

## AC08 – Concerns and Complaints Policy and Procedure

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Approved By:	
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### Purpose

The purpose of this policy is to provide a process, which ensures students, staff or members of the public can effectively express their concerns or lodge complaints about NZIBT or breaches of the Campus Rules. Concerns and complaints will be dealt with in a fair and expedient manner, maintaining confidentiality in accordance with the provision of the Privacy Act 1993.

### Scope

Student concerns and complaints, which arise from any of NZIBT's activities or breaches of NZIBT's Rules and Regulations.

Staff concerns and complaints, which arise from any of NZIBT's student activities or breaches of NZIBT's Rules and Regulations.

Public concerns and complaints, which arise from any of NZIBT's activities.

It does not cover complaints concerning harassment or academic appeals as these are covered under separate policies.

### Clarification

NZIBT deserves the right not to progress:

- anonymous complaints or complaints based on hearsay;
- complaints made more than 90 days after an alleged incident;
- concerns that have been elevated to complaints but where no good faith effort has been first made to reach a resolution at the primary level; and
- complaints where NZIBT receives no response from the Complainant within 90 days.

### Definitions

Complainant	The person who makes a complaint.
Respondent	The person about whom a complaint is made.
Complaints Coordinator	Person assigned to coordinate the Concerns and Complaints procedure. This is the Campus Manager.
Contact Person	Staff member assigned by the Campus Manager to investigate and manage the individual complaint.
Concern	A concern related to NZIBT's activities, expressed by a student, staff member, or a member of the public, which they consider a less serious or minor problem which can be resolved through direct contact and informal consultation with the relevant people involved. A good faith effort should be made to resolve concerns at the primary level before elevating to a complaint.

Complaint	A written statement lodged by a student, staff member or a member of the public with NZIBT which arises from a Complainant's perception that he/she has suffered treatment and/or experiences which are unfair, unsafe, illegal, improper, unprofessional, discriminatory and/or in breach of NZIBT's QMS policies, procedures and practices or the Code of Practice for the Pastoral Care of International Students.
Mediation	Mediation is a process in which a neutral, impartial and acceptable third party helps the disputing Complainant and Respondent to identify the issues in their dispute; to generate options; and to consider alternatives so they can reach their own mutually acceptable solution.
DRS	The Disputes Resolution Service (DRS) is an independent body established to deal with complaints from international students about pastoral care, advice or services received from an education provider.

### **Policy**

- NZIBT takes student concerns and complaints seriously and is committed to dealing with them fairly and promptly.
- NZIBT will ensure that resolution procedures are sensitive to, and supportive of, all students, staff members and members of the public with a concern or who wish to lodge a complaint.
- Wherever possible, complaints should be resolved by negotiation between the parties directly involved with support or mediation before involving advocacy and formal procedures.
- Principles of natural justice are incorporated as outlined below:
  - The Respondent will be given all relevant information regarding the allegation, an opportunity to prepare and present evidence, and to respond to the arguments provided.
  - The person(s) deciding on the allegations will be impartial and make decisions based on all of the information received. Decisions regarding allegations are based on logical proof or evidence.
- A complaint may be withdrawn prior to Step 5 in the procedure below by notifying the Campus Manager in writing.
- Complainants and Respondents need to be prepared to assist the resolution process by attending meetings and providing information as requested.
- If a student, staff member, or member of the public wishes to lodge a complaint about the Campus Manager, the Complaint Form must be addressed to the Chairman of the Board, NZIBT, P O Box 85055, Lincoln University, Christchurch 7647, New Zealand and marked "Complaint – Confidential".
- Electronic records of all communication and evidence is to be maintained by NZIBT for five years.
- At all times, staff shall observe the provisions of the Privacy Act 1993. In the case of a complaint, this may require the identity of the Complainant to be kept confidential. However, in some cases the nature of the complaint may indicate the identity of the Complainant.
- All relevant aspects of the Code of Practice for the Pastoral Care of International Students are complied with.

## Procedure and Responsibility

Step	Procedure	Timing	Responsibility
<b>Complaint Identification</b>			
1	Send the Complaint Form to the Campus Manager – marked “Complaint – Confidential”.	Within 90 working days of the incident.	Complainant
2	On receipt of the Complaint Form, identify complaint type, assess for seriousness, legal or other implications and assign Contact Person.	Within two working days of receipt of the complaint.	Campus Manager
3	Provide the Complainant and Contact Person with the following information: 1. Complaint reference number 2. Contact Person for who will be responsible for managing the complaint 3. The procedure to be followed	Within two working days of receipt of the complaint.	Campus Manager
4	Provide a letter to the Complainant stating that the Respondent will be informed of the complaint made against them including a copy of the complaint.	Within two working days of receipt of the complaint.	Contact Person
5	Respondent is provided with all relevant information relating to the complaint.	After two working days from providing information to Complainant	Contact Person
6	Seek advice on available support options, e.g. Lecturer, Pastoral Care Officer, Campus Manager, including considering mediation as a way of resolving the problem.	Optional Step – at any time during the resolution process.	Complainant and Respondent
7	Arrange a meeting with the Complainant. Use the Complaint Form and amend accordingly.	Within five working days of receipt of the complaint.	Contact Person
<b>Negotiation</b>			
8	Identify and agree upon specific issues. <i>Note: Additional issues should not subsequently be incorporated as part of the same complaint.</i>	At the first meeting with the Complainant.	Contact Person
9	Arrange a meeting with the Respondent to discuss the issues outlined in the complaint.	Within three working days of meeting with the Complainant.	Contact Person
10	Liaise with both parties and if necessary source additional information. <i>Note: Several meetings may be required before a resolution acceptable to both parties is found.</i>	Within ten working days of the first meeting with the Complainant.	Contact Person
11	If the complaint is resolved, the decision is communicated to both parties in writing. If the complaint remains unresolved, then move to the further investigation stage.	Within five working days of the last meeting.	Contact Person

<b>Further Investigation</b>			
12	Investigate the complaint further if necessary. Seek advice from the Campus Manager, Board of Directors or legal advice or other, if necessary. <i>Note: Further investigation should be carried out as quickly as possible to avoid prolonging the resolution.</i>	Within ten working days of the last meeting or an alternative timeframe agreed by both parties.	Contact Person
13	Make a binding decision and communicate the decision to both parties in writing. Include a written summary of the complaint outcome, the investigation process followed and the process for appealing the decision if they are unsatisfied with the outcome.	Within ten working days of concluding the investigation.	Contact Person
14	Send a summary and all relevant documentation to the Campus Manager.	Within ten working days of concluding the investigation.	Contact Person
<b>Appeal</b>			
15	The Complainant or Respondent has the right to appeal to the Campus Manager (or delegated authority) who may convene a committee to consider the appeal. The finding of the appeal is final. <i>Note: Grounds of appeal to be on process only, and shall note include re-hearing the complaint.</i>	Within ten working days of the written decision being received by the Complainant and Respondent.	Campus Manager
16	If not resolved by following the Concerns and Complaints procedure, the Complainant or Respondent may choose to follow external procedures: <ul style="list-style-type: none"> <li>• Disputes Resolution Service (DRS)</li> <li>• Human Rights Commission procedures (as an alternative, not in addition to grievance procedures)</li> <li>• Privacy Commission procedures</li> <li>• Office of the Ombudsman</li> </ul>	At either the Complainant or Respondents discretion	Complainant or Respondent
<b>Reporting</b>			
17	Summarise the information from all complaints relating to NZIBT to facilitate regular reporting.	Quarterly or as required.	Campus Manager

**Related Documents:**

- AC10 – Complaint Form
- AC01 – Academic Statute
- AC09 – Student Misconduct Policy and Procedure
- AE08 – Student Handbook