

## Student Complaints Policy and Procedure

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<b>Review Date:</b>	31/07/2024
<b>Business Owner:</b>	Deputy Vice-Chancellor, Student Life
<b>Approval Authority:</b>	Council

### 1. POLICY

Students may raise concerns or make a formal complaint with Lincoln University.

Complaints will be considered by the appropriate staff member and

addressed and resolved fairly, equitably and timely.

Te Whare Wānaka o Aoraki Lincoln University (hereafter Lincoln University) affirms that students may confidently raise any concerns with the University regarding academic, service delivery or other personal situations. This includes making a formal complaint. The consideration of such complaints aligns with the University's values of students at our core, manaakitaka and integrity: doing the right thing in a reliable way.

Each complaint will be considered by the staff member who holds the appropriate delegation. In the event of a conflict of interest, the staff member with the delegated authority will recuse themselves and appoint a nominee to consider the complaint. All complaints will be addressed and resolved in a fair, equitable, transparent, timely and confidential manner. In the event that a complaint cannot be resolved internally within the University, students will have access to the relevant dispute resolution scheme to facilitate an outcome.

This policy applies to all students enrolling or enrolled in Lincoln University courses and programmes, including mandatory programme requirements, and courses and programmes provided with delivery partners and/ or online.

All steps in this policy and procedure may be undertaken by the use of assistive technology, including where this is used as an alternative to writing. Where needed, a written record will be taken of communication made via assistive technology to support the equity, transparency and confidentiality of the process.

## 2. LIMITS OF THIS POLICY

This policy excludes:

- complaints that fall under Human Resources Policies such as the Prevention of Bullying Harassment Policy, Sexual Harm Policy or Code of Conduct.
- academic appeals, to which the Academic Appeals Policy and Procedure applies.

## 3. PRINCIPLES

The consideration of student complaints occurs according to the following principles:



### Informal resolution and anonymous concerns

#### 1. Informal resolution is the first step.

Before making a formal complaint, a complainant should make every effort to communicate with the respondent or the relevant Head of Department or Team Leader, in order to determine if the matter can be clarified or resolved without resorting to formal procedures.

Support to seek informal resolution is available from LUSA.

The relevant managers or delegation holders will also have the opportunity to resolve the complaint informally.

#### 2. The University will receive anonymous concerns from students to help identify behavioural trends which do not align with its value of manaakitaka.

This helps to assess and assign methods of action to improve the wellbeing, safety and experiences of staff, students and community.

3. Informal anonymous concerns will first be addressed informally as the principles of natural justice mean that in order to manage concerns in a transparent manner, an individual must be aware of the allegations and who has made them. However, concerns may be formally investigated in some situations by the appropriate authority.

### **Principles of natural justice**

4. The principles of natural justice, equity and due process generally require that the complainant's identity be made known to the respondent, and at an early stage. In such a case, the complainant will be given notice of the intention of making their identity known, and at that time be informed of other possible external pathways for their complaint, should they choose not to proceed.
5. The principles of natural justice also mean that the respondent has the right to be informed in a timely manner about any formal complaint made against them and be given a reasonable time to respond.
6. All formal complaints must be communicated formally. Anonymous complaints will be treated informally in the first instance.

### **Investigation, support and record-keeping**

7. Lincoln University will ensure there is adequate investigation of the issues relating to the complaint and allow opportunities for the complainant and the University to communicate their views to each other.
8. At all stages both the complainant and respondent may have support people present at meetings and who may document what is communicated in those meetings.
9. All correspondence and outcomes of complaints will be recorded.
10. At any time, the complainant has the right to withdraw a complaint without prejudice.
11. At any time, the complainant has the right to gain access to all documents or any other information held by the University regarding their action.

### **Delivery partners**

12. Contracted providers and delivery partners will clearly publicise the complaints policy and procedure to their staff and students, and ensure it is accessible.

### **Appeals and legislation**

13. Where the complainant and/or the respondent disagrees with the outcome of a complaint, they may appeal that outcome to a higher authority. There is normally one automatic right of appeal.
14. The University will comply with all relevant legislation, including the Education Act 2020, Official Information Act 1982 and the Privacy Act 1993.

15. Vexatious complaints may result in disciplinary action by the University.

#### 4. FRAMEWORK

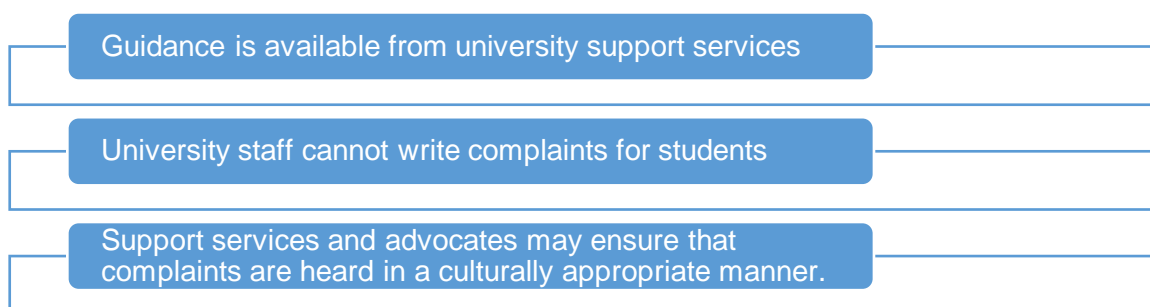
The framework outlined under Procedure is designed to identify the nature of the complaint and to enable complaints, where feasible, to be addressed and resolved as close as possible to the level at which they arose within the University's structure.

This is to ensure that:

1. There is opportunity for the complainant and the respondent concerned to resolve the issue directly;
2. If this is not possible, then the relevant managers or delegation holders have an opportunity to resolve the issue;
3. The University staff management structure is followed in the steps of any complaint;
4. There is a clear hierarchy of stages; and
5. There is a wholly independent stage in the process.

#### 5. PROCEDURE

##### Guidance in making a complaint



Guidance is available from university support services for students who wish to make a complaint. University support services include the Student Experience Manager, Student Health and Counselling, Wellbeing and International Student Advisors, Te Manutaki and Inclusive Education. Students may also request support and guidance from LUSA as an independent third party, who may assist in preparing the complaint.

Guidance can be provided by university support staff on the type of content to include in a complaint, and the supporting staff member may write a contextual statement which they submit when the student makes the complaint. However, university staff do not normally prepare a complaint on behalf of a student.

University support services and/or student advocates may contact in advance the person or group who will consider the complaint to ensure that the student is able to raise a complaint in a culturally appropriate and safe environment, and to confirm any arrangements that support this. This may include the use of assistive technology, the preparation of the written complaint by LUSA as an independent third party, the student making an oral submission in addition to submitting a complaint in writing, holding a meeting in a specific location on campus, or other agreed-upon actions.

### 1. Informal anonymous concern

1. Students should complete the Raise an Anonymous Concern Form on the Lincoln University website.
2. If a student has witnessed or experienced a crime, Crimestoppers allows for anonymous reporting to the police.
3. Questions about this procedure can be emailed confidentially to [anonymous@lincoln.ac.nz](mailto:anonymous@lincoln.ac.nz), where they will be addressed by the University Privacy Officer or their delegated nominee.

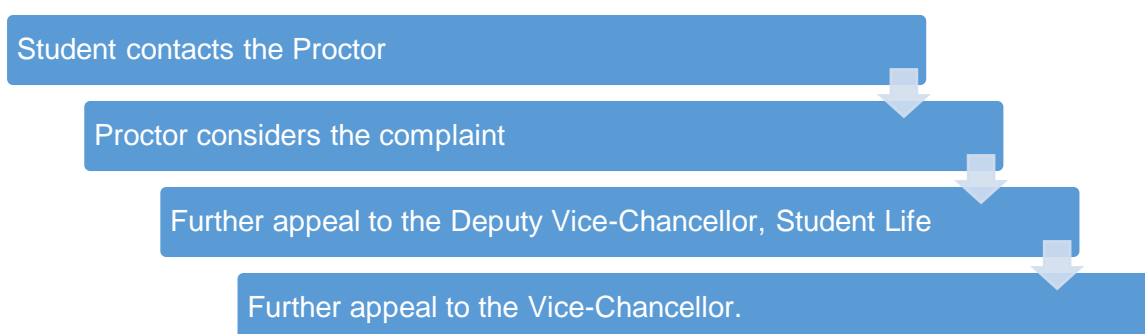
### 2. Reporting unacceptable behaviour

1. Unacceptable behaviour is behaviour that is distressing, offensive, illegal and/ or which does not align with the university's values or its policy and procedures. Where student(s) have witnessed or experienced unacceptable behaviours, the first priority is to ensure they and other affected people are safe and supported.

Students who witness or experience unacceptable behaviour should take the following steps.

- a) If the behaviour is illegal or puts another person's health or safety at immediate risk, call 111.
- b) If the behaviour on campus is not a police matter but requires urgent action, contact Campus Security on 0800 545 388, 24 hours a day, 7 days a week. Campus Security will treat the matter with confidentiality, inform the appropriate University authorities and ensure the student(s) have the support they require.
- c) When relevant and if possible, the student(s) should record as much detail as they can about the incident including the time, date and location.
- d) Student(s) should ensure the incident is reported to the University. This may be through Campus Security, a Proctor, Student Support advisor, by raising an informal concern, or by raising a formal complaint.

### 3. Formal complaint about another student




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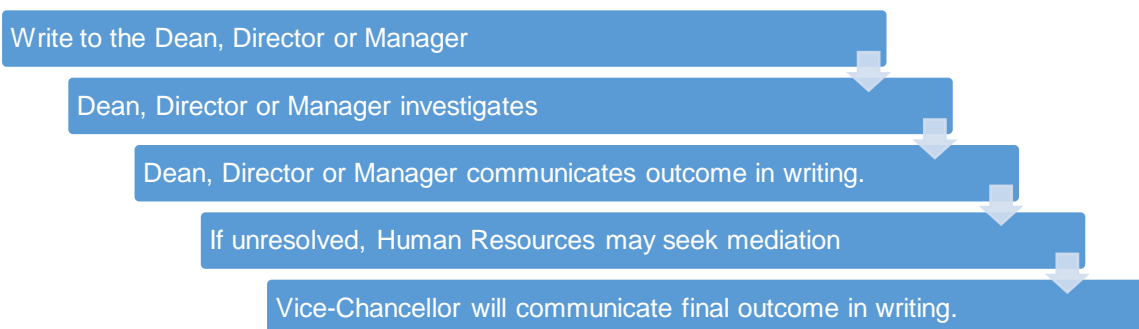
1. Where a student wishes to make a formal complaint about another student, the complainant should contact the Proctor, stating the nature of the complaint. The LUSA Student Advocacy and Voice Coordinator can also assist in this process.

The Proctor will receive the complaint and advise on its resolution, which may include a recommendation that the parties are supported to pursue informal resolution or mediation.

Where the nature of the complaint falls under policies or regulations excluded under 2. Limits of this policy, the appropriate policy and/or regulation will apply and the student will be advised of this in writing by the Proctor.

2. Where the complaint has been considered under (1) and the complainant believes the resolution is unsatisfactory, the complainant may write to the Deputy Vice-Chancellor Student Life, who will
  - a) investigate with all relevant parties and
  - b) seek to resolve the issue or
  - c) recommend mediation between the relevant parties.
3. Where the complainant believes the decision at (3) is unsatisfactory, they may make a written application to the Vice-Chancellor. The Vice-Chancellor will communicate their decision to the complainant in writing.

#### 4. Formal complaint about a staff member or third party



1. Where a student wishes to make a complaint about a staff member, the complainant should, either through LUSA, or acting on their own behalf, write to the respondent's Dean, Director or unit Manager.
2. The Dean, Director or Manager will investigate by communicating with all relevant parties and seek to resolve the issue. The resolution of the Dean, Director or Manager will be communicated to all parties in writing.
3. Where the complainant believes the resolution at (2) is unsatisfactory, they may contact a Human Resources Business Partner who will communicate with all relevant parties and seek to resolve the issue.

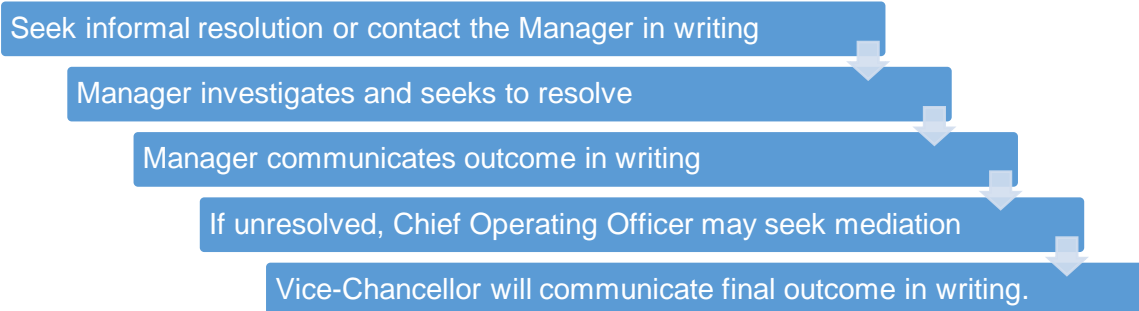
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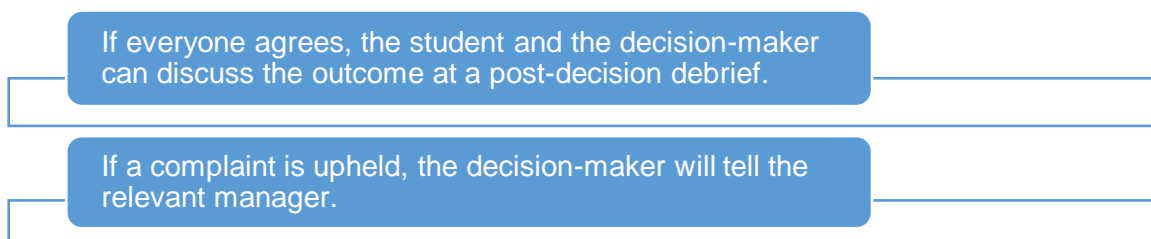
4. The Human Resources Business Partner may refer the matter to the Director People, Culture and Wellbeing. The Director People, Culture and Wellbeing may recommend that mediation occurs between relevant parties if they agree.
5. The Director People, Culture and Wellbeing will communicate their recommendation to the Vice-Chancellor and the relevant Dean, Director or Manager in writing. The Vice-Chancellor will communicate the decision to the complainant in writing.

#### 5. Formal complaint about service delivery



1. Before making a formal complaint, the complainant should make every effort to communicate with the respondent to seek resolution. If this is not possible or the complainant is unsatisfied with the resolution, the complainant should contact the respondent's Manager in writing.
2. The Manager will investigate by communicating with all relevant parties and seek to resolve the issue. The Manager will communicate their resolution to all parties in writing.
3. Where the complainant believes the resolution at (2) is unsatisfactory they may write to the Chief Operating Officer who will investigate by communicating with all relevant parties and seeking to resolve the issue. The Chief Operating Officer may recommend to the Vice-Chancellor that mediation occurs between relevant parties if they agree.
4. The Chief Operating Officer will communicate their recommendation to the Vice-Chancellor in writing. The Vice-Chancellor will communicate their decision to the complainant in writing.

#### 6. POST-DECISION DEBRIEF



Following the formal resolution of a complaint, and where no further concern is to be raised, a student will be invited to request a post-decision debrief in which, if all parties are willing,

the student may meet with the decision-maker and any other relevant parties, to discuss the outcome of the process.

Where complaint has been upheld, the decision-maker will brief the relevant Dean, Director or line-manager. This forms part of the University's accountability to students to address any identified shortcomings arising from the complaints process.

## 7. RIGHT OF FURTHER APPEAL

There is no automatic right to further appeal

There is a process to request permission to make further appeal.

There is no automatic right to further appeal beyond that noted above. If a student is not satisfied with the outcome of complaint, they may in some circumstances apply to raise a further appeal with the Appeals Committee of Council. Permission to raise a further appeal will only be granted when

- there is evidence that procedure has not been followed, or
- the student believes the outcome is manifestly unjust. Manifestly unjust means that the consequences of the outcome are out of proportion to the reasons for the outcome, or
- there is new relevant evidence that has not been considered.

Where a student believes that one or more of the above criteria applies, they may write to the University's legal counsel at [appeals@lincoln.ac.nz](mailto:appeals@lincoln.ac.nz), requesting permission to raise an appeal with the Appeals Committee of Council.

Requests for permission of this kind should be made within ten working days of the date of the decision of the Vice-Chancellor. If granted, the appeal must include evidence that addresses one or more of the bullet points, above.

## 8. DISPUTE RESOLUTION

Both domestic and international students can make a complaint about a financial or contractual dispute to the Dispute Resolution Scheme set up under the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021. Further information about the Dispute Resolution Scheme can be found online.

International students can contact iStudent Complaints, which is an independent service which has experience in helping people resolve disputes. Students can use the service for free. Further information about the services provided by iStudent Complaints can be found online.

Resolution of disputes may also be available from other bodies or agencies, including the Disputes Tribunal, the Human Rights Commission or the Ombudsman.



## 9. **ADDITIONAL RESPONSIBILITIES AND DELEGATIONS**

The Vice-Chancellor has overall responsibility for seeking to ensure that when complaint is made it is resolved in a fair and timely manner.

Deans, Directors, Managers and delegation holders are responsible for working with their staff and individuals to support the resolution of complaints within their delegated areas of authority.

Staff who receive complaints relating to their delegated work responsibilities should enable the resolution of any issue raised in a complaint.