

NMIT CONCERNS AND COMPLAINTS RESOLUTION PROCEDURE

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	Executive		
Approval Date	24.02.2026	Sponsor	Chief Executive Officer
Next Review	01.01.2027	Approved by	SLT

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.01.2026	Transition Lead	New

Te Pūtaki | Purpose

These Procedures give effect to the [NMIT Concerns and Complaints Policy](#) which should be read in conjunction with this document. They provide guidance for a concerns and complaints resolution process that is fair, robust, culturally appropriate, and upholds the principles of natural justice.

All principles stated in the Policy apply to these Procedures.

Ngā Haepapa | Responsibilities

Role	Responsibilities
Advocate	<p>If it is not practicable to achieve resolution through support, a complainant and/or respondent may seek advocacy.</p> <p>An Advocate may speak on behalf of the complainant or respondent, on completion of the Authorisation to Advocate form.</p> <p>The authorised Advocate is included in all communications with the party they represent and may attend meetings and any other forums involving that party.</p>
Complainant	<p>The person who raises the concern or makes the complaint.</p> <p>The Complainant is required to engage in the relevant steps outlined in this Procedure.</p>
Concerns and Complaints Officer	<p>A dedicated role within NMIT with accountability for the concerns and complaints process and outcomes, in accordance with The Tertiary and International Learners Code of Practice 2021.</p> <p>Responsible for ensuring legislative compliance, identifying and managing risk, appointment of a Resolution Facilitator and providing guidance and support to the Resolution Facilitator.</p>
Resolution Facilitator	<p>A senior NMIT kaimahi or external person assigned to investigate, manage and seek resolution of concerns and complaints, and to meet all procedural, recording and reporting requirements.</p> <p>The Resolution Facilitator will be impartial and make decisions based on a balanced and considered assessment of the information.</p>
Respondent	<p>The person/s about whom a complaint is made or a representative of the service about which the complaint is made.</p> <p>The Respondent is required to engage in the relevant steps outlined in this Procedure.</p>
Support Person	<p>A Support Person's role is to provide support or advice to the Complainant or Respondent and empower them to speak for themselves with knowledgeable support.</p> <p>A Support Person cannot speak on behalf of the complainant or respondent, unless the Complainant or Respondent requests that they move into the role of Advocate.</p> <p>The Support Person may be included in all communications with the party they represent and may attend meetings and any other forums involving that party.</p>

Ngā Hātepe | Procedure

The Procedure provides a guide to steps, timeframes and templates for preventing, assessing, investigating and resolving concerns and complaints. These should be adhered to wherever possible while noting that discretion and judgement is needed to ensure processes are fair and appropriate to each situation.

Emphasis on low level resolution of concerns

Wherever possible, before engaging in a formal complaint investigation process, attempts should be made to resolve concerns/complaints informally, with a focus on finding solutions to problems quickly, including through mediation where appropriate.

These procedures are for quick problem solving rather than investigating and substantiating claims. They seek to de-escalate the situation, agree a solution, and reach agreement and shared understanding of how to avoid problems in the future. Resolution through informal means is encouraged and is an available option at any time during the resolution process.

Withdrawing a complaint

A complaint may be withdrawn prior to Step 3.2, although NMIT reserves the right to progress complaints when it considers it appropriate.

Engagement in the resolution process

Complainants and respondents need to be prepared to assist the resolution process, eg. attend meetings and provide information requested.

Confidentiality, privacy and disclosure of information

Confidentiality, privacy expectations and the principles of natural justice apply at all times. All parties to a complaints process are to keep all interactions, meetings, discussions, and outcomes confidential to the parties involved

As part of the investigation, the Resolution Facilitator may disclose information about the complaint as appropriate. This may be for the purpose of gathering additional information, verifying details/facts, and ensuring normal business activities continue and the health, safety and wellbeing of others is protected.

The respondent and complainant have the right to request and be provided:

- with all relevant information regarding the allegation, including a copy of the complaint (excluding the complainant's or respondent's contact details)
- an opportunity to prepare and present evidence
- the full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made, and
- communication about progress of the complaint process and final resolution.

Ensuring health, safety and wellbeing

All parties are responsible for playing their part to maintain a safe work and learning environment throughout any concern or complaint resolution process. Every effort will be made to minimise the impact on ākonga learning when they are involved in a complaint resolution process.

Preventative Resolution of Concerns and Issues (outside a formal complaints process)

NMIT has processes for capturing and responding to learners' feedback throughout their learning journey. Learners and kaimahi are expected to raise and respond to issues early through the various learner voice and feedback forums available, to seek resolution without going through a formal complaints process where appropriate.

Step	Objective	Who	Action	Timeframe
1	Preventative action for early resolution of concerns De-escalation of issues	Learner or kaimahi with concerns	Raise issues and concerns early through any learner voice or feedback forum, ie <ul style="list-style-type: none"> • tell programme reps • talk to any trusted staff member • engage in feedback sessions, focus groups and surveys • advise NMIT's learner support services and teams • through learner portals and online forums on the NMIT website • talk to independent support and advocacy services • talk to a line manager or a People and Culture advisor 	At any time when an issue arises
2		Manager, in collaboration with learner or kaimahi	Have an informal conversation with the person raising the concern to determine whether it can be addressed through: <ul style="list-style-type: none"> • discussion, eg. to clear up a misunderstanding • action by staff, eg. provide information, fix a problem, change or apply a procedure, apply programme regulations • informal mediation between parties, eg. to resolve a minor disagreement Ensure the person raising the concern has access to guidance and support through this process. Negotiate and agree actions to address the issue, timeframes, desired outcomes, and next steps. Keep a record of issues, discussion, agreed actions and outcome.	Within 2 – 5 days of a concern being raised
3		Manager with learner or kaimahi	Carry out agreed actions. Meet within an agreed timeframe to review actions and determine whether or not it is resolved.	As agreed
4	Continual improvement	Manager	Identify any actions that will improve NMIT processes, contribute to a positive experience for all learners and kaimahi, and/or contribute to reducing the incidence of concerns or complaints. Document, discuss and implement as appropriate within NMIT self-assessment processes.	As appropriate

Raising and Receiving a Formal Complaint

Step	Objective		Action	Timeframe
1	Ensure sound support, guidance and advice	Complainant	Seek guidance and support before initiating a formal complaint, via <ul style="list-style-type: none"> • advocacy and/or support available within NMIT, or • externally through unions, independent student services, whānau and community or professional services. 	At any time before or during the complaint process
2	Submit a detailed complaint	Complainant	Submit a formal complaint with as much detail as possible, including desired outcomes: <ul style="list-style-type: none"> • via the NMIT complaints process for ākonga https://www.nmit.ac.nz/about/have-your-say/make-a-formal-complaint, or • by completing the Complaint Form and/or • by emailing details and/or Complaint Form to complaints@nmit.ac.nz. 	Within 21 days of an incident or issue, or If concerns have not been satisfactorily resolved by other means.
3	Complete due diligence	Concerns and Complaints Officer	Assess the complaint for seriousness, legal or other implications; identify any applicable NMIT policies and procedures; decide the appropriate way forward. Identify subject matter expertise needed; notify and seek guidance as required, eg. legal, HR. Assign to a Resolution Facilitator if issues are to be addressed within the Concerns and Complaint Policy and Procedure, or to the appropriate Manager if the issues are to be addressed under a different policy, eg. HR or performance management.	Immediately on receipt of the complaint
4	Confidential recording and reporting	Resolution Facilitator	Assign a complaint reference number to be used for all records and communications, using the format: 1 st initial, 2 nd initial, complaint date (6 digits); eg. AB010126 Establish a confidential folder ; upload all information and communications. Set up a Complaint Summary to record all steps, actions, findings and the outcome. Update the confidential Tracksheet .	Immediately on receipt of the complaint
5	Timely acknowledgement; transparent processes	Resolution Facilitator	Email complainant (and Advocate, if authorised) using the Letter to Complainant – Acknowledgement template , modified as appropriate to advise: <ul style="list-style-type: none"> • acknowledgement of the complaint • appointment of Resolution Facilitator • intent to explore low-level resolution of concerns as the first step wherever possible • next steps 	Within 2 working days of receiving the complaint

6	Determine the way forward	Resolution Facilitator	<p>If the complaint is about another person, identify the Respondent.</p> <p>Identify any cultural, safety or other specific needs stated by the Complainant.</p> <p>Identify and formalise the roles of all other parties involved; ensure authorities are in place for:</p> <ul style="list-style-type: none"> • advocate or support person • involvement of a parent, caregiver or other whānau member if the complainant is a learner under 18 years 	Within 5 working days of receiving the complaint
		Resolution Facilitator	<p>Review the information provided to determine the next step, which may be:</p> <ol style="list-style-type: none"> 1. a decision not to progress the complaint on the grounds specified in NMIT Concerns and Complaints Policy (go to Step 1.1); or 2. a proposal for low-level resolution (go to Step 2.1); or 3. a decision to progress to a formal complaint investigation (go to Step 3.1); or 4. a recommendation to instigate a different process, eg. misconduct procedure, HR process 	

1. Complaint Not Progressed

NMIT reserves the right not to progress complaints.

Step	Objective		Action	Timeframe
1.1	Complaints are made in good faith and with transparency	Resolution Facilitator in consultation with the Concerns and Complaints Officer and/or Executive Director	<p>An anonymous complaint may be recorded as Not Progressed and closed without any response.</p> <p>A complaint based on hearsay should be evaluated to determine whether it should be progressed and investigated, or recorded as Not Progressed and closed. The Complainant is to be advised of the decision.</p> <p>Where a Complainant does not respond to communication or engage in or cooperate with the complaint process in any way, the complaint may be recorded as Not Progressed and closed. The Complainant is to be advised of the decision.</p> <p>A vexatious complaint may be recorded as Not Progressed and closed if it is made with the intention of, or has the effect of, being disruptive, and/or shows signs of escalating unreasonableness by the complainant and/or repeated contact about the same issue. The Complainant is advised of the decision using the template letter signed by the Executive Director.</p> <p>A complaint made by a habitual complainant is evaluated to determine whether it is also vexatious, whether it should be investigated, or recorded as Not Progressed and closed. The</p>	Within 5 working days of receiving the complaint, or at any stage during the investigation process

			<p>Complainant is advised of the decision using the template letter signed by the Executive Director.</p> <p>Upload all information and correspondence in the confidential folder; add Not Progressed to the file name. Update details and outcome in the Complaint Summary and Tracksheet.</p>	
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2. Low-level Resolution of a Formal Complaint

All formal complaints are considered for low-level resolution instead of, or before, initiating a formal investigation. Low-level resolution does not apply to complaints alleging criminal conduct or actions that constitute misconduct or serious misconduct in the NMIT Kaimahi Code of Conduct or Student Charter.

Step	Objective		Action	Timeframe
2.1	<p>Low-level action for early resolution of concerns</p> <p>De-escalation of issues</p>	Resolution Facilitator in consultation with the appropriate manager	<p>Invite the Complainant to a meeting, via means that fit the situation, the people involved, and communications to date, eg. in person, via phone call, email and/or letter.</p> <p>Use the Letter to Complainant – Meeting Notification template modified as appropriate to advise:</p> <ul style="list-style-type: none"> • Purpose of the meeting, stressing that this is a low-level response • Date, time, venue or online, participants • Advice to seek guidance and/or bring a support person • Advice to maintain confidentiality • Any action being taken, or communication with the Respondent (if applicable) • Copy of/link to NMIT Concerns and Complaints Resolution Procedure, and Step. 	Within 5 working days of receiving the complaint
2.2		Resolution Facilitator	<p>If a Respondent is named in the complaint, determine appropriate action to de-escalate the situation and achieve low-level resolution.</p> <p>Wherever possible, any action involving the Respondent will be included in the action plan, eg. communicating concerns, mediation.</p> <p>If deemed necessary, invite the Respondent to a meeting, via means that fit the situation, the people involved, and communications to date, eg. via phone call, email and/or letter.</p> <p>Use the Letter to Respondent – Meeting Notification template modified as appropriate to communicate nature of the issue/concern, and providing all details as per Step 12.</p>	Within 5 working days of receiving the complaint
2.3		Resolution Facilitator and/or Manager	Investigate the concerns and any issues identified; explore options for resolution.	Within 5 working days of receiving the complaint

			Meet with the Complainant; identify and agree on specific issues and desired outcomes. Negotiate and agree actions to address the issue, timeframes, desired outcomes, and next steps.	
2.4		Resolution Facilitator and/or Manager	If deemed necessary, meet with the Respondent; identify and agree on specific issues and desired outcomes. Negotiate and agree actions to address the issue, timeframes, desired outcomes, and next steps.	Within 5 working days of receiving the complaint
2.5		Manager	Assign agreed actions to the appropriate person and advise appropriate parties. Generally, this will be a manager who can: <ul style="list-style-type: none"> • continue to meet and/or communicate with the parties throughout the process • carry out actions required within the area, eg. provide information, fix a problem, change or apply a procedure, apply programme regulations • mediate or facilitate discussions between parties • facilitate and monitor the process towards a resolution 	As agreed
2.6	Continual improvement	Manager	Identify any actions that will improve NMIT processes, contribute to a positive experience for all learners and kaimahi, and/or contribute to reducing the incidence of future concerns or complaints. Document and discuss as appropriate within NMIT self-assessment processes.	As appropriate
2.7	Confidential recording and reporting	Resolution Facilitator	Notify the Complainant, and Respondent if applicable, that the actions have been handed over to the appropriate person for action, and that the complaint has been resolved as a Concern and closed. Upload all information and correspondence in the confidential folder; move folder to the Concerns folder; add Closed to the file name. Update details and outcome in the Complaint Summary and Tracksheet.	Within 5 working days of hand-over

3. Resolution through a Formal Complaint Investigation Process

Step	Objective		Action	Timeframe
3.1	Fair, robust, transparent, informed	Resolution Facilitator	Send Letter to Complainant – Meeting Notification template to the Complainant advising: <ul style="list-style-type: none"> • Initial meeting to begin the investigation, ie. obtain further information, clarify details • Date, time, venue or online, participants 	Within 5 working days of receiving the complaint

	investigation of the complaint		<ul style="list-style-type: none"> • Advice to seek guidance and/or bring a support person • Advice to maintain confidentiality • Any action being taken, or communication with the Respondent (if applicable) • Copy of/link to NMIT Concerns and Complaints Resolution Procedure, and reference to the appropriate step 	
3.2		Resolution Facilitator	<p>If a Respondent is named in the complaint, send the Letter to Respondent – Meeting Notification template notifying them of the complaint and providing all details (as per Step 3.1). The Respondent must be advised of the allegations in as much detail as possible, given time to prepare and present their side of the story including evidence, and must be given the opportunity to reply to the allegations.</p> <p>Where appropriate, consider giving the Respondent a ‘heads up’ (eg. in person or by phone) that a complaint has been received and a letter is coming.</p>	Within 3 working days of meeting with the complainant
3.3		Resolution Facilitator	<p>Meet with each party; with support as appropriate to the situation, eg.</p> <ul style="list-style-type: none"> • the Complainant’s or Respondent’s line manager • a subject matter expert, eg. People and Culture Advisor if HR issues or employment law are relevant <p>Discussion will focus only on details contained in and relevant to the complaint; no additional issues can be raised.</p> <p>The outcome decision regarding allegations will be based on logical proof or evidence.</p> <p>Focus on hearing each party and understanding the situation, to inform the outcome decision-making process and finding a resolution that is acceptable to both parties, where appropriate.</p>	Within 10 working days of first meeting with the complainant
3.4		Resolution Facilitator	<p>Carry out further investigation to gather information and seek advice and guidance relevant to the complaint and its resolution, including:</p> <ul style="list-style-type: none"> • specialist advice and guidance, eg. People and Culture, legal advice • input from other parties • evidence gathering • ongoing discussions with the parties involved • guidance from Concerns and Complaints Officer 	Within 20 working days of first meeting with the complainant
3.5	Appropriate resolution	Resolution Facilitator	<p>Make a recommendation to the Concerns and Complaints Officer regarding:</p> <ul style="list-style-type: none"> • whether or not the complaint or parts of the complaint, are upheld • actions to resolve and close the complaint 	Within 20 working days of first meeting with the complainant

			<ul style="list-style-type: none"> actions to address issues, or manage a situation, or improve practice arising from the complaint 	
3.6	Transparency, privacy and confidentiality	Resolution Facilitator	<p>Communicate the decision in writing to both parties, using the Letter to Complainant re Outcome and Letter to Respondent re Outcome templates as guides.</p> <p>Provide parties with a summary or overview of the process, and rationale for the outcome decision (may be taken from the Complaint Summary).</p> <p>Employment decisions are not shared with ākonga or external complainants due to privacy obligations.</p>	Within 10 days of concluding the investigation
3.7	Confidentiality, privacy and continual improvement	Resolution Facilitator	<p>Share information only with those who need to know, being mindful of the rights of the complainant and any individual named and involved.</p> <p>Where appropriate, advise the appropriate manager of the outcome and hand over any agreed actions to address issues, or manage a situation, or improve practice.</p>	Within 10 days of concluding the investigation
3.8	Confidential recording and reporting	Resolution Facilitator	<p>Upload information and correspondence into the confidential folder; add Closed to the file name.</p> <p>Complete the Complaint Summary, noting steps taken and outcome; sign and date. Update details and outcome in the Tracksheet.</p>	Within 10 days of concluding the investigation

Appealing the Outcome of a Formal Complaint

Step	Objective		Action	Timeframe
1	Independent internal review of the process or outcome	Complainant, or Respondent, now known as the Appellant	<p>Parties to the complaint have the right to appeal the outcome decision of a complaint as detailed here and in the NMIT Ākonga Appeals Procedure.</p> <p>An appeal at this stage can be made on the basis that:</p> <ol style="list-style-type: none"> the procedure used for investigating or resolving the complaint was unfair or biased, or the decision of the Investigator could not reasonably be sustained on the evidence, or significant new evidence which was not previously available has become available since the investigation which could have a material effect on the outcome decision, or that any disciplinary or other action taken to resolve a complaint was out of proportion to the nature and full circumstances of the complaint. 	Within 7 days of receiving the decision

			Appeals must identify the grounds on which the appeal is being made, and be submitted in writing to the Chair of the Academic Committee (Appeals).	
2	Independent external investigation or review	Complainant (Learner)	<p>Learners may lodge a complaint or appeal externally:</p> <ul style="list-style-type: none"> to NZQA if the complainant feels NMIT is not following The Tertiary and International Learners Code of Practice 2021, or through the Dispute Resolution Scheme, or directly to Study Complaints, an independent, free service for domestic tertiary and international learners, or the Human Rights Commission, or the Ombudsman 	Refer to appropriate website

Feedback from Concerns and Complainants process

Step	Objective	Who	Action	Timeframe
1	Compliance and continual improvement	tbc	<p>Contact the complainant to seek feedback on:</p> <ul style="list-style-type: none"> their experience with the concerns and complaints resolution process their level of satisfaction with the outcome of their concern or complaint 	Within 30 days of communicating the outcome decision

Reporting

Step	Objective	Who	Action	Timeframe
1	Transparency and compliance	Resolution Facilitator	<p>Summarise information about Concerns and Complaints and report annually to management, on</p> <ul style="list-style-type: none"> the number and nature of complaints made and their outcomes (at an aggregate level and, as far as practicable, disaggregated by diverse learner groups); and learner experience with the complaints process and the outcome of their complaint <p>Make reports available to learners, other stakeholders, and the code administrator, including via NMIT's website.</p>	

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

NMIT Concerns and Complaints Policy
NMIT Ākongā Appeals Policy

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Problem Resolution leaflet
NMIT Appeals Procedure
[NZQA](#)
[Dispute Resolution Scheme](#)
[Study Complaints](#)
[Human Rights Commission](#)
[Ombudsman](#)

TURE WHAI TAKE | RELEVANT LEGISLATION

The Bill of Rights – [Principles of Natural Justice](#)
[The Tertiary and International Learners Code of Practice 2021](#)
[Human Rights Act 1993](#)
[Official Information Act 1982](#)
[Privacy Act 2020](#)
[State Services Commission Resources](#)

NGĀ TAPIRITANGA | APPENDICES