







## Formal Complaint

When someone chooses not to use informal processes or use of informal processes has failed to resolve the problem, they may make a formal written complaint to the Executive Director, People, Culture & Wellbeing (where the respondent is not a student) or the University Proctor (where the respondent is a student):

1. If the person complained about is a student, the person complaining may make a formal written complaint to the University Proctor requesting that consideration be given to the matter being dealt with under the Student Discipline Regulations.
2. If the person complained about is not a student, the person complaining may make a formal written complaint to the Executive Director, People, Culture & Wellbeing.
3. Where appropriate the University may accept complaints from third parties and/or may pursue investigations of its own if it becomes aware of alleged inappropriate behaviour.

The formal written complaint (template complaint form provided in Appendix 6) must be signed and dated by the person complaining and should contain the following:

4. The name of the person complained about as well as sufficient details outlining the issue complained about;
5. (o) The name of any person to whom they have witnessed the breach of the policy or to whom the complaint was first reported;
6. The outcomes which the complainant believes would be appropriate to resolve the matter;
7. Information on whether any measures to protect the person complaining are necessary.

The failure to include information in the formal written complaint does not nullify the complaint. The person complaining shall be available for an interview for clarification of the formal written complaint if considered necessary by the person investigating the complaint.

While it is recommended that the complaint form is used (Appendix 6), it is not a requirement. There is no time limit for the making of a formal complaint, although long delays may be a requirement.

- of the complainant) and the investigation to allow them to make an informed response;
9. To be given an opportunity to provide an explanation and make representations, including having their witnesses heard;
  10. To be supported by or represented by the person of their choice;
  11. To have the matter assessed by an impartial person;
  12. To appeal the outcome.

The role is to investigate the complaint impartially and the investigator is required to:

13. Provide the person complained about with a letter informing them that a complaint has been received, giving details of the allegations and defining the process of the investigation;
14. Receive any comments, either in person or in writing, to that letter;
15. Carry out such investigation as is necessary;
16. Advise the person complained about of their preliminary views as to those findings and as to the penalty, if any;
17. Receive and consider representations on those preliminary views;
18. Make and advise the person complained about of the final decision on the findings and as to the penalty, if any;
19. Advise the person complaining in confidence that a final decision has been made and give appropriate details.

### **Mediation**

Mediation can be used as part of informal or formal approaches (refer to appendix 4). Mediation involves a trained and impartial mediator sitting with all parties concerned to try to get an agreement and a way forward. Mediation can be used early on in the situation or at other times (e.g. after a formal complaint has been investigated).

### **Alternative Formal Complaints Processes**

As an alternative to following the internal University processes outlined above, complainants have the right under the Human Rights Act to make a 00008874 05.5 80 G[co)-11(m)15(p)-11(l)17(a









**Racial harassment** may include:

- race
- mimicking the way a person speaks
- race
- calling people names





## What is mediation?

Mediation is a conversation between people with the

If a complaint cannot be resolved by direct discussion, or an individual does not feel comfortable addressing the issue face to face or in writing, they should discuss the matter and seek guidance from an appropriate person in confidence. These contacts can be approached at any stage of the process.

Below is a list of internal contacts for students and staff within Lincoln University, as well as external providers of support and advice for both students and staff:

Role Title/ Organisation	Contact Details	Notes
<b>STUDENT CONTACTS</b>		
Lincoln University Students Association (LUSA)	Student Advice & Support Service <a href="mailto:SAS@lusa.org.nz">SAS@lusa.org.nz</a> telephone 03 423 0578 <a href="http://www.lusa.org.nz/advice-support">www.lusa.org.nz/advice-support</a>	service is informal, professional and confidential. It is also 100% independent from the University.
Proctors	Greg Ryan <a href="mailto:greg.ryan@lincoln.ac.nz">greg.ryan@lincoln.ac.nz</a> Telephone 03 423 0402 Location: F611  Amrapali MacDonald <a href="mailto:amrapali.macdonald@lincoln.ac.nz">amrapali.macdonald@lincoln.ac.nz</a> Telephone 03 423 0246 Location: C012	
Dean or Head of Department	Check in the Lincoln University Calendar publication or the Staff Profiles page on the website for the full list of Deans and HoDs by Faculty	
International Student Support	Denise Pelvin International Student Advisor Telephone 423 0086 <a href="mailto:denise.pelvin@lincoln.ac.nz">denise.pelvin@lincoln.ac.nz</a> or through Student Health on 325 3835  Denise Hannam International Student Advisor Telephone 423 3886 <a href="mailto:denise.hannam@lincoln.ac.nz">denise.hannam@lincoln.ac.nz</a> or through Student Health on 325 3835	



**Role Title/  
Organisation**

This form is to lay a formal complaint. Please record the details of the complaint below. Feel free to work with a support person, union or legal representative in completing this form. Your support person or representative can also be present at any meetings you need to attend.

**INCIDENT 1** (repeat table as needed if there is more than one incident)

Your Name:

Name of Respondent \_\_\_\_\_):

When did it happen? (date and time)

Time:

Date:

Where did it occur?

Who was present?

What was said and who said what?

Why do you think it is bullying, harassment or discrimination?

It has endangered my health and safety because:







	<b>Process</b>	<b>Follow Up</b>	<b>Who?</b>	<b>Timeframe</b>
9	Advise Complainant in confidence that a final decision has been made and give appropriate details		Line manager or HR rep	Within 3 weeks

*\*refers to an HR staff member*