

## STUDENT COMPLAINTS AND GRIEVANCE PROCEDURES

<b>Section</b>	Academic
<b>Contact</b>	AVC (Research, Academic & Enterprise)
<b>Last Review</b>	May 2016
<b>Next Review</b>	June 2017
<b>Approval</b>	AB16/061

### 1. Purpose:

Massey University's Student Grievance Procedures are for all domestic and international students and cover all programmes including not-for-credit, undergraduate and postgraduate programmes and related services. They are designed to ensure students receive a quality education and that relations between staff and students are equitable.

### 2. Objective:

- 2.1. To foster the fair, speedy, and informal resolution of disputes at Massey University, and an academic culture which will prevent such grievances.

### 3. Definition:

- 3.1. A Grievance means any grievance, which a student (whether or not that person has any other role within the university) has against the University and/or a staff member because of a claim that he/she has sustained academic disadvantage. This includes claims which are sometimes referred to as Student Complaints.
- 3.2. Such grievances may include but are not confined to:
  - (a) The unfair assessment of course work not otherwise governed by University assessment and examination regulations.
  - (b) An unfair refusal or failure of the staff member to make him/herself available to assist a student with difficulties regarding his/her course work.
  - (c) Unreasonable delays in the assessment of course work.
  - (d) Inadequate course materials.
  - (e) Inadequate teaching.
  - (f) Deficient performance of associated administrative services.

### 3A. International Students

- 3A.1 International students must follow these procedures if they have a Grievance with the University. However, should International Students find that their Grievance is not resolved by the University, students can elect to use the iStudent Complaints Scheme set up by the Government to resolve contractual and financial disputes. Further information is available at <http://www.istudent.org.nz>

#### **4. Jurisdiction:**

4.1. The Student Grievance Procedures are distinct from, and may not be used with respect to, any questions relating to the following rules, regulations, statutes or procedures of the University including:

- (a) Cases of hardship - Vice-Chancellor's Powers.
- (b) Disciplinary procedures.
- (c) Harassment procedures.
- (d) Final examination regulations.
- (e) Registration regulations.
- (f) Student fees.

#### **5. Principles of Application:**

5.1. At all times the procedures will be carried out according to the following principles:

##### **5.2. Protection of persons**

5.2.1. When a Grievance is taken to the University Grievance Committee all persons who may be affected shall have their rights protected.

5.2.2. Persons who may need protection are:

- (a) The Complainants.
- (b) The Subject(s) of Complaint (Respondents).
- (c) Heads of Departments, Institutes & Schools.
- (d) Pro Vice-Chancellors (or their nominees) of Colleges.
- (e) Assistant Vice-Chancellors (or their nominees)
- (f) The University.
- (g) Student representatives.
- (h) Staff representatives.
- (i) The chairperson of the Grievance Committee.

##### **5.3. Statutory Protection**

5.3.1. The affected persons are entitled to the protection provided by:

- (a) The Official Information Act 1982.
- (b) The Local Government Official Information and Meetings Act 1987.
- (c) The Employment Relations Act 2000.
- (d) The Human Rights Act 1993.
- (e) The Privacy Act 1993.
- (f) Consumer Guarantees Act 1993.
- (g) The Protected Disclosures Act 2000.
- (h) Code of Practice and Pastoral Care of International Students 2016.
- (i) Any other relevant statutes.

#### **5.4. Due dispatch**

5.4.1. The rights of all affected persons are enhanced by a prompt investigation and resolution of the Grievance.

#### **5.5. Due process**

5.5.1. The procedures will follow the principles of natural justice, namely:

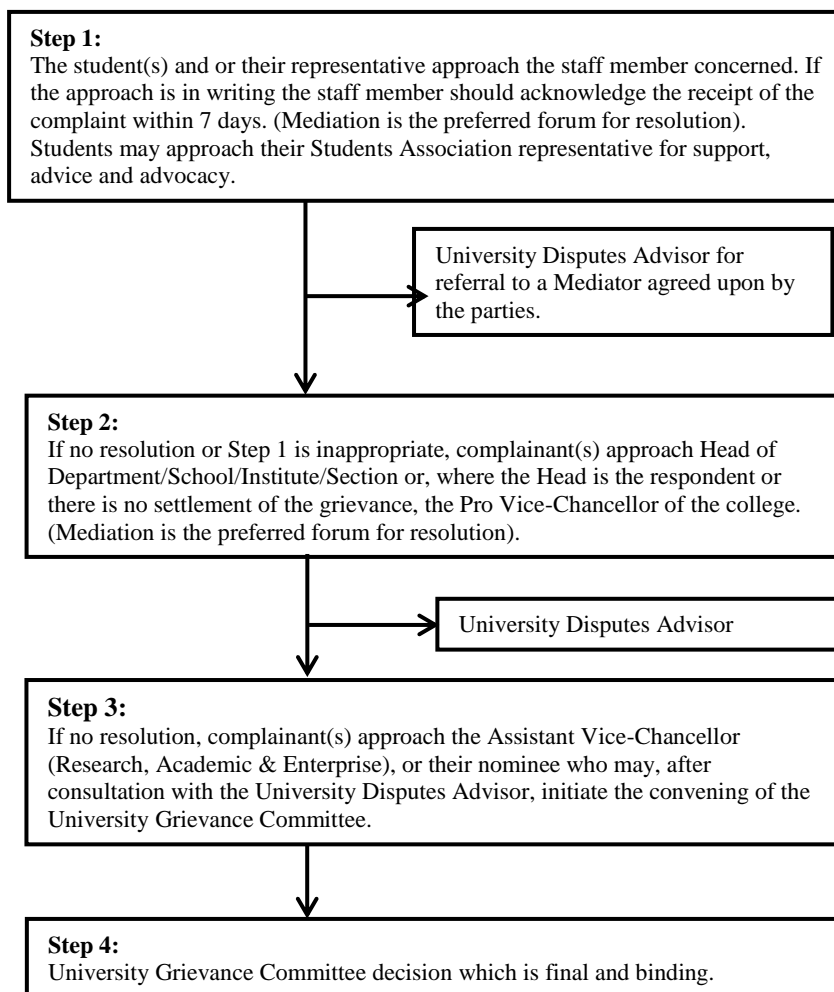
- (a) Notice of any Grievance shall be given to the party/parties as soon as reasonably practicable (subject to consistency with “Time Limits” below).
- (b) Any persons directly adversely affected by a Grievance shall be adequately informed of the Grievance arising and be given an opportunity to respond.
- (c) The process for resolving the Grievance will be conducted fairly.
- (d) The avoidance of bias or conflict of interest.

#### **5.6. Time Limits**

5.6.1. A grievance should be brought to the attention of the University within one year of the occurrence or circumstances to which the grievance refers (Note that assessments (including major tests) and examination scripts not routinely returned to students should be retained by academic departments for a period of 12 months). Thereafter a grievance may be considered only with the consent of the Assistant Vice-Chancellor (Research, Academic & Enterprise). In deciding whether a grievance will be considered pursuant to Clause 9 of this Policy, the Assistant Vice-Chancellor (Research, Academic & Enterprise) will consider:

- (a) The seriousness of the alleged grievance;
- (b) The availability of relevant information including witnesses and documents;
- (c) The prejudice to any other parties; and
- (d) Any reasons for the delay in bringing the grievance to the attention of the University.

**6. Procedures:**



- 6.1. Students, whenever practicable, should in the first instance approach the University staff member concerned about any Grievance.
- 6.2. If the Grievance is unresolved with the staff member concerned, students may approach the relevant Head of Department/School/Institute/Section, or where this is inappropriate, the relevant Pro Vice-Chancellor. It is anticipated that the vast majority of Grievances will be resolved at this stage. The preferred forum for grievance resolution is mediation.
- 6.3. In the absence of extraordinary circumstances, the presence of which will be determined (if necessary) by the Assistant Vice-Chancellor (Research, Academic & Enterprise), a complaint relating solely to the grade of a piece of course work will not proceed beyond the relevant Pro Vice-Chancellor.
- 6.4. The following may at any time request through the University Disputes Advisor the assistance of a University Mediator:
  - (a) Complainants
  - (b) Staff members affected or
  - (c) Head of Department/School/Institute/Section or
  - (d) Relevant Pro Vice-Chancellor (or their nominee)
- 6.5. If a Grievance is unresolved at the Pro Vice-Chancellor level, it may be referred to the Assistant Vice-Chancellor (Research, Academic & Enterprise). The Assistant Vice-Chancellor (Research, Academic & Enterprise) or their nominee will review the case, determine that all reasonable steps for resolution have been addressed, and may then convene the University Grievance Committee. That step will not be taken unless and until the University Disputes Advisor has established that all reasonable steps to resolve the problem consensually have been attempted and exhausted.
- 6.6. The University Grievance Committee will have the responsibility of enquiring into the subject matter of the grievance and determining the outcome of the complaint.

It may:

  - 6.6.1. Conduct that inquiry (including the hearing of the respective cases of the student complainant and the staff member affected) in such manner as, consistent with the principles of natural justice, it thinks fit.
  - 6.6.2. Receive such material relevant to the subject of the inquiry as it thinks fit.
  - 6.6.3. Meet with the parties and any other persons considered able to assist the inquiry.
7. The University Grievance Committee may meet with the parties separately or together. However, any material relevant to the complaint received from one party in the absence of the other must be either:
  - (a) Disclosed to the other party and an opportunity to comment given or;
  - (b) Excluded from consideration.
8. Each party will have the right to have a support person present at any meeting with the University Grievance Committee.
9. The University Grievance Committee may delegate to and authorise its chairperson to carry out such aspects of its investigatory functions as it thinks fit.
10. The University Grievance Committee will, following the inquiry, prepare a report which will be issued to the parties and contain its decision on the complaint.

11. The decision of the University Grievance Committee will be final and binding. There will be no right of further appeal or review.
12. The proceedings of the University Grievance Committee shall be private, confidential and privileged.
13. Any student with a Grievance should try and keep notes of details, including times, dates, places and keep copies of any documentation related to the Grievance.

#### **14. Notes to Procedures:**

14.1. Students may in the first instance approach their Student Association representative for support, advice and advocacy. Students may either act alone or be accompanied by a representative through all steps of these Grievance procedures.

14.2. The complainant should also specify the remedies sought to resolve the submitted Grievance.

- (a) Outcomes arising from the procedures prior to the convening of the University Grievance Committee will be such as the parties may agree consensually. These may include but are not confined to:
  - i) a written or verbal apology
  - ii) opportunity to receive a second opinion on assessed work
  - iii) substitution of a higher mark
  - iv) opportunity to resubmit an assignment
  - v) initiation of a student feedback mechanism
  - vi) extensions of deadlines for assignment
  - vii) opportunity to resit an examination (subject to University regulations)
- (b) If the Grievance comes for resolution to the University Grievance Committee it may make such decisions and give such directions as it thinks fit.

14.3. If not resolved at a lower level, the Grievance must be presented in writing to the Assistant Vice-Chancellor (Research, Academic & Enterprise). The documentation provided to the University Grievance Committee should contain the following information:

- (a) The complainant's full home address, contact phone number and student ID number.
- (b) Where appropriate the title and number of the course, the name of the department or the name of the College in which the Grievance concerns.
- (c) The nature of the Grievance including the specific academic disadvantage claimed.
- (d) As many details regarding examples and instances of the Grievance as possible (e.g. dates, times).
- (e) Any other relevant information.

14.4. On receipt of the written complaint, the University Grievance Committee shall within 14 days:

- (a) Acknowledge the receipt of the complaint.
- (b) Inform the parties of their right to access a representative or other support person if they have not already done so.
- (c) Provide all relevant written documentation to the staff member(s) concerned for written response.

#### **15. University Grievance Committee:**

15.1. Membership

The University Grievance Committee is a committee of Academic Board and shall consist of:

- (a) An independent chairperson appointed by the Vice-Chancellor in accordance with Note (i), who shall have both a deliberative and casting vote.
- (b) One staff member nominated by the Assistant Vice-Chancellor (Research, Academic & Enterprise).
- (c) One member nominated by the appropriate student organisation.

Note:

- (i) The independent chairperson shall in any specific case be selected from a panel of not less than 3 persons (who shall not be current students or staff members) of appropriate standing, qualifications and experience, appointed by the Vice-Chancellor.

Members of this panel shall be appointed annually by the Vice-Chancellor, upon the recommendation of the Chair of Academic Board following consultation. Members shall be eligible for reappointment. The independent chairpersons shall sit in rotation.

- (ii) Members of the University Grievance Committee shall operate independently and impartially and not as representatives of those responsible for appointing, nominating or electing them.

#### 15.2. Powers

The Committee, subject to compliance with the principles of natural justice, shall:

- (a)
  - (i) Determine the conduct of its own procedures and;
  - (ii) Receive such information, as it considers relevant to the Grievance.
- (b) Receive and investigate Grievances at all Massey University campuses and through all modes of delivery of academic programmes.
- (c) Make decisions relating to Grievances.
- (d) Report annually to the Vice-Chancellor through Academic Board on the nature of Grievances and policy issues that have risen during the year.

#### 16. Audience:

All staff and students

#### 17. Document Management Control:

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