

## Raising Problems or Complaints

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### 1 Policy Statement

Ara Institute of Canterbury Limited (Ara) seeks to maintain and enhance our reputation of providing high quality services. We value complaints as they assist us to improve our products and services. Students and members of the public are able to raise problems or make complaints about Ara courses/programmes, services, employees, other students or administrative systems, via the written [CPP117a Notification of Problem or Complaint Form](#) and guided by the [CPP117c Ara Institute of Canterbury Student Complaint Procedure](#).

Ara encourages complainants to raise such concerns with those directly involved first and will endeavour to resolve the problem/complaint at that level, as soon as possible. The rights of all concerned will be respected throughout the process, and no student is disadvantaged academically or otherwise as a consequence of raising a problem or complaint. Confidentiality will be applied to all matters with regards to problems and complaints.

#### 1.1 Application of Policy

- a This policy applies to any issue, problem or complaint raised by an Ara student or member of the general public. The problem or complaint may apply to courses/programmes, employees, other students, services or administrative systems or decisions.
- b This policy does not apply to problems or complaints raised by Ara colleagues, as these are handled according to standard management procedures as referenced in [CPP208 Resolving Employee Performance or Conduct Issues](#).
- c Complaints about the performance or conduct of an identified employee of Ara, raised via this policy and through [CPP117a Notification of Problem or Complaint Form](#) are logged by the Complaints Coordinator but are investigated by the most appropriate Line Manager and People and Capability Division. The outcome of these investigations is between the employee involved, the most appropriate line manager and the People and Capability Division. The outcomes and any determined actions will not be communicated to the complainant.
- d Concerns related to Addressing Bullying, Harassment and Discrimination are covered by:
  - i [CPP222 Addressing Bullying, Harassment and Discrimination](#)
- e Specific policies cover procedures related to, student misconduct, employee performance or behaviour, assessment, and enrolment decisions.
  - i [APP301 Learner Responsibilities and Rights](#)

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- ii [APP304 Academic Misconduct](#)
  - iii [APP504 Regulations Governing Admission and Enrolment](#)
  - iv [APP505 Assessment](#)
  - v [APP506 Probation](#)
  - vi [APP511 Academic Support and Progression](#)
  - vii [APP512 Suspension and Refusal/Cancellation of Enrolment](#)
  - viii [APP514 Withdrawals, Refunds and Compassionate Consideration](#)
  - ix [CPP208 Resolving Employee Performance or Conduct Issues](#)
  - x [CPP211 Code of Professional Practice](#)
  - xi [CPP222 Addressing Bullying, Harassment and Discrimination](#)
- f The Ara Board manages any complaint against the Chief Executive.
- g This policy supports Ara in the processes of self-assessment and evaluation. The intent is to support the organisation to learn from problems and complaints raised, and for Ara to continuously improve.

## 1.2 Formal Delegations & Variation to Policy

Responsibilities are set out in associated policies (refer 'Related Policies' at end of this section). The Complaints Coordinator has delegated authority from the Chief Executive to vary provisions set out in this policy (e.g., the number of days a complainant has to raise a problem/complaint), in consultation with either the Executive Director, People and Capability; or the Executive Director, Chief Operating Officer, depending on the nature of the problem/complaint.

## 1.3 Definitions

- a **Academic Decision:** A decision which causes a student an academic disadvantage.
- b **Advocate:** Person(s) who is appointed to speak or act on behalf of the complainant or respondent (e.g., member of staff; an appointed associate or professional person; a colleague, whanau member).
- c **Anonymous Disclosures** (<https://informus.ara.ac.nz/>) is a tool where individuals can make an anonymous disclosure to Ara. The purpose of this report is to allow Ara to collect statistical and thematic information on the nature of events that occur on campus, or which involve our staff and students.
- d **Bullying:** repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to their mental or physical health and safety. Examples of actions that may be regarded as bullying can be found in [CPP222 Addressing Bullying, Harassment and Discrimination](#).
- e **Complaint:** is an expression of dissatisfaction with: The quality of an action taken, decision made, or service provided by Ara. A delay or failure in providing a service, taking an action, or making a decision by Ara.
- f **Complainant:** The person(s) raising the problem or making the complaint.
- g **Complaints Coordinator:** The person delegated by the Chief Executive to manage complaints (other than those involving staff performance), academic appeals, and appeals against cancellation and/or refusal of enrolment.

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- h **Formal complaint:** a complaint made by an Ara student, or member of the general public. Formal complaints are investigated and substantiated to understand the context of the complaint. These complaints are logged in the complaints register and are provided a reference number.
- i Frivolous, Trivial or Vexatious Complaint: A complaint which:
  - i is without merit.
  - ii has already been considered by Ara and satisfactory measures have been taken to resolve the matter.
  - iii is dishonest or contains intentionally misleading information.
  - iv is pursued with undue persistence, or
  - v is pursued in a manner that threatens, menaces, or harasses a member of Ara staff or fellow student.
- j **Harassment:** unwelcome, unsolicited, and unreciprocated behaviour by a person or group that may reasonably be expected to offend, humiliate or intimidate another, and may interfere with a person's right to work or study in a non-threatening environment.
- k **Informal complaint:** for quick problem solving rather than investigating and substantiating claims. They seek agreement and shared understanding of how to avoid problems in the future. Informal complaints are most appropriate in cases where the allegations are less serious, or the problem is based on miscommunication or a misunderstanding.
- l **Natural Justice:** Ara will uphold the principles of fair, ethical, and honest natural justice, ensuring that any complaint or breach of student Code of Conduct is fully investigated. Giving all parties involved the right to be heard and the right to respond prior to a decision being reached.
- m **Problem:** A situation where a student considers appropriate standards have not been met. The impact on the student has not been large and it is likely that resolution can be obtained by direct, informal discussion with the employee/s concerned.
- n **Racial Harassment:** unwelcome, unsolicited behaviour that denigrates, humiliates, or intimidates a person or group on the basis of their race, colour, ethnic or national origins, culture or ethno-religious background. It is unlawful for any person to use language (whether written or spoken), visual material, or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of the colour, race, or ethnic or national origins, of such a significant nature that it has a detrimental effect on that other person's ability to engage in work or study activities.
- o **Raising Problems or Complaints:** This policy (CPP117) applies to any issue, problem or complaint raised by an Ara student or member of the general public. The problem or complaint may apply to courses/programmes, employees, other students, services or administrative systems or decision.
- p **Respondent:** The person/s about whom the complaint is made or who has responsibility for the course/programme, service or management practice identified in the problem or complaint.
- q **Responsible Manager:** A person, to whom a complaint is referred for consideration or investigation on behalf of Ara, typically being a Head of Department, Executive Director, Director or similar.
- r **Sexual Harassment:** is unwelcome conduct of a sexual nature that could be offensive, humiliating or intimidating to any other person and is either repeated, or of such a significant nature, that it has a detrimental effect on the person, their performance, or

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their work and study environment. This includes a request for sexual activity of any sort that contains an implied or overt promise of preferential treatment or overt threat of detrimental treatment. It is unlawful to sexually harass another person even if there was no intention to harass the person.

- i It is also unlawful for any person to use language of a sexual nature (whether written or spoken), visual material of a sexual nature, or physical behaviour of a sexual nature to subject any other person to behaviour that is unwelcome or offensive to that person and is either repeated, or of such a significant nature, that it has a detrimental effect on that person's ability to engage in work or study activities.
- s **Staff or staff member:** for the purposes of this policy, the definition of "staff" or "staff member" extends to cover all persons working at, for, or on behalf of, Ara (whether paid or unpaid), including but not limited to, contractors, subcontractors and their employees, adjunct appointees, visitors, consultants, guest lecturers, interns, and volunteers.
- t **Student:** A person who is enrolled in at least one course at Ara, either directly or indirectly or through official arrangements with another organisation. The term student in this context may include prospective students or former students.
- u **Support Person:** Person(s) who provides support or advice to the complainant or respondent. A support persons role is to empower the complainant or respondent to speak for themselves with knowledgeable support. A support person cannot speak on behalf of the complainant or respondent unless the complainant or respondent chooses the support person to move into the role of Advocate.
- v **Victimisation:** treating people worse than others, dismissing them, offering them different terms and conditions of employment, and failing to offer promotion or other benefits because they have honestly and in good faith supported or participated in a complaint of bullying or harassment.
- w **Working Day:** A weekday in which Ara is fully open, which excludes Saturdays and Sundays, public holidays, relevant regional anniversary days and Ara holidays.

Related Ara Procedures <small>(linked to Ara website)</small>	Related Ara Policies
<ul style="list-style-type: none"> <li>• <a href="#">CPP117a Notification of Problem or Complaint form</a></li> <li>• <a href="#">CPP117b Disputes Resolution Scheme Information Handout</a></li> <li>• <a href="#">CPP117c Ara Institute of Canterbury Student Complaints Procedure</a></li> <li>• <a href="#">CPP117d Student Complaint Flowchart</a></li> <li>• <a href="#">CPP208a Staff complaints about staff process flowchart</a></li> <li>• <a href="#">CPP208b Staff complaints about students process flowchart</a></li> <li>• <a href="#">CPP222a Guidelines to Assist with Addressing Bullying, Harassment and Discrimination</a></li> <li>• <a href="#">CPP222b Examples of Bullying</a></li> <li>• <a href="#">CPP222c Examples of Harassment</a></li> <li>• <a href="#">CPP222d Unlawful Discrimination</a></li> <li>• <a href="#">CPP222e Examples of Victimisation</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">APP301 Learner Responsibilities and Rights</a></li> <li>• <a href="#">APP304 Academic Misconduct</a></li> <li>• <a href="#">APP504 Regulations Governing Admission and Enrolment</a></li> <li>• <a href="#">APP505 Assessment</a></li> <li>• <a href="#">APP506 Probation</a></li> <li>• <a href="#">APP511 Academic Support and Progression</a></li> <li>• <a href="#">APP512 Suspension and Refusal/Cancellation of Enrolment</a></li> <li>• <a href="#">APP514 Withdrawals, Refunds and Compassionate Consideration</a></li> <li>• <a href="#">CPP208 Resolving Employee Performance or Conduct Issues</a></li> <li>• <a href="#">CPP211 Code of Professional Practice</a></li> <li>• <a href="#">CPP222 Addressing Bullying, Harassment and Discrimination</a></li> </ul>

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<p><b>Related Legislation or Other Documentation</b></p> <p><a href="#">NZQA</a>  <a href="#">Education and Training Act 2020</a>  <a href="#">International Student Complaints</a>  Office of the <a href="#">Ombudsman</a>  Office of the <a href="#">Privacy Commissioner</a>  <a href="#">Health and Disability</a> Commissioner  The Education <a href="#">Code of Practice</a>  <a href="#">Human Rights</a> Commission</p>	<p><b>Good Practice Guidelines</b> (indicate if attached to policy or where they can be found)</p>
<p><b>References</b></p>	
<p><b>Notes</b></p>	

## 2 Principles

The following principles govern how problems and complaints are handled regardless of the specific procedures used:

- 2.1 The rights of both the complainant and respondent are protected, and both parties are treated fairly.
- 2.2 The provisions of the New Zealand Privacy Act 2020 apply.
- 2.3 Personal information related to complaints is strictly confidential on a 'need to know' basis.
- 2.4 All problems and complaints are handled as quickly as possible and according to the most appropriate procedure.
- 2.5 Support is available to all parties involved.
- 2.6 Problems/complaints are resolved by negotiation between parties where possible.
- 2.7 A complaint may be withdrawn at any stage.
- 2.8 Ara reserves the right not to take action related to:
  - a anonymous or malicious complaints, complaints based on hearsay or if the complainant does not provide sufficient information or does not respond within 30 calendar days.
  - b issues raised more than 30 calendar days after an alleged incident/problem occurred (if being raised by a member of the general public) or more than 90 calendar days (if being raised by an Ara student).
- 2.9 Ara also reserves the right to investigate/resolve a problem or complaint even if the complainant subsequently decides not to proceed with the complaint.
- 2.10 As a signatory to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, Ara will ensure students are advised and have prompt access to transparent and fair internal procedures for dealing with complaints. Plus, access to support for wellbeing, including but not limited to independent advocacy.
- 2.11 Reporting standards
  - a All formal complaints reported under this policy are documented.

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- b All formal complaints reported under this policy are registered in the complaints database at the time of the complaint being received, and the outcomes of the complaints are recorded once a decision has been reached.
- c All formal complaints are reported (anonymously) to the Ara Executive team and Board and a high-level report of complaints and enquiries is available on the Ara website.

### 3 Associated Procedures for Ara Corporate Policy on: Raising Problems or Complaints

<b>Contents:</b>	3.1 Raising a Problem or Complaint
	3.2 Appeals
	3.3 External Complaint and Appeal Options

#### 3.1 Raising a Problem or Complaint

- a Students and members of the public are able to raise problems or make complaints about Ara courses/programmes, employees, other students or administrative systems or decisions, either informally, via written notification or according to procedures set out in [CPP117c Ara Student Complaint Procedures](#) and in specific associated policies.
- b The most appropriate procedure for raising a problem or complaint should be used in the first instance (refer [CPP117c Ara Student Complaint Procedures](#)). This includes a direct approach to the person most directly involved and/or the manager responsible for the area of concern, with reference to the relevant policy.
- c Student problems and complaints should be raised as soon as practicable. Any staff member approached by a student with a problem or complaint will take action by either resolving the problem or referring the student to the most suitable person to address the concern or complaint (as per [CPP117c Ara Student Complaint Procedures](#)). Confidentiality will be applied to all matters with regards to concerns and complaints. If the complainant feels unable to go directly to those involved, they will be supported and guided through the complaints process. A complaint can be submitted via the “Notification of Problem or Complaint” form ([CPP117a Raising Problems or Complaints Form](#)), or by printing and completing the form and sending this to [complaints@ara.ac.nz](mailto:complaints@ara.ac.nz)
- d The information provided via the notification form ([CPP117a Raising Problems or Complaints Form](#)) is used as the basis for Ara to determine the most appropriate procedure to follow in the specific case. Please see section 8 ([CPP117c Ara Student Complaint Procedures](#)) for the outline of the procedures and timelines.

#### 3.2 Appeals

- a Some decisions made at Ara provide for a right of appeal or review, as outlined in the relevant policy, e.g., assessment and other ‘academic’ related decisions are handled by an Academic Appeals Committee, Chief Executive enrolment/exclusion decisions by a Board Enrolment Appeal Committee, aegrotat decisions by the Academic Committee. In other cases, the decision reached is final. Details regarding appeal/review procedures, if relevant, are provided to complainants and respondents at the time a problem or complaint is being considered.
- b In the first instance, Ara and the student should endeavour to resolve the complaint or dispute through the processes described in this policy. However, a student can raise an external complaint or dispute, if:
  - i Ara does not accept the student’s complaint.

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- ii the student or Ara perceives that Ara does not have the cultural competency to deal with the complaint.
- iii the student is not satisfied that Ara has made adequate progress towards resolving the complaint, or
- iv the student is not satisfied with Ara’s internal complaints process or outcome.

### 3.3 External Complaint and Appeal Options

- a 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 Ara, unless there are exceptional circumstances.

<b>Financial and Contractual Disputes</b>	<p><b>Financial and Contractual Disputes Resolution Scheme:</b> The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 provides for the establishment of a dispute resolution scheme for financial and contractual disputes between students and the Institution. For more information and updates on the dispute resolution scheme, visit the <a href="#">NZQA website</a>.</p> <p><b>International Students Contractual and Financial Disputes:</b> <a href="#">iStudent Complaints</a> is a dispute resolution service set up for international students. International students can escalate unresolved complaints about a contract (for example an enrolment or accommodation contract) or a financial dispute to iStudent Complaints.</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>
<b>Pastoral Care Code</b>	<p><b>NZQA:</b> If you believe that the Institution is failing to meet the outcomes or requirements of the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, and the Institution is unable to resolve your concerns, you can escalate a complaint using <a href="#">NZQA’s complaints procedure</a>.</p>
<b>Privacy</b>	<p>Privacy Commissioner: 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>.</p>
<b>Discrimination and Human Rights</b>	<p>Human Rights Commission: If you have an unresolved complaint that you have faced discrimination, hateful speech, or that your human rights have been denied, you can contact the <a href="#">Human Rights Commission</a> for information, support or to make a complaint.</p>
<b>Delivery or Quality of Your Course or Study</b>	<p>Tertiary Education Commission (TEC): If you are concerned that Ara is not delivering the appropriate amount of teaching hours through their course or study, or about Ara’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>.</p> <p>NZQA: If you have concerns about a tertiary education organisation which you think NZQA should investigate, this page gives you information about how to advise NZQA of your concerns.</p>

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	<p>NZQA is responsible for the quality assurance of non-university tertiary education organisations.</p> <p><a href="#">Advising NZQA of concerns about a tertiary education organisation » NZQA</a></p>
<b>Ombudsman</b>	<p>If you believe that Ara has made a decision that is unreasonable, unfair, or wrong (for example that Ara’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>.</p>
<b>Tertiary Education Learner Dispute Resolution</b>	<p>Helping Domestic Learners &amp; Providers Resolve Disputes</p> <p>Provides a free independent service – they don’t represent learners or education providers. Instead they use their expertise differently to resolve contractual and financial disputes between domestic tertiary learners and education providers.</p> <p><a href="https://tedr.org.nz/">https://tedr.org.nz/</a></p>

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