

OTAGO POLYTECHNIC ACADEMIC POLICY		Number: AP0603.04	
Title:	Resolution of Student Complaints		
Baldrige Criteria:	3 Customers		
Chief Executive Approval:	Approval Date: 5 December 2016	Effective Date:	5 December 2016
Previous Policy No:	na	Review Date:	as required
Contact Authority:	Director: Quality Services	Status:	Current

Purpose

This policy is to ensure that Otago Polytechnic has effective policies and procedures which are accessible, appropriate and fair for resolving domestic and international student concerns/complaints.

Consistent with its student centred approach and its focus on quality, Otago Polytechnic has established, maintains and reviews mechanisms designed to address any concerns/complaints by **all** students, prospective, enrolled, graduates, or external parties and anonymous concerns/complaints. Otago Polytechnic has a strong commitment to ensuring that all student concerns/complaints are resolved quickly and at the lowest possible level, in accordance with principles of natural justice.

Statutory Compliance and National Guidelines

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)

Definitions

Complainant – person making complaint

Complaint – any concern/complaint made verbally or in writing that is raised with or received by any staff member of the Polytechnic

Visitor – An independent individual external to the Polytechnic appointed by the Polytechnic Council with sufficient legal experience to hear appeals.

Policy and Procedures

1. The complaints policy will:
 - 1.1 Identify the concerns/complaints procedures to enable resolution.
 - 1.2 Outline the roles and responsibilities of those persons involved in the procedures, in particular the Director and/or Head of School, or equivalent, and the student(s) making the complaints.
 - 1.3 Identify delegated responsibility for the procedures and for the various stages in the procedures.
 - 1.4 Clearly identify sources of information and advice for all parties involved in a concern/complaint; in particular, other processes, policies and procedures that are relevant to the concerns/complaints process.
 - 1.5 Provide processes for feedback to staff and encourage the dissemination of best practice.
 - 1.6 Provide for reviews of effectiveness of the student(s) concerns/complaints procedures.
 - 1.7 Identify the concerns/complaints procedures to enable resolution.



- 1.8 Outline the roles and responsibilities of those persons involved in the procedures, in particular the Director and/or Head of School, or equivalent, and the student(s) making the complaints.
- 1.9 Identify delegated responsibility for the procedures and for the various stages in the procedures.
- 1.10 Clearly identify sources of information and advice for all parties involved in a concern/complaint; in particular, other processes, policies and procedures that are relevant to the concerns/complaints process.
- 1.11 Provide processes for feedback to staff and encourage the dissemination of best practice.
- 1.12 Provide for reviews of effectiveness of the student(s) concerns/complaints procedures.
- 1.13 Recognise the right of a student to make a complaint.
- 1.14 Provide procedures for addressing and resolving student concerns/complaints speedily, in accordance with principles of natural justice, in a confidential manner and with the involvement of individuals about whom complaints are made.
- 1.15 Provide procedures for the collection of information about the nature and outcome of student concerns/complaints to contribute to the effectiveness of continuous improvement processes that are designed to prevent the possibility of repetition of similar concerns/complaints.

Note: This policy excludes matters that are provided for by other Polytechnic policies, in particular Academic Appeal Process for Students, Student Discipline, and Harassment and Bullying Prevention and Management.

2. The concerns/complaints process consists of a number of stages; there is choice for the student at each stage; there are also prescribed practices for both students and staff.
 - 2.1 It is critical that confidentiality be applied to all matters relating to a concern/complaint, including all documentation. The 'need to know' principle must be applied in all cases.
 - 2.2 Students are encouraged to make their initial contact or enquiry about a concern/complaint, with the staff member directly responsible. Students may wish to seek initial advice from other staff members or officers of the Otago Polytechnic Students' Association (OPSA). Such persons might include teaching staff, Programme Manager/Coordinator, Head of School, Student Counsellor, Health and Safety Advisor, and Student Success Team staff.
It is expected that most concerns/complaints can be addressed at this stage.
 - 2.3 In those cases where students are unsure who to approach, they are encouraged to approach their Head of School or another Senior Manager who will either deal with the concern/complaint or refer it to the appropriate staff member.
 - 2.4 At the point of initial contact, a student can expect that any concern/complaint will be treated seriously and receive due consideration. They can also expect that the concern/complaint will be dealt with speedily and all attempts will be made to ensure academic progress is not impeded.

- 2.5 Any staff member approached by a student with a concern/complaint will take reasonable, appropriate and prompt action to try to resolve the complaint.
 - 2.6 A response should be made to a concern/complaint within five working days by the staff member receiving the concern/complaint or the staff member the concern/complaint was referred to.
 - 2.7 In examining cases of concerns/complaints, staff should be aware of the possible need for process improvements.
 - 2.8 Students with concerns/complaints must be confident that they will not be subject to penalties or other discrimination.
3. A student who is dissatisfied with the outcome of or response to their concern/complaint has the option of contacting the Director: Quality Services. It is recommended that a student who is concerned about approaching the Director: Quality Services should approach the Otago Polytechnic Students' Association (OPSA).
 4. If a student wishes to proceed further with their concern/complaint, the student will use the Complaints form (Appendix A) to lodge their concern/complaint.
 - 4.1 On receipt of the completed form, the Director: Quality Services will meet the student to discuss the concern/complaint and advise on the processes involved in resolution and the timelines involved.

The completed form will be date stamped and a copy given to the student. Any written material will be date stamped and the student will receive within three working days a written acknowledgment that the concern/complaint has been received. The concern/complaint will be numbered and recorded in a Complaints Register.

The student has the right to have a support person, e.g. OPSA representative, present at any meetings held as part of this process.
 - 4.2 Where written concerns/complaints are addressed to the Polytechnic and/or the Chief Executive, the complaint, in the first instance, is received by the Director: Quality Services.
 - 4.3 On receipt of a written concern/complaint addressed to the Polytechnic, the Director: Quality Services directs to the appropriate Director/Head of School, or equivalent, for investigation. The complainant must receive notification of the process from the Director: Quality Services within three working days of receipt of the concern/complaint.
 - 4.4 The Director/Head of School, or equivalent, or nominee will:
 - 4.4.1 Determine the nature of the concern/complaint and what procedures apply;
 - 4.4.2 Coordinate the response to the concern/complaint, except in those instances where specialist staff, e.g. harassment, bullying, disability, international office staff and Health and Safety are involved;
 - 4.4.3 Endeavour to resolve the concern/complaint either through separate discussions with the student and other parties (mediation), or if necessary, with the student and other parties brought together (conciliation);

- 4.4.4 Be responsible for notifying and/or involving specialist staff as appropriate;
- 4.4.5 Ensure that no one complained about is responsible for any aspect of investigating the concern/complaint;
- 4.4.6 Ensure that steps towards the resolution of a concern/complaint are undertaken within 10 working days and the student notified immediately. Where possible, the concern/complaint will be resolved within 28 working days;
- 4.4.7 Ensure the Executive Assistant to the Director: Quality Services is copied into all correspondence including emails;
- 4.4.8 Institute preventative action. Ensure that actions are taken to prevent concerns/complaints of the same type reoccurring.

4.5 Where the concern/complaint is against another individual, that person must be provided with all relevant documents including a copy of the concern/complaints procedures, at least two full working days prior to any meeting or mediation/conciliation.

4.6 Support for Staff Involved in the Complaint Process

- 4.6.1 Advice and support for all parties for any matter relating to the investigation of concerns/complaints is available via the Director: Quality Services or the Director: Organisational Development;
- 4.6.2 Managers involved in investigating a concern/complaint will ensure that concerns/complaints are handled in fair and transparent manner;
- 4.6.3 A staff member who has a complaint made against them is entitled to be listened to and to have support. It is expected that this support will be provided by people not directly responsible for investigating the concern/complaint;
- 4.6.4 Staff will be invited to bring support person(s) to any meeting;
- 4.6.5 Staff will be offered the Staff Assistance Programme.

4.7 Resolution of Complaint

When a student has accepted the resolution for their concern/complaint, it will be officially registered as concluded and all parties to the concern/complaint will be advised in writing.

4.8 Recording as Concluded

Where the matter is concluded, the Group Manager will ensure that the conclusion is recorded in the Complaints Register by informing the Director: Quality Services. Any corrective actions undertaken to ensure that similar actions do not occur should be noted in the Complaints Register. The Director: Quality Services is responsible for maintenance and security of the Complaints Register.

5. Anonymous Complaints

Anonymous concerns/complaints are treated seriously and will be referred to the appropriate Director/Head of School or equivalent, for investigation.

6. Appeal against outcome of a complaint

If a student does not accept the outcome of the Director/Head of School, or equivalent's investigation they may notify the Director: Quality Services and request a reconsideration of the concern/complaint.

- 6.1 The Director: Quality Services will decide on the appropriate procedure to deal with the student's appeal, including whether or not to hold a hearing.
- 6.2 The Director: Quality Services may hold a hearing to determine the facts surrounding the appeal and determine whether further information is required from the student or from the school.

- 6.3 The appeal will be dealt with in accordance with the principles of natural justice.
- 6.4 The Director: Quality Services will rule on the appeal and inform the student of the outcome.
- 6.5 The Polytechnic may refuse to consider the appeal further if it believes the matter is “trivial, vexatious or not made in good faith” or if the Polytechnic considers the person making the complaint has “insufficient personal interest” in the appeal.

A decision to refuse an appeal on this ground would be made in consultation with an agreed OPSA representative.

Should an appeal be refused on this ground, the student is able to seek further advice from the Ombudsman (see Section 6.9 of this policy).

- 6.6 If the student still does not accept the resolution of the Director: Quality Services and wishes to appeal, they must do so within seven working days of receiving advice of the decision by:
 - 6.6.1 writing to the Director: Quality Services who will refer the complaint to a Visitor;
 - 6.6.2 saying what the decision is; and
 - 6.6.3 explaining the grounds for the appeal.
- 6.7 A Visitor will hear all appeals against decisions. The Council appoints a Visitor who has sufficient legal experience to hear appeals or is otherwise suitably qualified.
 - 6.7.1 Within three working days of receiving the appeal, the Director: Quality Services will refer it to a Visitor who will:
 - determine whether further information is required from the student or from the school/programmes;
 - decide on the appropriate procedure to deal with the student’s appeal, including whether or not to hold a hearing;
 - deal with the appeal in accordance with the principles of natural justice.
 - 6.7.2 The Director: Quality Services will send the student copies of all the material provided to the Visitor.
 - 6.7.3 If the Visitor decides to call a hearing, the student has the right to:
 - attend;
 - make submissions;
 - be supported by a support person;
 - receive any written submissions.
 - 6.7.4 At any hearing before the Visitor, the Visitor will permit any staff member involved to be supported by a support person. Any staff representative or staff member involved will have the right to attend and make written submissions to the Visitor.

The student will receive a copy of those written submissions at the hearing.
 - 6.7.5 Within three working days of receiving the Visitor’s decision, the Director: Quality Services will advise the student in writing of the decision.
- 6.8 If the student does not agree with the Visitor’s decision and wishes to appeal, they may take legal action or make a complaint to NZQA, the Commerce Commission, The Privacy Commission, or the Ombudsman.

6.9 International Students who are dissatisfied with the decision can contact NZQA via their website or by sending an email to qadrisk@nzqa.govt.nz who may refer the complaint to iStudent complaint the appointed operator of the International Student Contract Resolution Scheme (DRS). Under section 13(1) of the Ombudsmen Act 1975, if the student has exhausted their attempts to resolve the complaint internally, the Ombudsman has the ability to investigate the complaint.

6.10 The Director: Quality Services will keep a record of appeals and will report to Academic Board a summary of appeal activities at the completion of each academic year.

7. Reporting

Using the information in the Complaints Register, the Director: Quality Services 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.

Referral Documents

AP0602 Student Discipline

AP0600 Academic Appeal Process for Learners

MP0445 Harassment and Bullying Prevention and Management

Approved by Chief Executive
Date: 5 December 2016



COMPLAINT FORM

This form should be completed and lodged with your Head of School, or equivalent, or through the Otago Polytechnic Students' Association or directly to the Director: Quality Services.

Name:

Address:

.....

Phone number **Day:**..... **Evening:**.....

Signature: **Date:**

Student ID Number

Please describe your complaint fully, including any relevant background and previous actions you have taken to try to get the matter resolved. (Attach extra pages as necessary)

Describe your complaint:

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What have you done to try and resolve the complaint?

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Do you have a suggested remedy to the problem?

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Office Use Only

Received by Director : Quality Services: Date:

Listed in complaints Register as Complaint Number:

Complaint Referred to:



