

# REGULATIONS

## C2 Student Complaint Procedure

### Introduction

1. Oxford Brookes University is committed to monitoring and evaluating all its services to enhance their quality. Feedback and comments on these services are always welcome. The University has established a variety of mechanisms to ensure that students have the opportunity to take part in the decision making processes of the University at Subject/Course, Faculty and University level. It is hoped and expected that students will take full advantage of these.
  
2. Students who wish the University to modify its regulations, policies, practices or the content or delivery of its courses, or who have concerns about the quality of teaching should pursue the matter through one of the relevant mechanisms, for example:
  - their elected student representatives on course committees
  - Faculty and University Academic Enhancement and Standards Committees
  - the Academic Board
  - the Board of Governors
  - other University committees as appropriate
  
3. In urgent cases, between meetings, students should approach the Chair concerned directly. Brookes Union staff and the sabbatical officers of Brookes Union are available to advise on how to use the representative system.
  
4. The Student Complaint Procedure allows students enrolled or registered with the University to seek redress, as far as possible, for any disadvantage, damage or distress caused by inappropriate acts or omissions of the University, its staff or agents. Additionally, the process allows the University the opportunity to identify any shortcomings and improve its procedures and practices.

5. This procedure applies only to acts or omissions which take place at a time when the complainant is an enrolled or registered student of the University or one who is taking approved temporary withdrawal.
6. Individuals and groups may raise complaints. For a group complaint, a lead complainant must be declared. The University will liaise with the lead complainant unless individual circumstances make it necessary to communicate with another complainant in the group.
7. Although a student may obtain advice and guidance relating to an issue, a complaint will normally only be processed if submitted directly by the student and not by someone acting on their behalf. However, if the student feels representation is necessary they may apply for this by writing to the Student Disputes Officer including:
  - why it will be necessary
  - who will represent the student and
  - giving permission for the University to discuss all confidential matters with the representative
8. The Student Disputes Officer will respond with their decision and their reasons.
9. Written guidance on this procedure, including where to submit Complaints is available on the University website (University Regulations and Student Disputes pages) or from the Student Disputes Officers in Student Central.
10. This procedure covers all categories of complaints and not only those directly related to the University's obligation to teach students and facilitate their learning. However, some exclusions apply.

### **Exclusions**

11. If a complaint submission falls into one of the following categories, the Student Disputes Officer shall inform the student that the submission cannot be processed under the Complaint Regulations.
  - (a) Complaints raised anonymously will not be considered under this procedure.

While the University will endeavour to explore such issues as far as is possible, any investigation, and the outcomes of any investigation, will be conducted and implemented entirely at the University's discretion.

- (b) Complaints from applicants prior to their enrolment with the University. Such issues should be raised with the Head of Admissions.
- (c) Complaints from former students of the University whose complaint refers to an act or omission which took place after their enrolment has ended. Such issues should be referred to the line manager of the staff member concerned.
- (d) Complaints raised by students enrolled with another institution on a programme leading to an award of, or validated by, the University where the matters complained of occurred at, or were the responsibility of the other institution. Such complaints should be raised through the complaint procedures of the institution concerned.

However, if the student has completed the complaint procedures of the other institution and is still dissatisfied with the response, they may refer their complaint to the University by writing to the Student Disputes Officer. If the Student Disputes Officer is satisfied that the student has shown that there are:

- (i) reasonable grounds for believing that there was an administrative error or procedural irregularity in the handling of the other institution's complaint procedures and/or
- (ii) that the response made by the other institution was one that no fair and reasonable body could have made,

they shall refer the complaint to Level 2 of this procedure and the timescales from this point in the procedure shall apply. In this case, any remedy that the Level 2 respondent determines will normally be a recommendation to the other institution.

- (e) Complaints about issues over which the University has no control.
- (f) Disagreement with the correct application of any University regulation, rule, procedure and/or policy. A student who wishes for any such regulation, etc. to be amended should raise this through one or more of the mechanisms set out in paragraph 1.

- (g) Decisions made by the Examination Committees. These are covered by the regulations for Academic Appeals.
- (h) Decisions made in relation to mitigating circumstances. These are covered by the regulations for the consideration of mitigating circumstances.
- (i) Complaints concerning the processes or outcomes relating to the Student Conduct Regulations and Procedure (SCRП); please refer to SCRП regulations for appeals and disputes relating to disciplinary matters.
- (j) Complaints concerning the processes or outcomes of regulations relating to professional standards including the arrangements for appeals against these. Students should seek advice from the professional body directly.
- (k) Complaints concerning decisions taken as part of Fitness to Practice regulations. These are covered by the review and appeal mechanisms in those regulations.
- (l) Complaints concerning decisions taken as part of Fitness to Study regulations. These are covered by the review and appeal mechanisms in those regulations
- (m) Complaints against fellow students, including the Sabbatical Officers of the Brookes Union, (unless that student was acting as an employee or agent of the University or the Students' Union when the incident occurred). A student who is aggrieved about the behaviour of a fellow student who was not acting on behalf of either the University or the Brookes Union may refer the matter to the appropriate Disciplinary Officer as provided for in the Student Conduct Regulations and Procedure.
- (n) Complaints arising from the proper exercise of commercial judgement in the conduct of the Brookes Union's trading activities. Such complaints should be brought to the attention of the Chief Executive of Brookes Union.
- (q) Complaints arising from the proper exercise of their authority by any officer, employee or agent of the Brookes Union as a licensee to maintain good order on licensed premises. Such complaints should be brought to the attention of the Chief Executive of Brookes Union.

- (r) Complaints arising from the conduct of elections by the Students' Union for the appointment of Brookes Union officers or other posts. Such complaints should be brought to the attention of the relevant Returning Officer.
- (s) Complaints submitted more than two months after the act or omission being complained about will not normally be admissible.
- (t) The University will investigate all Complaints as fully as possible. Therefore students are not allowed to submit a subsequent Complaint if the content is substantially similar to one already considered.

## **Principles**

12. The University respects the right to confidentiality. If a student would like a concern to remain confidential, they need to inform the person they are raising this concern with. The matter may need to be discussed between staff in order to investigate issues further, so if confidentiality is to be maintained it may not be possible to pursue the matter. If a student chooses not to allow issues to be discussed with the person who is subject of the concern, no formal action can be taken in respect of this concern.
13. A formal complaint will remain confidential to those directly involved in the investigation of and response to the complaint (which includes any staff complained of or who are responsible for the matters complained of). All staff and students who become aware of any of the issues involved in a formal complaint are required to keep this information confidential except where it is necessary to progress, investigate or respond to the complaint. Failure to do so may result in formal disciplinary action being taken through the Student or Staff Disciplinary Procedure.
14. Any student who wishes to raise a complaint should feel able to do so without fear of subsequent victimisation. Raising a vexatious concern or complaint is a breach of the Student Conduct Regulations and may lead to disciplinary action.
15. The University recognises that there is appropriate conduct when submitting, pursuing or investigating a Dispute and that the Complaints Procedure can only operate in a climate of mutual respect. It is understood that, in upsetting or distressing circumstances, people may act out of character and may become persistent, angry or upset. However, where it leads to aggressive behaviour, unreasonable demands or repeated related requests, it is considered unacceptable. The Academic Registrar reserves the right to suspend the complaints procedure if

they consider the student is acting inappropriately and will write to the student to inform them of the reasons for doing so.

## **Procedure**

16. The Academic Registrar and Student Disputes Officer can provide authoritative advice on the application and operation of the procedure. The Brookes' Union Advice Service can provide advice independent of the University.

17. Where a student is dissatisfied with the general provision of a service it is expected they will normally first raise their concern through one of the mechanisms referred to in paragraph 1.

18. The University distinguishes between a 'Concern':

*an opportunity for a student to bring a matter that they are unhappy about to the attention of the University*

and a 'Complaint':

*a formal statement by a student to which the University must respond and which the student has the right to pursue if they are not satisfied with that response.*

19. Any issue raised with the University, either orally in writing, will be treated as a concern. If a Complaints and Appeals Form is submitted it will be considered as a complaint. It is hoped that as many issues as possible will be resolved at the informal stage of a concern, through appropriate action being taken by University staff to address and, if appropriate, rectify a situation as raised by a student. Whether at the concern or complaint stage, the University's intention in establishing this procedure is to seek an appropriate resolution that, as far as possible in relation to the nature of the individual concern or complaint, is acceptable to both parties. In order to minimise anxiety for all parties the University will respond flexibly to resolve situations at the concern stage.

20. If a student wishes to raise a concern about aspects of the behaviour of staff they should normally approach the member of staff concerned or the appropriate line manager. If a student is unsure who to raise a concern with, advice can be obtained from the Student Disputes Officer.

21. If the student is not satisfied after raising a concern and wishes to pursue it, a staff member may require the student to raise the matter as a formal complaint. Staff may refuse to respond unless and until the student does so.
22. The complainant (or student raising a concern) has a right to be accompanied by another person to any meeting called by the University as part of the complaint process. This person may represent the complainant if permission has been granted under paragraph 7, but they may not be a lawyer acting in a professional capacity. They may not give evidence except on matters of which they have direct knowledge.
23. Throughout the process, the Academic Registrar may nominate an alternative member of staff to act on behalf of any staff member assigned a role within this procedure.

### **Raising a complaint**

24. If the student is not satisfied with the outcome of raising a concern, or if it is not appropriate to raise a concern, the student may initiate the Complaints Procedure. The Complaints Procedure defines two levels within the University at which the complaint could be considered:

### **Request at Level 1**

25. A student wishing to raise a complaint must complete a Complaints and Appeals Form and submit it to the Student Disputes Officer. Evidence will be expected to support the case. If evidence is not obtainable then a written explanation from the student will be required explaining why no evidence is available.
26. Copies of the Complaints and Appeals form, and guidance on how to complete and submit it, can be obtained from Student Central or from the University website.
27. The Student Disputes Officer shall acknowledge receipt of the Complaints and Appeals, normally within 5 working days. Before proceeding further, the Student Disputes Officer may require further clarification of the complaint.
28. If the complaint is submitted beyond the timescale (Up to two months, see paragraph 43) and in the view of the Student Disputes Officer is without good reason or evidence for doing so, it shall not be permitted to Level 1.

29. If the complaint, in the view of the Student Disputes Officer, is without substance or merit, or it is frivolous or vexatious, is unsubstantiated by evidence or there is no valid reason for not providing evidence, it will not be considered at Level 1. The Student Disputes Officer will inform the complainant of their reasons for their decision, normally within 10 working days from receipt of the Complaints and Appeals form.

30. If the complainant is dissatisfied with a decision of the Student Disputes Officer made under paragraph 29, the student may request that it be reviewed by the Academic Registrar. Such a request must:

- (a) be in writing to the Academic Registrar
- (b) be sent within 10 working days of receiving the response from the Student Disputes Officer
- (c) must set out the full reasons why the student believes that the decision of the Student Disputes Officer is not appropriate.

31. The Academic Registrar shall acknowledge the request, normally within 10 working days from receipt of the request. If the request was late, without a valid reason, they shall not conduct a review and will write to the student to inform them, clearly stating that the complainant has now completed the University's internal complaint procedure normally within 20 working days of the request. If a review of the decision of the Student Disputes Officer is carried out, the Academic Registrar shall inform the complainant in writing of the outcome and the reasons for it, normally within 20 working days of the request. If the Academic Registrar upholds the decision of the Student Disputes Officer, the letter to the complainant shall clearly state that the complainant has now completed the University's internal complaint procedure.

**Level 1 Complaint** – One member from the designated pool, taken from the associated Faculty or Directorate

32. If the Student Disputes Officer decides the complaint is admissible under these regulations they shall inform the student, normally within 10 working days from receipt of the Complaints and Appeals Form. The complaint will then be referred to a senior staff member within the Faculty or Directorate complained of. A senior staff member is defined as:

- (i) Pro-Vice-Chancellor Deans and Associate Deans
- (ii) Heads of Departments
- (iii) Principal Lecturers

- (iv) Faculty Heads of Administration & Support Services
- (v) Directors and Deputy Directors (or equivalent)

33. The senior member of staff shall investigate the complaint and provide an outcome. The Student Disputes Officer will respond to the student in writing, informing them of the Level 1 outcome, normally within 20 working days from the date of referral to Level 1.

34. If the complainant is not satisfied with the response from the senior staff member, or if a response is not received within the procedure's timescales they may request that their complaint is considered at Level 2. To do this the complainant must write to the Student Disputes Officer within 10 working days from the Level 1 response letter or the deadline for the Level 1 response, if a response has not been received. The request must clearly state:

- (a) that the student would like the complaint to be considered at Level 2 of the complaint procedure.
- (b) the reasons why the student believes that the response is unsatisfactory;
- (c) the remedy the student is seeking;

## **Request at Level 2**

35. The Student Disputes Officer may do one of the following:

- (a) require further clarification of the request before proceeding further,
- (b) Progress the appeal to level 2,
- (c) grant the Level 1 responder up to 10 extra working days, if there is good reason for the delay,
- (d) not permit the Complaint to go to Level 2, if the request is late,

36. The Student Disputes Officer shall respond to the request in writing, normally within 5 working days.

37. If the student wishes to submit a request to go to Level 2 beyond the 10 working days from the Level 1 response, they have to provide a statement with evidence for doing so. Only if a reason is given, that is acceptable to the Student Disputes Officer, will the complaint be considered.

**Level 2 Complaint** – Two senior staff members from the designated pool, from outside of the associated Faculty or Directorate.

38. If the complaint is considered at Level 2, two senior staff members from an alternative Faculty and/or Directorate will review the complaint investigation. The reviewers will consider the student's submission at Level 2, their reasons for requesting a review, and any new information provided. One senior staff member will be responsible for providing the agreed response. Both senior staff members will be named in the response.

The Student Disputes Officer will respond to the student in writing, informing them of the Level 2 outcome, normally within 20 working days from the referral to Level 2.

39. If the complaint is not upheld at the outcome of Level 2 this will be the termination of the University complaint procedure and a letter stating this will be issued to the student.

### **Further Review**

40. If a student has completed the University's internal complaint procedure and they are still dissatisfied with the outcome, they may be able to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA's Rules. A letter stating that a complainant has completed the University's internal complaint procedure shall include information on the OIA and comply with the OIA's guidance for a "Completion of Procedures" letter.

### **Timescales**

41. The University will endeavour to respond to any complaint as rapidly as possible. However, every complaint will need to be fully investigated and this may mean that a response cannot be given as quickly as either party would wish, particularly if the complaint is complex or extensive or was submitted at a time when key staff are away from the University. Equally, the University expects students to submit any complaints that they have within a reasonable time of the matters complained of occurring and to respond to queries promptly. The table below sets out the expected time limits that will apply for most complaints. These may be varied by the University where there is good reason to do so.

42. A complaint will normally be dismissed if it is not received within two months of:

- a) the incident; or
- b) the latest event complained of, if the complaint is about a linked group or series of events;
- or
- c) The last response to the 'concern'

43. In some circumstances, for practical reasons, it may be easier for a complaint to be investigated if the investigation takes place as soon as possible after the incident.

## Timescales for Complaint Responses

University Stage of Procedure	Timescale*	Responsibility
Submission of Complaints and Appeals Form	As early as possible, but within two months of the incident or omission	Student
Acknowledgement of Complaints and Appeals Form	5 Working Days from Submission of Complaints and Appeals Form	Student Disputes Officer
Student Disputes Officer Response (Admissible or not)	10 Working Days from Submission of Complaints and Appeals Form	Student Disputes Officer
Student Request Review of Student Disputes Officer Decision	10 Working Days from SDO Response letter	Student
Acknowledgement of review request	10 Working Days from Student Request	Academic Registrar
Academic Registrar Response to Review Request	20 Working Days from Student Request	Academic Registrar
Level 1 Response	20 Working Days from SDO Response letter or AR Response Letter (30 working days if extension allowed by SDO)	Faculty/Directorate Senior Staff Member
Student Request Progress to Level 2	10 Working Days from Level 1 Response letter	Student
Response to Level 2 request	5 Working Days Level 2 Request	Student Disputes Officer
Level 2 Response	20 Working Days from referral to Level 2	2 Senior Staff Members outside the faculty.
Suspension of procedure	Within 10 days of the suspension	Academic Registrar

\*The University defines a 'working day' as Monday-Friday excluding bank holidays and other periods the University is closed.

## **Other procedural matters**

44. Though not expected, submitting a complaint could affect the relationship between the person making the complaint and the person whose actions are being complained about. Both parties should continue working in a professional way to allow the complaint to be dealt with through the formal procedures. In exceptional circumstances, the student may write to the Student Disputes Officer to request alternative working arrangements. The Pro Vice-Chancellor, Dean of Faculty or Director will consider a complainant's request for alternative working arrangements while the complaint is being investigated and will respond to the student.
45. If a complaint alleges harassment and/or bullying by one or more members of staff, the provisions of the Dignity and Respect at Work Policy shall apply (the complainant will have the same rights as an aggrieved member of staff under that policy). On the initiation of such proceedings, this Complaints procedure shall be suspended and the student disputes informed. Guidance on the detailed application of the Dignity and Respect at Work Policy may be obtained from the Academic Registrar who shall consult the Director of Human Resources.
46. If a serious complaint about a member of staff is upheld, it could lead to a disciplinary action being taken in respect of the findings. Staff will be reminded of this possibility and given the opportunity to seek advice, before responding to the investigation. Initial investigations may reveal that the issues raised by the complaint will be better dealt with through the Staff Disciplinary Procedure. The Academic Registrar will suspend the complaints procedure upon the start of the Staff Disciplinary Procedure. If a Staff Disciplinary Procedure is not instigated early on as part of the initial investigations it will not be possible to initiate these proceedings at a later date, unless it is found that the member of staff concerned misled the initial investigation.
47. This Complaints procedure cannot and does not aim to remove the right of any student or the University to seek a legal remedy for their dispute. However, it is expected that all students will exhaust the Complaints procedure before taking legal action. Appointing legal representation might require the University to also appoint lawyers and cause delay in the progression of the complaint. Students may wish to note that the Office of the Independent Adjudicator for Higher Education OIA may refuse to consider any complaint that is, or has been, the subject of court proceedings.

48. If a criminal investigation or a criminal or civil action that involves any matter related to the subject of a complaint is commenced by anyone (including the University) during the Complaints Procedure the Academic Registrar shall be informed.

The Academic Registrar may then suspend this procedure while the investigation or action is in process and/or amend it to comply with the outcome of any action.

49. The Academic Registrar shall inform the complainant if the procedure is suspended in order for another process to occur, (e.g. legal proceedings,) as well as the reasons for this. Once the overriding process has been completed, the Academic Registrar shall provide a written statement of the outcome of that process if it relates to the initial complaint. If a complainant wishes to resume the complaints procedure from the point at which it was suspended, they will need to write to the Academic Registrar requesting this. The issues that the complainant wishes to pursue need to be included in the letter.

### **Timescales For Complaint Responses (Suspensions)**

<b>University Stage of Procedure</b>	<b>Timescale</b>	<b>Responsibility</b>
A written statement of the reasons for and likely duration of a suspension of the complaint procedure:	normally within 10 working days of suspension.	Academic Registrar
Student to be informed that the suspension period is likely to be extend	normally 5 working days before the end of the original suspension	Academic Registrar
A written statement of the outcome of the overriding procedure or process	normally within 20 working days of the conclusion of that procedure or process.	Academic Registrar
Request to resume the complaint procedure	normally within 10 working days of the despatch of the written statement.	Student

50. If any correspondence relating to a complaint is marked “without prejudice” the Academic Registrar will be informed. The Academic Registrar may then refuse to accept the correspondence as raising, referring, progressing or pursuing a complaint until it has been formally resubmitted not marked as “without prejudice”.

51. In the event of any uncertainty about the Complaints regulations, the Student Disputes Officer shall interpret this procedure upon receipt of a written request to do so and shall confirm their interpretation in writing.
52. If the Academic Registrar believes it appropriate in relation to any specific complaint, they may set aside any provision of this procedure and/or require another provision not part of this procedure provided only that they inform all those involved in the complaint in writing of any such variations.
53. Throughout this procedure the Academic Registrar may nominate an appropriate member of their staff to act on their behalf in relation to any complaint.
54. If, in the judgement of the Student Disputes Officer, a staff member has too close a personal or professional association with the complainant they will not be responsible for investigating the complaint. If this inadvertently occurs, the Student Disputes Officer will designate an alternative member of staff who does not give rise to such a concern.
55. A pool of appropriate staff will be selected who shall act as Level 1 and Level 2 respondents. These staff will be trained in the application of the Complaints Procedure.
56. The Student Disputes Officer, each year will create an annual report setting out the key features, the outcomes and any changes that have been made in response to all complaints that have been initiated during the previous academic year. This report shall be copied to the Academic Registrar who shall present a summary report to AESC and the Academic Board. The outcome of any formal complaint (except, possibly, one that is completely rejected) will include a number of recommendations providing a remedy and attempting to prevent recurrence.
57. At Level 1 or 2 of this procedure the Student Disputes Officer shall inform the relevant staff of these recommendations. If any recommendations are made to a Faculty or Directorate and they are not implemented, the Student Disputes Officer shall report this to the appropriate member of the Senior Management Team. If any recommendations are made to the Students' Union or the Senior Management Team and they are not implemented, the Student Disputes Officer shall report this to the Board of Governors. In the case of a formal complaint against the Students' Union, the Board will take into account the provisions of S22(n) of the Education Act 1994 Act.
58. The Student Complaint Procedure is the procedure required by S22(m) of the Education Act 1994 which enables a student or group of students to complain if they are dissatisfied in their

dealings with the Students' Union or claim to have been unfairly disadvantaged by exercising their right not to be a member of the Students' Union.

For the purposes of investigating and responding to a student complaint relating to the Students' Union, a person who is an officer, employee or agent of the Students' Union is not an employee or agent of the University.

59. The Chief Executive of the Students' Union will deal with complaints which are made against Students' Union unless the complaint is made against the Chief Executive. The Chief Executive will take on the role of the level 1 respondent for the complaints procedure.

60. If a complaint:

- (a) seeks any financial remedy other than a full or partial refund of fees; or
- (b) seeks a total fee refund greater than £10,000; or
- (c) alleges professional incompetence or negligence on the part of any member of staff; or
- (d) alleges that a serious breach of any of the University's regulations has occurred; or
- (e) alleges that bullying, harassment or unlawful discrimination has occurred; or
- (f) alleges that a criminal act has been committed; or
- (g) includes written representation from a lawyer acting in a professional capacity; or
- (h) is against a member of the Senior Management Team (or someone closely associated with it,) a Director or the Chief Executive of the Students' Union,

the Student Disputes Officer who receives the complaint shall immediately inform the Academic Registrar.

*For further information about these regulations, please contact the Associate Director, Directorate of Academic and Student Affairs.*

**Approved by:** Board of Governors, 26 November 2014

**Updated:** Academic Enhancement & Standards Committee, 25 May 2016