

# The Mind Lab Student Complaints and Appeals Policy and Procedures

Purpose	1
Scope	1
Policy Statements	2
Appeals	2
Appeals to any other TML decision	3
Policy Implementation	3
Policy Reporting	4
TML Student Complaints and Appeals Procedures	5
Responsibilities	10
Definitions	10
Reference Documents	11
Appendices	11

## Purpose

The purpose of this policy is to ensure that all student complaints and appeals are dealt with in a fair, equitable and timely way.

## Scope

- This policy covers any complaint or appeal made by any student of The Mind Lab<sup>1</sup> about any area of concern related to their experience at The Mind Lab.
- Complaints must be based on the student having witnessed or experienced the incident, not on hearsay, and should be received by The Mind Lab within a reasonable timeframe after the alleged incident.

---

<sup>1</sup> Tech Futures Lab is a wholly owned subsidiary of The Mind Lab. All policies and procedures of The Mind Lab also apply to Tech Futures Lab. Terms and Conditions, Policies and Declarations that relate to The Mind Lab also relate to Tech Futures Lab unless expressly stated otherwise.

- Appeals must be made on the basis of a material irregularity and must be lodged within 10 working days of receiving the academic outcome or other related concern.

## Policy Statements

### *Complaints*

1. The Mind Lab will ensure that:
  - a. There are clear processes for students to raise complaints and have these resolved.
  - b. Advocacy and support is available to students throughout the process.
  - c. Students raising complaints and all other necessary parties are kept informed.
  - d. Complaints are promptly and thoroughly investigated and decisions are made to resolve them based on all the available evidence.
2. Students are encouraged to speak with Programme Leads to try to resolve their complaints informally where possible.
3. Where informal resolution is not possible, The Mind Lab encourages students to raise a formal complaint following the process outlined in *Student Complaints and Appeals Policy and Procedures*.
4. The course of natural justice and procedural fairness will be followed.
5. All parties should be informed of any formal complaints made against them, and should be given the opportunity to respond to the complaint before any decision is made.
6. Every decision made in response to a formal complaint will be notified in writing to the person(s) concerned. This includes notification about any appeal or other rights.

## Appeals

1. Students can lodge an Appeal to the TML Academic Board for any of the following reasons:
2. A Student disagrees with an *academic outcome* and there is a material irregularity. Academic Outcomes include the following;
  - i. Assessment outcomes and final grades
  - ii. Admission to a Programme
  - iii. Progression in a Programme
  - iv. Special Assessment Circumstance decision
  - v. Award of a qualification
  - vi. Exclusion from any coursework or assessment
3. A Student disagrees with the *outcome of a complaint* and there is a material irregularity.
4. A Student or applicant disagrees with *any other TML decision* and there is a material irregularity. e.g. admission to a TML programme decision
5. The grounds for Appeal are defined in the section below.
6. The Hearing Procedure is detailed in the procedures below.

*Note:* A Material Irregularity is when TML has made an error in the conduct of an assessment, a complaint process, an admission to a programme or other TML decision or process.

#### *Academic Outcome Appeals*

1. If the student's concerns about an academic outcome are not satisfied through an initial review, and there is a material irregularity, an academic outcome appeal can be escalated through the procedure outlined in the Procedures section below.
2. All relevant parties should be informed of any appeal, and should be given the opportunity to provide relevant information before any decision is made.
3. Every decision made in response to an academic outcome appeal will be notified in writing to the person(s) concerned. This includes notification about any further appeals or other rights.

#### *Appeals to the outcomes of complaints*

1. If a student or applicant wishes to appeal the outcome of a formal complaint and there is a material irregularity, an appeal can be escalated through the procedure outlined in the Procedures section below.
2. All relevant parties should be informed of any appeal, and should be given the opportunity to provide relevant information before any decision is made.
3. Every decision made in response to an appeal will be notified in writing to the person(s) concerned. This includes notification about any further appeals or other rights.

#### *Appeals to any other TML decision*

1. If a student or applicant wishes to appeal the outcome of a formal TML decision and there is a material irregularity, an appeal can be escalated through the procedure outlined in the Procedures section below.
2. All relevant parties should be informed of any appeal, and should be given the opportunity to provide relevant information before any decision is made.
3. Every decision made in response to an appeal will be notified in writing to the person(s) concerned. This includes notification about any further appeals or other rights.

## **Policy Implementation**

1. All complaints must be managed in accordance with the process outlined in Appendix 1 of this policy (The Mind Lab Student Complaints and Appeals Procedures and Guidelines).
2. Staff members will be supported to implement this policy and associated procedures through supporting resources and training.

## **Policy Reporting**

The Policy Owner (National Academic Director) will report each month to The Mind Lab Academic Board on the number, nature and outcome of all formal complaints and appeals raised under this policy. This report will be anonymised and not provide detailed information about the complaints and appeals.

## **TML Student Complaints and Appeals Procedures**

### *1. Complaints Procedures*

**Purpose:** The purpose of this procedure is to outline the process to raise, investigate and resolve formal complaints at The Mind Lab in accordance with the Student Complaints and Appeals Policy.

#### *1.1 Student Complaints Process (Formal Complaint)*

1. If concerns are unable to be resolved informally in consultation with the Programme Lead, the following process should be followed:
2. Student submits a complaint, in writing, and supplies evidence for the complaint, using the Student Notification of Formal Complaint Form to the TML National Academic Manager or delegated Authority.
3. Acknowledgement of receipt of the complaint will be sent to the Complainant and any support person(s) within two working days of receipt.
4. All relevant parties will be informed of the complaint.
5. The TML National Academic Manager delegates responsibility to investigate the complaint to an appropriate investigator.
6. The investigator, upon receiving notice of the complaint, must introduce themselves via email or other means to all parties involved within 2 working days, begin the investigation, and then provide weekly update emails on the status of the investigation.
7. Investigating the complaint involves:
  - a. Examining evidence supplied by the student
  - b. Informing other parties involved of the complaint, in writing, and discussing the concern
  - c. Where possible, the investigator will arrange to separately meet with the Complainant, respondent and any witnesses, and will advise them that they may bring a support person. All statements need to be verified for accuracy, by signing and dating in front of a witness.
  - d. The investigator will document each step of the investigation (including dates, who was present, what was discussed, and what resolution, if any, was reached).
8. The Mind Lab endeavours to resolve complaints within 20 working days of the complaint being received. If a longer time frame is required, all parties will be notified.
9. If a Complainant does not respond to any communication requiring a response within 15 working days, The Mind Lab may decide not to proceed with the complaints process.

### *Resolving a complaint*

1. Upon completion of the investigation, the Investigator will provide a written report with their recommendations for resolution to the TML National Academic Director or delegated Authority.
2. The TML National Academic Director or delegated Authority will make a decision in relation to the complaint and notify all parties involved within the time period specified in (7) above.
3. All documentation regarding the complaint should be saved securely in the Mind Lab Digital Filing Cabinet. Records will be held to comply with [NZQA PTE Enrolment and Academic Records Rules 2012](#).

### *2. Assessment Outcome Appeals - Procedure*

Purpose: The purpose of this procedure is to outline the process to raise, investigate and resolve assessment outcome appeals at The Mind Lab in accordance with the Student Complaints and Appeals Policy.

#### *2.1 Student Assessment Outcome Appeal Process*

1. Before an appeal is lodged for approval, all students are encouraged to first approach the Programme Lead to discuss concerns related to their assessment outcomes. The approach to this could be one of the following:
  - a. By emailing the programme leader or coordinator
  - b. By requesting through an appropriate form, a "review of grade" or review of assessment outcome"
2. If the decision made by the Programme Lead is not satisfactory, you can appeal your assessment outcome. You may only appeal your assessment outcome on the following two grounds:
  - a. When additional information has become available which was not available or could not reasonably be made available within the timeframe of the initial review by the Programme Lead, and/or
  - b. There was a material irregularity in the conduct of Summative Assessment. A material irregularity means anything that was incorrect or unfair (for example, The Mind Lab not providing accurate information about assessment requirements, or The Mind Lab staff not following policy).
3. If students wish to appeal their assessment outcome on the basis of the grounds set out in 2(a) and (b), they must complete and submit a Notification of Appeal Form within 10 working days of students receiving their assessment outcome. The form should be submitted to the TML National Academic Manager.

#### *2.2 Investigating an Assessment Outcome appeal*

1. Upon receiving a Notification of Appeal form for an assessment outcome appeal, the documentation will be sent to the Chair of The Mind Lab Academic Board to undertake an initial independent review of the case.
2. If further review and action is required because material irregularities are found, the Chair of The Mind Lab Academic Board instigates an Appeal Hearing. The Chair of

The Mind Lab Academic Board or delegated authority, as the convenor of the Appeal Hearing

- a. establishes a time for the Appeal Hearing that is convenient for all parties.
  - b. informs the student of their right to attend the Appeal Hearing, and their rights to:
    - i. bring a support person with them, or
    - ii. appoint an advocate to speak on their behalf, or
    - iii. request an interpreter, or
    - iv. request a Maori representative on the Appeal Panel.
  - c. informs the Programme Lead of the grade appeal and of their right to appear at the hearing and provide a written response to the application.
  - d. determines staff membership on the Appeal Panel and provides them with the student's application, and Programme Lead's response (if provided)
  - e. ensures that the applicant is provided with the same documentation as the Appeal Panel.
3. The Appeal Hearing is to be an open and consultative meeting with both the student(s) and staff in attendance to hear explanations. If agreement is reached at any time, the hearing may be ended.
4. Rules of the Appeal Hearing are as follows:
- a. The student and/or their advocate are invited to present their case, followed by an opportunity for the Appeal Panel to ask any relevant questions.
  - b. The Programme Lead is invited to explain or clarify the decision made and speak to any other matters raised in the appeal, followed by an opportunity for the Appeal Panel to ask any relevant questions.
  - c. Either party may ask questions and the convenor can invite either party to present any additional evidence relevant to the hearing.
  - d. All parties, except for the Appeal Panel are then asked to leave the meeting.
  - e. The Appeal Panel considers all evidence presented and makes a decision
  - f. All parties are then invited back into the meeting to be informed of the decision, with no further time for discussion or questions.
5. The Convenor then informs both parties of the official decision, in writing, within 5 working days of the Appeal Hearing.
6. Appropriate changes are made to academic records
7. A report on the Appeal Hearing is tabled at the next TML Academic Board meeting.
8. All documentation regarding the complaint should be saved securely in the Mind Lab Digital Filing Cabinet and against the student's file in the Student Management System.

### *3. Appeals to the outcomes of complaints - Procedure*

**Purpose:** The purpose of this procedure is to outline the process to raise, investigate and resolve an appeal on a formal complaint at The Mind Lab in accordance with the Student Complaints and Appeals Policy.

1. There are only two grounds on which the outcome of a formal complaint can be appealed:

- a. When additional information has become available which was not available or could not reasonably be made available within the timeframe of the initial complaint, and/or
  - b. There was a material irregularity in the process followed to reach the outcome.
2. If Complainants wish to appeal a decision, they must submit an application to appeal to The TML National Academic Manager using the Notification of Appeal Form within 15 working days of receiving notification of the decision.
3. Upon receiving the application of appeal, the TML National Academic Manager or delegated Authority will determine the authenticity of the appeal according to 1 a) or b). The TML National Academic Manager or delegated Authority will refer the appeal application, together with all documentation from the initial investigation to an appropriate Reviewer.
4. The Reviewer will decide on the outcome of the appeal and communicate this to the Complainant and all relevant parties within 15 working days of receiving the application to appeal. The Reviewer may:
  - a. convene an Appeal Panel which determine a resolution following a hearing of both parties or
  - b. attempt to find resolution through mediation.
5. Where the Complainant is still not satisfied with the appeal outcome, they may take legal action or make a complaint to [NZQA](#) or other relevant external bodies. Students are informed of this option in the Student Handbook (available before enrolling, and throughout the programme on the Learning Management System).
6. All documentation regarding the complaint should be saved securely in the Mind Lab Digital Filing Cabinet and against the student's file in the Student Management System.

#### *4. Appeals to all other TML decisions - Procedure*

**Purpose:** The purpose of this procedure is to outline the process to raise, investigate and resolve an appeal against decisions at The Mind Lab other than those related to assessments and complaint outcomes in accordance with the Student Complaints and Appeals Policy.

1. There are only two grounds on which the outcome of a TML decision can be appealed:
  - a. When additional information has become available which was not available or not reasonably be made available within the timeframe of the initial TML decision, and/or
  - b. There was a material irregularity in the process followed to reach the outcome.



2. If Complainants wish to appeal a TML decision, they must submit an application to appeal to The TML National Academic Manager using the Notification of Appeal Form within 15 working days of receiving notification of the decision.
3. Upon receiving the application of appeal, the TML National Academic Manager or delegated Authority determine the authenticity of the appeal according to 1 a) or b). The TML National Academic Manager or delegated Authority will refer the appeal application, together with all documentation from the initial investigation to an appropriate Reviewer.
4. The Reviewer will decide on the outcome of the appeal and communicate this to the Complainant and all relevant parties within 15 working days of receiving the application to appeal. The Reviewer may:
  - a. convene an Appeal Panel which determine a resolution following a hearing of both parties or
  - b. attempt to find resolution through mediation.
5. Where the Complainant is still not satisfied with the appeal outcome, they may take legal action or make a complaint to [NZQA](#) or other relevant external bodies. Students are informed of this option in the Student Handbook (available before enrolling, and throughout the programme on the Learning Management System).
6. All documentation regarding the complaint should be saved securely in the Mind Lab Digital Filing Cabinet and against the student's file in the Student Management System.

## Responsibilities

<b>Role</b>	<b>Responsibilities</b>
Pou Ārahi	With The Mind Lab Māori and Pacific Success Team supporting and provide guidance to TML towards self-assessment and improvement in regard to Māori and Pacific Success
Data Analyst	Supporting teams and Programme Leads with data gathering and analysis.
National Academic Director (NAD) and National Academic Manager (NAM)	Accountable for overall Academic Quality of TML programmes (NAD), and with support from NAM working with all PLs and teams to analysing, improving and documenting education performance
National Academic Registrar	Accountable for Student Records and data
General Managers	Accountable for business sustainability and viability including resourcing e.g. staffing
Programme Leads	Accountable for Academic Quality of specific Programmes
TML Founder and Chair of TML Board	With TML Board and Leadership Team leads academic and business direction of organisation

## Definitions

<b>Term</b>	<b>Means</b>
Complainant	Student making a formal complaint. If a group of students makes a complaint, the group must nominate one person to be the Complainant and they will receive all communication regarding the complaint on behalf of the group.
Respondent	The individual or group who the subject of the complaint.

Student	An individual enrolled in one or more courses at The Mind Lab
Investigator	The staff member designated to undertake the investigation and provide findings to the TML National Academic Director or delegated authority
Reviewer	The staff member designated by the TML National Academic Director or delegated Authority to review the outcome of the complaint if an appeal is lodged
Working days	Working days means Monday to Friday.

## Reference Documents

[The Mind Lab Student Disciplinary Policy and Procedures](#)

## Appendices

[Student Notification of Formal Complaint Form](#)

[Student Notification of Appeal Form](#)