

# Complaints Procedures

## Preamble

### **If you have a concern**

1 If a student has concerns about an aspect of his/her experience at the University, there are several ways in which these concerns can be raised, depending on the nature of the concern. There are separate procedures for making:

- an academic appeal
- an academic complaint
- a non-academic complaint

**(Further information is available at:**

- [http://www.uea.ac.uk/learningandteaching/documents/appeals\\_complaints](http://www.uea.ac.uk/learningandteaching/documents/appeals_complaints)
- a complaint concerning the Union of UEA Students A complaint concerning the Graduate Students' Association (insert web address).

**(Further information is available at:**

**<http://www.ueastudent.com/contact/making-a-complaint>**)

### **Which procedure?**

2 An **academic appeal** is made where the concern relates to an academic result (eg progression from one year to the next; degree classification; transfer from MPhil to PhD) or the circumstances relating to them (generally referred to as 'extenuating' or 'mitigating' circumstances).

An **academic complaint** is followed when the concern does not involve an academic result but does concern the delivery of a programme of studies and/or its associated resources (eg library provision or laboratory facilities).

A **non-academic complaint** covers other aspects of a student's experience at UEA, for example, if there are concerns about accommodation or catering or careers.

3. If a student is in any doubt about which procedure is most relevant, they should consult the appropriate Learning and Teaching Service hub (taught programmes) or the PGR Students Officehub (research degree programmes) or seek the advice of the Dean of Students' Office or the Advice Centre of the Union of UEA Students. A Complaint may be referred to a more appropriate procedure where one exists, for example, staff or student disciplinary procedures or procedures for dealing with allegations of harassment (see below).

*Once a procedure is identified, the student should follow the steps of that procedure to its conclusion. The decision of the University regarding the complaint will be considered to be final. The complainant will not have the right to have the same case heard again through a different complaints route.*

### **Behaviour of staff and students**

*4 If a student feels that he/she is being subjected to any form of harassment by a member of staff or a fellow student, the University has formal Guidelines that have been designed to offer practical ways of dealing with harassment. These Guidelines offer a student informal steps that can be taken to address the situation. Under the Guidelines, if a student's concerns cannot be resolved by informal means, he/she should follow the Next Steps laid down in the Guidelines, by seeking a confidential interview with the Senior Resident Tutor in the Dean of Students' Office.*

*If the student considers that his/her concern has not been addressed by due process in accordance with the Guidelines, he/she has the right to register a complaint through the procedure laid down in the following paragraphs. The University's Guidelines for Students Dealing with Harassment is available at <https://www.uea.ac.uk/dos/student-conduct-and-harassment>. Further advice is available from the Learning and Teaching Service, the PGR Students Office, the Dean of Students' Office and the Advice Centre of the Union of UEA Students.*

## **NON-ACADEMIC COMPLAINTS PROCEDURE**

**\*Note: All references to 'working days' in this procedure exclude Saturdays and Sundays, Bank Holidays and University closure days**

### **1 Purpose**

- 1.1 The Non-Academic Complaints Procedure is intended to allow UEA students undertaking taught or research courses formally to raise concerns about matters which are the responsibility of the University, but which do not fall clearly under the academic appeals or academic complaints procedures or the procedures for dealing with complaints about the Union of UEA Students or the Graduate Students' Association. We take such concerns seriously at UEA and the Procedure is designed to enable a student's concerns fully to be considered and action taken, within the bounds of what it is reasonable and practicable for the University to provide, to remedy the situation where appropriate in a timely manner.

*Students on validated or accredited programmes at partner institutions should use the complaints procedures at their place of study.*

- 1.2 This Complaints Procedure comprises two parts: Stage One, in which the Dean of Students considers the complaint and Stage Two, which a student may follow if dissatisfied with the outcome of the Stage One

complaint. Stage Two Complaints are considered by the Registrar and Secretary (or their nominee).

## **2 Commitments**

- 2.1 Students who submit a Complaint under this procedure will not be unfavourably treated for having done so. Any student who believes that s/he has been unfavourably treated by submitting a case should immediately contact the relevant Director of University Services (Learning and Teaching Service or Research & Enterprise Service (via the PGR Students Office), ).
- 2.2 The University expects that students will not engage in frivolous or malicious complaints. If a complaint is found to have been brought with mischievous or malicious intent, this may itself prove grounds for disciplinary actions against the complainant.
- 2.3 In considering complaints, the University will apply this Complaints Procedure in accordance with its Equal Opportunities Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities or long-term medical conditions.
- 2.4 All parties to the complaint and individuals who have been involved in any related investigations and/or the management and/or administration of the complaint will observe the requirements of confidentiality. Whilst confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in the consideration of the complaint. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law.
- 2.5 All personal information will be processed by the University in accordance with the Data Protection Act 1998.

## **3. First steps to try to resolve concerns**

- 3.1 Students are encouraged to try to resolve informally the matter they are concerned about before beginning the formal Procedure. A number of avenues exist through which an explanation can be provided which might satisfactorily answer their concerns. An informal approach should be made to the person(s) most directly involved. This may involve contacting the student's Personal Adviser/Supervisor, another member of the academic staff or other appropriate person. These informal proceedings will not prejudice the formal procedure outlined below. Students can be assisted in making such an approach by their School's student representative(s) and may also seek advice from the Dean of Students' Office and/or the Advice Centre of the Union of UEA Students.

- 3.2 Should these steps not resolve the matter to the student's satisfaction, the student may make a formal case for a Complaint under Stage One of the procedure. The Complaint will be dealt with by the Dean of Students' Office unless the complaint concerns that Office or its staff, in which case a suitable substitution will be made by the Registrar and Secretary. If the concern remains unresolved after this, the student may take the process to Stage Two, which is described below.

## **STAGE ONE NON-ACADEMIC COMPLAINT**

### **4 How a student submits a Stage One non- academic complaint**

- 4.1 A student who wishes to make a formal complaint about matters which are the responsibility of the University (as defined in paragraph 1.1 above) should submit a completed Stage One Complaint Form and any supporting evidence to the Dean of Students normally within thirty days of the occurrence of the matters about which the student wishes to complain. Forms are available at:

***[http://www.uea.ac.uk/learningandteaching/documents/appeals\\_complaints](http://www.uea.ac.uk/learningandteaching/documents/appeals_complaints)***

or from the relevant hubs/PGR Students Office, the Dean of Students' Office or the Advice Centre of the Union of UEA Students. No evidence submitted can be anonymous. If the student is unsure about how to proceed he/she should seek advice from the relevant University Service (the Learning and Teaching Services or the PGR Students Office , the Dean of Students' Office or the Advice Centre of the Union of UEA Students.

- 4.2 Complaints submitted after the expiry of thirty days after the occurrence of the matters about which the student wishes to complain, may be considered at the discretion of the University. Complainants should be aware that a long interval between the occurrence of the matters which are complained of and the complaint may impede the process of evidence gathering and possibly compromise the reliability of any witness statements.

### **5 Response to the complaint**

- 5.1 The Dean of Students is responsible for responding to a Complaint. If the Dean of Students is part of the subject of the complaint or is otherwise in a conflict of interest, a suitable substitution will be made by the Registrar and Secretary (or their nominee). Notwithstanding this provision and for ease of reference the person responsible for responding to the Complaint will be hereafter referred to as the Dean of Students in this Procedure.

- 5.2 Upon receipt of the complaint, the Dean of Students will consider the nature of the complaint and will direct it to the most appropriate route for dealing with the issues that have been raised. This could mean that the matter is dealt with under one of the following procedures

- Academic appeals;
- Academic complaints;
- Staff or Student disciplinary procedures;
- Complaints concerning the Union of UEA Students
- Complaints concerning the Graduate Students' Association.

Some service areas in the University have local complaints procedures and, where such a procedure exists, the Dean of Students will advise the student that the local procedure will be used to address the complaint under Stage 1.

If the complaint needs to be addressed through one of these routes the appropriate procedure will be followed through to its conclusion. Once the procedure has been exhausted the University's decision regarding the complaint will be final. The complainant will not have the right to have the same case heard again through a different complaints route.

- 5.3 If the Dean of Students determines that the matter should be handled under the Non-Academic Complaints Procedure, the Dean of Students will appoint an Investigating Officer who will assemble the evidence relevant to the complaint and prepare a written report for the Dean of Students. In assembling such evidence, the Investigating Officer may interview those involved and will consider any relevant records or other written information (subject to the terms of the Data Protection Act). The timescale for this investigation will normally be within 15 working days\* of the date of the appointment as Investigating Officer.
- 5.4 If the complaint relates to matters which may give rise to disciplinary proceedings against individual members of staff or students of the University, it will be referred to the appropriate authority under the relevant staff or student disciplinary procedure. If disciplinary proceedings are, or have already been, commenced in respect of these matters, they will take precedence over the operation of the complaints procedure, which will cease at this point. The student may be called to give evidence at any associated disciplinary hearing. The student will be entitled, if he or she requests, to be informed of the outcome of the disciplinary proceedings.
- 5.5 If, at any stage in the complaints procedure, the subject of the complaint becomes, or is likely to become, a matter for criminal proceedings, this complaints procedure will be suspended. The procedure will be put on hold until either criminal proceedings have been completed or a decision not to prosecute has been taken.
- 5.6 Subject to the provisions of paragraphs 5.3-5.5 above the Dean of Students shall consider the report of the Investigating Officer and may commission further enquiries and investigations by the Investigating Officer as he/she sees fit. The student may be invited to discuss the

complaint in person and may be accompanied by a friend if s/he wishes.

## **6 Actions and Outcomes**

- 6.1 The Dean of Students will consider the conclusions of the Investigations and will decide whether the complaint has any substance, whether any remedial action should be taken or whether the *complaint is unjustified*.
- 6.2 If the Dean of Students decides that remedial action should be taken, the Dean of Students will make a written recommendation to the relevant Director of University Services/Head of Service/School regarding resolution of the complaint. The relevant Director of University Services/Head of Service/School shall normally have 10 working days\* within which to respond to the Dean of Students' recommendation(s).
- 6.3 The decision of the Dean of Students will then be communicated to the student in writing within 35 working days\* (including investigation) of the date of receipt of the complaint if practicable. The Dean of Students will provide a full and clear explanation of the decision, including, where relevant, notice of specific actions to be taken by way of a remedy and for the prevention of a recurrence of the original cause of the complaint.
- 6.4 With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Dean of Students under the procedure will be accessible to the student as accompanying evidence to the decision of the Dean of Students, with redactions where appropriate. In the first instance, the evidence will take the form of a list of the documents/evidence considered, included with the Dean of Students' response to the student. The student may request in writing to the Dean of Students a copy of the evidence taken into consideration.

## **STAGE TWO NON-ACADEMIC COMPLAINT**

### **7. How a student submits a Stage Two non-academic complaint**

- 7.1 If dissatisfied with the outcome of the Dean of Students' investigation, the student may, within 20 working days\* of the date of its notification, submit a completed Stage 2 Non-Academic Complaints Form, (and any supporting evidence) to the Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint), giving reasons for wishing to pursue the complaint. Reasons should include one or more of the following:
  - there is new information to be put forward by the Student that was not known to the Investigating Officer or to the Dean of Students. In these circumstances, the student must give reasons as to why the information had not been available at Stage one of the complaints;

- that evidence put forward at Stage One was not fully and properly considered, giving reasons as to why this is the student's belief;
- that there was procedural irregularity in the conduct of the Stage One Complaint;
- That there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the Stage One Complaint.

Forms are available at:

[http://www.uea.ac.uk/learningandteaching/documents/appeals\\_complaints](http://www.uea.ac.uk/learningandteaching/documents/appeals_complaints); or from the relevant University Service (the Learning and Teaching Services, or the PGR Students Office); the Dean of Students' Office or the Advice Centre of the Union of UEA Students. No evidence submitted shall be anonymous. A student may wish to seek advice from the Advice Centre of the Union of UEA Students on how to make an appeal under Stage 2.

## **8. Response to the complaint**

8.1 The Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint), shall decide whether there is a prima facie case that the complaint, as set out on the Complaints Form, warrants further consideration under Stage 2, taking into account:

- (1) any documentary evidence submitted by the student under Stage 1;
- (2) the letter sent to the complainant by the Dean of Students giving the outcome of Stage 1 in accordance with paragraph 6 above: *and*
- (3) the reasons given by the complainant for wishing to pursue the complaint to Stage 2.

8.2 The Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint) shall inform the student in writing, normally within 10 working days\* of the receipt of the complaint whether the complaint will be accepted under Stage 2 of the procedure, giving reasons for this decision, which shall be final.

8.3 If the Complaint is accepted on the grounds of procedural irregularity in the conduct of the Stage One Complaint alone, the Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint) shall notify the Dean of Students who shall make the appropriate arrangements to remedy the procedural irregularity in the Stage One process. This may include the investigations conducted by the appointed Investigating Officer. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in the University. Regulation 10.2 below refers to how a complaint may be pursued outside the University. This step in the procedure will normally take up to 15 working days\*.

- 8.3 If it is decided to accept the complaint at Stage 2 on grounds other than or in addition to the procedural irregularity the Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint) shall inform the Dean of Students and the relevant Head of School, Head or Director of Service who acted under Stage One of this procedure, of the decision and shall also determine the member(s) of the Executive Team (the "designated officer(s)") and/or other Senior Officers who shall consider the complaint on the basis that no-one shall consider a complaint that falls within his/her remit.
- 8.4 The Registrar and Secretary (or their nominee) will send a copy of the complaint form and supporting evidence submitted by the student to the designated officer(s) and/or other Senior Officer(s), to the person(s) most directly involved in the substance of the complaint and to the Dean of Students who acted under Stage 1.
- 8.5 The Head of School or Director of University Services or Head of Service and the Dean of Students will be invited to provide a written response to the Stage 2 complaint within 10 working days\* The designated officer(s) may also conduct such other enquiries as they determine appropriate during this period.
- 8.6 The Dean of Students, relevant Director of University Services/Head of School/Service, and the student may be invited to a meeting and may be called upon to give evidence. Each may be accompanied by a friend, colleague or representative if so wished provided that the Secretary is informed of this intention and of the identity and standing of the friend, colleague or representative at least two working days\* before the meeting. The friend, colleague or representative may not act in the capacity of a lawyer. Where practicable, the Secretary to the meeting shall inform all parties in advance of the identity of any friend, colleague or representative who will be in attendance. It is the responsibility of the party being represented, however, to inform the friend, colleague or representative of the date, time and place of the meeting. The friend, colleague or representative may undertake the presentation of the case on behalf of the relevant party but a party to the case may not be represented at a meeting in his or her absence and the friend, colleague or representative may not answer questions on the party's behalf. If a meeting is held, this step of the procedure will normally take place within 15 working days\* of the decision to hold a meeting.
- 8.7 The investigation of the Stage 2 complaint shall normally be completed within 20, 25 or 35 working days\* of the decision to accept the complaint, where practicable, in accordance with the procedures set out above.



## **9. Actions and Outcomes**

- 9.1 The Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint) will write to the relevant Director of University Services/Head of School/Service within 5 working days\* of a decision having been reached with regard to the Stage Two complaint to instruct him/her on the action to be taken, giving a full and clear explanation of the decision.
- 9.2 The Registrar and Secretary (or their nominee, normally a Director of University Services or other Head of Service not being connected to the complaint) will advise the student of the outcome of the Stage Two complaint in writing:
- (i) within 5 working days\* of the meeting, if a meeting is held in accordance with paragraph 8.6 above; or
  - (ii) within 5 working days\* of receipt of the written response to the Stage Two complaint referred to in paragraph 8.5 above (if no meeting is held); or
  - (iii) within 5 working days\* of completion of reconsideration by the Dean of Students arising from procedural irregularity.

A full and clear explanation of the decision will be provided. This response will include, if the complaint is upheld, notice of specific actions to be taken by way of a remedy and for the prevention of a recurrence of the original cause of the complaint within the bounds of what it is reasonable and practicable for the University to provide.

## **10. Further right to appeal**

- 10.1 Following completion of Stage 2 there is no further right to complaint within the University.
- 10.2 Students who are dissatisfied with the outcome of their Stage Two complaint, or whose complaint was rejected without an investigation at Stage 2, may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Details will be provided in the letter advising the student of the complaint's final outcome, indicating that internal procedures have been completed.