

# University of Bath

## Quality Assurance Code of Practice

**Title:** Student Complaints

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**Antecedents:** Policy on Student Complaints and Academic Appeals (considered by the Academic Audit Group)  
Grievance Procedure (approved by Council on 23 May 1997)  
Quality Assurance Committee, 29 July 1998, minute 73  
Student Support and Services Committee, 10 May 1999  
Quality Assurance Committee, 5 October 1999, minute 131(a)  
QAA Code of Practice, Section 5: Academic Appeals and Student Complaints on Academic Matters  
Quality Assurance Committee, 18 November 2002, minute 343  
Quality Assurance Committee, 06 February 2006, minute 584(3)

**Date:** 06/02/06

*Note: Paragraph 1.1 refers to QA40 Academic Reviews. Please note that from 1<sup>st</sup> August 2007 QA40 has been withdrawn and this information is now available in Regulation 17 and the Standing Orders of Senate.*

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### 1. Scope

- 1.1 These procedures identify the appropriate channels for the various categories of student complaints that might arise over academic and non-academic matters, other than requests for academic reviews which are dealt with in QA40 and Regulation 17.
- 1.2 These procedures may be varied under the terms of an Institutional Agreement where a programme of study is delivered as a collaborative initiative with a partner institution, if the Agreement provides for such variation.
- 1.3 Section 5 outlines the procedures for a complaint made by an applicant.
- 1.4 A student complaint is defined as a criticism levelled by a student against another student, member of staff, service or facility of the University. A formal complaint is defined as a complaint that has been submitted in writing.
- 1.5 Where a deficiency in provision or process is acknowledged, a complaint may be addressed by offering an apology or an acceptable explanation for the apparent deficiency, by undertaking to implement future improvement or by a

mutually acceptable course of action to address the individual circumstances of the case.

- 1.6 A student grievance is defined as an acknowledged disagreement between a student and a member of, or department within, the University over an alleged deficiency in conduct, provision or process. Grievances should only arise once all avenues for resolving complaints have been exhausted. Grievances generally require formal settlement or redress. The grievance procedure is detailed in Statute 17.21 and Council Standing Order 25 (Annex 1).
- 1.7 The University policies on Public Interest Disclosure<sup>1</sup> and Harassment<sup>2</sup> may also be used to supplement this guidance.

## **2. Principles**

- 2.1 The University seeks to minimise student complaints and grievances by ensuring that students have opportunities to participate in all the formal decision-making processes of the institution through representation on committees at programme, departmental, faculty and institutional levels. The University is committed to the continuing review and improvement of its provision and seeks regular feedback from students through Staff/Student Liaison Committees, evaluation questionnaires and user groups. The University is also committed to providing an environment within which students are encouraged to raise any matters of concern in an informal manner as soon as they arise. This often circumvents the need for formal complaints or grievances.
- 2.2 Where complaints and grievances arise, the University is responsible for providing procedures to ensure that they are addressed fairly and promptly and that students can lodge their complaints and grievances, in good faith, with the assurance that they will not be penalised for so doing. The University is responsible for addressing any deficiencies in its academic provision, support services or other student-related activities highlighted by student complaints.
- 2.3 Students are encouraged to raise a concern or complaint about an issue or event as soon as possible after it occurred and normally no later than the end of the semester in which the issue or event occurred, so that the matter can be addressed in a timely manner.
- 2.4 The principle of confidentiality is maintained in any discussions involving a complaint. However, students should be aware that some disclosure of the circumstances of a case is generally necessary in order to allow an appropriate response.
- 2.5 Students who wish to raise formal complaints or grievances have the right to be accompanied, or represented, by a 'friend' and may wish to consult with the

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<sup>1</sup> Council Standing Order 27

<sup>2</sup> <http://internal.bath.ac.uk/anti-harass.bho/>

Students' Union who can offer expert advice and advocacy services. Students may take advice from the Students' Union, and/or the Head of Student Services at all stages of the procedures.

### **3. Procedures**

#### Stage 1

- 3.1 Complaints of a minor nature should be raised immediately with the member of staff responsible or alternatively, via one or more of the following channels in turn:
- ❑ Personal Tutor/Research Supervisor/Director of Studies
  - ❑ Service provider in Support Service or Facility
  - ❑ Staff/Student Liaison Committee (SSLC) or relevant support liaison committee if applicable
  - ❑ Student representatives on Board of Studies
  - ❑ Feedback such as student evaluation questionnaires.
- 3.2 Recipients of student concerns or informal complaints are responsible for addressing them promptly and fairly. The recipient will normally let the student know within a week of receiving the initial complaint what steps will be taken to address the complaint and the expected timescale.
- 3.3 This stage will normally be an oral process and a written record will not be made other than in the minutes of meetings where applicable (eg SSLC, Board of Studies). Any staff involved will be encouraged to share the experience where the effectiveness of their Department or Service could benefit. It is expected that the vast majority of complaints will be resolved in this way.

#### Stage 2

- 3.4 Where a problem cannot be resolved at a local level, or where a student is dissatisfied with the local response to her/his complaint, the student should seek further advice from the Students' Union, and/or the Head of Student Services. The student may submit a formal written complaint to the relevant Head of Department or Service, including an indication of the remedy sought. As a last resort at local level, a formal complaint should be directed to the Dean of Faculty.
- 3.5 Where a formal written complaint has been submitted, it should be investigated by a designated member of staff, usually the Head of Department/Service, with no material interest in the complaint. The designated member of staff should acknowledge receipt of the complaint in writing. The designated member of staff may wish to discuss the matter with the student who has the right to be accompanied or represented by a 'friend' (see section 2.5).
- 3.6 The Head of Department/Service should exercise appropriate discretion in determining whether and if so how third party complaints will be considered. Anonymous complaints will not normally be considered

- 3.7 Formal complaints should be logged by the individual approached along with the action taken in response to the complaint. The student should be informed in writing of the outcome of the complaint, normally within four weeks of its submission, or within eight weeks if the complaint is submitted during a vacation.

#### Stage 3

- 3.8 A student who still feels aggrieved after their formal complaint has been considered may consult the Academic Registrar if the complaint relates to an academic department, or the Head of Student Services where the complaint involves a service. The Academic Registrar and/or Head of Student Services will discuss the nature of the complaint with the student and will seek to resolve the problem through mediation.

#### Stage 4

- 3.9 If the complaint cannot be resolved by the Academic Registrar and/or Head of Student Services, the student may request a Review by the University Secretary, who will deal with the matter at his/her discretion.
- 3.10 The criteria for requesting a Review by the Registrar are as follows:
- ❑ That there were procedural irregularities in the investigation of the complaint; or
  - ❑ That fresh evidence can be presented which was not or could not reasonably have been made available to the investigation; or
  - ❑ That the finding of the investigation was against the weight of the evidence.

#### Stage 5

- 3.11 Where the problem is not resolved as the result of a Review by the University Secretary, a student may submit a formal grievance in accordance with Statute 17.21.

#### Stage 6

- 3.12 Once the University's internal processes are exhausted, the University will issue a completion of procedures letter. If a student is still of the opinion that his/her case is unresolved, s/he may apply to the Office of the Independent Adjudicator for Higher Education. Information is available on the website – [www.oiahe.org.uk](http://www.oiahe.org.uk).

### **4. Complaints involving Franchise Provision**

- 4.1 The Institutional Agreement may state that complaints should be dealt with according to the franchise partner's procedures<sup>3</sup> unless they relate to a University service. Where the complaint is not resolved at this level the student may seek further advice from the Students' Union or Head of Student

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<sup>3</sup> The complaints procedures of the franchise partner will be evaluated as part of the Institutional Agreement.

Services. The student may request a review by the University Secretary, who will deal with the matter at his/her discretion.

- 4.2 The criteria for requesting a Review by the University Secretary are as follows:
- That there were procedural irregularities in the investigation of the complaint; or
  - That fresh evidence can be presented which was not or could not reasonably have been made available to the investigation; or
  - That the finding of the investigation was against the weight of the evidence.
- 4.3 The franchise partner institution will submit an annual report to the Academic Registrar detailing any complaints made by students registered on programmes of study leading to an award of the University of Bath.

## **5. Complaints involving an Application for Admission**

- 5.1 The applicant should submit a formal written complaint to the Senior Assistant Registrar (Recruitment and Admissions) including an indication of the remedy sought. The complaint will be investigated in accordance with the procedures detailed in Stage 2 (paras 3.5 to 3.7).
- 5.2 An applicant who still feels aggrieved after their formal complaint has been considered, may request a Review by the University Secretary, who will deal with the matter at his/her discretion.
- 5.3 The criteria for requesting a Review by the University Secretary are as follows:
- That there were procedural irregularities in the investigation of the complaint; or
  - That fresh evidence can be presented which was not or could not reasonably have been made available to the investigation; or
  - That the finding of the investigation was against the weight of the evidence.

## **6. Complaints Involving Equal Opportunities**

- 6.1 If a student believes that he or she has been discriminated against, in contravention of the University Equal Opportunities Policy for Students, s/he should first discuss the circumstances of the case with a friend, Personal Tutor, Student Counsellor, Learning Support Manager or Students' Union. If a student continues to believe that discrimination has occurred, s/he should approach the Head of Student Services for advice. Where the matter cannot be resolved by the Head of Student Services, it will be referred to the University Secretary for investigation. Complaints involving Equal Opportunities will be reported to the Equal Opportunities Advisory Committee.

- 6.2 Where a complaint is not upheld by the University Secretary and a student is dissatisfied with this outcome, the formal grievance procedure may be invoked.

## **7. Complaints Involving the Conduct of Members of Staff or Other Students**

- 7.1 Cases of harassment are covered by the University's Policy on Harassment, copies of which may be obtained from the Personnel Department. Other instances of conduct likely to give rise to complaints may be handled as outlined in section 0.

### **7.2 Conduct of Staff Members**

If a student is unclear about the appropriate procedure for lodging a complaint involving a member of staff, he or she should first discuss the matter informally with a friend, Personal Tutor, Director of Studies, Student Counsellor or Students' Union Officer/Adviser. If the consensus is that there is a case to answer, the student should raise the matter with the appropriate Head of Department/Service or the Dean of Faculty if the complaint is against a Head of Department.

- 7.3 The Head of Department/Service will notify the Dean of Faculty or Head of Student Services and consult with the Director of Personnel before taking action. Where the Head of Department and Director of Personnel believe that there is a case to be answered disciplinary procedures may be invoked in accordance with Statute 25.

### **7.4 Conduct of Students**

Where a student is unhappy with the conduct of a fellow student, s/he should first discuss the matter informally with a friend, Student Counsellor or Students' Union Officer/Adviser to confirm that the fellow student has behaved in a manner that would constitute misconduct. If the consensus is that there is a case to answer, the student should raise the matter with the Head of Student Services.

- 7.5 Where the Head of Student Services believes that there is a case to be answered, s/he will notify the appropriate Head of Department. The Head of Student Services may issue a formal warning to the student responsible for the misconduct or may raise the case with the Registrar in accordance with the University's Disciplinary Procedures for Students, Regulation 7.

## **8. Complaints From Research Postgraduates**

- 8.1 Where a student is dissatisfied with the local response, or where he or she deems it inadvisable to raise concerns at a local level, a postgraduate research student can contact a representative of the Postgraduate Association or the Head of Student Services for advice or approach the Postgraduate Research Ombudsman directly.

8.2 If the problem cannot be resolved by the complaints procedures outlined in Section 0, the student may formally approach the Postgraduate Research Ombudsman for mediation. If mediation by the Ombudsman does not lead to a resolution, the student may submit a formal grievance in accordance with Statute 17.21.

## **9. Monitoring Student Complaints**

9.1 Departments/Schools will be responsible for making an annual report to the Academic Registrar, providing a qualitative and quantitative record of the number of formal written complaints received, actions taken and/or proposals for future enhancement. Statistics to enable monitoring of equal opportunities (i.e. ethnic origin, gender) may be gathered where the complainant has disclosed such information for this purpose. The Academic Registrar will also receive reports from franchise partners (see 4.2).

9.2 Complaints on other matters will be reported to the Head of Student Services, providing a qualitative and quantitative record of the number of formal written complaints received, actions taken and/or proposals for future enhancement. Statistics to enable monitoring of equal opportunities (i.e. ethnic origin, gender) may be gathered where the complainant has disclosed such information for this purpose. The Head of Student Services will be responsible for making an annual report on formal student complaints received to the Student Experience and Strategy Committee.

9.3 A summary of student complaints and their outcomes via both these routes will be considered by the Council/Senate/Students' Union Committee in its annual review of student complaints and reported to Senate.

9.4 The Quality Assurance Committee will be responsible for monitoring and reviewing these procedures.

## **Grievance Procedure: Council Standing Order 25.2**

Under the terms of Section 17.21 of the Statutes, the Academic and other Staff of the University, and the Graduates and the Students of the University, may ask the Council to redress a grievance. (A copy of the Charter, Statutes and Ordinances may be obtained from the Office of the University Secretary.) This document has been prepared both for the information of any eligible person who may be considering whether to ask Council to redress a grievance, and as a guide to procedure for the use of all those who may be involved in any grievance hearing.

A separate procedure exists for grievances raised by Academic Staff concerning their appointments or employment: Statute 25 Part VI and Ordinance 20 refer to this.

### **Purpose**

1. The aim of this procedure is to settle or redress individual grievances promptly, fairly, informally and, as far as possible, within the Department, Office or other relevant area, by methods acceptable to all parties.

### **Application**

2. The grievances to which this procedure applies are ones raised under Section 17.21 of the Statutes. A grievance should be raised as soon as reasonably practicable after the event and the Council may refuse to consider a grievance that has not been raised in a timely manner.
3. Before a grievance is raised under this procedure it will normally be expected that all other remedies within the Department, Office or other relevant area will have been exhausted. (See 5 (i) and 5 (ii) below).
4. Any of the functions of the Vice-Chancellor under the Procedure may be delegated to the Deputy Vice-Chancellor or person of comparable standing either generally or in respect of a particular case.

### **Informal Procedures**

5. (i) A grievance should be raised initially with the Head of Department, Office or other relevant area who shall arrange for the matter to be investigated. When the internal investigation is completed the Head shall write to the aggrieved person informing him or her of the result. Within 14 working days after the result is sent to the aggrieved person, a person remaining aggrieved may send a written statement to the relevant Head. The statement must state the nature of the grievance and exactly what action is sought to redress the grievance, and be dated and signed by the aggrieved person. The relevant Head shall, unless he or she is able to resolve the situation to the satisfaction of all parties within a further 7 working days, pass the statement to the Vice-Chancellor.
- (ii) If the grievance directly concerns the Head of the Department, Office or other relevant area the aggrieved person may apply directly to the Vice-Chancellor by sending a statement containing the details as above, as soon as possible after the events giving rise to the grievance.
- (iii) If it appears to the Vice-Chancellor that the matter is barred from consideration by Council under the terms of Council Standing Order No 25.1, that the grievance is trivial or invalid, or that no useful or practicable steps to redress the grievance can

be taken, he or she may so report to Council and recommend that no further action should be taken upon it.

- (iv) If the grievance has been raised by a member of Academic Staff, and if it appears to the Vice-Chancellor that the matter has already been finally determined under Statute 25, or that the subject matter of the grievance could properly be considered under Statute 25, he or she may report to Council and recommend that no further action should be taken upon it or that action be taken under Statute 25. The Vice-Chancellor shall take no action under this present procedure if either of the above applies and shall notify the member of staff accordingly.
- 6.
- (i) If neither sub-paragraph 5 (iii) or 5 (iv) applies, the Vice-Chancellor shall, within 7 working days of receipt of the statement of grievance, agree with the aggrieved party on how the grievance is to be dealt with.
  - (ii) The aggrieved party may elect that the Vice-Chancellor or the Vice-Chancellor's delegate whose identity is notified to the aggrieved party shall make a judgement on the grievance. The aggrieved party accepts, in advance, that the decision of the Vice-Chancellor or delegate shall be final and that this method of resolving the dispute closes off any further resort to procedures under Section 17.21 of the Statutes.
  - (iii) Council has delegated to the Vice-Chancellor and to his or her delegate power to act on its behalf to resolve grievances as described above.
7. Alternatively the aggrieved party may elect that the matter shall be referred to a Grievance Committee constituted by the Council under Section 17.21 of the Statutes "the Committee", for consideration.
8. In that circumstance the statement of grievance shall be sent to the Chair of the Council within 14 working days of the election.

#### **Grievance Committee Constitution**

9. The Council shall appoint a Committee comprising:
- (a) A Chair
  - (b) One member of the Council not being a person employed by the University
  - (c) One member of the Staff of the University; the member of Staff shall not be a member of the same Department, Office or other relevant area, as the aggrieved person.

#### **Powers and Discretion of the chair and the Grievance Committee**

10. The Chair shall have discretion to modify the procedure set out in these Rules if the Chair considers (after consulting with the other members of the Committee) that the interests of all parties would be better served by such modification. In exercising this discretion the Chair shall bear in mind the purpose of the procedure as set out in Paragraph 1.
11. The Committee, as a committee of the Council, has the right to look at any and all papers within the University which are owned by or which are in the possession or control of the University. The Committee also has the right to call upon any person on its own motion to give evidence relating to the subject matter of the grievance or contained in any papers. An aggrieved party may request the Committee to call for relevant papers which have not been made available to him or her and the Committee,

subject to the provisions of Section 28.2 (ii) of the Statutes, has an absolute discretion, without giving any reason, whether to make such papers available to the aggrieved party and/or to any other party to the grievance.

12. The Chair may request further information relating to the subject matter of the grievance from the aggrieved party or any other person prior to the hearing with the aim of facilitating the conduct of the hearing or clarifying the issue in the interests of the parties.

### **The Hearing**

13. The Hearing shall take place on a date as convenient as possible for all parties. This shall not normally be later than 30 days from the submission of the statement of grievance to the Chair of the Council.
14. The aggrieved person may be accompanied by one person of his or her choice who may act as a companion or as a representative.
15. The procedure of the Hearing shall be at the Committee's entire discretion. The Hearing shall not normally last for more than one working day. The normal procedure will be for the aggrieved person or his or her representative to begin by explaining the grievance. This explanation shall be based on the statement of the grievance submitted, although the Chair has discretion to widen the areas considered.
16. The aggrieved person may introduce witnesses in support of his or her case. The witnesses may be questioned by the aggrieved person, the members of the Committee and any other party to the grievance.
17. The Committee has discretion to admit or exclude witnesses in the interests of the parties and of fairly dealing with the grievance. If it appears to the Chair (after consulting the members of the Committee) that the grievance cannot satisfactorily be dealt with without hearing the evidence of other persons then the Hearing shall be adjourned to enable further witnesses to appear. The adjournment shall not normally be for a period longer than 30 days. If the persons cannot or will not attend the Hearing the Chair may decide to dispense with their evidence. There shall normally be no further adjournments.

### **The Decision**

18. The Committee shall consider the evidence, written and oral, put before it and decide whether the grievance is well founded or not. If the grievance is considered well founded, the Committee shall consider what (if any) action should be taken to redress the grievance. Written notification of the Committee's findings shall be sent to the aggrieved party, normally within 14 working days of the date of the Hearing. This need not be in any particular form but shall contain sufficient information to allow him/her to understand clearly what the decisions are and the basis on which they have been reached. Any proposals to redress a grievance shall be subject to the Council's approval and shall, therefore, not be notified at this stage.
19. The Committee shall, in addition, submit to the Council a written report containing its decisions, the grounds on which they have been made, any proposals to redress a grievance and any other relevant matters which the Committee wishes to bring to the Council's attention. The Council shall consider these matters at the next available Council Meeting and its decision shall be final. Proposals (if any) to redress the grievance approved by the Council shall be notified to the aggrieved party, normally within 14 working days of the relevant Council Meeting.