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## Senate Regulation 12: Regulations governing student complaints

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### Introduction

- 12.1 Advice on the operation of the complaints regulations can be obtained from the Student Conduct and Complaints Team, or from the Advice Service in the Students' Union. The latter can also provide assistance in formulating complaints, and in supporting students throughout the formal stages of the complaints procedure.
- 12.2 Where a student feels that their legitimate expectations are not being met, or where misunderstandings about the nature of the University's provision occur, the University expects that problems will be speedily and effectively dealt with.
- 12.3 In the first instance, a student should seek to raise any complaint either through the student-staff committee or through informal approaches through their personal tutor, head of department or service manager (for non-academic issues).
- 12.4 Students are encouraged to seek advice from the Students' Union when raising matters informally.
- 12.5 If a complaint is not resolved informally then a student can proceed to submitting a formal complaint, as set out below.
- 12.6 The University reserves the right not to continue with the operation of the complaints procedure if the complaint is conducted in a way which is frivolous or vexatious. Examples of frivolous or vexatious complaints include:
- complaints which are obsessive, harassing, or repetitive
  - insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
  - insistence on pursuing meritorious complaints in an unreasonable manner
  - complaints which are designed to cause disruption or annoyance
  - demands for redress which lack any serious purpose or value

The Academic Registrar shall decide whether to terminate consideration of the complaint, giving reasons for this decision. Alternatively the Academic Registrar shall issue a warning that the consideration of the complaint will be terminated if a further instance of vexatious or frivolous behaviour occurs.

If the Academic Registrar decides to terminate consideration of the complaint on these grounds then a student has a right to request a review of that decision by a Senior Officer/Pro-Vice Chancellor of the University. A student wishing to request a review should make their request in writing to the Student Conduct and Complaints Team within 14 days of the notification of the Academic Registrar's decision.

- 12.7 The University will operate this complaints policy in accordance with its policies relating to equality and diversity.

### The student complaints procedure and other allied procedures

- 12.8 This complaints procedure is part of a set of allied procedures, which have been developed to deal with specific matters of complaint:
- (a) academic appeals concerning the decisions of examiners;
  - (b) complaints regarding admissions decisions.
- 12.9 Students are encouraged to make use of the most appropriate policy in raising a matter of concern. If a matter clearly falls under one of these allied procedures, the University shall normally use that allied procedure for its consideration, rather than this complaints procedure.

- 12.10 If, on receipt of a complaint or at any stage in the consideration of a matter under this complaints procedure or any of the allied procedures, the Academic Registrar determines that the matter raised would be better considered under another of the policies, he or she may determine the policy under which the matter shall be given further consideration, and at which stage under the relevant procedures this consideration should now be given. The Academic Registrar shall notify the student in writing his or her decision in this matter.
- 12.11 The final decision regarding a matter raised under this policy or any of the allied procedure shall normally be considered to be the final decision of the University: there is no right to further consideration of the same matter under a different allied policy.

#### **Matters which may be considered under this procedure**

- 12.12 This procedure is available to current students for the consideration of matters of complaint concerning both the academic and non-academic services of the University. It is also available to a former student of the University in relation to matters which arose during his or her period as a registered student of the University, provided that the timescales for the raising of matters of concern as set out in this policy are adhered to in relation to the matter raised.
- 12.13 In the context of this policy, 'academic content' within a complaint may be taken to include:
- (a) matters of research supervision;
  - (b) matters relating to tutoring, teaching, the provision of specialist resources for study or research.
- 12.14 In the context of this policy, non-academic matters may be taken to include:
- (a) matters relating to public information;
  - (b) matters relating to student support services and other services.

#### **Matters of concern relating to academic partners of the University**

- 12.15 Where the University is considering a proposal for a collaborative partnership with another organisation, the most appropriate way for these regulations to be applied to students studying with the partner organization shall be considered during the University's approval process. The contract governing the collaborative arrangement shall set out clearly the responsibilities of both the University and the partner in relation to student complaints.

#### **Disclosure and authority to consider complaints**

- 12.16 The investigation and resolution of complaints normally requires the sharing of some information within the University. All staff who are party to information relating to a complaint shall observe confidentiality in their custody of that information. All personal information used in the consideration of complaints will be processed by the University in accordance with the Data Protection Act.
- 12.17 In the consideration of complaints, the University shall normally adopt the principle that members of staff or others who are the subject of complaints need to be informed regarding the substance of the complaint against them and, within the complaints process, have an opportunity to give a response to the matter(s) raised.
- 12.18 A student who has particular concerns or requests concerning the confidentiality of information relating to a complaint should raise these at the earliest opportunity with the Academic Registrar. The University will respect a student's desire for confidentiality unless this impedes the course of the investigation, in which case the complainant will be given the options of pursuing the complaint with a reduced level of confidentiality or accepting a way forward whereby the University's capacity to investigate or resolve the complaint may be compromised by the student's desire for confidentiality.
- 12.19 Members of staff who have prior involvement with the matter of a complaint (either because they are the subject of the complaint, or because they have prior involvement in its consideration under these

procedures) may not normally be engaged in the consideration of that complaint under these procedures. The decision of the Academic Registrar regarding the appropriateness of individual members of staff to serve in these capacities under these procedures shall be final.

- 12.20 Where the Academic Registrar is the subject of a complaint, the duties of the Academic Registrar under these procedures shall be undertaken by the Registrar and Secretary or his or her nominee.
- 12.21 These procedures do not form part of the disciplinary procedures for staff. However any matters arising from this process which may require consideration under the disciplinary procedures shall be referred for separate consideration under those procedures.

#### **Submission of formal complaints at stage one**

- 12.22 If a matter cannot be resolved informally, a student (hereafter 'the Complainant') may submit a formal complaint in writing. Complaints should be addressed to the Student Conduct and Complaints Team. Formal complaints must be submitted within three months of the matter first occurring. Where a submission is received more than three months after the date of the matter occurring, the Complainant must provide an explanation, supported by evidence where appropriate, for the late submission of the form. The Student Conduct and Complaints Team shall determine whether there is good cause for the late submission to be considered, or whether the complaint should be declared to be out of time.
- 12.23 For a matter to be considered as a Stage One Formal Complaint, the complaint must be set out on a complaints form which can be found at:
- [www.le.ac.uk/sas/regulations/appeals-complaints/complaints](http://www.le.ac.uk/sas/regulations/appeals-complaints/complaints)
- 12.24 The form requires Complainants to provide a brief summary of their complaint and of the attempts made to secure a resolution including the names of those to whom their concerns have been addressed to date. If the Complainant has made no attempt to secure early resolution of the complaint, then they may be required to engage with this process before the Formal Complaint will be considered. Relevant evidence which the Complainant wishes to rely on must be submitted with the complaint form.
- 12.25 When submitting the Stage One Complaint Form, the Complainant should also specify the desired remedy.
- 12.26 Students who submit a complaint which contains a large quantity of information or in which the complaint or required remedy is unclear may be asked to submit a brief summary statement clarifying the main elements of their complaint before any investigation into the complaint can commence. Students should also note that whilst every effort will be made to conclude the investigation within 28 calendar days, it is likely that more time will be required to investigate a complex complaint. In such cases the Stage One Senior Officer will inform the Complainant of the anticipated time frame for the investigation and outcome.
- 12.27 Students must complain on their own behalf; the University will not discuss or correspond about such matters with third parties, including family members, other than in the most exceptional circumstances, and then only with the student's written permission and the agreement of the Academic Registrar.
- 12.28 Complaints may be raised individually or collectively. In the case of a group complaint each Complainant must complete a separate complaint form, although this may refer to a common statement of the matters complained of. The University may clarify which students are associating themselves with a submitted complaint before responding to it. Students who have not associated themselves with the complaint at that point will not normally be permitted to do so subsequently.
- 12.29 Complaints may be submitted by e-mail or in hard copy. Complainants may be required to produce original or other paper copies of documentation where this is relevant to the consideration of the complaint.

**Formal complaint: stage one consideration**

- 12.30 Stage One formal complaints will be considered by one of the nominated Senior Officers from the relevant area of the University.
- 12.31 The Stage One Senior Officers comprise:
- (a) the Heads of the Colleges and the College Academic Directors (in relation to academic matters) – in such cases, assistance in the consideration of the complaint may be provided by the College’s Director of Administration;
  - (b) the Librarian and Deputy Librarian(s) (in relation to services provided by the Library);
  - (c) the Director and Deputy Directors of IT Services (in relation to computing facilities);
  - (d) the Director and Deputy Directors of Residential and Commercial Services (in relation to student accommodation and the University’s catering and conference services);
  - (e) the relevant Divisional Head and their deputies (in relation to any aspect of the University’s administration and the operation of its Corporate Services).
- 12.32 Where the complaint has been addressed to the Student Conduct and Complaints Team the Student Conduct and Complaints Team will acknowledge in writing the receipt of any complaint, as soon as possible, and will initiate a review by identifying an appropriate Stage One Senior Officer to consider the complaint and by seeking a written report from the head of the department/section/unit against which the complaint is being issued.
- 12.33 The Stage One Senior Officer considering the Stage One Formal Complaint may nominate a senior member of staff without prior involvement in the case to act on his or her behalf as an investigating officer in respect of a complaint. The Stage One Senior Officer shall advise the Complainant and the Academic Registrar of the identity of any such investigating officer. The investigating officer is empowered to undertake all investigations and interviews required to investigate the complaint and to report on his or her findings to the Stage One Senior Officer. The outcome of the complaint at Stage One Formal Complaint shall be determined by the Stage One Senior Officer.
- 12.34 The Complainant may be called for interview during the period of investigation by the Stage One Officer. The Complainant may be accompanied to an interview by a friend or a representative, who may be a member of the Advice Service of the University of Leicester Students’ Union. It is the responsibility of the Complainant wishing to be accompanied to inform his or her friend or representative of the date, time and place of any interview. The Complainant shall, where possible, notify the Stage One Officer of the name of any friend or representative who will be accompanying them at least two days before the date of the interview. The Complainant may not be represented by a qualified member of the legal profession at an interview.
- 12.35 Where it is not practicable for the Complainant to be called for interview (for example where the Complainant is overseas), the Stage One Senior Officer may (in consultation with the Complainant) determine to refer any questions arising from their investigations to the Complainant in writing or by teleconference.
- 12.36 So far as is practicable the Stage One Senior Officer will respond to the Complainant in full within 28 calendar days of the submission of the Stage One complaint, setting out in writing his or her decision in relation to the matter and the reasons for that decision. This decision letter will draw the student’s attention to the availability of the Stage Two complaints procedure. If the Stage One Senior Officer is unable to provide a decision within 28 calendar days, he or she shall write to the Complainant setting out the reasons for the delay and anticipated date for the issuing of a decision.

**Formal complaint: stage two initial review to establish if a prima facie case for further consideration exists**

- 12.37 Where the Complainant is not satisfied with the outcome at Stage One, he or she may submit a request for consideration of the matter at Stage Two. This request shall set out the elements of the response the Complainant is not satisfied with, giving the reasons why they believe the response is unsatisfactory and stating the remedy sought. Dissatisfaction with the outcome is not of itself an acceptable reason for requesting a review of the Stage One decision. If the Complainant wishes to present new material at Stage Two an acceptable explanation of why it was not presented with the original complaint must be given. Requests for initial review must be submitted in writing to the Student Conduct and Complaints Team. This must be done within 28 calendar days of the conclusion of the Stage One Formal Complaint.
- 12.38 The Student Conduct and Complaint Team will acknowledge the receipt of any such Stage Two application and the Academic Registrar shall allocate consideration of the submission to a senior member of staff of the University without prior involvement in the matter or of its consideration under this procedure who shall be referred to as the 'Stage Two Senior Officer'.
- 12.39 For a complaint which includes academic content, the Stage Two Senior Officer shall normally be a Pro-Vice-Chancellor. For a complaint without academic content, the Stage Two Senior Officer shall normally be a Pro-Vice-Chancellor or a Stage One Senior Officer (as defined above), without prior involvement in the complaint.
- 12.40 The Academic Registrar shall also assign a member of the administrative staff of Student and Academic Services to support the Stage Two process.
- 12.41 The Stage Two Senior Officer shall next determine whether the submission is eligible for further consideration. To be eligible, the submission must normally be based on at least one of the following:
- (a) evidence of procedural irregularity in the Stage One consideration of the matter;
  - (b) new evidence which, for an acceptable reason, was not submitted by the Complainant at Stage One;
  - (c) that, in the judgment of the Stage Two Senior Officer, there is evidence previously available at Stage One which requires further consideration
- 12.42 In so doing the Officer shall take into account in the initial review:
- (a) any documentation submitted by the Complainant in Stage One;
  - (b) the letter setting out the outcome of the investigation of the complaint in Stage One;
  - (c) key documents taken into consideration by the Stage One Senior Officer if required
  - (d) the substance of the Complainant's request for Stage Two submission.
- 12.43 The Stage Two Senior Officer will determine what documents are required for the initial review of the Stage One decision. When the Stage Two Senior Officer has determined whether the case is eligible for further consideration, they shall notify the Complainant and the Academic Registrar regarding their decision.
- (a) if it is determined that the case is eligible for consideration at Stage Two, a panel will be convened to review the case;
  - (b) if it is determined that there is no case for further consideration of the complaint at Stage Two, the Complainant shall be notified of this in writing.
- 12.44 Where the case is judged not to be eligible, the Stage Two Senior Officer shall notify the Complainant regarding this outcome setting out the reasons. The complaints procedure shall be concluded at this and a completion of procedures letter issued. The Complainant should normally be informed of the decision within 28 calendar days of receipt of the Stage Two Complaint. If the Stage Two Senior Officer is unable

to provide a decision within 28 calendar days of receipt of the request for consideration, he or she shall write to the Complainant setting out the reasons for the delay and anticipated date for the issuing of that decision.

- 12.45 If the Stage Two Senior Officer concludes that the complaint may be resolved without recourse to a panel through the offering of a remedy, with the agreement of the Academic Registrar, the Stage Two Senior Officer may offer a remedy to the Complainant at this stage. The Complainant shall be advised that he or she is entitled for the matter to progress to a panel hearing without detriment or disadvantage if he or she does not accept any remedy now offered. However, if a remedy offered in this way is formally accepted by the Complainant, the complaints procedure shall be concluded at this stage.

**Formal complaint: Stage Two Panel consideration**

- 12.46 The members of the Stage Two Panel shall be appointed by the Vice-Chancellor on the advice of the Academic Registrar.

- 12.47 A Stage Two Panel for a complaint with academic content shall comprise:

- (a) the Stage Two Senior Officer who initially reviewed the complaint (in the Chair);
- (b) another Pro-Vice-Chancellor or Head of College without prior involvement in the complaint;
- (c) another member of senior academic staff of the University without prior involvement in the complaint.

- 12.48 A Stage Two Panel for a complaint without academic content shall comprise:

- (a) the Stage Two Senior Officer who initially reviewed the complaint (in the Chair);
- (b) a Pro-Vice-Chancellor or Stage One Senior Officer without prior involvement in the complaint;
- (c) another senior member of staff of the University without prior involvement in the complaint.

- 12.49 The Academic Registrar shall appoint a Secretary to support each Stage Two Panel. The Secretary shall, in consultation with the Chair of the Panel, identify a date for the hearing. The Secretary shall give the Complainant at least 21 calendar days' notice of the date of the hearing, and advise the Complainant regarding the procedure for the calling of witnesses.

- 12.50 The Panel may call witnesses to attend the hearing (including as appropriate the Stage One Senior Officer who first considered the case). The purpose of witness evidence at the hearing shall be to provide information for the Panel to enable it to reach its decision. The Chair of the Stage Two Panel shall also give an opportunity to the Complainant and the Stage One Senior Officer to request witnesses to be called to the hearing. A request for the attendance of a witness should be supported by a short explanation of their relevance to the case. The decision of the Chair regarding the attendance of witnesses at the hearing shall be final. In reaching a decision as to whether it is necessary for a witness to attend the panel meeting the Chair will take into account documentary evidence or information already provided at Stage One. The deadline for submission of requests for the attendance of witnesses shall not be less than 14 calendar days before the scheduled date of the hearing. The Complainant shall be informed regarding the identity of all witnesses to be called at least three days before the date of the hearing.

- 12.51 The Complainant may be accompanied to the hearing by a friend or a representative, who may be a member of the Advice Service of the University of Leicester Students' Union. A representative may undertake the presentation of the case on behalf of the student, but the Complainant may not be represented at the hearing in his or her absence by the representative. It is the responsibility of the Complainant wishing to be accompanied to inform his or her friend or representative of the date, time and place of the hearing. The Complainant shall, where possible, notify the Chair of the hearing or meeting of the name of any friend or representative who will be accompanying them at least two days before the date of the hearing or meeting. The Complainant may not be represented by a qualified member of the legal profession at the hearing.

- 12.52 Where a Complainant has good cause not to attend the hearing, he or she may request a 'paper-based consideration' of the case at Stage Two. For a 'paper-based consideration' there is no hearing, but written submissions shall be collected from all witnesses and circulated to the Complainant, who shall be given 14 days to submit a further written submission in response if he or she determines to do so. The Panel shall then meet to consider its decision regarding the complaint in the absence of the student. The decision of the Chair to permit a 'paper' hearing shall be final.
- 12.53 The Panel may request written submissions from any persons involved with the case in advance of the hearing. Any such written submissions shall be made available to the Complainant, where possible at least 7 calendar days before the scheduled date of the hearing.
- 12.54 If the Complainant has been served due notice of the date of the hearing and a 'paper-based consideration' of the complaint has not been approved, the Chair may determine that the hearing should proceed in the absence of the Complainant.
- 12.55 A hearing shall normally proceed as follows:
- (a) the Complainant (or their representative) may make an opening statement and then may be questioned by the Panel
  - (b) the Stage One Senior Officer (if called as a witness) may make a statement and then may be questioned
  - (c) other witnesses (if any) shall be called, may make a statement, and then may be questioned
  - (d) the Complainant (or their representative) may make a final statement;
  - (e) the Panel shall retire to make its decision.
- 12.56 The Panel and the Complainant or their representative shall have an opportunity to ask questions of all witnesses. Witnesses shall normally only be present for that part of the hearing in which they are giving evidence or answering questions. The Chair of the Panel shall determine the order in which witnesses shall be called at the hearing.
- 12.57 The Chair of the Panel has discretion to vary the sequence or arrangements for the hearing as appropriate. The ruling of the Chair in all matters of process relating to the hearing shall be final.
- 12.58 The Secretary to the Panel shall convey the decision of the Panel in relation the Stage Two Formal Complaint, and the reasons for that decision, normally within 7 calendar days of the date of the hearing (or for a 'paper-based consideration' within 7 calendar days of the deadline for the Complainant to submit any further statement). If the Panel is unable to provide a decision within seven days, the Secretary shall write to the Complainant setting out the reasons for the delay and anticipated date for the issuing of a decision.
- 12.59 The letter regarding the outcome of the Stage Two Formal Complaint shall constitute a completion of procedures letter and include notification of the right of the Complainant to refer the complaint to the Office of the Independent Adjudicator.