



# Learner Complaint Procedures

If you are a current, prospective, or former learner with a complaint about the Ara Institute of Canterbury (Ara), we want to know so we can work with you to resolve your concerns. If you have a complaint about something that has affected you, this guide tells you what you can do to raise a complaint, and what Ara will do with your complaint.

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## 1. Introduction | *Kupu Whakataki*

- 1.1 The purpose of this document is to explain the Ara complaints procedures, from a learner's perspective. This procedure explains how you (or the person representing you) can make a complaint, how Ara will handle your complaint, timeframes for resolution, and alternative resolution options. **Please read this procedure in full before you make a complaint.**
- 1.2 If you would like support, assistance in understanding these procedures, or to discuss your circumstances or concerns prior to making a complaint, you can contact:
  - a the Ara Complaints Coordinator – for information regarding the process and to answer any questions: <https://www.ara.ac.nz/about-us/complaints/>
  - b the Student Advocate – for confidential and independent advice, advocacy, and support: [Student Advocacy and Support](#)
  - c your Class Representatives
  - d the Student Wellbeing Advisor
  - e Tutor/Programme Manager
  - f Academic Manager/Head of Department

Any of these contacts can provide information on the policy and are able to discuss options available to the individual on how to deal with their concerns.

If you need additional assistance to use these complaints procedures, for example, due to a language barrier or lack of internet access, please contact the Ara Complaints Coordinator or the Student Advocate to discuss additional support options.

- 1.3 Ara's learner complaints procedures are summarised in the [CPP117d Learner Complaint Flowchart](#) and discussed in detail below.
- 1.4 If you wish to raise a concern (but not a formal complaint under these procedures), then please contact [complaints@ara.ac.nz](mailto:complaints@ara.ac.nz)

## 2. Complaints Covered by this Procedure

- 2.1 These procedures apply when a learner raises a problem or complaint regarding:
  - a their treatment by Ara or its colleagues
  - b financial or contractual issues with Ara
  - c the quality of delivery of a service (including a course or programme) provided by Ara
  - d learner behaviour, connected to [APP301a Learner Responsibilities and Rights](#)
  - e a learner's wellbeing or safety, including issues of racism, discrimination, bullying
  - f physical and/or sexual violence, or
  - g the actions or conduct of an Ara colleague.

For other types of complaints, there may be different processes: see paragraph 3 below.

- 2.2 Complaints under these procedures may be made by current, prospective, or former learners. Complaints may also be raised by learners' parents or legal guardians (if learners are under 18). Where a group of learners would like to jointly make a complaint, they can do so under these procedures by either jointly making a complaint, or through a representative.
- 2.3 Learners may wish to raise a complaint for purposes such as:
  - a having their concerns heard and/or investigated
  - b receiving an apology or acknowledgement of wrongdoing

- c having a decision made or an action taken
  - d having a record kept that their complaint has been raised, or
  - e improving existing services and/or processes.
- 2.4 Ara reserves the right not to take action related to:
- a Anonymous or malicious complaints, complaints based in hearsay or if the complainant does not provide sufficient information or does not respond within 30 calendar days ([CPP117 Raising Problems or Complaints](#)).
  - b Issues raised more than 30 calendar days after an alleged incident/problem occurred (if being raised by a member of the general public) or more than 90 calendar days (if being raised by an Ara learner).

### 3. Complaints not covered by this Procedure

- 3.1 Learners who wish to complain about:
- a an academic decision: should follow the processes set out in the appropriate academic policy Ara Academic Policies:
    - [APP506 Learner Behaviour Management](#)
    - [APP512 Suspension and Refusal/Cancellation of Enrolment](#)
  - b a breach of privacy: should follow the process set out in the [CPP109 Disclosing Personal Information about Learners and Colleagues](#) Policy.
  - c intellectual property: should follow the process set out in the [CPP106 Intellectual Property](#) policy
  - d serious wrongdoing, corruption, or a serious and substantial waste of public money: should follow the process set out in the [CPP116 Protected Disclosures](#) Policy
  - e health and safety: should report concerns and incidents through the relevant procedure
  - f criminal matters: will be referred to the relevant authority e.g., NZ Police; and
  - g student loan, student allowance, or student loan repayments: should contact Studylink.

### 4. Anonymous Disclosures

If you wish to make an anonymous disclosure you can do so through the [https://informus.ara.ac.nz/Inform Us](https://informus.ara.ac.nz/InformUs) webpage. You will be asked to complete an online form which allows Ara to collect statistical and thematic information about the issue/event you wish to raise. The 'Inform US' webpage contains information about the process and what happens when you submit an anonymous report. Please refer to the FAQ page <https://www.ara.ac.nz/about-us/need-help/inform-us/inform-us-faq/> for further information.

### 5. Principles

- 5.1 When handling learner (and public) complaints, Ara and its colleagues will endeavour to:
- a handle complaints in a way that is fair, transparent, timely and effective.
  - b work with learners to consider their issues from a cultural perspective.
  - c accommodate the involvement of the learner's chosen support people and/or whānau, where requested by the learner and/or the learner is a minor, and
  - d provide culturally responsive approaches to resolving complaints, including considering traditional and informal processes for raising and resolving issues.
  - e To support Ara colleagues and learners in enabling inclusiveness, participation, appreciation, recognition, support, transparency, and sense of belonging. The principles of confidentiality are followed. This is about respecting colleagues and learners' privacy

and respecting their wishes. It means Ara won't share personal details about someone with others, unless that person has said they can, or it is necessary.

- f Align to the [CPP222 Addressing Bullying, Harassment and Discrimination](#) policy.
- 5.2 When handling learner complaints, Ara and its colleagues will endeavour to uphold Ara's organisational values of:
- Hono/Connect
  - Hihiri/Inspire
  - Aroha/Respect

## 6. Informal Resolution Options

- 6.1 Self-resolution: Where appropriate and you feel safe to do so, learners are encouraged to resolve issues informally by directly approaching the relevant Ara colleague or Department, either on their own or with the support of a third party such as the Independent Student Advocate. Informal resolution strategies might be conducted in person or via email, and include:
- a telling the person what the issue is asking them to stop or to behave differently, and
  - b where appropriate, keeping a written record of this action
  - c a mediated discussion with the concerned parties or an informal chat with them on your behalf.
- 6.2 Paragraph 6.1 does not apply to complaints concerning alleged criminal conduct, including sexual assault. Please refer to the Ara [CPP222 Addressing Bullying, Harassment and Discrimination](#) policy for further information. Criminal matters may be referred to the Police by the learner or Ara.
- 6.3 Colleagues approached by a learner with a complaint are expected to deal with the matter in an open and professional way, and to take reasonable and prompt action to try to resolve the matter informally or if it is more serious, refer the matter to a more senior colleague. In dealing with a complaint, colleagues should take into account the principles set out in paragraph 5.
- 6.4 The colleague may seek further information or clarification from either the learner, or from others, without naming the learner unless express permission has been provided by the learner for them to be named. The colleague may seek the support of their Head of Department, relevant Manager, Director, or Executive Director (or delegate) when considering the matter.
- 6.5 Colleagues should provide learners with an outline of the next steps and an indication of when an outcome is likely to be available within ten (10) working days of the matter being raised. Where they are not resolved to the satisfaction of the learner, or where the matter is more serious, the learner should follow the formal complaints procedure as set out below.

## 7. Formal Complaint Submission Process

- 7.1 A learner who is unable to resolve their issue or concern informally, or considers informal resolution inappropriate or unsatisfactory, can lodge a formal complaint through the Ara Complaints Coordinator, the policy [CPP117 Raising Problems or Complaints](#) and the [CPP117a Notification of Problem or Complaint Form](#).
- 7.2 Learners must submit the formal complaint in writing, clearly stating:
- a that the complaint is a formal complaint
  - b who is raising the complaint, and how best to contact them
  - c the basis for the complaint

- d if known, the name of the person, department/school, or service unit which is the subject of the complaint.
  - e a description of the events that have given rise to the complaint
  - f actions (if any) you have taken to resolve the complaint, and
  - g any outcomes sought as a result from the complaint. The learner should also provide all relevant evidence.
- 7.3 Formal complaints should be sent for the attention of the Complaints Coordinator to [complaints@ara.ac.nz](mailto:complaints@ara.ac.nz).
- 7.4 A learner can withdraw their complaint at any time by writing to the Complaints Coordinator (at [complaints@ara.ac.nz](mailto:complaints@ara.ac.nz)) and the matter will be considered to be resolved. Ara may continue to investigate a complaint if we believe it would be helpful to do so, including to ensure that we provide a safe and supportive learning environment or where we are required to do so to satisfy legal requirements.
- 7.5 Ara will not investigate a formal complaint submission where it reasonably considers that:
- a the person who has submitted the complaint is not a learner (or a proper representative of a learner)
  - b the submission does not present a circumstance that meets the definition of a complaint (refer 16. Definitions)
  - c another policy or procedure has been or can be used to consider the complaint
  - d the learner has provided insufficient detail or evidence of the issue to enable it to be properly assessed
  - e the learner is not willing to participate or assist the Complaints Coordinator
  - f Timing, see policy reference [CPP117 Raising Problems or Complaints](#) (section 8)
  - g the complaint is a Frivolous, Vexatious or Malicious Complaint, or
  - h the complaint has been appropriately addressed or resolved and does not warrant further action.

## 8. Receipt and Assessment

- 8.1 Ara will provide learners with a written acknowledgement of receipt of a formal complaint within two (2) working days of formal lodgement of the complaint outlining what will happen next.
- 8.2 The Complaints Coordinator will process the complaint within approximately five (5) working days of its receipt. The Complaints Coordinator will determine whether the submission:
- a falls within the scope of another Ara regulation or policy which, for the purpose of complaint resolution, has a procedure to review the action, decision or omission that is the subject of the complaint. The Complaints Coordinator will refer the complaint for consideration under the appropriate Ara regulation or policy and advise the learner of this referral, or
  - b will be managed under the Learner Complaint Procedure. The Complaints Coordinator will:
    - i determine whether the Assisted Resolution Process (set out in paragraph below) should be followed or whether an Investigation (set out in paragraph 10) is appropriate, and
    - ii refer the complaint and recommendation arising from 8.2(b)(i) to the Responsible Manager (i.e., relevant Head of Department, Department Manager, Director, Executive Director, or equivalent Responsible Manager), unless the Complaints Coordinator determines on the basis of the submission that a

reasonable concern of bias or a conflict of interest exists with regard to that person, in which case the Complaints Coordinator will contact the next most senior officer as the Responsible Manager

- iii determine the period during which a resolution of the complaint is expected to be achieved. This will be approximately within fifteen (15) working days. In the case of complex cases, the resolution period may be longer. Where a resolution is likely to exceed fifteen (15) working days, the Complaints Coordinator will provide an estimated timeframe for the resolution of the complaint, and
  - iv advise the learner of the referral to the Responsible Manager and period during which a resolution of the complaint is expected to be achieved.
- c be referred to the Responsible Manager to determine if a complaint is a Frivolous, Trivial or Vexatious Complaint. Within approximately five (5) working days of the referral, the Responsible Manager may determine, that the complaint:
- i is a Frivolous, Trivial or Vexatious Complaint, may dismiss the complaint and notify the Complaint Coordinator who will notify the complainant and advise of their appeal options
  - ii is not a Frivolous, Trivial or Vexatious Complaint, and notify the Complaints Coordinator.
- d will be referred to People and Capability for investigation if it is a colleague employment matter.
- 8.3 The Responsible Manager will acknowledge receipt of the referral of the complaint submission. If they believe they have a conflict of interest, or the learner raises reasonable concerns of bias, regarding the referral, they must advise the Complaints Coordinator, who will re-refer the complaint under paragraph 8.2(b)(ii).
- 8.4 At the conclusion of the preliminary assessment described in paragraph 8.2, the Complaints Coordinator must provide the learner (and, where appropriate, the respondent) a written statement of the outcome of the preliminary assessment, which includes:
- a reasons for the outcome, and
  - b details of any right to seek an appeal, as per the appropriate Ara policy.

## **9. Assisted Resolution Process**

- 9.1 Where the assessment in paragraph 8.2 determines that assisted resolution is appropriate, resolution may include, but is not limited to:
- a clarifying a misunderstanding
  - b an apology
  - c facilitated discussion, including mediation or conciliation
  - d an agreed plan of action to avoid further incidents, or
  - e implementing awareness-raising or educational sessions about behaviour.
- 9.2 Where reasonable, the assisted resolution process should be completed within twenty (20) working days of the assessment referred to in paragraph 8.2.
- 9.3 Where twenty (20) working days is not reasonable, the Complaints Coordinator must:
- a advise the learner of the reasons for the delay, and of the projected timeframe for resolution, and
  - b update the learner on the progress of the complaint every (ten) 10 working days.

## 10. Investigation

- 10.1 Where assisted resolution is unsuccessful or considered inappropriate, the Complaints Coordinator must determine whether:
- a the matter should be investigated under paragraph 10, or
  - b any other further action should be taken.
- 10.2 Ara may initiate an investigation:
- a for serious complaints (as determined by Ara at its absolute discretion taking into account the learner's views and circumstances),
  - b where assisted resolution is unsuccessful or not appropriate, or
  - c in other circumstances, where Ara considers it to be appropriate.
- 10.3 Except where otherwise required by Ara rules, protocols, policies and procedures, the responsible manager will determine how the complaint investigation process is progressed taking into account the principles in paragraph 5. This may include:
- a nominating an appropriate colleague(s) to assist
  - b meeting with the parties (with their respective support person(s)), together or separately
  - c providing for mediation, conciliation, or investigation of the complaint by an appropriately trained and independent person, and/or
  - d obtaining all other relevant evidence in Ara's possession – guided and supported by the Complaints Coordinator.
- 10.4 The Responsible Manager will provide respondents with:
- a the allegations in sufficient detail to ensure that they have a reasonable opportunity to respond, and
  - b a reasonable period of time within which to respond to the allegations.
- 10.5 The Responsible Manager will ensure all parties involved in resolving the complaint are treated fairly and reasonably. If Ara is required to respond to the complaint within the context of policy [CPP211 Code of Professional Practice](#), then the complaint will be referred to People and Capability.
- 10.6 The Responsible Manager may make findings of fact and may make recommendations for resolving complaints, in accordance with Ara statutes, regulations, rules, protocols, policies and procedures.
- 10.7 The Responsible Manager will consider in what ways the complaint might be valid and the appropriate response, including if a remedy is justified. This will include that:
- a in determining an appropriate remedy, the remedial action the learner has sought is considered, and
  - b a remedy must be within the authority of the Responsible Manager or be recommended by the Responsible Manager to an appropriately delegated person or body, which has the authority to implement the remedy.
- 10.8 The Responsible Manager must give the Complaints Coordinator written reasons for their findings of fact and (if relevant) their recommendations. The reasons must provide enough detail for learners and respondents to determine whether there are sufficient grounds for an appeal. The Complaints Coordinator must peer review the recommendations and validate that Ara policies and procedures have been adhered to.
- 10.9 Where reasonable, the investigation should be concluded within thirty (30) working days. Where thirty (30) working days is not reasonable, the Complaints Coordinator must:

- a advise the learner of the reasons for the delay, and of the projected timeframe for conclusion of the investigation, and
  - b update the learner on the progress of the complaint every ten (10) working days.
- 10.10 If the Responsible Manager recommends any systemic improvements to Ara practices, including the review of policies or procedures following the review of a complaint, the Complaints Coordinator will forward any recommendation(s) to the relevant Director(s)/Manager for action. Director(s)/Manager who receive a Responsible Manager's recommendation(s) will advise the Complaints Coordinator and the Responsible Manager of their response to the recommendation(s) within fifteen (15) working days.
- 10.11 If a remedy is approved, then Ara will implement corrective and preventative actions as soon as possible. The colleague who authorised the remedy will keep the learner appropriately informed of progress in implementing the remedy.
- 10.12 Where an investigation occurs in relation to a colleague's employment, Ara will be limited in the information it can provide to a learner under the Privacy Act 2020.

## **11. Bullying, Harassment and Discrimination Prevention**

- 11.1 It is recognised that a learner or colleague may find it difficult to instigate a complaint of bullying/harassment/discrimination. Where an approach has been made to Ara by someone who believes that they or someone they know, has been harassed/bullied then appropriate support will be offered by Ara.
- 11.2 The complaints process and support available may be different for learners than it is for colleagues, as set out in the [CPP222 Addressing Bullying, Harassment and Discrimination](#) policy.
- 11.3 All allegations of bullying or harassment will be taken seriously and will be dealt with in a sensitive manner, respecting the rights of all parties involved. There will be no presumption ahead of a proper investigative process that the person accused of bullying/harassment has engaged in such behaviour.
- 11.4 Learners and colleagues will be protected from intimidation, victimisation and discrimination when making a complaint or assisting with an investigation under Ara policy. Where Ara considers it appropriate and practicable, it may make arrangements to separate the complainant and the person accused of harassment or bullying whilst an investigation or resolution process is underway.
- 11.5 On receipt of a formal complaint, the complainant will be informed of how the investigation will proceed. The complainant will be kept informed of the general process during the course of the investigation.
- 11.6 All information relating to complaints will be treated in accordance with the [Privacy Act 2020](#). Where an investigator prepares a report, both the complainant and the respondent will be provided with a copy and given an opportunity to provide a written response before a decision is made.

## **12. Right of Appeal**

- 12.1 A learner has a right to seek an appeal. Appeal procedures must be in accordance with Ara statutes, regulations, rules, protocols, policies and procedures. Please refer to the governing complaint policy, [CPP117 Raising Problems or Complaints](#) (section 3.2) may also be appropriate, dependent on the nature of the complaint. The Complaints Coordinator will support the process.

## **13. External Complaint and Appeal Options**

- 13.1 In the first instance, Ara and the learner should endeavour to resolve the complaint or dispute through the processes described in these procedures. However, a learner can raise an external complaint or dispute, if:

- a Ara does not accept the learner's complaint
- b the learner or Ara perceives that Ara does not have the cultural competency to deal with the complaint
- c the learner is not satisfied that Ara has made adequate progress towards resolving the complaint, or
- d the learner is not satisfied with Ara's internal complaints process or outcome.

13.2 A learner can seek resolution of a dispute from the following agencies, depending on the subject matter of the dispute. External agencies are likely to expect that a learner should first attempt to resolve their grievances internally, using the procedures of Ara, unless there are exceptional circumstances.

<p><b>Financial and Contractual Disputes</b></p>	<p><b>Financial and Contractual Disputes Resolution Scheme:</b> The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 provides for the establishment of a dispute resolution scheme for financial and contractual disputes between learners and the Institution. For more information and updates on the dispute resolution scheme, visit the <a href="#">NZQA website</a>.</p> <p><b>International Learners Contractual and Financial Disputes:</b> <a href="#">iStudent Complaints</a> is a dispute resolution service set up for international learners. International learners can escalate unresolved complaints about a contract (for example an enrolment or accommodation contract) or a financial dispute to iStudent Complaints.</p> <p><b>Disputes Tribunal:</b> The <a href="#">Disputes Tribunal</a> is a small claims court that can hear claims about unresolved disputes for up to \$30,000. If a claim is for over \$30,000, then this would usually need to go to the District Court. For more information:</p> <ul style="list-style-type: none"> <li>• Download <a href="#">this brochure</a> about the Disputes Tribunal</li> <li>• Read <a href="#">this information</a> about the Disputes Tribunal from Community Law</li> </ul>
<p><b>Pastoral Care Code</b></p>	<p><b>NZQA:</b> If you believe that the Institution is failing to meet the outcomes or requirements of the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, and the Institution is unable to resolve your concerns, you can escalate a complaint using <a href="#">NZQA's complaints procedure</a>.</p>
<p><b>Privacy</b></p>	<p><b>Privacy Commissioner:</b> If you have an unresolved complaint about how information about you has been stored or used, you can contact the <a href="#">Office of the Privacy Commissioner</a>.</p>
<p><b>Discrimination and Human Rights</b></p>	<p><b>Human Rights Commission:</b> If you have an unresolved complaint that you have faced discrimination, hateful speech, or that your human rights have been denied, you can contact the <a href="#">Human Rights Commission</a> for information, support or to make a complaint.</p>

<p><b>Delivery or Quality of Your Course or Study</b></p>	<p><b>Tertiary Education Commission (TEC):</b> If you are concerned that the Institution is not delivering the appropriate amount of teaching hours through their course or study, or about the Institution’s performance against its commitments, performance standards, or compliance against the TEC’s funding conditions, you can <a href="#">make a complaint to the TEC</a>.</p> <p><b>NZQA:</b> If you have concerns about a tertiary education organisation which you think NZQA should investigate, this page gives you information about how to advise NZQA of your concerns. NZQA is responsible for the quality assurance of non-university tertiary education organisations.</p> <p><a href="#">Advising NZQA of concerns about a tertiary education organisation » NZQA</a></p>
<p><b>Ombudsman</b></p>	<p>If you believe that the Institution has made a decision that is unreasonable, unfair or wrong (for example that the Institution’s complaints process has been conducted incorrectly or that the outcome is unreasonable in relation to the evidence), you have the right to raise the matter for external and independent review by the <a href="#">Ombudsman</a>.</p>

## 14. Frivolous, Trivial or Vexatious Complaints

- 14.1 A learner has a responsibility not to make a Frivolous, Trivial or Vexatious Complaint. If you are unsure about the nature of your complaint, please contact the Complaints Coordinator via [complaints@ara.ac.nz](mailto:complaints@ara.ac.nz).

## 15. Privacy, Reporting and Record Keeping

- 15.1 The Responsible Manager will provide the Complaints Coordinator with a copy of all documentation relevant to the complaint. All records collected, generated, or used as part of the resolution or determination of a complaint under these procedures will be stored confidentially in Ara’s records management systems. Records will be kept in accordance with Ara’s [CPP114 Information and Records Management](#) Policy, the Public Records Act 2005 and the [CPP109 Disclosing Personal Information about Learners and Colleagues](#) Policy
- 15.2 The Complaints Coordinator will provide a bi-annual written report to Ara Executive and Board. This will include:
- a quantitative and qualitative analysis of the formal complaints received, referred
  - b resolved and withdrawn, and of performance in complaint handling, and
  - c recommendations for changes to policy and practice, including with regard to the management of complaints.
- 15.3 Ara will publish aggregate data relating to complaints on the Ara website. Care will be taken to ensure that no learner is identifiable based on the information made available <https://www.ara.ac.nz/about-us/complaints/>.

## 16. Definitions | *Tautuhinga*

**Academic Decision:** A decision which causes a learner an academic disadvantage.

**Advocate:** Person(s) who is appointed to speak or act on behalf of the complainant or respondent (e.g., colleague; an appointed associate or professional person; whanau member).

**Bullying:** repeated and unreasonable behaviour directed towards a person or a group of people that creates a risk to their mental or physical health and safety. Examples of actions that may be regarded

as bullying can be found in [CPP222b Examples of Bullying](#).

**Complaint:** is an expression of dissatisfaction with: The quality of an action taken, decision made, or service provided by Ara. A delay or failure in providing a service, taking an action, or making a decision by Ara.

**Complainant:** The person(s) raising the problem or making the complaint.

**Complaints Coordinator:** The person delegated by the Chief Executive to manage complaints (other than those involving colleague performance), academic appeals, and appeals against cancellation and/or refusal of enrolment.

**Formal Complaint:** a complaint made by an Ara learner, or member of the general public. Formal complaints are investigated and substantiated to understand the context of the complaint. These complaints are logged in the complaints register and are provided a reference number.

**Frivolous, Trivial or Vexatious Complaint:** A complaint which:

- a. Is without merit.
- b. Has already been considered by Ara and satisfactory measures have been taken to resolve the matter.
- c. Is dishonest or contains intentionally misleading information.
- d. Is pursued with undue persistence, or
- e. is pursued in a manner that threatens, menaces, or harasses an Ara colleague or fellow learner.

**Harassment:** unwelcome, unsolicited, and unreciprocated behaviour by a person or group that may reasonably be expected to offend, humiliate, or intimidate another, and may interfere with a person's right to work or study in a non-threatening environment. Examples of actions that may be regarded as harassment can be found in Appendix A.

**Informal Complaint:** for quick problem solving rather than investigating and substantiating claims. They seek agreement and shared understanding of how to avoid problems in the future. Informal complaints are most appropriate in cases where the allegations are less serious, or the problem is based on miscommunication or a misunderstanding.

**Natural Justice:** Ara will uphold the principles of fair, ethical, and honest natural justice, ensuring that any complaint or breach of learner code of conduct is fully investigated. Giving all parties involved the right to be heard and the right to respond prior to a decision being reached.

**Problem:** A situation where a learner considers appropriate standards have not been met. The impact on the learner has not been large and it is likely that resolution can be obtained by direct, informal discussion with the employee(s) concerned.

**Racial Harassment:** unwelcome, unsolicited behaviour that denigrates, humiliates, or intimidates a person or group on the basis of their race, colour, ethnic or national origins, culture or ethno-religious background. It is unlawful for any person to use language (whether written or spoken), visual material, or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the grounds of the colour, race, or ethnic or national origins, of such a significant nature that it has a detrimental effect on that other person's ability to engage in work or study activities.

**Raising Problems or Complaints (CPP117):** This policy applies to any issue, problem or complaint raised by an Ara learner or member of the general public. The problem or complaint may apply to courses/programmes, employees, other learners, services or administrative systems or decision.

**Respondent:** The person(s) about whom the complaint is made or who has responsibility for the course/programme, service or management practice identified in the problem or complaint.

**Responsible Manager:** A person, to whom a complaint is referred for consideration or investigation

on behalf of Ara, typically being a Head of Department, Executive Director, Director or similar.

**Sexual Harassment:** any form of sexual or gender orientated attention or behaviour that is unwanted and offensive to the recipient and would also be offensive to any other person. Sexual harassment may be intentional or unintentional and is not confined, by definition, to any gender or sexuality.

It is unlawful for any person to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

It is also unlawful for any person to use language of a sexual nature (whether written or spoken), visual material of a sexual nature, or physical behaviour of a sexual nature to subject any other person to behaviour that is unwelcome or offensive to that person and is either repeated, or of such a significant nature, that it has a detrimental effect on that person's ability to engage in work or study activities.

**Colleague:** For the purposes of this policy, the definition of "colleague" extends to cover all persons working at, for, or on behalf of, Ara (whether paid or unpaid), including but not limited to, contractors, subcontractors and their employees, adjunct appointees, visitors, consultants, guest lecturers, interns, and volunteers.

**Learner:** A person who is enrolled in at least one course at Ara, either directly or indirectly or through official arrangements with another organisation. The term learner in this context may include prospective learners or former learners.

**Support Person:** Person(s) who provides support or advice to the complainant or respondent. A support persons role is to empower the complainant or respondent to speak for themselves with knowledgeable support. A support person cannot speak on behalf of the complainant or respondent unless the complainant or respondent chooses the support person to move into the role of Advocate.

**Victimisation:** Treating people worse than others, dismissing them, offering them different terms and conditions of employment, and failing to offer promotion or other benefits because they have honestly and in good faith supported or participated in a complaint of bullying or harassment.

**Working Day:** A Day of the week in which Ara is fully open, which excludes Saturdays and Sundays, public holidays, relevant regional anniversary days and Ara holidays.