



<b>OTAGO POLYTECHNIC MANAGEMENT POLICY</b>		<b>Number: AP0603.05</b>
Title:	<b>Resolution of Learner Complaints</b>	
Classification:	<b>Customers</b>	
Chief Executive Approval:	Effective Date: <b>1 Dec 2019</b>	Review Date: <b>30 November 2020</b>
Previous Policy No:	<b>n/a</b>	Status: Current
Contact Authority:	<b>Te Kaihāpai</b>	

### Purpose

Otago Polytechnic has a strong commitment to ensuring that student concerns/complaints are resolved quickly and at the lowest possible level, and in accordance with principles of natural justice.

Consistent with its learner centred approach and focus on quality Otago Polytechnic in investigating and addressing concerns/complaints will not discriminate on the grounds of gender, gender identify, race, ethnicity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions.

### Statutory Compliance

The Education (Pastoral Care of International Students) Code of Practice 2016

Ombudsmen Act 1975 ( <http://www.nzqa.govt.nz/providers-partners/education-code-of-practice/> )

Guidelines for the Education (Pastoral Care of International Students) Code of Practice 2016 – Tertiary ( <http://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/tertiary-guidelines-code-of-practice.pdf> )

NZQA rules and guidelines ( [www.nzqa.govt.nz](http://www.nzqa.govt.nz) )

### Policy

1. The Chief Executive delegates the investigation of all learner concerns/complaints directly to the Te Kaihāpai.
2. This policy excludes matters that are covered by other Otago Polytechnic policies, in particular *AP0600 Academic Appeal Process for Learners*, *AP0602 Learner Discipline* (including complaints made by staff about learners), and *MP0445 Harassment and Bullying Prevention and Management*.
3. Complaints made by learners about the performance or conduct of a staff member are logged by the Te Kaihāpai but are investigated by People and Culture. Refer to the process flowchart in Appendix 1. The Otago Polytechnic Council handles any complaint made against the Chief Executive.  
*NB: Complaints made by staff about staff are handled by People and Culture according to standard management procedures.*
4. Otago Polytechnic reserves the right not to take action related to anonymous complaints based on hearsay, or if the complainant does not provide sufficient information, or the complaint is raised more than 90 calendar days after the alleged incident/problem.
5. The rights of both the complainant and the respondent are protected by confidentiality with information and details related to the concern/complaint treated on a 'need to know' basis in all cases.
6. All parties will be treated fairly, and have the right to representation, advice, advocacy and support through all stages of the complaint process. Learners may access support through OPSA and Learner Success or by another external party or whanau.
7. All complaints are treated seriously and with due consideration. They will be handled as quickly as possible and according to the most appropriate procedure to ensure academic progress is not impeded. Refer to process flowchart in Appendix 1.
8. Where possible the concern/complaint should initially be raised and (hopefully) resolved by the person(s) directly involved (i.e. fellow learner, Lecturer, Programme Manager, Head of College) as soon as possible after the incident or situation has occurred.
9. Where a resolution at this level is not possible, or the complainant, and/or respondent, is unable to identify the appropriate person to contact, or lacks the confidence to do so, he/she may contact the Te Kaihāpai directly or via the Otago Polytechnic Students Association (OPSA).



10. The Te Kaihāpai will acknowledge receipt of the concern/complaint within three working days. The problem/complaint will be numbered and recorded in the Complaints Register and a meeting with the complainant will be arranged to discuss the concern/complaint and advise the processes involved in resolution and the timelines involved.
11. The Te Kaihāpai will liaise with the respondent, and, in the case where the complaint is about a staff member, the respondents Formal Leader, to investigate the concern/complaint and seek a resolution.
  - 11.1. All relevant documents including a copy of the concern/complaints procedures, will be circulated to the complainant and respondent at least two full working days prior to any meeting or mediation/conciliation;
  - 11.2. A resolution will be sought as quickly as possible and the complainant, respondent, and Formal Leader (if appropriate) will be advised in writing by the Te Kaihāpai of the outcome. The resolution and any resulting actions will be recorded in the Notification, Complaints, Discipline and Appeals Register maintained by the Te Kaihāpai.
12. Otago Polytechnic will take preventative action where possible to ensure that actions are taken and process improvements made as necessary to prevent concerns/complaints of the same type reoccurring.

### Reconsideration

13. If the complainant believes the decision is unfair they may write to the Te Kaihāpai with **seven** (7) working days of receiving advice of the decision to request a reconsideration of the concern/complaint and outline the reasons for reconsideration.
14. If necessary the Te Kaihāpai may ask all parties for additional information or another meeting to further investigate the concern/complaint.
15. If the complainant is dissatisfied with the Te Kaihāpai's decision they can request that the Te Kaihāpai review the decision. If the learner remains dissatisfied following this review they may make a complaint to, the Commerce Commission, or the Privacy Commission, or New Zealand Qualifications Authority (NZQA), or under section 13(1) of the Ombudsman Act 1975, or take legal action. iAn international learner who are dissatisfied with the Te Kaihāpai's decision can contact NZQA via their website <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/> or email [qadrisk@nzqa.govt.nz](mailto:qadrisk@nzqa.govt.nz)

### Reporting

16. The Te Kaihāpai will sign off the actions in the Notification, Complaints, Discipline and Appeals Register once the matter is concluded.
17. Using the information in the Register, the Te Kaihāpai shall prepare in February of each year, a summary report of the previous year's complaints. Copies are to be sent to the Chief Executive and the Otago Polytechnic Council.
18. Preventative actions and opportunities for improvement identified as a consequence of complaints and their resolution are implemented and monitored by the Te Kaihāpai for effectiveness.

### Referral documents

AP0602 Learner Discipline  
 AP0600 Academic Appeal Process for Learners  
 MP0445 Harassment and Bullying Prevention and Management

Approved by Chief Executive  
 Date: 1 Dec 2019




# APPENDIX 1: RESOLUTION OF LEARNER COMPLAINTS

