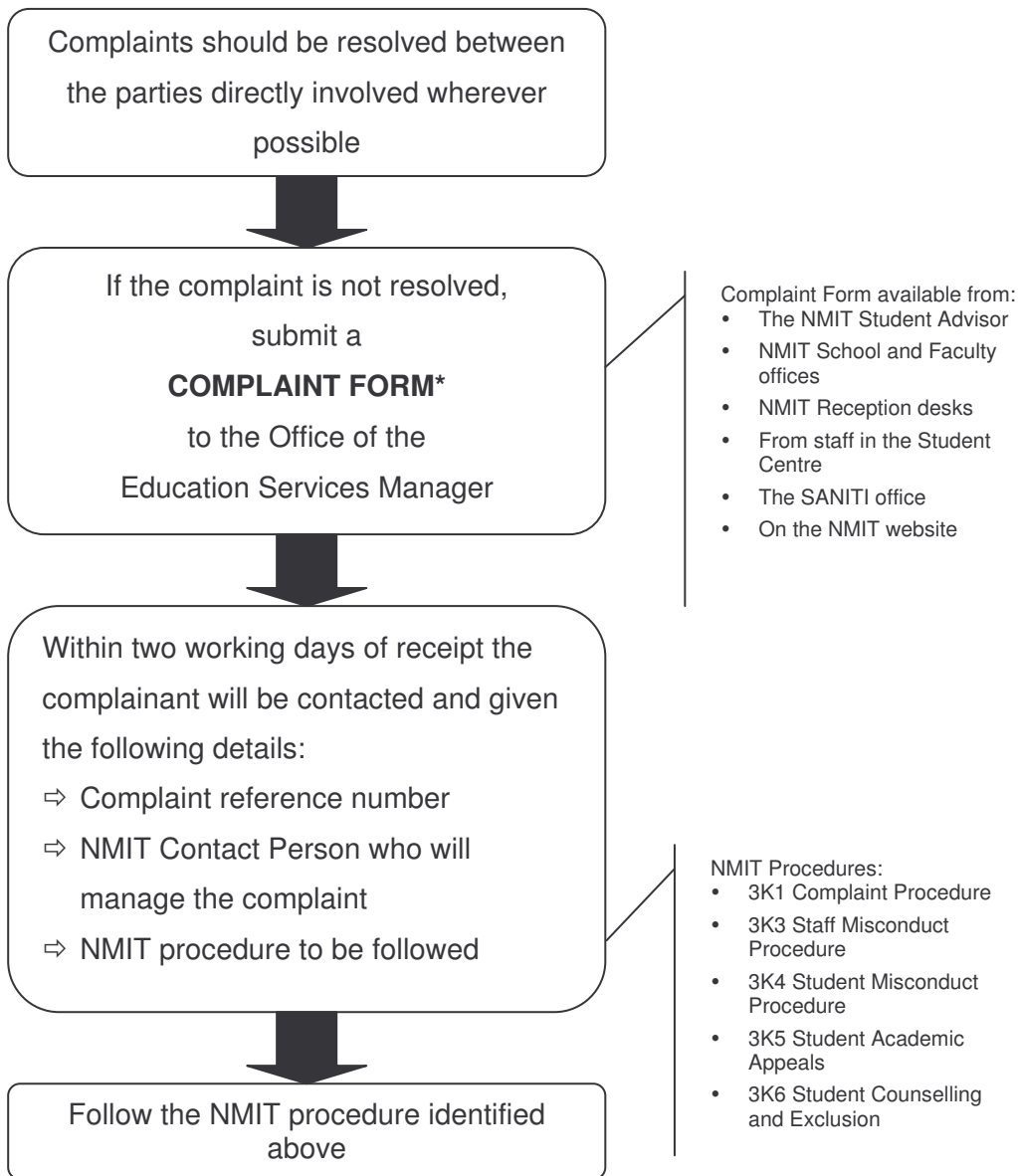


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## OVERVIEW OF COMPLAINT PROCEDURE



\* Refer to Appendix One for Complaint Form format

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## **PURPOSE**

To ensure that complaints about Nelson Marlborough Institute of Technology (NMIT) are resolved as part of a continuous process to improve service.

## **SCOPE**

The Complaints Procedure applies to complaints about NMIT services, facilities, students, programmes and staff at all locations and work areas of the institute.

NMIT reserves the right not to progress:

- Anonymous complaints or complaints based on hearsay.
- Complaints made more than 90 days after an alleged incident.
- Complaints where the complainant is not willing to provide sufficient information to achieve a resolution, or if no response is received within 90 days.

## **PRINCIPLES**

The rights of both complainants and respondents should be protected and both parties have the right to a fair hearing.

Information relating to complaints is strictly confidential.

All complaints are to be resolved as quickly as possible.

Complaints should be resolved by negotiation between the parties directly involved wherever possible and with support, rather than advocacy, in the first instance.

Complainants and respondents need to be prepared to assist the resolution process (e.g. attend meetings and provide information requested).

Any decision required to resolve a complaint will take account of each party's information, story or evidence.

A complaint may be withdrawn at any stage.

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## DEFINITIONS

Complainant	The person who makes a complaint.
Respondent	The person about whom a complaint is made.
Complaints Co-ordinator	Person assigned by the CE or ESM to co-ordinate the Complaint Procedure and retain basic information and statistics for NMIT complaints.
NMIT Contact Person	Manager assigned by the CE or ESM to manage individual complaints.
Support	Person or group able to provide support or advice to the complainant or respondent (e.g. NMIT Student Advisor; student or staff association/union member; friend or family member).  A support person's role is to empower their party to speak for themselves with knowledgeable support. A support person can not speak on behalf of the complainant or respondent.
Formal Complaint	A complaint made in writing.
Complaint Resolution Record (CRR)	The CRR outlines the procedure to be used for complaints and provides a record of progress (Refer to Appendix Three).
Advocate	A person that speaks on behalf of a complainant or a respondent.
Manager	A Management Team member, Head of School, Administration Manager or other member of the Strategic Leadership Forum who has reporting staff.
Education Services Manager (ESM)	Delegated authority by the CE to manage formal complaints.
Dean	Management Team member responsible for the programme.

## RESPONSIBILITIES

### Staff, Chief Executive (CE) and Council members:

- Encourage students and staff to voice their concerns at an early stage with those directly concerned.

### Education Services Manager

- Assign NMIT Contact Person to manage individual complaints.
- Quarterly or as required summarise information from all complaints relating to the institute to facilitate regular reporting to the CE.
- As appropriate supply statistical information to the Management Team and Academic Board in consultation with the CE.

### Complaint Co-ordinator

- In consultation with the ESM identify the relevant procedure and assign NMIT Contact Person to manage the complaint.
- Assign each complaint a reference number.
- Send complainant a letter acknowledging receipt of complaint. Letter to include the complaint reference number, name of NMIT Contact Person and the next step in the process.
- Monitor the steps and progress to resolve each complaint via the CRR

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#### NMIT Student Advisor

- Provide information to students about the NMIT Complaint Procedure and advise options for resolving a complaint.
- Suggest appropriate options of support for a student and provide support if requested.

#### NMIT Contact Person

- Provide advice on support options.
- Arrange meetings and keep both parties informed.
- Clarify in advance the meeting purpose and the roles of those attending.
- Manage the roles during the meeting.
- Notify both parties of the outcome of the complaint in writing.
- Ensure the CRR is completed and returned to the Complaint Co-ordinator.

If the complaint reaches formal investigation stage:

- Conduct a formal investigation and arrange a formal meeting.
- Make a decision on the outcome of the complaint.

Note: A different NMIT Contact Person maybe assigned to conduct a formal investigation.

#### Support Person/Group

- Listen to their party's concerns and explain the process.
- Advise their party of all their options and allow them to make their own decisions.
- Explain possible outcomes and consequences.

During meetings a support person might:

- Ask for clarification from other attendees.
- Remind their party of questions to ask or points to make.
- Observe if the process is fair.
- Request breaks.
- Request discussion stops and recommend that a facilitator or mediator is chosen.
- Take notes and de-brief their party after the meeting.

#### Advocate

If it is not practicable to achieve resolution through support, a complainant and/or respondent may seek advocacy. An advocate speaks for another party and must have signed authority to speak for the party they represent.

Examples of those who could be asked to be an advocate:

- a member of a staff or student union/association;
- a chosen associate or professional person;
- a colleague, friend, member of family or whanau.

#### Dean

The Dean shall respond to, and take account of, issues relating to a complaint which does not specify a respondent.

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## PROCEDURE

If a complaint has not been resolved informally, a **Complaint Form** (Refer to Appendix One) must be submitted to the Office of the Education Services Manager (ESM).

Within two working days of receipt the complainant will be contacted and given the following details:

- Complaint reference number
- NMIT Contact Person who will be responsible for handling the complaint
- NMIT procedure to be followed

Complaint Forms available from:

- The NMIT Student Advisor
- NMIT School and Faculty offices
- NMIT Reception desks (Customer Relations & International)
- Staff in the Student Centre
- The SANITI office
- The NMIT website

If misconduct is identified at any stage the appropriate student or staff misconduct procedure is to be followed.

Complainants and respondent are encouraged to seek support.

## Complaint Resolution Record

The Complaint Resolution Record (CRR) is a step by step guide and checklist for resolving a complaint. Refer to Appendix Three.

Each step within the CRR is to be signed and dated. A copy of the CRR is to be provided to the Complaint Co-ordinator at the completion of stage three.

## REFERENCES

Preventing Harassment, 2K7  
Staff Misconduct Procedure, 3K3  
Student Misconduct Procedure, 3K4  
Privacy Act (1993)  
Human Rights Act (1993)  
Student Charter, 2N1  
Staff Charter, 2L1  
Official Information Act, (1982)  
Code of Practice for the Pastoral Care of International Students

## APPENDICES

Appendix One: Complaint Form  
Appendix Two: General Guide for Dealing with Complaints  
Appendix Three: Complaint Resolution Record (CRR)  
Appendix Four: Complaint Letter Template



**GENERAL GUIDE FOR DEALING WITH COMPLAINTS**

<b>FOLLOW</b>	the procedure. The procedure provides guidance on appropriate steps and should be used to prevent the complaint from being escalated.
<b>LISTEN</b>	to the nature of the complaint and identify the actual concern. The person may need to let off steam.
<b>ACKNOWLEDGE</b>	any inconvenience suffered by parties.
<b>QUESTION AND FIND OUT</b>	the information you might need in order to advise.
<b>REMAIN IMPARTIAL</b>	by not asking for example "are you sure?" This makes it appear that you don't believe them.
<b>ASK</b>	what they have done about it already, and what they want to happen.
<b>INFORM</b>	the person what can be done.
<b>THANK</b>	the person.

**ACTION TO HELP PREVENT SIMILAR COMPLAINTS:**

Where complaints indicate the need for improvement the following additional actions could be considered:

- ⇒ internal or external audit
- ⇒ review of a course or programme
- ⇒ review of systems
- ⇒ develop/review policy or procedure
- ⇒ set up a quality improvement team
- ⇒ training of personnel

<b>STAGE ONE – Complaint Identification</b>						
<b>AMICABLE RESOLUTION SOUGHT AT ALL STAGES</b>	<b>PROCEDURE</b>			<b>RECORD OF PROGRESS</b>		
	<b>STEP</b>	<b>TIMING</b>	<b>WHO</b>	<b>NAME</b>	<b>DATE</b>	<b>COMMENTS</b>
	Send Complaint Form to the Office of the Education Services Manager (ESM).	Within 90 days of incident	Complainant			
	On receipt of Complaint Form identify complaint type <sup>1</sup> & assess for seriousness, legal or other implications.	Within 2 working days	Complaint Co-ordinator in consultation with ESM			
	Provide complainant and assigned NMIT Contact Person with the following information: ⇒ Complaint reference number ⇒ NMIT Contact Person who will be responsible for handling the complaint ⇒ NMIT procedure to be followed					
	Seek advice on available support options e.g. from NMIT Student Advisor; Complaint Co-ordinator; student of staff association/union member; assigned NMIT Contact Person; or manager.	At any time (optional step) during the resolution process	Complainant or respondent			
	Arrange a meeting with the complainant. Refer to Appendix Four for Complaint Letter Template.	As soon as practicable	NMIT Contact Person			
Follow the steps within this CRR unless advised otherwise.	Adhere to timelines advised	NMIT Contact Person				

<sup>1</sup> If misconduct is identified at any stage the appropriate student or staff misconduct procedure is to be followed.

<b>STAGE TWO – Negotiation</b>					
PROCEDURE			RECORD OF PROGRESS		
STEP	TIMING	WHO	NAME	DATE	COMMENTS
Identify and agree upon specific issues. <i>Note:</i> Additional issues should not subsequently be incorporated as part of the same complaint.	At the first meeting with complainant	NMIT Contact Person			
Assist the complainant to meet with the respondent, or respondent’s manager to negotiate a resolution. <i>Note:</i> Several meetings may be needed before a resolution acceptable to both parties is found.	Meet within 10 days of the first arranged meeting	NMIT Contact Person			
If the complaint is resolved the decision is communicated to both parties in writing. If the complaint is not resolved move to Stage Three – Formal Investigation.	Within 5 days of the last meeting	NMIT Contact Person			
<b>STAGE THREE – Formal Investigation</b>					
PROCEDURE			RECORD OF PROGRESS		
STEP	TIMING	WHO	NAME	DATE	COMMENTS
Investigate the complaint, and arrange a formal meeting. Advise all parties of the meeting date.	Within 10 days of the last meeting or alternative timeframe agreed on by both parties	NMIT Contact Person			
Make a binding decision, and communicate decision to both parties in writing.	Within 10 days of the formal meeting	NMIT Contact Person			
Send updated copy of this sheet (CRR) to the Complaint Co-ordinator. Summarise outcome of complaint and make recommendations on process.	Within 10 days of the formal meeting	NMIT Contact Person			

AMICABLE RESOLUTION SOUGHT AT ALL STAGES

### S T A G E F O U R - Appeals

AMICABLE RESOLUTION SOUGHT AT ALL STAGES

PROCEDURE			RECORD OF PROGRESS		
STEP	TIMING	WHO	NAME	DATE	COMMENTS
Either party has the right to appeal to the ESM or delegate who may convene a committee to consider the appeal.  Grounds of appeal to be on process only and shall not include rehearing the complaint.  The finding of the appeal is final.	Within 10 working days of the written decision being received by the complainant	ESM or delegate			
Update Complaints Resolution Record.	Within 5 days of the Appeal decision	ESM			
Summarise information from all complaints relating to the institute to facilitate regular reporting to the CE	Quarterly or as required	ESM			
Supply statistical information to the Management Team and Academic Board as determined by the CE and ESM	As required	CE and ESM			

### S T A G E F I V E – External Procedure

AMICABLE RESOLUTION SOUGHT AT ALL STAGES

PROCEDURE			RECORD OF PROGRESS		
STEP	TIMING	WHO	NAME	DATE	COMMENTS
If not resolved by following NMIT procedures, the complainant may choose to follow external procedures: ⇨ International Education Appeal Authority (International Students only) ⇨ Arbitration (with the agreement of all parties) ⇨ Human Rights Commission procedures (as an alternative, not in addition of grievance procedures) ⇨ Privacy Commission procedures	At complainants discretion	Complainant			

<DATE>

<Complainant Name and Address>

Dear <Complainant>

I am in receipt of your formal complaint regarding .....

I would like to notify you of an opportunity to meet with me to further discuss your complaint.

I have arranged the meeting for <date> at <time>. The meeting will take place in <room> on the Nelson campus of NMIT.

Along with myself, <insert names of other attendees> will also be present. They will be attending to <insert role of attendees>.

I would like to encourage you to bring a support person with you to the meeting. This person could be the NMIT Student Advisor, a friend or family member, a Student Association team member, or anyone else you choose. The role of the support person is to observe and ensure the process is fair, and to assist you throughout the meeting, reminding you of any points you would like to raise etc. The support person is not present to speak on your behalf.

I look forward to meeting with you, and hope that we can reach a resolution that is fair to all parties concerned. Please contact me on <phone number> or <email address> if you have any questions before the meeting or if you are not able to attend.

Yours sincerely

<Name>

<Title>