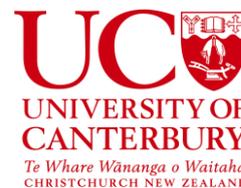


# University of Canterbury

## Student Complaint Procedures



If you are a current, prospective or former student with a complaint about the University of Canterbury | Te Whare Wānanga o Waitaha, we want to know so we can work with you to resolve your concerns. If you have a complaint about something that has affected you, this guide tells you what you can do to raise a complaint, and what the University will do with your complaint.

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## 1. Introduction | Kupu Whakataki

- 1.1 The purpose of this document is to explain the University of Canterbury’s complaints procedures, from a student’s perspective. This guide explains how you (or the person representing you) can make a complaint, how the University will handle your complaint, timeframes for resolution, and alternative resolution options. Please read this guide in full before you make a complaint.
- 1.2 If you would like support, assistance in understanding these procedures, or to discuss your circumstances or concerns prior to making a complaint, you can contact:
  - a) the [UC Grievance and Academic Processes Advisor | Kairuruku Nawe, Tukanga Akoranga](#) – for information regarding the process and to answer any questions; or
  - b) the [UCSA Student Advocate](#) – for confidential and independent advice, advocacy, and support.

If you need additional assistance to use these complaints procedures, for example, due to a language barrier or lack of internet access, please contact the UC Grievance and Academic Processes Advisor or the UCSA Student Advocate to discuss additional support options.

- 1.3 The University's complaints procedures are summarised in the diagram in the attached Appendix and discussed in detail below.
- 1.4 If you wish to raise a concern (but not a formal complaint under these procedures), then please contact [concerns@canterbury.ac.nz](mailto:concerns@canterbury.ac.nz).

## **2. Complaints covered by this Procedure**

- 2.1 These procedures apply when a student raises a problem or concern regarding:
  - a) their treatment by the University or its staff;
  - b) financial or contractual issues with the University;
  - c) the quality of delivery of a service (including a course or programme) provided by the University;
  - d) a student's wellbeing or safety, including issues of racism, discrimination, bullying, physical and/or sexual violence; or
  - e) the actions or conduct of a University staff member.

For other types of complaints, there may be different processes: see paragraph 3 below.

- 2.2 Complaints under these procedures may be made by current, prospective or former students. Complaints may also be raised by students' parents or legal guardians (if students are under 18). Where a group of students would like to jointly make a complaint, they can do so under these procedures by either jointly making a complaint, or through a representative.
- 2.3 Students may wish to raise a complaint for purposes such as:
  - a) having their concerns heard and/or investigated;
  - b) receiving an apology or acknowledgement of wrongdoing;
  - c) having a decision made or an action taken;
  - d) having a record kept that their complaint has been raised; or
  - e) improving existing services and/or processes.

## **3. Complaints not covered by this Procedure**

- 3.1 Students who wish to complain about:
  - a) an academic decision: should follow the process set out in the Appeals Regulations (<https://www.canterbury.ac.nz/regulations/>) as applicable.
  - b) student conduct: should follow the process set out in the Behavioural Misconduct Regulations and Academic Misconduct Regulations (<https://www.canterbury.ac.nz/regulations/>);
  - c) a breach of privacy: should follow the process set out in the [Privacy Policy](#);
  - d) intellectual property: should follow the process set out in the [Intellectual Property Policy](#);

- e) health and safety: should report concerns and incidents through the [UC Health and Safety Reporting Tool](#);
- f) criminal matters: may also wish to refer the matter to the Police; and
- g) student loan, student allowance, or student loan repayments: should contact [Studylink](#).

#### 4. Anonymous Complaints and Disclosures

If you wish to make an anonymous disclosure you can do so through the [‘Report It’ webpage](#). You will be asked to complete an online form which allows the University to collect information about the issue/event you wish to raise. The ‘Report It’ webpage contains information about the process and what happens when you submit an anonymous report. Please refer to the Report it [FAQ webpage](#) for further information.

#### 5. Principles | Ngā Mātāpono

- 5.1 When handling student complaints, the University and its staff will endeavour to:
- a) handle complaints in a way that is fair, transparent, easily accessible, timely and effective;
  - b) ensure complaints are managed by independent and unbiased people who will ensure that all relevant parties are given an opportunity to be heard;
  - c) work with students to consider their issues from a cultural perspective;
  - d) accommodate the involvement of the student’s chosen support people and/or whānau, where requested by the student and/or the student is a minor; and
  - e) provide culturally responsive approaches to resolving complaints, including considering traditional and informal processes for raising and resolving issues.
- 5.2 When handling student complaints, the University and its staff will endeavour to uphold [Ngā Uara](#) – the University’s organisation values of manaakitanga, whanaungatanga and tiakitanga, and the attributes that underpin these values to:
- a) Kia Tika: do what is right, be professional and maintain high standards;
  - b) Kia Pono: be honest, truthful and act with integrity; and
  - c) Kia Aroha: be respectful, responsive and empathetic.
- At the centre of these attributes is utu – reciprocation and balance.

#### 6. Informal Resolution Options

- 6.1 Where appropriate and you feel safe to do so, students are encouraged to resolve issues informally by directly approaching the relevant UC staff member or service area, either on their own or with the support of a third party such as a UCSA Advocate. Informal resolution strategies might be conducted in person or via email, and include:
- a) telling the person what the issue is;
  - b) asking them to stop or to behave differently; and
  - c) where appropriate, keeping a written record of this action.
- 6.2 Paragraph 6.1 does not apply to complaints concerning alleged criminal conduct, including sexual assault. Please refer to the University’s [Prevention of Harassment and Bullying Policy](#)

for further information. Criminal matters may be referred to the Police by the student or the University.

- 6.3 Staff approached by a student with a complaint are expected to deal with the matter in an open and professional way, and to take reasonable and prompt action to try to resolve the matter informally or if it is more serious, refer the matter to a more senior staff member. In dealing with a complaint, staff should take into account the principles set out in paragraph 5.
- 6.4 The staff member may seek further information or clarification from either the student, or from others, without naming the student unless express permission has been provided by the student for them to be named. The staff member may seek the support of their Head of School or Department, relevant Associate Dean or Executive Dean (or delegate) when considering the matter.
- 6.5 Staff members should provide students with an outline of the next steps and an indication of when an outcome is likely to be available within ten (10) Working Days of the matter being raised. Where they are not resolved to the satisfaction of the student, or where the matter is more serious, the formal complaints procedure as set out below ought to be followed.

## **7. Formal Complaint Submission Process**

- 7.1 A student who is unable to resolve their issue or concern informally, or considers informal resolution inappropriate or unsatisfactory, can lodge a formal complaint through the UC Grievance and Academic Processes Advisor.
- 7.2 Students must submit the formal complaint in writing, clearly stating:
  - a) that the complaint is a formal complaint;
  - b) who is raising the complaint, and how best to contact them;
  - c) the basis for the complaint;
  - d) if known, the name of the person, faculty, or service unit which is the subject of the complaint;
  - e) a description of the events that have given rise to the complaint;
  - f) actions you have taken to resolve the complaint; and
  - g) any outcomes sought as a result from the complaint.The student should also provide any relevant evidence.
- 7.3 Formal complaints should be sent for the attention of the Grievance and Academic Processes Advisor to [concerns@canterbury.ac.nz](mailto:concerns@canterbury.ac.nz).
- 7.4 A student can withdraw their complaint at any time by writing to the UC Grievance and Academic Processes Advisor (at [concerns@canterbury.ac.nz](mailto:concerns@canterbury.ac.nz)) and the matter will be considered to be resolved. The University may continue to investigate a complaint if it believes it would be helpful to do so, including to ensure that the University provides a safe and supportive learning environment or where it is required to do so to satisfy legal requirements.
- 7.5 The University will not investigate a formal complaint submission where it reasonably considers that:

- a) the person who has submitted the complaint is not a student (or a proper representative of a student);
- b) the submission does not present a circumstance that meets the definition of a complaint;
- c) another policy or procedure has been or can be used to consider the complaint;
- d) the student has provided insufficient detail or evidence of the issue to enable it to be properly assessed;
- e) the student is not willing to participate or assist in the resolution process, including communication with the Grievance and Academic Processes Advisors or those investigating the complaint;
- f) the complaint is a Frivolous, Vexatious or Malicious Complaint; or
- g) the complaint has been appropriately addressed or resolved, and does not warrant further action.

## **8. Receipt and Assessment**

8.1 The University will provide students with written acknowledgement of receipt of a formal complaint within two (2) Working Days of formal lodgement of the complaint.

8.2 The Grievance and Academic Processes Advisor will process the complaint within approximately five (5) Working Days of its receipt. The Grievance and Academic Processes Advisor will determine whether the submission:

- a) falls within the scope of another University regulation or policy which, for the purpose of complaint resolution, has a procedure to review the action, decision or omission that is the subject of the complaint. The Grievance and Academic Processes Advisor will refer the complaint for consideration under the appropriate University regulation or policy and advise the student of this referral; or
- b) will be managed under the Student Complaint Procedure. If so, the Grievance and Academic Processes Advisor will:
  - i) determine whether the Assisted Resolution Process (set out in paragraph 9 below) should be followed or whether an Investigation (set out in paragraph 10) is appropriate; and
  - ii) refer the complaint and recommendation arising from 8.2(b)(i) to the Responsible Officer (e.g. relevant Associate Dean, Executive Dean, Director, or equivalent), unless the Grievance and Academic Processes Advisor determines on the basis of the submission that a reasonable concern of bias or a conflict of interest exists with regard to that officer, in which case the Grievance and Academic Processes Advisor will contact the next most senior officer as the Responsible Officer;

- iii) determine the period during which a resolution of the complaint is expected to be achieved. Typically, this will be within approximately fifteen (15) Working Days. In the case of complex cases, the resolution period may be longer. Where a resolution is likely to exceed fifteen (15) Working Days, the Grievance and Academic Processes Advisor will provide an estimated timeframe for the resolution of the complaint; and
  - iv) advise the student of the referral to the Responsible Officer and period during which a resolution of the complaint is expected to be achieved.
- c) should be referred to the Dean (Academic Governance) to determine if a complaint is a Frivolous, Trivial or Vexatious Complaint. Within approximately five (5) Working Days of the referral, the Dean (Academic Governance) may:
- i) determine that the complaint is a Frivolous, Trivial or Vexatious Complaint; dismiss the complaint; and notify the student (including reasons for the decision). At the request of the student, the decision of the Dean (Academic Governance) will be reviewed by the Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic; or
  - ii) determine that the complaint is not a Frivolous, Trivial or Vexatious Complaint, and notify the Grievance and Academic Processes Advisor.
- d) be referred to People and Culture for investigation, if it is a staff employment matter.

8.3 The Responsible Officer will acknowledge receipt of the referral of the complaint submission. If they believe they have a conflict of interest, or the student raises reasonable concerns of bias, regarding the referral, they will advise the Grievance and Academic Processes Advisor, who will re-refer the complaint under paragraph 8.2(b)(ii).

8.4 At the conclusion of the preliminary assessment described in paragraph 8.2, the Grievance and Academic Processes Advisor must inform the student (and, where appropriate, the respondent) in writing of the outcome of the preliminary assessment including which University procedure will be followed to consider the complaint. If the student has any concerns over the Grievance and Academic Processes Advisor's determination of the procedure to be followed, the student should advise the Grievance and Academic Processes Advisor in writing, including the reasons for their concerns.

## 9. Assisted Resolution Process

9.1 Where the assessment in paragraph 8.2 determines that assisted resolution is appropriate, resolution may include, but is not limited to:

- a) clarifying a misunderstanding;
- b) an apology;
- c) facilitated discussion, including mediation or conciliation;
- d) an agreed plan of action to avoid further incidents; or
- e) implementing awareness-raising or educational sessions about behaviour.

- 9.2 Where reasonable, the assisted resolution process should be completed within twenty (20) Working Days of the assessment referred to in paragraph 8.2.
- 9.3 Where twenty (20) Working Days is not reasonable, the Grievance and Academic Processes Advisor must:
- a) advise the student of the reasons for the delay, and of the projected timeframe for resolution; and
  - b) update the student on the progress of the complaint every (ten) 10 Working Days.

## **10. Investigation**

- 10.1 Where assisted resolution is unsuccessful or considered inappropriate, the Grievance and Academic Processes Advisor must determine whether:
- a) the matter should be investigated under paragraph 10; or
  - b) any other further action should be taken.
- 10.2 The University may initiate an investigation:
- a) for serious complaints (as determined by the University in its absolute discretion, taking into account the student's views and circumstances);
  - b) where assisted resolution is unsuccessful or not appropriate; or
  - c) in other circumstances, where the University considers it to be appropriate.
- 10.3 Except where otherwise required by University rules, protocols, policies and procedures, the Responsible Officer will determine how the complaint will be addressed, taking into account the principles in paragraph 5. This may include:
- a) nominating an appropriate staff member(s) to assist;
  - b) meeting with the parties (with their respective support person(s)), together or separately;
  - c) meeting with any other relevant witnesses;
  - d) obtaining any other relevant evidence; and/or
  - e) providing for mediation, conciliation or investigation of the complaint by an appropriately trained and independent person.
- 10.4 The Responsible Officer will provide respondents with:
- a) the allegations in sufficient detail to ensure that they have a reasonable opportunity to respond; and
  - b) a reasonable period of time within which to respond to the allegations.
- 10.5 The Responsible Officer will ensure all parties involved in resolving the complaint are treated fairly and reasonably. If the University is required to respond to the complaint within the context of the UC Staff Code of Conduct then the complaint may be referred to People and Culture for investigation.
- 10.6 The Responsible Officer may make findings of fact and may make recommendations for resolving complaints, in accordance with University statutes, regulations, rules, protocols, policies and procedures.

- 10.7 The Responsible Officer will consider in what ways the complaint might be valid and the appropriate response, including if a remedy is justified. This will include that:
- a) in determining an appropriate remedy, the remedial action the student has sought is considered; and
  - b) a remedy must be within the authority of the Responsible Officer or be recommended by the Responsible Officer to an appropriately delegated person or body, which has the authority to implement the remedy.
- 10.8 The Responsible Officer must give the Grievance and Academic Processes Advisor written reasons for their findings of fact and (if relevant) their recommendations.
- 10.9 Where reasonable, the investigation should be concluded within thirty (30) Working Days. Where thirty (30) Working Days is not reasonable, the Grievance and Academic Processes Advisor must:
- a) advise the student of the reasons for the delay, and of the projected timeframe for conclusion of the investigation; and
  - b) update the student on the progress of the complaint every ten (10) Working Days.
- 10.10 If the Responsible Officer recommends any systemic improvements to University practices, including the review of policies or procedures following the review of a complaint, the Grievance and Academic Processes Advisor will forward any recommendation(s) to the relevant officer(s) for action. Officers who receive a Responsible Officer's recommendation(s) will advise the Grievance and Academic Processes Advisor and the Responsible Officer of their response to the recommendation(s) within fifteen (15) Working Days.
- 10.11 If a remedy is approved, then the University will implement corrective and preventative actions as soon as possible.
- 10.12 The Grievance and Academic Processes Advisor will advise the student of the outcome of the investigation and any approved remedies.
- 10.13 Where an investigation occurs in relation to a staff member's employment, the University will be limited in the information it can provide to a student under the Privacy Act 2020.

## **11. Right of Appeal**

- 11.1 A student has a right to seek leave to appeal to the Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic.
- 11.2 Any application for leave to appeal must be received within ten Working Days of notification of the decision being appealed. Notification is deemed to occur when the message of notification reaches the student's electronic address. A late application for leave to appeal will be accepted only in exceptional circumstances. The decision not to accept a late application cannot be appealed.
- 11.3 Leave to appeal will only be granted where there may have been a breach of process in relation to the decision, where there is new evidence or information that was not available

to the student at the time of the decision and/or where the decision was manifestly unjust. The application for leave to appeal must specify how this requirement is met and provide any relevant supporting evidence on which the student relies. The Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic will determine whether leave to appeal will be granted. The decision whether to grant leave to appeal is final and cannot be appealed. The student will be advised of the decision in writing.

- 11.4 If leave to appeal is granted, the Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic will consider the appeal and may confirm, amend or overturn the decision under appeal or refer the decision back to the original decision maker or other appropriate person for reconsideration. The Grievance and Academic Processes Advisor will provide the outcome of the appeal, together with the reasons for the decision, to the student in writing. This decision is final and cannot be appealed.

## 12. External Complaint and Appeal Options

12.1 In the first instance, the University and the student should endeavour to resolve the complaint or dispute through the processes described in these procedures. However, a student can raise an external complaint or dispute, if:

- a) the University does not accept the student’s complaint;
- b) the student or the University perceives that the University does not have the cultural competency to deal with the complaint;
- c) the student is not satisfied that the University has made adequate progress towards resolving the complaint; or
- d) the student is not satisfied with the University’s internal complaints process or outcome.

A student can seek resolution of a dispute from the following agencies, depending on the subject matter of the dispute. External agencies are likely to expect that a student should first attempt to resolve their grievances internally, using the procedures of the University, unless there are exceptional circumstances.

<p><b>Financial and Contractual Disputes</b></p>	<p><b>Ngā amuamu tauira   Study Complaints:</b> is a free and independent dispute resolution service that can help international and domestic students with unresolved complaints about financial and contractual matters. See <a href="#">Study Complaints</a> for further information.</p> <p><b>Disputes Tribunal:</b> The <a href="#">Disputes Tribunal</a> is a small claims court that can hear claims about unresolved disputes for up to \$30,000. If a claim is for over \$30,000, then this would usually need to go to the District Court. For more information:</p> <ul style="list-style-type: none"> <li>• <a href="#">Download this brochure about the Disputes Tribunal</a></li> <li>• Read <a href="#">this information</a> about the Disputes Tribunal from Community Law</li> </ul>
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<b>Pastoral Care Code</b>	<b>NZQA:</b> If you believe that the University is failing to meet the outcomes or requirements of the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, and the University is unable to resolve your concerns, you can escalate a complaint using <a href="#">NZQA's complaints procedure</a> .
<b>Privacy</b>	<b>Privacy Commissioner:</b> If you have an unresolved complaint about how information about you has been stored or used, you can <a href="#">contact the Office of the Privacy Commissioner</a> .
<b>Discrimination and Human Rights</b>	<b>Human Rights Commission:</b> If you have an unresolved complaint that you have faced discrimination, hateful speech, or that your human rights have been denied, you can <a href="#">contact the Human Rights Commission for information, support or to make a complaint</a> .
<b>Delivery or Quality of Your Course or Study</b>	<b>Tertiary Education Commission (TEC):</b> If you are concerned that the University is not delivering the appropriate amount of teaching hours through their course or study, or about the University's performance against its commitments, performance standards, or compliance against the TEC's funding conditions, you can <a href="#">make a complaint to the TEC</a> .  <b>Universities New Zealand (UNZ):</b> UNZ has the authority to <a href="#">investigate complaints or disclosures</a> when they relate to the quality and/or integrity of qualifications and when the matter is serious or significant.
<b>Ombudsman</b>	If you believe that the University has made a decision that is unreasonable, unfair or wrong (for example that the University's complaints process has been conducted incorrectly or that the outcome is unreasonable in relation to the evidence), you have the right to <a href="#">raise the matter for external and independent review by the Ombudsman</a> .

### 13. Frivolous, Trivial or Vexatious Complaints

A student has a responsibility not to make a Frivolous, Trivial or Vexatious Complaint. If you are unsure about the nature of your complaint, please contact the Grievance and Academic Processes Advisor via [concerns@canterbury.ac.nz](mailto:concerns@canterbury.ac.nz).

### 14. Privacy, Reporting and Record Keeping

- 14.1 The Responsible Officer will provide the Grievance and Academic Processes Advisor with a copy of all documentation relevant to the complaint. All records collected, generated or used as part of the resolution or determination of a complaint under these procedures will be stored confidentially in the University's records management systems. Records will be kept in accordance with the University's [Records Management Policy](#), the Public Records Act 2005 and the [Privacy Policy](#).

- 14.2 The Grievance and Academic Processes Advisor will provide an annual written report to University Council and Academic Board. This will include:
- a) quantitative and qualitative analysis of the formal complaints received, referred, resolved and withdrawn, and of performance in complaint handling; and
  - b) recommendations for changes to policy and practice, including with regard to the management of complaints.
- 14.3 The University will publish aggregate data relating to complaints on the UC website. Care will be taken to ensure that no student is identifiable based on the information made available.

## 15. Definitions | Tautuhinga

**Academic Decision:** A decision which causes a student an academic disadvantage.

**Frivolous, Trivial or Vexatious Complaint:** A complaint which:

- a) is without merit;
- b) has already been considered by the University and satisfactory measures have been taken to resolve the matter;
- c) is dishonest or contains intentionally misleading information;
- d) is pursued with undue persistence; or
- e) is pursued in a manner that threatens, menaces or harasses a member of University staff or fellow student.

**Responsible Officer:** A person to whom a complaint is referred for consideration or investigation on behalf of the University, typically being an Associate Dean, Executive Dean, Director or similar.

**Student:** A person who is enrolled in at least one course at the University, either directly or indirectly or through official arrangements with another organisation. The term student in this context may include prospective students or former students.

**Working Day:** A day of the week in which when the University is fully open, which excludes Saturdays and Sundays, public holidays, relevant regional anniversary days and University Holidays.

## Appendix | Tāpiritanga – Complaints Process Diagram

