

STUDENT PROBLEM RESOLUTION FRAMEWORK

Section	Problem Resolution		
Approval Date	25.07.2011	Approved by	Senior Management Team
Next Review	Feb 2012	Responsibility	Chief Executive
Key Evaluation Question	6	ITPNZ Quality Standard	6

PURPOSE

Conflict and disputes are an inevitable feature of living and working in an organisational community. Nelson Marlborough Institute of Technology (NMIT) has a number of processes in place for resolving these.

The need to identify the type of problem, complaint or dispute and refer it to the appropriate person and process is crucial to early and effective resolution.

This document outlines the problem resolution options available at NMIT Students including both problems of an academic and non academic nature. It provides identification of the nature of the problem and appropriate forum for their early and effective resolution..

SCOPE

The Student Problem Resolution Framework applies to:

- Student Academic Appeals
 - Student to student disputes
 - Student to staff disputes
 - Breach of Human Rights eg racial or sexual harassment
 - Student Misconduct
 - Complaints about NMIT services and facilities
- at all locations and work areas of the institute
 - including NMIT training partners for NMIT students and contracted training providers for NMIT students.

DEFINITIONS

NMIT Contact Person	Manager assigned by the Chief Executive or delegate to investigate and manage individual problems.
Support	Person or group able to provide support or advice (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.
Advocate	A person that speaks on behalf of a complainant or a respondent.
Student Mediation	Mediation is a process in which a neutral, impartial and acceptable third party helps the disputing parties to identify the issues in their dispute; to generate options; and consider alternatives so they can reach their own mutually acceptable solution. The focus of mediation is on the future relationship between the parties, not on allocating blame for past differences. A mediator will respond quickly and confidentially when asked to act and the aim of the process is to minimize disruption and stress.

PRINCIPLES

Problems, concerns, complaints or disputes should be resolved by negotiation between the parties directly involved wherever possible and with support, or mediation rather than advocacy, in the first instance.

NMIT FORMAL PROBLEM RESOLUTION PROCESSES

Student Problem Resolution Framework

Complaints Procedure

Student Academic Counselling and Exclusion

Academic Appeals

Student Misconduct

STUDENT ACADEMIC COUNSELING AND EXCLUSION

The *Student Academic Counseling and Exclusion* procedure is applicable in cases of repeated and continuing non-achievement of academic standards. This procedure can only be initiated by the NMIT Contact Person.

The *Student Academic Counselling and Exclusion* Procedure may be applied only when a study related issue is identified in a student by:

- student self identification
- assessment results below standard (formative and summative)
- poor attendance or low participation
- poor performance in practical settings

This procedure does not apply to industry standards of character or professional behavior as specified in external regulations such as Civil Aviation Authority, Maritime New Zealand, and the NZ Nursing Council.

(refer to NMIT website or staff intranet)

STUDENT ACADEMIC APPEALS

Students may appeal decisions made by individuals or academic committees on any academic matters, including:

- admission to programmes,
- exemptions granted at admission e.g. cross credit, recognition of prior learning (RPL),
- applications for credit transfer, RPL and special exemptions,
- meeting the progression requirements within a programme,
- results of summative assessments, grades or distinctions and award of qualifications
- applications for consideration of special assessment circumstances such as aegrotat,
- alleged academic misconduct,
- cancellation of enrolment and withdrawal from a programme,
- application of the NMIT Academic Statute and specific Programme Regulations, and application of NMIT procedure: *Student Academic Counselling and Exclusion*. (refer to NMIT website or staff intranet)

COMPLAINTS PROCEDURE

The Complaints Procedure applies to student complaints about NMIT services, facilities, programmes, other students and staff at all locations and work areas of the institute, including NMIT training partners for NMIT students and contracted training providers for NMIT students. (refer to NMIT website or staff intranet)

STUDENT MISCONDUCT

All situations where from any source, an allegation of student misconduct is made. Students of NMIT, on NMIT premises, or off campus on course related activities including students of NMIT training partners and contracted training providers.

This procedure does not cover CAA, MNZ and Nursing Council of NZ regulations relating to “fit and proper” and drug and alcohol criteria documented in the student handbook.

(refer to NMIT website or staff intranet)

OTHER POLICIES

Other NMIT policies that may be useful include:

- Staff Misconduct
- Protected Disclosures
- Preventing Harassment
- Fraud

(refer to NMIT website or staff intranet)

RESPONSIBILITIES

STAFF, CHIEF EXECUTIVE (CE) AND COUNCIL MEMBERS

- Encourage students and staff to voice their concerns at an early stage with those directly concerned.
- Ensure staff understand and are trained in the NMITs Student Problem Resolution processes.

CHIEF EXECUTIVE OR DELEGATE

- Assign NMIT Contact Person to manage appropriate problem resolution processes.
- Quarterly or as required summarise information from all formal complaints and student misconduct allegations relating to the institute to facilitate regular reporting to the NMIT Council.
- As appropriate supply statistical information to the Senior Management Team and Academic Board in consultation with the CE.
- Initiate annual refresher training of the Problem Resolution Procedures for all roles/staff positions identified in this procedure.

NMIT STUDENT ADVISOR

- Suggest appropriate options of support for a student and provide support if requested.
- Provide information to students about the NMIT Problem Resolution Procedures and advise options for resolution.

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 problem resolution process in writing.
- Ensure all documentation relating to complaint process is returned to the Complaint Co-ordinator.

^{*}The NMIT Contact person could represent a NMIT body eg Senior Management Team, Academic Committee or Appeals Committee depending on the problem to be resolved.

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.

TRAINING

The Senior Management Team or delegate will initiate refresher training of Problem Resolution procedures for all roles/staff positions identified in the procedures, annually.

REFERENCES

INTERNAL

NMIT Academic Statute
Preventing Harassment
Student Academic Appeals
Student Academic Counseling and Exclusion
Complaints Procedure
Staff Misconduct Procedure
Student Misconduct Procedure
Student Charter
Staff Charter
Protected Disclosures
Student Rules

EXTERNAL

Official Information Act, (1982)
The Local Government Official Information and Meetings Act 1987
The Employment Relations Act 2000
Human Rights Act (1993)
Privacy Act (1993)
Consumer Guarantees Act 1993
The Protected Disclosures Act 2000
Code of Practice for the Pastoral Care of International Students (Ministry of Education)
International Education Appeal Authority (Ministry of Education)