassment Complaint and Investigation Procedure for Employees

Student Harassment/Bullying Prevention Policy

Student Harassment/Bullying Prevention Procedure

UCOL Criminal Reporting Policy

UCOL General Disposal Authority

12. Appendices

Appendix 1: Template - Acknowledgment of receipt of a complaint

Appendix 2: Template - Notification that extra time is needed to resolve a complaint

Appendix 3: Flowchart of UCOL Concerns and Complaints procedure

[Date]

[Ākonga full name]

[Street Address]

[Town/City and Postcode]

Email address: [insert ākonga email address if sending via email]

Tēnā koe [ākonga name]

Re: [insert reference]

Thank you for taking the time to write to us with your complaint. UCOL values any feedback that is given with regard to the service that it provides.

Your letter has been referred to *(insert name and position)* for investigation and it is expected that a response will be ready by *(expected resolution date 30 days from receipt of complaint)*

Nāku noa, nā

**[insert name
and title]**

[Date]

[Ākonga full name]

[Street Address]

[Town/City and Postcode]

Email address: [insert ākonga email address if sending via email]

Tēnā koe [ākonga name]

Re: [insert reference]

Thank you for letter advising of the concern(s) you have with regard to *(refer to original complaint)*.

Your complaint has been referred to *(name of designated person)* for investigation. Due to *(give reasons)* the investigation into your complaint had not yet been completed.

It is expected that a response will be ready by *(expected response date)*.

Nāku noa, nā

**[insert name
and title]**

Appendix 3:

