

# **LINCOLN UNIVERSITY REPORT TO THE AUDIT & RISK COMMITTEE ON NON-ACADEMIC STUDENT COMPLAINTS AND CRITICAL INCIDENTS**

## **2023 Annual Report**

This annual report summarises non-academic complaints and critical incidents that met specific thresholds and were received or occurred in 2023 at Lincoln University. To meet NZQA's requirements a version of this report will be made publicly available via the University website. In accordance with Statistics New Zealand's guidelines (and in agreement with the seven other universities), complaints and outcomes that number fewer than 5 will be reported as <5 in the report in order to preserve non-identifiability of data. The publication of the 2023 annual report on complaints and critical incidents is due by July 2024.

### **A. Summary and analysis of trends and feedback**

As the inaugural annual report and based on the new reporting periods, this report will be used as a baseline for future comparisons.

The report has been compiled by approaching key service areas of the University. A range of recording protocols is noted, with an intention to find an integrated solution for complaints collation and monitoring from 2025 onwards.

## B. Student complaints reporting, Total 2023

### i) Service complaints

| Service complaints                               | 2023 Total Reports | Closed    | Complaint withdrawn | Open or under appeal |
|--|--------------------|-----------|---------------------|----------------------|
| Study plans/eligibility queries*                 | 5                  | 5         | 0                   | 0                    |
| Information/communication**                      | 15                 | 15        | 0                   | 0                    |
| Service failure (faculty or service division)*** | 6                  | 6         | 0                   | 0                    |
| Service failure (interpersonal)                  | <5                 | <5        | 0                   | 0                    |
| <b>Total</b>                                     | <b>29</b>          | <b>29</b> | <b>0</b>            | <b>0</b>             |

\* Primarily with regards to eligibility to study from the NCEA pathway

\*\* Primarily regarding payment of Student Services Levy by Postgraduate Tuition Fees Free students

\*\*\* Includes complaints regarding the Health Centre and Counselling

## ii) Student accommodation complaints

| Accommodation complaints <sup>1</sup> | 2023 Total Reports | Closed   | Complaint withdrawn | Open or under appeal |
|---------------------------------------|--------------------|----------|---------------------|----------------------|
| Facilities/Maintenance*               | <5                 | <5       | 0                   | 0                    |
| Financial (including appeals)         | 0                  | 0        | 0                   | 0                    |
| Security                              | <5                 | <5       | 0                   | 0                    |
| Information/communication             | <5                 | <5       | 0                   | 0                    |
| Noise                                 | <5                 | <5       | 0                   | 0                    |
| Staff                                 | 0                  | 0        | 0                   | 0                    |
| Other                                 | <5                 | <5       | 0                   | 0                    |
| <b>Total</b>                          | <b>7</b>           | <b>7</b> | <b>0</b>            | <b>0</b>             |

\*Includes buildings, lighting and IT infrastructure

---

<sup>1</sup> Complaints alleging bullying, harassment or discrimination within University accommodation are reported in section iv below.

### iii) Pastoral Care Code complaints

The Code of Pastoral Care requires that we track complaints that explicitly allege non-compliance with the Code. One complaint was received in 2023. This has been closed.

| <b>Pastoral Care Code of Practice - allegations of non-compliance</b> | <b>2023 Total reports</b> | <b>Closed</b> | <b>Complaint withdrawn</b> | <b>Open, in progress</b> | <b>Escalated to NZQA</b> |
|---|---------------------------|---------------|----------------------------|--------------------------|--------------------------|
| Organisational structures   | 0                         | 0             | 0                          | 0                        | 0                        |
| Wellbeing and safety practices  | <5                        | <5            | 0                          | 0                        | <5                       |
| Wellbeing and safety in student accommodation                         | <5                        | <5            | 0                          | 0                        | <5                       |
| Wellbeing and safety for international learners                       | 0                         | 0             | 0                          | 0                        | 0                        |
| <b>Total</b>  | <b>&lt;5</b>              | <b>&lt;5</b>  | <b>0</b>                   | <b>0</b>                 | <b>&lt;5</b>             |

#### iv) Alleged bullying, harassment & discrimination by students

| <b>Alleged bullying, harassment &amp; discrimination by students</b> | <b>2023 Total Reports</b> | <b>Open, in progress at end of 2023</b> | <b>Investigation did not proceed</b> | <b>Complaint withdrawn</b> | <b>Complaint not upheld but formal directive given</b> | <b>Complaint upheld, formal directive or reprimand given</b> | <b>Complaint not upheld</b> | <b>Referred to Disciplinary Committee</b> |
|--|---------------------------|---|--------------------------------------|----------------------------|--|--|-----------------------------|---|
| Harmful sexual behaviour   |                           |   |                                      |                            |  |  |                             |   |
| Gender-based harassment  | <5                        |   |                                      |                            |  | <5   |                             |   |
| Racial harassment  |                           |   |                                      |                            |  |  |                             |   |
| Harassment other   | <5                        |   |                                      |                            |  | <5   |                             |   |
| Discrimination   |                           |   |                                      |                            |  |  |                             |   |
| Physical assault   |                           |   |                                      |                            |  |  |                             |   |
| Bullying   |                           |   |                                      |                            |  |  |                             |   |
| Other  |                           |   |                                      |                            |  |  |                             |   |
| <b>Total</b>   | <b>6</b>                  |   |                                      |                            |  | <b>6</b>   |                             |   |

- i. **Investigation did not proceed** – where respondent is unknown to the applicant and cannot be identified; respondent can be identified but has no connection to the university; not enough evidence or evidence supplied does not breach rules or policies. In these latter cases, where we can identify the respondent and they are a student, future behaviour may be monitored via the University Proctor.
- ii. **Complaint not upheld but formal directive given** – this is where there is insufficient evidence to prove the allegation, however in the interests of the wellbeing and safety of all parties a formal directive is given. For example, a non-contact directive.
- iii. **Complaint upheld formal directive or reprimand given** – this is where the allegation has been proven, directive given but not significant enough to go to the Discipline Committee
- iv. **Complaint not upheld** – no reprimand or directive given, insufficient evidence to prove the allegation.

v) Alleged bullying, harassment & discrimination of students by staff

| <b>Alleged bullying, harassment &amp; discrimination of students by staff</b> | <b>New reports this period</b> | <b>Open, in progress at the end of this period</b> | <b>Open, under appeal</b> | <b>Complaint withdrawn</b> | <b>Complaint not upheld</b> | <b>Complaint upheld; disciplinary process initiated</b> | <b>Complaint upheld, instruction to improve issued</b> | <b>Referred to Police</b> |
|---|--------------------------------|--|---------------------------|----------------------------|-----------------------------|---|--|---------------------------|
| Harmful sexual behaviour  |                                |  |                           |                            |                             |   |  |                           |
| Gender-based harassment   |                                |  |                           |                            |                             |   |  |                           |
| Racial harassment   |                                |  |                           |                            |                             |   |  |                           |
| Harassment other  |                                |  |                           |                            |                             |   |  |                           |
| Discrimination  |                                |  |                           |                            |                             |   |  |                           |
| Physical assault  |                                |  |                           |                            |                             |   |  |                           |
| Bullying  |                                |  |                           |                            |                             |   |  |                           |
| Other   | <5                             |  |                           | <5                         |                             |   | <5   |                           |
| <b>Total</b>  | <b>&lt;5</b>                   |  |                           | <b>&lt;5</b>               |                             |   | <b>&lt;5</b>   |                           |

## vi) Protected disclosure/Whistleblower complaints from students

Disclosures in this category are governed by Lincoln University's Protected Disclosure Policy.

| Nature of allegation(s) raised                        | New reports this period | Open, in progress at the end of this period | Investigation could not proceed due to lack of sufficient information |
|---|-------------------------|---|---|
| Bullying, Harassment and/or discrimination by staff   | 0                       |   |   |
| Other staff misconduct                                | 0                       |   |   |
| Bullying, Harassment and/or discrimination by student | 0                       |   |   |
| Other Student misconduct                              | 0                       |   |   |
| Breach of law/policy/procedure                        | 0                       |   |   |
| <b>TOTAL</b>  | <b>0</b>                |   |   |

vii) Escalated complaints from prospective, current and past students

Complaints that have escalated to third-party processes are managed via the University's Legal Counsel.

| Investigating authority                  | Carried forward | New reports this period | Closed   | Open, in progress |
|--|-----------------|-------------------------|----------|-------------------|
| Office of the Ombudsman (OO)             | 0               |                         |          |                   |
| Office of the Privacy Commissioner (OPC) | 0               |                         |          |                   |
| Human Rights Commission                  | 0               |                         |          |                   |
| NZQA                                     | <5              | 2                       | 1        | 1                 |
| Dispute Resolution Service               | <5              |                         | 1        |                   |
| iStudents                                | 0               |                         |          |                   |
| <b>Total</b>                             | <b>&lt;5</b>    |                         | <b>2</b> | <b>1</b>          |



## viii) Student Critical Incidents

| Critical Incidents   | 2023 Total Reports | Closed | Open or under investigation | Domestic student | International student |
|--|--------------------|--------|-----------------------------|------------------|-----------------------|
| Student Death on Campus  | 0                  |        |                             |                  |                       |
| Student Death off Campus of a 'learner at risk'*   | 0                  |        |                             |                  |                       |
| Serious harm (physical or mental) to a student ** and either:<br>- planning to manage/mitigate the event/matter was inadequate or a plan was not followed; or<br>- an external review/investigation was carried out. | 0                  |        |                             |                  |                       |
| <b>Total</b>   | <b>0</b>           |        |                             |                  |                       |

\* Learner at risk is defined by NZQA: a student where the university has reasonable grounds to believe that there is a serious issue relating to the learner's health, safety, or wellbeing.

\*\* Related to University activity

### c. Improvements to complaints process

A key element identified as part of this review is the distributed nature of complaints at Lincoln University. A key recommendation is that the University invest in a single system to centralise complaints reporting to ensure effective monitoring of complaints across all elements at the University.

Lincoln University is currently considering software solutions to support case management of pastoral care concerns. One of the identified packages includes a complaints module which if adopted would simplify the compilation and tracking of complaints.

~END~

## Appendix – Definitions

|                          |   |
|--------------------------|---|
| Harmful sexual behaviour | The term Harmful Sexual Behaviour encapsulates the full spectrum of behaviours and issues relating to sexual misconduct, including such behaviours as sexual harassment, coercion, sexual harm, sexual assault, sexual violence and retaliation. Harmful sexual behaviours are unwelcome or offensive sexual behaviours that are significant enough to have a harmful effect on an individual's wellbeing. Harmful sexual behaviours can occur in the physical or digital environment.            |
| Gender-based harassment  | Gender-based harassment describes a wide range of behaviour based on gender stereotypes, sexual orientation or gender identity. Such behaviour includes verbal, physical, visual or digital actions which demean, belittle or threaten a person. It does not necessarily suggest sexual interest or intent; it is often about making a person feel unwelcome, uncomfortable, inferior or vulnerable.  |
| Racial harassment        | Racial harassment is the use of language, or visual material or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; is hurtful or offensive; and is either repeated or serious enough to have a detrimental effect on a person in one of the areas specified by the Human Rights Act 1993, e.g. the provision of education, accommodation and employment. |
| Harassment other         | Harassment is unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment.   |
| Discrimination           | Discrimination can occur when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national origins, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability.  |
| Bullying                 | Bullying is any repeated unreasonable behaviour that is directed towards a person, or group of people, that can lead to physical or psychological harm. This includes cyberbullying, which is the use of electronic communication to bully, harass or frighten a person, typically by sending messages of an intimidating, embarrassing or threatening nature.  |