

# Student Concerns and Complaints Procedure

## **Controlled Document – refer to Intranet for latest version**

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## **Scope**

This procedure:

- Applies to conditionally enrolled individuals, currently enrolled and/or former students of UCOL;
- Applies to parents or guardians of under 18 years old conditionally enrolled individuals, currently enrolled, and/or former students;
- Applies to all UCOL staff involved in the management of student concerns and complaints.

Note: this procedure does not apply if a student wishes to appeal against a result for a course or component of a course or programme. Where a complaint concerns an academic matter the Academic Statute applies.

This procedure is to be read in conjunction with UCOL's Student Complaints Policy. Definitions of the terms Complainant, Senior Manager, Student, Student Advocate, and Support Person are included at the end of this procedure.

A **concern** is about 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.

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

## **Responsibility**

All staff are responsible for the implementation of this procedure.

## **Procedure**

### **CONCERNS PROCEDURE**

It is expected that students will raise their concerns as soon as they arise, either directly with the staff member/student concerned, by registering their feedback on the Student Feedback Portal (on the Student Intranet), or emailing to [studentfeedback@ucol.ac.nz](mailto:studentfeedback@ucol.ac.nz). A flowchart of the process is included in Appendix 3, and published in the Students' Course Handbook.

Staff directly involved will either manage the resolution of the concern, or refer the matter to the Student Complaints Administrator for allocation to the appropriate person/section for follow up and resolution.

If the student has indicated they wish to be contacted they will be advised of the outcome within five working days.

Any student who uses the Student 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 Student Complaints Policy (provided it meets the UCOL definition of a complaint and the other conditions specified in the Student Complaints Policy).

## **COMPLAINTS PROCEDURE**

The following procedure is to be used when a student wishes to make a formal complaint about UCOL services and processes or the behaviour of another person associated with UCOL.

The Student Complaints Policy does not prohibit a student reporting an incident such as sexual harassment, bullying, aggressive behaviour or assault to the police.

### **Submission of a Complaint**

Complaints should be submitted in writing (or in exceptional cases orally, as set out below) to a Programme Leader, Head of School, Executive Dean, any UCOL employee, or directly to the Student Complaints Administrator.

The Complainant must include their name, address, phone and/or email details. Details about the complaint should be sufficient to enable UCOL to investigate the complaint, and should include any action the complainant has already taken, and the desired outcome. The complaint must be signed and dated.

Generally the complainant will submit the complaint; however in some circumstances a student may nominate, in writing, an agent who may act on their behalf and submit the complaint. The agent may provide translation for a non-English speaking complainant, or writing assistance for a student with communication or other difficulties.

The person receiving it will immediately send a copy of the student complaint to the Student Complaints Administrator.

The Student Complaints Administrator will:

- Date-stamp the complaint letter.
- Keep a copy of the complaint and send a copy to the Executive Director Quality, and the original to the Executive Dean concerned.

The Executive Dean must within two working days of receiving the complaint acknowledge in writing receipt of the complaint (see Appendix 1, Standard letter – acknowledgment of receipt of a complaint).

- Details of the complaint will be entered into the complaints database.

### **Receipt of an Oral Complaint** (when the complainant wishes to make an oral complaint)

Each Faculty and service area will ensure that two or three staff are provided with some skill training for receiving and transcribing oral complaints.

The staff member taking the complaint will record the following information:

- Complainant's full name, address, phone number and/or email address;
- Why the complaint has been escalated from 'a concern' or is not to be treated as a concern;
- 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;
- The concerns raised by the complainant;

- The complainant's desired outcome to the complaint.

The person documenting details of the complaint will verify the accuracy of the recorded details with the complainant and provide them with the opportunity to make corrections if necessary. If the complaint is made by phone the complainant will need to receive a copy of the documented record of their complaint so they can complete the above verification step.

Once the complainant is satisfied that the record accurately records their complaint they will be required to sign and date the record.

The verified record of the oral complaint will now be dealt with in the same way as a written complaint.

### **Action to be taken on a Complaint**

The complaint is referred to the Executive Dean of the Faculty in which the student is enrolled. The Executive Dean will provide a copy of the complaint to the Executive Director, Quality, or at the Executive Dean's option refer the complaint to the relevant Executive Director. *(NB: from here on the term Senior Manager is used)*

Unless there are exceptional circumstances in the Executive Dean or Executive Director's opinion, complaints which are 'excluded', as detailed in the Student Complaints Policy, will not be investigated or progressed.

The Senior Manager will initiate an appropriate investigation of the complaint.

If the complaint involves more than one faculty and/or section the Executive Dean and/or Executive Director or their nominee will coordinate the investigations, collate the investigation responses and respond to the complainant.

The Senior Manager will try to ensure that complaints are resolved within 14 working 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 usual 14 days.

The Senior Manager will either

- resolve the complaint and send a resolution letter to the complainant within 14 working days; or
- if a resolution is not possible within 14 days send a letter to the complainant. *(see Appendix 2, Standard letter - notification that extra time is needed to resolve a complaint)*. This letter will include the name and designation of the person the complaint has been referred to for investigation, and when the complainant can expect a response on the investigation outcome.

If for any reason it is found that extra time is needed to resolve the complaint a further letter will be sent.

Copies of letters will be sent to the Student Complaints Administrator who will enter the information into the complaints database.

### **Investigation of a Complaint**

The Senior Manager will initiate an appropriate investigation of the complaint, and may choose to delegate investigation of the complaint to a suitably qualified faculty or section staff member.

The Senior Manager will consider the provisions of natural justice during the investigation of all complaints, acknowledging the following requirements:

1. 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.

2. The Senior Manager or delegate will conduct the investigation in a manner that:
  - Is thorough and comprehensive
  - Includes appropriate expert input; e.g. if the complaint regards allegations of unprofessional behaviour or a breach of professional standards an acknowledged expert from the specialty/profession involved will either conduct the investigation or provide ongoing input to the investigation
  - Is respectful of all parties rights including their right to:
    - 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 this is desired.
  - Verifies the accuracy of any information provided and discovered.
  - Is constructive and focuses on identifying and addressing issues.
  - Records investigation findings and recommendation(s).
  - Provides a paper/electronic trail for later review.

At any stage of the process of a complaint investigation the Complainant can withdraw the complaint by contacting the Senior Manager or delegate who has been liaising with the Complainant. If a complaint is withdrawn the Complainant is asked to provide a rationale for the purpose of closing the complaint within UCOL's processes.

At any stage of the process any complaint may be referred to mediation where there is agreement by the Complainant to participate in mediation. Refer to the Student Complaints Policy for further information.

The Senior Manager will forward the final record of the investigation findings and recommendations to the Student Complaints Administrator who will enter information from the record into the complaints database. In cases where investigating the complaint has been delegated, the final record must also go back to the person exercising the delegation.

### **Decisions on Complaint**

The Senior Manager must give notice in writing to the Complainant of their proposed decision based on the information available to them, and give the Complainant 10 working days to make written comment on the findings and proposed resolution. After considering any submissions made the Senior Manager issues their final findings and decision and offer of resolution.

### **Resolution Letter to the Complainant**

Following investigation, the Dean or Senior Manager will compose a letter of resolution to the complainant which will:

- be written in a style that promotes the relationship between UCOL and the complainant(s);
- address issues raised;
- indicate the outcome of the investigation(s);
- identify any action that has or will be taken as a result of the complaint and investigation; and
- advise the complainant of their right to appeal to the Chief Executive.

Note:

It should be noted that where the outcome of the complaint involves further action in respect of a staff member such as further training or disciplinary proceedings the student will be notified that further action will be taken in respect of the staff member but will not be provided with details of this action.

The Senior Manager will send a copy of the resolution letter to the Student Complaints Administrator who will enter details on to the complaints database

**Appeal Procedure**

Complainants who are dissatisfied with the decision made by UCOL in respect of resolution of their complaint may appeal to the Chief Executive.

Complainants 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. The Complainant may also appeal a decision made to exclude the complaint under the Student Complaints Policy.

The appeal letter must clearly outline the basis for the appeal and the complainant's preferred outcome from the appeal.

The appeal letter must be delivered to the Office of the Chief Executive. The CE's personal assistant will send a copy of the appeal to the Student Complaints Administrator, and to the Executive Director, Quality.

The Chief Executive will consider the relevant documentation and may, at his or her discretion, consult the person who made the decision. The Chief Executive may also, at his or her discretion, interview any parties to the complaint.

The Chief Executive may uphold or dismiss the appeal either in whole or in part.

The Chief Executive 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.

The decision of the Chief Executive shall be final and there is no right of appeal to Council or elsewhere within UCOL.

When the Chief Executive 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. If relevant, the Chief Executive will also inform international students on the options available to them.

**Complaints Database/Safekeeping of Complaints-related Documents**

The Students Complaints Administrator will manage the complaints database. Only the Student Complaints Administrator, the Executive Director, Quality, the Chief Executive and those authorised by the Chief Executive for audit purposes will have direct access to the database.

Any reports generated from the database will maintain the privacy of those who have made or been party to a complaint in accordance with the Privacy Act (1993).

Documents pertaining to current (in process) complaints will be handled in a way that ensures that 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.

Complaints-related information will not be placed on any staff member or student's files 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.

Historical student complaints-related documents will be kept in a locked file for 7 or 10 years (see below) and will only be available to the Student Complaints Administrator, the Executive Director, Quality, the Chief Executive and those authorised by the Chief Executive to access this material for audit purposes. After 7 or 10 years complaints related documents will be destroyed using a recognised secure disposal system.

### **Reporting and records**

The development of complaints service performance measures, indicators and reporting formats will be overseen by the Executive Director, Quality, or her/his nominee.

Monthly reports (reporting on the previous month) will be prepared by the Student Complaints Administrator and forwarded to the Executive Director, Quality, or her/his nominee.

Serious complaints, that is, those which pose a risk to the student or UCOL's reputation, are to be recorded in UCOL's Risk Register, and the register item completed 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.

Records of complaints and investigations are to be retained:

- For complaints and investigations involving no disciplinary hearings: 7 years after date of last action
- Complaints involving disciplinary hearings (serious): 10 years after date of last action.
- See UCOL's Records Management Disposal Schedule for further information.

### **Publicity**

UCOL will:

1. Advertise the various stages in the Complaints Procedures
2. Outline the roles and responsibilities of those involved in the Procedures including those of:
  - The person with overall delegated responsibility for the Procedures
  - The persons with responsibility for the various stages of the Procedures
  - The complainants
3. Publicise sources of information and advice for parties involved in a complaint.
4. Identify any other processes, policies and procedures that have an association with the Student Complaints Policy and Procedures and the nature of this association.

## **Definitions**

### *Complainant*

The person submitting a complaint.

### *Senior Manager*

Is used to refer to Executive Dean, Executive Director, or their nominated delegate.

For the avoidance of doubt, the term Senior Manager includes the CE who maintains the right to act if the issue is a major operational or reputational risk to UCOL

### *Student*

Conditionally enrolled, or currently enrolled UCOL students or former students.

### *Student Advocate*

A designated person nominated by a named student(s) to act on their behalf and under their instruction.

### *Student Complaints Administrator*

The staff member with delegated authority and overall responsibility for managing the Procedures in accordance with the Student Complaints Policy. Reports to the Executive Director, Quality.

### *Support Person*

Someone arranged by the complainant 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.

## **Related Documentation**

- [UCOL Academic Quality Management System](#)
- [UCOL Academic Statute](#)
- [Harassment Prevention Policy for Employees](#)
- [Student Complaints Policy](#)
- [Harassment Complaint and Investigation Procedure for Employees](#)
- [Student Harassment/Bullying Prevention Policy](#)
- [Student Harassment/Bullying Prevention Procedure](#)
- [Student Discipline Statute \(Non-academic\) 2013](#)

## **Appendices**

- Appendix 1. Standard letter – Acknowledgment of receipt of a complaint
- Appendix 2. Standard letter - Notification that extra time is needed to resolve a complaint
- Appendix 3. Flowchart of UCOL Concerns and Complaints procedure

**Appendix 1** *[Place on UCOL letterhead]*

*(Date)*

*(Complainants full name)*

*(Street Address)*

*(City)*

Dear *(Complainants name )*

Re:

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 of Senior Manager)* for investigation and it is expected that a response will be ready by *(expected resolution date 14 days from receipt of complaint)*

Yours sincerely,



**Appendix 2** [*Place on UCOL letterhead*]

(Date)

(Complainants full name)

(Street Address)

(City)

Dear (complainants name)

Re:

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*).

Yours sincerely

**Appendix 3:**

