



**Te Pūkenga**

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28 January 2025

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By email: [fyi-request-29199-dc864e1d@requests.fyi.org.nz](mailto:fyi-request-29199-dc864e1d@requests.fyi.org.nz)

Tēnā koe Lauren

### **Request under the Official Information Act 1982**

Thank you for your email of 9 December 2024, requesting information from Whitireia and WelTec | Te Pūkenga – New Zealand Institute of Skills and Technology (Whitireia and WelTec).

In reply to our letter of response dated 9 December 2024, to your previous OIA request dated 14 November 2024 (reference TP240143), you stated:

*It's students I'm after.*

My office wrote to you on 17 December 2024 explaining your emailed statement was being considered as a new OIA request. This letter provides a formal decision on your request under the Official Information Act 1982 (OIA).

### **The decision**

Your original requests from TP240143, and Whitireia and WelTec response regarding ākongā (students) is set out below.

#### Question One

- 1. Please provide rates/numbers of bullying, harassment, discrimination and sexual assault complaints for Whitireia and Weltec over the past five years. Please provide copies of any reports or reviews related to this.*

Between 1 January 2020 and 22 November 2024 there have been <14 ākongā complaints within the Whitireia and WelTec register that fall within the scope of your request.

Providing the exact number of ākongā complaints for 2023 yields a result of less than four. Therefore, to protect the privacy of natural persons, we have withheld the exact number with reliance on section 9(2)(a) of the OIA. We do not believe the need to withhold this information is outweighed by the public interest in its release.

The <14 complaints are set out by calendar year in the table below.

Calendar year	2020	2021	2022	2023	2024*
Number of ākonga complaints	0	0	6	<4	4

\*as at 22 November 2024

As per our response in relation to kaimahi (staff) complaints, there have been no reports or reviews of the complaints in addition to our standard procedures on these matters.

### Question Two

- Please provide rates/numbers of protected disclosures at Whitireia and Weltec since the new law was introduced in 2022.*

The new law does not apply to ākonga, so we have a nil response to this query.

### Question Three

- Please provide all policies, procedures and guidelines, related to bullying, harassment, discrimination, sexual assault and protected disclosures. Where these are not available, provide guidance on what processes and guidance Whitireia and Weltec follow in these instances, whether they are in development, and if not, why not.*

The four documents listed below fall within the scope of your request ie. are directly related to bullying, harassment (including sexual harassment), or discrimination in relation to ākonga. Two of these can be found through or at the links below, a copy of the third and fourth is attached as **Appendix One**.

- *A5-P2 Student Conduct Procedures*  
[www.whitireiaweltec.ac.nz/current-students/student-guide/student-conduct](http://www.whitireiaweltec.ac.nz/current-students/student-guide/student-conduct)
- *Kaupapa-here | Ākonga Concerns and Complaints Policy*  
[www.tepūkenga.ac.nz/assets/Policies/2023/National-Akonga-Concerns-and-Complaints-Policy-v2.pdf](http://www.tepūkenga.ac.nz/assets/Policies/2023/National-Akonga-Concerns-and-Complaints-Policy-v2.pdf)
- *A5-P3 Student Concerns and Complaints Procedures.*  
Copy attached as Document One in **Appendix One**.
- *A5-R1 Student Rights and Responsibilities*  
Copy attached as Document Two in **Appendix One**.

You have the right to make a complaint to the Ombudsman under section 28(3) of the OIA if you are not happy with this response. Information about how to do this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by calling 0800 802 602.

We may publish our OIA responses and the information contained in our reply to you on our website. Before publishing we will remove any personal or identifiable information.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Gus Gilmore', with a large circular flourish above the name.

Gus Gilmore  
**Tumuaki** | Chief Executive

## Taikura – Quality Management System

### A5-P3 Student Concerns and Complaints

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#### 1. Introduction

- 1.1 These procedures:
- give effect to policies *T2 The Learning Environment* and *A5 Student Support Policy*
  - address concerns: issues affecting a student or group of students, where the student/s request/s a quick informal resolution (refer section 3)
  - address complaints: issues affecting a student or group of students, notified in writing, where the student/s request/s a formal process of resolution (refer sections 4 & 5)
  - provide opportunities for students to have their concerns and complaints resolved in a culturally appropriate and safe environment, to ensure equitable outcomes for Māori.
- 1.2 Students are encouraged to seek advice from support and advocacy staff, including Māori, Pacific or International student support (refer to Student Support on the website). The Institutions' contracted counselling services and the New Zealand Union of Students' Association are also available to provide information and support in the resolution process.

#### 2. Procedural Fairness

- Information about how the Institutions manage feedback and complaints is available in different formats, including in the Student Guide on the website.
- The Institutions facilitate complaint resolution in a culturally responsive way for Māori.
- Complaints about a harmful digital communication are managed in compliance with section 24 of the Harmful Digital Communications Act 2015 (refer Appendix 2 and 3).
- All parties are treated fairly and in accordance with the principles of natural justice.
- Concerns are resolved informally at the lowest possible level and with those directly involved wherever possible.
- Concerns and complaints are resolved as quickly as possible.
- Students have the right to seek independent advice.
- Personal information related to concerns or complaints is confidential and is only disclosed to those directly involved on a 'need to know' basis. Complaints information is kept securely in the Complaints Register which is permission restricted.

- 2.9 The respondent (person being complained about) is given all relevant information regarding a complaint, an opportunity to prepare and present evidence, and to respond to the information provided.
- 2.10 All parties may use a support person during the process.
- 2.11 All parties to the complaint are kept fully informed of their rights and obligations under this process and of the progress of the complaint.
- 2.12 Information on the outcome is notified in the detail that is appropriate for each party to the complaint.

### **3. Concerns**

- 3.1 Students are encouraged to discuss concerns directly with the relevant staff member or student. If a student does not want to address a concern directly with the person involved, they discuss it with another staff member (refer to 1.2) or submit it as a concern using the online form or to [feedback@wandw.ac.nz](mailto:feedback@wandw.ac.nz).
- 3.2 When a student approaches a staff member with a concern, the staff member:
- clarifies the outcome the student is seeking
  - attempts to resolve the concern together with the student
  - seeks assurance of their satisfaction with the outcome
  - informs the student that the concern may be logged for record keeping
- 3.3 If the concern is submitted online, the Complaints Administrator forwards it to the Head of School or Business Unit Manager for their information or action as appropriate. An issue submitted anonymously is treated as a concern.

### **4. Submission and Receipt of Complaints**

- 4.1 Students may escalate an unresolved concern to a complaint or may choose to make a complaint in the first instance.
- 4.2 Students submit their complaint to a staff member, online, or to [feedback@wandw.ac.nz](mailto:feedback@wandw.ac.nz).
- 4.3 Information on the complaint sent by the student, or the staff member on behalf of the student, includes:
- student name and contact details
  - programme or course
  - description of issue, identified as a complaint
  - details of attempt/s, if any, to resolve a concern informally
  - preferred outcome
- 4.4 The Complaints Administrator acknowledges receipt of the submission from the student within two working days, noting who will be handling it.
- 4.5 The Complaints Administrator logs the complaint in the Register and allocates the complaint to the relevant Head of School or Business Unit Manager ('Manager'). If a complaint is about a staff member's behaviour, the Manager People Services is also advised.
- 4.6 If the complaint relates to the Harmful Digital Communications Act 2015, the Complaints Administrator refers the student to relevant information (refer Appendix 2).
- 4.7 The Complaints Administrator refers privacy breach complaints to the Privacy Officer.
- 4.8 The Institution reserves the right not to proceed with investigating a complaint:
- which is based on hearsay
  - which is made more than ninety (90) days after the alleged incident/issue
  - where no response is received from the complainant within ten (10) working days of the Institution communicating with the complainant

## 5. Handling Complaints

- 5.1 The Manager allocated the complaint reviews it and may request evidence from the student. If, in their judgment, the issue is not a complaint, they may decide to take no further action, or they may re-categorise it as a concern. The Manager sends this decision to the student and to the Complaints Administrator within five (5) working days of the Institution having received the complaint.
- 5.2 If there is sufficient evidence to proceed with the complaint the Manager uploads the evidence to the Register and plans an investigation. The Manager, in consultation with the student and other parties to the complaint, develops a culturally appropriate process where required.
- 5.3 Any interview required is within 15 working days of receipt of the complaint. The Manager notifies the student if the meeting date falls outside this timeframe.
- 5.4 All parties invited to a meeting are notified of the date, location and names of attendees. They are reminded of their right to have sufficient support at the meeting to ensure that they are empowered and supported to fully participate. The invitation restates contact details for potential support.
  - a) Following the meeting, the Manager sends the decision to the student within 30 working days of the Institution having received the complaint.
- 5.5 The Manager copies the decision letter to the Complaints Administrator, who closes the complaint on the Register.

## 6. Monitoring and Reporting

- 6.1 Managers Tier 3 and above have access to the Register.
- 6.2 The Registrar monitors complaints in the Register.
- 6.3 A summary report of complaints, including resulting improvements or recommendations, is compiled from the Register for annual reporting to the Academic Committee.

## 7. Appeal

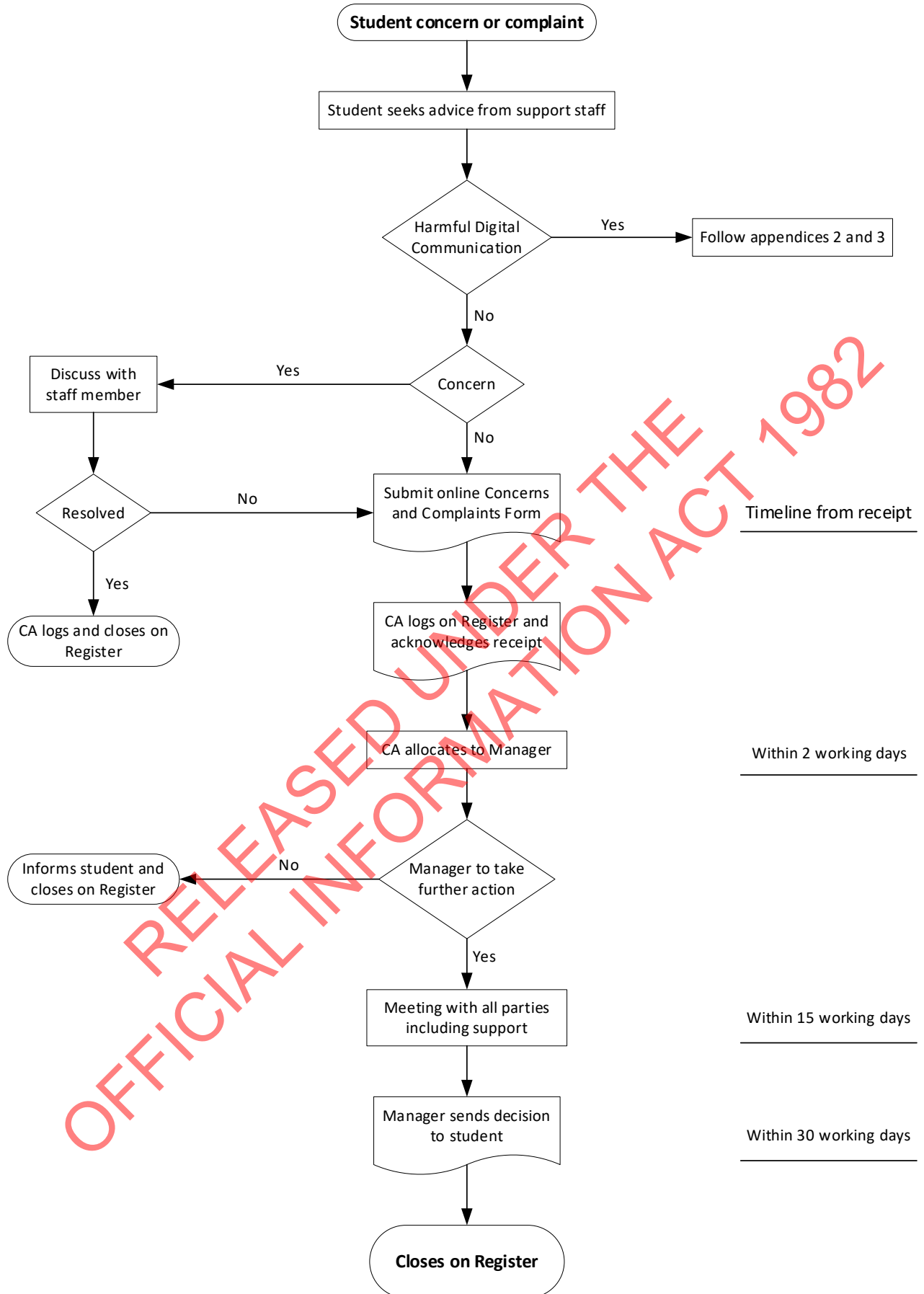
- 7.1 A student may appeal (refer to *A1-P6 Appeals Procedures*) within five (5) working days of notification of the decision arising from the complaint on one of the following grounds:
  - a) Additional information has become available since the decision was made by the relevant body.
  - b) There is evidence of procedural irregularities in the process followed.
- 7.2 In accordance with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, a domestic student who is not satisfied with the outcome of the decision may submit a complaint to NZQA. The complaint may be handled under the Disputes Resolution Scheme.
- 7.3 An international student who is not satisfied with the outcome of their complaint about a financial or contractual matter may submit a complaint to the Dispute Resolution Scheme ([iStudent Complaints](#)). For other matters, the student may submit a complaint to the NZQA Complaints.

## 8. Related Documents

- Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021
- Harmful Digital Communications Act 2015
  
- *A5-P2 Student Conduct Procedures*
- *A5-R1 Student Rights and Responsibilities*
- *B5.1-P6 Performance Behavioural and Conduct Procedures (Staff)*
- *B5.1-P8 Addressing Bullying, Harassment and Discrimination Procedures (Staff)*
- [Te Pūkenga Ākonga Complaints and Concerns Policy](#)

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# Appendix 1: Flowchart



CA – Complaints Administrator



## Appendix 2: Making a Harmful Digital Communications Act 2015 Complaint

### Non-Institutional sites

Anyone may lay a complaint under Section 24 of the [Harmful Digital Communications Act 2015 \(HDCA\)](#) if they believe one of the communication principles in the HDCCA have been breached. It is illegal to post a digital communication with intent to causing serious emotional distress to someone else.

The 10 communication principles of the (HDCCA) state a digital communication should not:

- Disclose sensitive personal facts about a person
- Be threatening, intimidating or menacing
- Be grossly offensive
- Be obscene or indecent
- Be used to harass a person
- Make a false allegation
- Break confidences
- Incite or encourage anyone to send a deliberately harmful message
- Incite or encourage a person to harm themselves or commit suicide
- Denigrate a person's colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

The person receiving the complaint may:

- Block and unfriend people on social media
- Block phone numbers sending bullying or abusive message on their mobile phone
- Talk to parents, tutors, or others they trust
- Report content and contact Netsafe for advice

The person may complain to Netsafe, describing the principle that has been breached.

If Netsafe cannot resolve the complaint, the person can apply for court orders against the author or host of the communication.

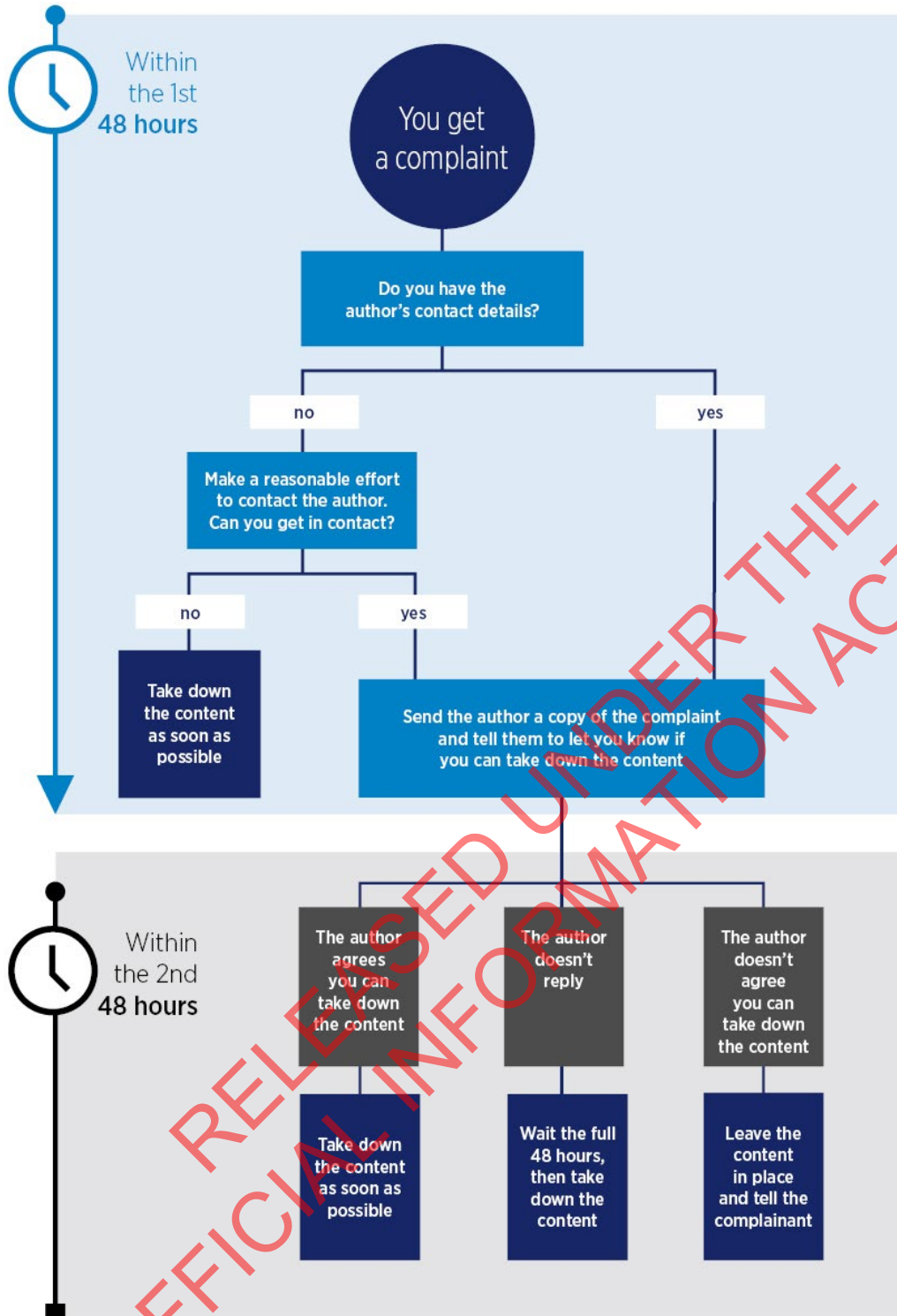
The person may contact the Police if the communication causes serious emotional distress, harasses, encourages suicide or threatens someone's safety.

### Institutional Site

A student making a HDCCA complaint is offered guidance regarding how to seek support, including Māori, Pacific or International student support, the student advocate or independent advice.

Staff members with an institutional online presence are given guidance on how to respond to Harmful Digital Communication complaints.

### Appendix 3: Receiving a Harmful Digital Communications Complaint



## Taikura – Quality Management System

### A5-R1 Student Rights and Responsibilities

#### 1. Introduction

- 1.1 The institutions promote lifelong learning and are committed to working with students to provide a quality educational experience in accordance with the expectations of *T2-R1 Our Commitment to Learning*.
- 1.2 These Regulations set out the rights and responsibilities of students to support their own learning and to maintain a safe learning environment.
- 1.3 The Regulations are consistent with current legislation.

#### 2. Scope

- 2.1 These regulations apply to all students enrolled at the institutions, on or off campus, participating in any course related activities, and any other student activity or conduct which could impact on the institutions' operations or reputation.
- 2.2 When required, disciplinary action is intended to be primarily educative and then to discourage recurrence. The institutions reserve the right to address any specific situation as is considered appropriate.

#### 3. Students Rights

Students have the right to:

- 3.1 Competent, professional and effective teaching
- 3.2 Current and relevant teaching content
- 3.3 Regular, prompt and constructive feedback
- 3.4 Fair, valid and reliable assessment
- 3.5 A consistent learning experience with a reasonable workload
- 3.6 Opportunity to give feedback on the teaching, programme and student experience
- 3.7 Be treated with fairness, dignity and respect by staff and other students in accordance with the principles of te Tiriti o Waitangi and natural justice
- 3.8 A safe, secure and inclusive environment in which all staff and students can flourish and be valued
- 3.9 Freedom from intimidation, violence, bullying, cyber-bullying, unreasonable disruption, unlawful discrimination, or any harassment
- 3.10 Trustworthy handling and retention of personal confidential information while at any campus or while engaged in institutional activities
- 3.11 Access to appropriate and sufficient learning spaces and resources
- 3.12 Access to appropriate academic, health, welfare, cultural and pastoral support
- 3.13 A safe, clean and healthy working environment
- 3.14 Access to Regulations and Procedures that affect students, including those for dealing with student concerns and complaints, at the commencement of their studies

- 3.15 Access to their student record
- 3.16 Representation on the Academic Board

#### **4. Student Responsibilities**

Students:

- 4.1 Prepare for and actively participate in learning events
- 4.2 Build and sustain the learning environment by giving and receiving constructive feedback
- 4.3 Maximise learning by willingly learning independently, experientially and collaboratively
- 4.4 Contribute positively to the learning experience of others
- 4.5 Be truthful and trustworthy
- 4.6 Respect the dignity and rights of all members of the campus
- 4.7 Apply te Tiriti o Waitangi and institutional values in daily practice
- 4.8 Respect the environment and property of staff, students, visitors and residential neighbours
- 4.9 Contribute to an environment that is free from intimidation, violence, bullying, unreasonable disruption, unlawful discrimination, or any harassment of other students, staff or any member of the public
- 4.10 Maintain privacy of confidential information while at any campus or while engaged in institutional activities
- 4.11 Keep campus buildings and grounds smoke free
- 4.12 While on any campus or undertaking any institutional activities be free from the influence of:
  - a) Any drug that is not lawfully prescribed for that student
  - b) Alcohol, except where it has been expressly permitted
- 4.13 Maintain a safe and healthy working environment whether on campus or studying off-site
- 4.14 Advise of any need that may require additional health and safety support
- 4.15 Carry a student identification card while on campus
- 4.16 Comply with safety rules and procedures including fire and emergency evacuation procedures
- 4.17 Notify a staff member as soon as possible of any actual or potential hazards, incidents, accidents or emergency situations on any campus or in relation to any institutional activity or course

#### ***Information and Communication Technology***

- 4.18 Ensure activities on their own network accounts meet the standards of conduct appropriate to an educational institution.
- 4.19 Use their network accounts or permitted institution systems or hardware exclusively for their own use; they must not:
  - a) Copy, modify or install software without authority
  - b) Infringe copyright regulations or any intellectual property
  - c) Access, obtain, alter, add or erase data without proper authority
  - d) Disable or make unusable institution-owned ICT equipment or software
  - e) Incur cost to the institution or anyone else, except where prior express authority is obtained
  - f) Use electronic or online communication such as email, video conference, instant messaging, learning management systems such as Moodle, other collaboration tools or social media (including but not limited to Twitter, Facebook and other internet functions or sites) in a manner which:
    - o brings or is likely to bring the institutions into disrepute
    - o breaches the Harmful Digital Communications Act 2015 (such as cyber bullying, or harassment)

- g) Access, store, view, publish or distribute material which is objectionable, or offensive or otherwise inappropriate in an educational institute
- h) Permit anyone else to use their network accounts or any institution system or hardware

## 5. Links

5.1 The relevant legislation includes the following (together with any amendments or re-enactments):

- a) The Treaty of Waitangi Act 1975
- b) Misuse of Drugs Act 1975
- c) Official Information Act 1982
- d) Sale of Liquor Act 1989
- e) The Education and Training Act 2020
- f) New Zealand Bill of Rights Act 1990
- g) Health and Safety at Work Act 2015
- h) Film, Videos and Publication Classification Act 1993
- i) Human Rights Act 1993
- j) Privacy Act 2020
- k) Copyright Act 1994
- l) Harassment Act 1997
- m) Copyright Infringement File Sharing Amendment Act 2011
- n) Harmful Digital Communications Act 2015

5.2 Principles of te Tiriti o Waitangi

<http://www.teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-matapono-o-te-tiriti>

5.3 Relevant Taikura documents include:

- *A4-P8 Academic Integrity Procedures*
- *A5-P2 Student Conduct Procedures*

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