

ORDINANCE 9 STUDENT COMPLAINTS

DEFINITIONS

In this Ordinance 'Students' are any persons registered as a student at the University or at a College. 'Central Academic Body' means an educational, academic or research institution established in accordance with Statute 17.1.

'Central Activity' means those activities, operations and services which the University carries out and provides centrally for the benefit of the Colleges and of students registered with the University itself.

COMPLAINTS PROCEDURES IN CENTRAL ACADEMIC BODIES AND CENTRAL ACTIVITIES

1. Central Academic Bodies and Central Activities providing services to Students shall each establish an accessible procedure for receiving, considering and handling Student complaints. The procedure shall enable complaints to be dealt with simply, fairly and informally at an appropriate level in the Central Academic Body or Central Activity with the aim of settling them amicably and quickly within the Central Academic Body or Central Activity.

2. The model procedure in Annex 1 shall be adapted by each Central Academic Body and Central Activity to suit its circumstances. Procedures shall be approved by the Chancellor and shall be regularly reviewed.

3. Records of complaints shall be retained and made available to the Chancellor on request.

MATTERS TO BE EXCLUDED FROM THE PROCEDURES

Academic Matters

4. Complaints procedures produced in accordance with paragraph 1 shall not deal with Student complaints arising from involvement in disciplinary processes. It will not deal with Student complaints arising from consideration of academic offences, or appeals arising from an academic assessment for which other procedures apply, and the complaint can be, or should have been, raised as part of that procedure. The complaints procedure provided under this Ordinance shall not serve as a method of appeal in such disciplinary or academic matters.

Discrimination and Harassment

5. The University's Equal Opportunities Policy provides that a Student who claims to have suffered discrimination or harassment shall be entitled to pursue a complaint, and that discrimination and harassment on the grounds set out in Statute 21.1 are disciplinary offences. Complaints procedures made in accordance with paragraph 1 shall be supplemented by a separate procedure for making complaints of discrimination and harassment¹ on the model of Annex 2. They shall give information on sources of help, suggestions for resolving the problem informally, and indicate that the complainant may initiate disciplinary action. The Chancellor shall approve the procedures.

THE CHANCELLOR

6. Procedures under paragraph 1 shall provide that a Student who has exhausted the procedure but remains unsatisfied with the handling or outcome of a complaint may write to the Chancellor.

7. The Chancellor shall take such action as the Chancellor thinks fit before reaching a decision, but shall not normally consider any complaint which has not been through all the stages in the relevant procedure. A complaint received by the Chancellor which has not passed through all the preceding stages may be referred back by the Chancellor to an appropriate stage.

THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION

8. The Procedures detailed above completes the University's consideration of the matter. Attention is, however, drawn to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or appeal body.

¹ The grounds covered by Statute 21.1 are race, nationality, ethnic origin, gender, sexual orientation, marital status, disability, age, religion, social background or political belief.

ANNEX 1

MODEL PROCEDURE: STUDENT COMPLAINTS GENERAL

1. The emphasis in this Procedure is on informality, with the object of solving problems quickly, simply and fairly. It is hoped that the great majority of issues can be settled amicably at the First Stage, and that complaints will only exceptionally reach the Third Stage.

FIRST STAGE (MENTION OF GRIEVANCE)

2. A Student should initially raise the grievance with the member of staff concerned. If the Student feels unable to approach that person, s/he should raise it with [insert person(s) designated within the procedure with to deal with grievances]. Issues of a non-personal nature – for example, problems with a particular practice within a department – might be raised at the Student-Staff Liaison Committee if appropriate.

3. The object of this First Stage is to resolve problems quickly and simply with the minimum of formality. Arrangements for dealing with problems may differ across departments according to their size and structure (there may, for example, be two levels to the First Stage) and these should therefore be specified in the departmental handbook or procedures manual.

SECOND STAGE (INFORMAL COMPLAINT)

4. If the matter cannot be resolved satisfactorily at the First Stage, the Student may refer it to the [insert person(s) designated within the procedure with to deal with informal complaints] as an informal complaint. This person has discretion as to how the complaint is investigated and determined and will keep an informal record of each complaint - the name of the complainant, the nature of the complaint, and how it has been resolved.

THIRD STAGE (FORMAL COMPLAINT)

5. If the matter cannot be resolved satisfactorily at the Informal Stage, the Student may make a formal complaint to the [insert person(s) designated within the procedure with to deal with formal complaints - this must not be the Head of the Central Academic Body¹ or Central Activity²]. Only in exceptional circumstances will s/he consider any complaint which has not been through the two previous stages.

6. If the [insert person(s) designated within the procedure with to deal with formal complaints] comes to the conclusion that the complaint has already been fairly settled at an earlier stage, or that the complaint is trivial, or wholly lacking in merit or substance, s/he may recommend to the Head of the Central Academic Body or Central Activity that the complaint be dismissed.

7. If s/he [insert person(s) designated within the procedure with to deal with formal complaints] comes to the conclusion that there is substance in the complaint, s/he may either: ¹ 'Central Academic Body' means an educational, academic or research institution established in accordance with Statute 17.1. ² 'Central Activities' means those activities, operations and services which the University carries out and provides centrally for the benefit of the Colleges and of Students registered with the University itself.

7.1 seek to resolve the complaint, in discussion with the relevant Head of Department; or

7.2 submit a report on all the material facts to the Head of the Central Academic Body or Central Activity, who will resolve the matter; or

7.3 by agreement with the complainant appoint an independent person from outside the Central Academic Body or Central Activity whose decision shall be binding on all concerned.

8. A Student who has exhausted the above procedure but remains unsatisfied with the handling or outcome of a complaint may write to the Chancellor.

9. The Chancellor shall take such action as the Chancellor thinks fit before reaching a decision, but shall not normally consider any complaint which has not been through all the stages in the relevant procedure. A complaint received by the Chancellor which has not passed through all the preceding stages may be referred back by the Chancellor to an appropriate stage.

PUBLIC INTEREST DISCLOSURE

10. Complaints which are allegations of malpractice or concern some other matter which the Student believes s/he is unable to raise in the Central Academic Body or Central Activity shall be

made in accordance with the University's **ORDINANCE 10 "PUBLIC INTEREST DISCLOSURE SCOPE AND PURPOSE OF THIS ORDINANCE"**.

DISCIPLINARY ACTION

11. There shall be no disciplinary or other adverse implications for a Student who makes a complaint or allegation providing the Student acts in good faith, within the law, and not vexatiously, or with malice, and in accordance with established procedures including those above. Victimisation of a complainant and deterring anyone from making a proper complaint are serious disciplinary offences.

THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION

12. The Procedure detailed above completes the University's consideration of the matter. Attention is, however, drawn to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or appeal body.

ANNEX 2

MODEL PROCEDURE ON HARASSMENT, DISCRIMINATION AND BULLYING OF STUDENTS HARASSMENT, DISCRIMINATION AND BULLYING

1. All Students of the University have the right to be treated with consideration, dignity and respect.
2. Harassment is any unwanted conduct which is intended to or which creates the effect of violating the dignity of the Student or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Student.
3. The University's Equal Opportunities Policy states that the University will take steps to ensure that no actual or potential Student will suffer unfair discrimination on the basis of gender, race, colour, ethnic origin, nationality, disability, sexual orientation, marital status, parental status, caring responsibilities, age, social origins, political opinion or association, trade union membership and activities, religious or similar philosophical beliefs, or other beliefs/lawful preferences privately held on any matter.
4. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

TAKING ACTION

5. If you are concerned about an incident of harassment, discrimination or bullying, do not hesitate to take action, however large or small it was and even if it has occurred only once.
6. If you have been attacked or are the victim of a sexual or racial assault seek help immediately: any of those on the attached list will provide support [Central Academic Body or Central Activity to attach list]. For your protection and the protection of others it is important that offenders are dealt with: you should report the incident to the Police. If you decide to go to the Police you will not be asked to go alone unless you so wish.
7. If you have been sexually assaulted or raped seek medical advice and help immediately. Information on locally available advice and help for females and males who are the victims of sexual assault or rape is provided on the attached list.
8. You should keep a note of the details and dates of any relevant incidents.
9. The University will follow its policy in respect of offences that are also criminal offences.
10. Nothing in this procedure will prevent Students exercising their legal rights.

INFORMAL ACTION

11. If you think you are being subjected to harassment, discrimination or bullying in any form by a fellow Student or a member of staff, you do not have to tolerate it. If you feel able to make it clear to the person causing you offence that such behaviour on that person's part is unacceptable to you this may in some circumstances be sufficient to stop it. If you are not able to tackle the person concerned this does not constitute consent to the treatment, nor will it prejudice any

complaint you may wish to bring. You may instead seek help and advice - confidentially if necessary - as follows.

12. Talk about the problem with friends or any of the individuals or organizations on the attached list: they may be able to suggest a way of resolving the problem. Discussions will be confidential and further action involving you will not normally be taken without your express permission. In particular, the person about whom you are complaining will not be given your name as a complainant without your express permission, unless there are over-riding reasons for disclosure which will be explained to you because it may not be possible to deal with the matter adequately if permission is withheld.

FORMAL ACTION

13. Where informal methods for resolving harassment, discrimination or bullying fail, or the case is a serious one, students are advised to make a formal complaint.

14. Complaints of alleged harassment, discrimination or bullying should be reported as soon as possible in writing to the Student's Head of Department₁ stating:

14.1 the name of the person about whom a complaint is being made;

14.2 the nature of the harassment, discrimination or bullying;

14.3 the dates, times and locations when harassment, discrimination or bullying occurred;

14.4 the names of witnesses to any incidents; and

14.5 any action already taken by the complainant to stop the unwanted behaviour.

15. If the procedure for making a formal complaint is inappropriate because the Student's Head of Department₁ is the person about whom the complaint is being made or because the student would rather speak to someone else, perhaps to someone of their own race or sex, then the case should be referred to the Pro Chancellor (Operations) and University Secretary who will assume the responsibilities of the Head of Department₁ for this case.

16. The Head of Department₁ shall make the necessary arrangements to have the complaint thoroughly investigated as quickly as possible ensuring the rights of all parties are protected.

17. The Head of Department₁ shall arrange for the complainant to be interviewed by a person who will have been specifically trained for that function and who will not have been previously involved in the case. Wherever possible the interview will take place within 10 working days of the Head of Department₁ receiving the complaint. The complainant may be accompanied by a friend who is a member of the University's staff or a student.

18. If the report of the interviewer indicates that the matter should be pursued, disciplinary proceedings will be initiated at the appropriate stage of the Student Code of Discipline or the appropriate disciplinary procedure for staff (depending on the seriousness of the allegation). Where the misconduct is less serious, it may be sufficient for the person about whom the complaint has been made to promise not to re-offend and to be warned as to his/her future conduct.

19. If the complaint is upheld, given the requirement for confidentiality in disciplinary cases, the complainant will not be told the actual level of disciplinary action taken against an individual.

20. If, after the report of the interview, the Head of Department₁ decides not to pursue the matter, a written statement of the reasons will be given to the complainant.

APPEALS

21. If a Student is not satisfied about the way their report of harassment, discrimination or bullying has been handled, s/he may choose to follow the University's Complaints procedure. Any complaint should be lodged within two weeks of receipt of the letter confirming the outcome of the harassment, discrimination or bullying investigation.

MALICIOUS COMPLAINTS

22. Making malicious allegations of harassment, bullying or discrimination is regarded as a serious disciplinary matter.

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