

STUDENT PROBLEM RESOLUTION FRAMEWORK

Section	Problem Resolution		
Approval Date	25.07.2011	Approved by	Directorate
Next Review	12.11.2017	Responsibility	Chief Executive
Last Reviewed	12.11.2016	Key Evaluation Question	5

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 for 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-staff disputes
 - Breach of Human Rights e.g. racial or sexual harassment
 - Student Misconduct
 - Complaints about NMIT services and facilities
- at all locations and work areas of NMIT,
 - encompassing all NMIT learning and teaching activities, and
 - includes NMIT training partners

DEFINITIONS

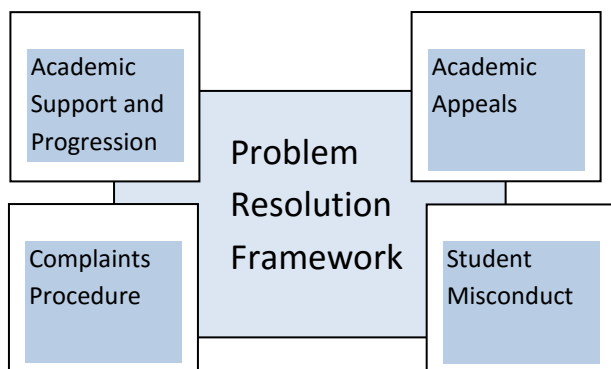
Advocate	A person that speaks on behalf of a complainant or a respondent.
Mediation	<p>Mediation is a process in which a neutral, impartial and acceptable third party helps the disputing parties to identify the issues in their dispute; to generate options; and consider alternatives so they can reach their own mutually acceptable solution.</p> <p>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.</p>
NMIT Contact Person	Head of Department or Institute Leadership Team (ILT) member assigned to investigate and manage individual problems.
Support	<p>Person or group able to provide support or advice (e.g. NMIT Student Advisor; student or staff association/union member; friend or family member).</p> <p>A support person's role is to empower the student to speak for themselves with knowledgeable support.</p> <p>A support person cannot speak on behalf of the student.</p>
Training Partner(s)	Organisation(s) or individual(s), with whom NMIT has a contracted arrangement, who provides delivery of training on behalf of NMIT, to NMIT students

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.

The **principles of natural justice** are incorporated as outlined below:

1. The student will be given all relevant information regarding the allegation, adequate opportunity to prepare and present evidence, and to respond to the arguments presented
2. The person/s deciding on the allegations will be impartial and make a decision based on a balanced and considered assessment of the information
3. Decisions regarding allegations are based on logical proof or evidence



ACADEMIC SUPPORT AND PROGRESSION

The *Student Academic Support and Progression* procedure is applicable in cases of repeated and continuing non-achievement of academic standards.

The *Student Academic Support and Progression* 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
- poor professional behaviour, as stated in the Programme Regulations

Industry standards of character or professional behaviour as specified in external regulations (e.g. Civil Aviation Authority, Maritime NZ and NZ Nursing Council) take precedence over this procedure.

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 Support and Progression*.

COMPLAINTS PROCEDURE

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

STUDENT MISCONDUCT

The Student Misconduct Procedure applies to:

- students of NMIT, on NMIT premises, or off campus on course-related activities including students of NMIT training partners.
- all situations where from any source, an allegation of student misconduct is made.
- situations where an allegation of misconduct also involves the police.
- NMIT staff members attending NMIT courses as students; refer to Staff Misconduct Procedure, unless the Chief Executive (CE) or delegate decides that the Student Misconduct Procedure should be applied.

The misconduct will be regarded as serious if by its nature and/or degree it:

- adversely affects (or has the potential to adversely affect) the safety of other students or staff of NMIT, OR
- is likely to bring the name of NMIT or its quality standards into disrepute, OR
- involves behavior considered to be seriously inappropriate for a student of NMIT, OR
- is recurring misconduct, not necessarily for the same offence.

The Student Misconduct Procedure does not apply to students failing to meet academic requirements. Refer to NMIT Student Academic Support and Progression policy.

This procedure does not replace programme regulations with “fit and proper” behavior and drug and alcohol criteria documented in the specific programme regulations e.g. pilot training and maritime programmes.

The Complaints Procedure shall be followed to resolve student complaints where misconduct of a student has not been identified.

OTHER POLICIES

Other NMIT policies that may be useful include:

- Staff Misconduct
- Protected Disclosures
- Harassment (Prevention and Management)
- Fraud

RESPONSIBILITIES

Refer to specific problem resolution policy or procedure for individual and group responsibilities.

TRAINING

Directorate or delegate will initiate refresher training of Problem Resolution procedures for all roles/staff positions identified in the procedures.

REFERENCES

INTERNAL

NMIT Academic Statute
Harassment (Prevention and Management)
Student Academic Appeals
Student Academic Support and Progression
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
Guidelines for the Education (Pastoral Care of International Students) Code of Practice 2016 –
Tertiary
International Student Contract Dispute Resolution Scheme (DRS)
Health and Safety at Work Act 2015 and associated Regulations
Health Practitioners Competence Assurance Act