

The University Of Auckland Report To The Audit & Risk Committee On Student Non-Academic Complaints 2023 Annual Report

Following Code Outcome 10 Process 4 Clause G, the University has compiled an annual review of all student complaints, including escalated complaints, and critical incidents. This report has been reviewed and authorized by the University's Audit and Risk Committee.

This annual report summarises non-academic complaints and critical incidents received during 2023. Previously reports to Audit & Risk Committee followed reporting periods that were aligned with Committee meeting frequency, with one of those periods running across two calendar years. From 2024 a quarterly reporting cycle will be used, allowing an annual report based on a calendar year to be compiled without the need to recast data. That in turn will allow easier compliance with the reporting requirements of the Pastoral Care Code of Practice.

To meet NZQA's requirements a version of this report will be made publicly available via the University Website. In accordance with Statistics New Zealand's guidelines, complaints, and outcomes that number fewer than 5 will be reported as <5 in the publicly available report and the report delivered to NZQA to preserve the non-identifiability of data. However, the actual numbers, even when fewer than 5, will be retained in the confidential report to Audit and Risk Committee.

Summary and analysis of trends and feedback

As the inaugural annual report and based on the new reporting periods, this report will be used as a baseline for future comparisons.

Student complaints reporting, Total 2023

Service complaints

The University website provides a feedback and complaints channel which is available to students to complain about services delivered across the University. This channel is currently managed and reviewed by the Student Experience Centre (SEC).

All student complaints received via this channel are acknowledged, and either resolved by the SEC or referred on to service providers to resolve or respond to the matter. Resolution can be via the correction of an error, an explanation of an issue that cannot be addressed in the way requested, an investigation and referral to another complaint resolution pathway, and/or an acknowledgement of the matter and an apology where warranted.

In 2023 there were numerous enquiries that came into the Complaints Queue which were not complaints, but rather were considered spam or marketing-related emails.

We are reviewing the service complaints management process to capture more accurately, monitor, and report student service complaints.

Service complaints	2023 Total Reports	Closed	Complaint withdrawn	Open or under appeal
Study plans/eligibility queries	19	19	0	0
Information/communication	28	28	0	0
Service failure (faculty or service division)	21	21	0	0
Service failure (interpersonal)	11	11	0	0
Total	79	79	0	0

Student accommodation complaints

Student Accommodation houses over 4,500 students in a variety of accommodation buildings. The University offers leases for student accommodation of between 39 and 52 weeks depending on the contract term. In the year 2023, the portfolio received 18 complaints in total which were all resolved within the academic year. The majority of complaints related to issues with University Wi-Fi.

Due to an unknown technical issue, [<5] complaints were not recorded in 2023 quarterly complaints reports. Each of these complaints have been resolved, and this report has been updated to include these complaints.

Accommodation complaints ¹	2023 Total Reports	Closed	Complaint withdrawn	Open or under appeal
Facilities/Maintenance	11	11	0	0
Financial (including appeals)	<5	<5	0	0
Security	0	0	0	0
Information/communication	<5	<5	0	0
Noise	<5	<5	0	0
Staff	<5	<5	0	0
Other	0	0	0	0
Total	18	18	0	0

¹ Complaints alleging bullying, harassment, or discrimination within university accommodation are reported in the section below.

Pastoral Care Code Complaints

The Code of Pastoral Care requires that we track complaints that explicitly allege non-compliance with the Code. No such complaints were received in 2023.

Pastoral Care Code of Practice - allegations of non-compliance	2023 Total reports	Closed	Complaint withdrawn	Open, in progress	Escalated to NZQA
Organisational structures	0	0	0	0	0
Wellbeing and safety practices	0	0	0	0	0
Wellbeing and safety in student accommodation	0	0	0	0	0
Wellbeing and safety for international learners	0	0	0	0	0
Total	0	0	0	0	0

Alleged bullying, harassment & discrimination by students

The Proctor's Office is the primary reference point in the University for all matters relating to student non-academic misconduct, including complaints against students, or disputes between students. The Proctor's Office assesses disputes between students or complaints about student conduct and can recommend or determine the appropriate next steps, which may include a formal reprimand, behavioural directives, or an escalation of serious misconduct allegations to the Discipline Committee.

There were 73 reports made to the Proctor's Office in 2023 relating to bullying, harassment, and discrimination. In addition to these formal reports, there were many other informal reports, inquiries, and requests for advice from across the University community. The vast majority of the work of the Proctor's Office is responding to these informal reports and requests for advice. These are typically lower-level matters where advice is given about self-resolution, how teaching staff can respond to the matter, or where no action is required. Where appropriate these inquiries are referred to Campus Care for welfare check

Alleged bullying, harassment & discrimination by students	2023 Total Reports	Open, in progress at end of 2023	Investigation did not proceed	Complaint withdrawn	Complaint not upheld but formal directive given	Complaint upheld, formal directive or reprimand given	Complaint not upheld	Referred to Disciplinary Committee
Harmful sexual behaviour	10	0	<5	<5	0	0	<5	≤5
Gender-based harassment	<5	0	<5	0	0	0	0	0
Racial harassment	5	<5	<5	0	0	<5	0	0
Harassment other	19	<5	11	<5	0	<5	0	<5
Discrimination	<5	0	<5	0	0	0	0	0
Physical assault	0	0	0	0	0	0	0	0
Bullying	22	<5	20	<5	0	0	0	0
Other	12	5	6	0	0	<5	0	0
Total	73	8	47	7	0	<5	<5	6

- i. **Investigation did not proceed** – where respondent is unknown to the applicant and cannot be identified; respondent can be identified but has no connection to the university; not enough evidence or evidence supplied does not breach rules or policies. In these latter cases, where we can identify the respondent and they are a student, future behaviour may be monitored via the Students at Risk process.
- ii. **Complaint not upheld but formal directive given** – this is where there is insufficient evidence to prove the allegation, however, in the interests of the wellbeing and safety of all parties a formal directive is given. For example, a non-contact directive.
- iii. **Complaint upheld formal directive or reprimand given** – this is where the allegation has been proven, directive given but not significant enough to go to the Discipline Committee
- iv. **Complaint not upheld** – no reprimand or directive given, insufficient evidence to prove the allegation.

Alleged bullying, harassment & discrimination of students by staff

The Human Resources Advisory team is the primary reference point in the University for all matters relating to staff misconduct and/or serious misconduct. The Human Resources Advisory team supports managers and academic heads to assess disputes between staff, students and staff, or complaints about staff conduct, and ensures that the appropriate next steps and process are followed.

Students reported [<5] complaints regarding staff in 2023 related to bullying, harassment, and discrimination. [Details redacted]

Alleged bullying, harassment & discrimination of students by staff	New reports this period	Open, in progress at the end of this period	Open, under appeal	Complaint withdrawn	Complaint not upheld	Complaint upheld; disciplinary process initiated	Complaint upheld, instruction to improve issued	Referred to Police
Harmful sexual behaviour	<5	0	0	0	<5	0	0	0
Gender-based harassment	0	0	0	0	0	0	0	0
Racial harassment	0	0	0	0	0	0	0	0
Harassment other	<5	0	0	0	0	0	<5	0
Discrimination	0	0	0	0	0	0	0	0
Physical assault	0	0	0	0	0	0	0	0
Bullying	<5	<5	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	<5	<5	0	0	<5	0	<5	0

Whistleblower complaints from students

Complaints received via the externally managed Whistleblower Hotline, a service which facilitates anonymous reporting of complaints relating to unethical conduct, are reported quarterly to the Audit & Risk Committee via the Combined Assurance Report prepared by the Risk Office. Whistleblower complaints are triaged to the relevant department and handled through the appropriate complaints procedure. Below is an outline of student complaints received via the Whistleblower Hotline in 2023.

Nature of allegations raised	Report referred to:	New reports this period	Open, in progress at the end of this period	Triaged by Risk Office to responsible department **	Investigation could not proceed due to lack of sufficient information***
Bullying, Harassment and/or discrimination by staff	HR	5	<5	<5	<5
Other staff misconduct	HR	<5	0	0	<5
Bullying, Harassment and/or discrimination by student*	Campus Life	<5	0	<5	<5
Other Student misconduct	Campus Life	<5	0	<5	0
Breach of law/policy/procedure	Campus Life	<5	0	<5	0
TOTAL		10	<5	6	<5

*Allegations of bullying, harassment and/or discrimination referred to Campus Life, by the Risk Office have been included in the “Alleged bullying and harassment by students” section above.

** Risk Office communicates to the discloser that their whistle blower report has been triaged to the relevant department for investigation.

*** These reports are only closed after 1) communication has been sent to the discloser requesting the additional required information; and 2) six months has lapsed since the date of disclosure and no further communication is received from the discloser. These are subsequently reopened if additional information is received in the future.

Escalated complaints from prospective, current, and past students

Complaints that have escalated to third-party processes are managed via the University’s General Counsel.

Investigating authority	Carried Forward	New reports this period	Closed	Open, in progress
Office of the Ombudsman (OO)	0	<5	0	<5
Office of the Privacy Commissioner (OPC)	0	0	0	0
Human Rights Commission	0	<5	0	<5
iStudents	0	<5	<5	0
Total	0	<5	<5	<5

Student Critical Incidents

Student critical incidents are reported to the University Risk Office. The University maintains a Student Critical Incident Response Plan to help guide the relevant actions, instigate support, and consider enhancements. Learnings and enhancements resulting from any Level 3 (major) incident are captured in debrief reports with resulting actions incorporated into ongoing resilience management action monitoring until closure.

NZQA and the Committee on University Student Pastoral Care (CUSPaC) have agreed an approach on reporting of student critical incidents that will help ensure consistency of reporting practices amongst tertiary education providers.

Below is a summary of the student incidents reported at University of Auckland during 2023 that meet the agreed definition of 'Critical incidents'.

Critical Incidents	2023 Total Reports	Closed	Open or under investigation	Domestic student	International student
Student Death on Campus	<5	<5	0	<5	0
Student Death off Campus of a 'learner at risk'*	<5	<5	0	0	<5
Serious harm (physical or mental) to a student ** and either: - planning to manage/mitigate the event/matter was inadequate or a plan was not followed; or - an external review/investigation was carried out.	0	0	0	0	0
Total	<5	<5	0	<5	<5

* Learner at risk is defined by NZQA: a student where the university has reasonable grounds to believe that there is a serious issue relating to the learner's health, safety, or wellbeing.

** related to university activity

Improvements to the complaints process

The University of Auckland has continued to respond to the recommendations made in the Independent Review of the University of Auckland's Student Discipline Procedures. A broad range of recommendations have already been implemented or are currently in process or review prior to their implementation. Most recently, during September and October 2023, staff and students were consulted on the new draft Student Conduct Statute. The draft statute implements most of the 20 recommendations from the external review relating to various components of the existing Statute for Student Discipline (which deals only with general misconduct), as drafted by the General Counsel in the first half of 2023 following the recommendations of the Independent Review. The feedback from that consultation process is currently being considered, and the updated statute will be presented to Council for approval in 2024.

Alongside the recommendations from the report, additional training has been developed to prevent and respond to Harmful Sexual Behaviour. The Creating Cultures of Consent and Respect Training, developed by Rape Prevention Education with input from student consultations, aims to educate student leaders and staff about the prevalence of sexual violence in New Zealand, its dynamics, effects, and provide avenues of trauma-informed support for victims.

Finally, consistent with the Terminology requirements set out on the Creating Cultures of Consent and Respect action plan, the University had produced web content outlining what constitutes sexual assault and harm, including more exact definitions of harmful sexual behaviour to ensure consistency across the University's reporting of different incidents.

Appendix – Definitions

Harmful sexual behaviour	The term Harmful Sexual Behaviour encapsulates the full spectrum of behaviours and issues relating to sexual misconduct, including such behaviours as sexual harassment, coercion, sexual harm, sexual assault, sexual violence, and retaliation. Harmful sexual behaviours are unwelcome or offensive sexual behaviours that are significant enough to have a harmful effect on an individual’s wellbeing. Harmful sexual behaviours can occur in the physical or digital environment.
Gender-based harassment	Gender-based harassment describes a wide range of behaviour based on gender stereotypes, sexual orientation, or gender identity. Such behaviour includes verbal, physical, visual, or digital actions which demean, belittle, or threaten a person. It does not necessarily suggest sexual interest or intent; it is often about making a person feel unwelcome, uncomfortable, inferior, or vulnerable.
Racial harassment	Racial harassment is the use of language, or visual material or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; is hurtful or offensive; and is either repeated or serious enough to have a detrimental effect on a person in one of the areas specified by the Human Rights Act 1993, e.g. the provision of education, accommodation and employment.
Harassment other	Harassment is unreasonable or unwelcome conduct that is offensive, humiliating or intimidating to any other person and is either repeated, or of such significant nature that it has a detrimental effect on the person, their performance or their work and study environment.
Discrimination	Discrimination can occur when a person is treated less favourably than another person, in the same or similar circumstances, because of a prohibited ground such as their sex, colour, religious belief, race, marital status, ethnic or national origins, family status, ethical belief, sexual orientation, political opinion, age, employment status or disability.
Bullying	Bullying is any repeated unreasonable behaviour that is directed towards a person, or group of people, that can lead to physical or psychological harm. This includes cyberbullying, which is the use of electronic communication to bully, harass or frighten a person, typically by sending messages of an intimidating, embarrassing or threatening nature.

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