

Student Complaints Procedure

Introduction

1. The University is dedicated to the highest international standards of teaching, scholarship and research, and to the advancement of knowledge, in an environment of equality, tolerance and mutual respect for all its staff and students. To help achieve and maintain these standards, the University has in place a range of quality assurance mechanisms, including the following Student Complaints Procedure.

These procedures are set out in a flowchart in Annex 1.

2. The procedure aims to ensure that student concerns and complaints are taken seriously, investigated fully and objectively in a fair, timely and effective manner. Any student invoking this procedure is expected to engage positively with the process and behave in a courteous and professional manner towards all staff and students involved.

Definition

3. A complaint under this procedure is an expression of dissatisfaction about the standard of service, action or lack of action by the University.

Scope of the procedure

4. The procedure applies to complaints from any registered student of the University and is restricted to circumstances not already covered by existing regulations or procedures (e.g. academic appeals, admission, fees or discipline). The University will also consider complaints from students up to one month after graduation or receipt of their final results, whichever is soonest.

5. Queen's students studying at Collaborative Partner institutions are expected to access their local institution's complaints procedure in the first instance.

6. The procedure can be used for both individual and collective concerns or complaints relating to:

- i. Services or facilities provided by the University including teaching and academic facilities and services.
- ii. Alleged misconduct or inappropriate behaviour of staff or registered students (see paragraphs 7 and 8).
- iii. Student Support Services.
- iv. Administrative Services.
- v. An alleged action or inaction by the University.

It cannot be used to challenge academic judgement or any academic matter or procedure, including the outcome of an academic appeal or decision making process. In complex cases, where more than one procedure may apply, the Director of Academic and Student Affairs shall decide which University Regulations shall be followed.

7. All student concerns and complaints about issues where staff are involved shall be investigated initially using the Student Complaints Procedure, unless or until staff disciplinary action is felt to be more appropriate. In complex

cases where more than one procedure applies, the Director of Academic and Student Affairs and, if appropriate, the Director of Human Resources (or their nominees) will together decide the nature and sequencing of any procedures.

8. Concerns or complaints against staff relating to discrimination shall be considered under this Procedure by the appropriate member of staff at each stage (see paragraph 6 and 7 above) who shall normally seek the advice and involvement of the University's Equality and Diversity Unit (EDU). Clarification of any form of conduct which may be considered to be discrimination may be obtained from the EDU, Level 4, Administration Building.

Confidentiality

9. The University will take all reasonable steps to limit the disclosure of information as is consistent with investigating the issue(s) raised and the provisions of the Human Rights Act 1998, the Data Protection Act 1998, the Freedom of Information Act 2000 and any other relevant legislation. All staff and students who become involved in the Student Complaints Procedure are required to respect the integrity of the process and the confidentiality of information arising from it both during and after the conclusion of the process, unless there is an overriding reason to disclose information. Information will only be released to those who need it for the purpose of investigating or responding to a complaint; no third party will be told any more about the investigation than strictly necessary in order to obtain the information required from them. Where a statement of complaint has been made about a student or a member of staff, that person will normally be provided with a copy of the statement. Any person who makes a statement of complaint will be advised of this accordingly.

Communication

10. The University will normally communicate by email with anyone involved in the University process. In the case of registered students or University staff, this will normally be to their University email address. Where correspondence is sent to a registered student by post it will be sent to the term-time address.

Notification of decisions

11. Unless otherwise stated, notification of a decision will be sent to the student and copied to relevant persons normally within five working days of the decision being taken. If there is a delay in the decision being made, the student will be advised.

Frivolous or vexatious complaints

12. The University will not accept complaints by students which are deemed to be frivolous (i.e. a complaint which has no reasonable chance of success) or vexatious (i.e. where

there can be no additional remedy in addition to one that the student has already been offered, or where the complaint is found to be mischievous). If a complaint submitted by a student is found to be frivolous or vexatious, the matter may be referred for investigation under the Conduct Regulations (see Section VI: Conduct Regulations) or the Guidelines on Fitness to Continue in Study on the Grounds of Health and/or Safety.

13. The onus is on the student to present sufficient evidence to warrant investigation under the Student Complaints Procedure.

Defamatory or derogatory comments

14. When submitting a complaint, students should be careful not to make unsubstantiated or defamatory allegations or comments about students, members of University staff or any other person. If the University considers that an allegation or comment may be deemed to be defamatory, it may require it to be retracted or deleted before accepting the complaint.

Duty of candour / fabricated evidence

15. It is expected that any person involved in any University process will treat all others involved with respect and courtesy and will behave honestly and with integrity throughout the process. It is also expected that any evidence (written or oral) provided to the University will be true to the best of that person's knowledge.

16. Any registered student considered to have acted dishonestly or to have provided false evidence may be referred for investigation under the Conduct Regulations, the Guidelines on Fitness to Continue in Study on the Grounds of Health and/or Safety and/or the Fitness to Practise Procedure (as appropriate).

Agreements about Facts and Future Behaviour

17. The University recognises that it has a duty of care to any student who makes a complaint against another registered student and also to any student against whom a complaint has been made.

18. In some cases involving two registered students, it may be possible to reach agreement about some of the issues and/or general facts in the case in order to focus on the issues that need to be addressed pending the outcome of an investigation under this Procedure or the outcome of any criminal, civil or disciplinary proceedings.

19. Where it appears that an incident may have occurred between two students but the facts are unclear and/or disputed by the parties, the University will seek, where possible, to facilitate both students in their continued attendance at University and use of University facilities, including University accommodation. However, this may entail one or both students making changes to their routine or moving accommodation. Students should be prepared to make compromises and concessions in order to reach an agreement. In requesting or requiring a student to do so, the University makes no judgment on what may or may not have

occurred or on the guilt or innocence of either party. The University will seek to protect both students and to provide an environment in which they both feel safe and can continue on their programme of study pending the outcome of any criminal, civil or disciplinary proceedings.

20. The University may also carry out a risk assessment under the Conduct Regulations (see Section VI Conduct Regulations: Regulation 9.1).

Future Conduct Agreement

21. A Future Conduct Agreement will set out any agreement by the two students involved regarding their future behaviour towards each other and any other person involved in the process, including witnesses. The Agreement may include the students' consensus about:

- no contact with each other, verbal or written, direct or indirect
- reporting "near misses" (ie unintended and unforeseen contact)
- for one or both to move accommodation
- for one or both to make changes to their programme of study or study routine.

Evidence

22. The University reserves the right to request and consider further evidence, including medical evidence, as it deems appropriate. Where considered necessary, a panel or a committee may adjourn a meeting in order to allow time for such further evidence to be obtained.

Suspension of investigation

23. The University reserves the right to suspend any investigation into a complaint if the student behaves inappropriately. In such cases the Director of Academic and Student Affairs will suspend the procedures and will advise the student accordingly, including the consequences of this decision on the complaint and any conditions which must be met in order to reinstate the complaint. The student may also be referred for investigation under the Conduct Regulations (see Section VI: Conduct Regulations), the Guidelines on Fitness to Continue to Study in the Grounds of Health and/or Safety and/or the Fitness to Practise Procedure (as appropriate).

Support and Representation

24. A student making the complaint shall have the right to be accompanied by a registered student of the University (including a Sabbatical Officer from the Students' Union), or by a member of staff of the University or University Chaplaincy at any stage in the procedure. The role is one of support, not representation. Any student making a complaint shall normally be expected to present their own case.

25. A student against whom a complaint has been made and who has been called to an interview or Appeal Panel meeting in relation to the complaint, shall also have the

right to be accompanied by a registered student of the University (including a Sabbatical Officer from the Students' Union) or by a member of staff of the University or University Chaplaincy at any stage in the process.

26. A member of staff against whom the complaint has been made and who has been called to an interview or Appeal Panel meeting in relation to the complaint, shall also have the right to be accompanied and represented by a recognised Trades Union Official, or a member of University staff or University Chaplaincy.

27. No party can be represented by another person in their absence.

Collective/representative complaints

28. The University will accept complaints from one student (the Lead Student) as representative of a group of named students where the issue(s) raised is the same or substantially the same in each case. Complaints by un-named students will not be accepted. The Lead Student must provide evidence that they are acting on behalf of, and with the consent of, the other named students. The Head of Academic Affairs must certify that it is appropriate, expedient and fair that the complaint may proceed as a collective/representative complaint.

29. If the Head of Academic Affairs certifies that the complaint may be accepted as a collective/representative complaint, then Academic Affairs will deal with the complaint under the Student Complaint Procedure in the normal way. In the absence of certification by the Head of Academic Affairs, each student may submit a separate complaint.

Anonymous complaints and complaints from third parties

30. Complaints made anonymously shall not normally be investigated.

31. Complaints from third parties shall, exceptionally, be considered for investigation but only if the student confirms in writing that the third party is acting on their behalf, that they wish the complaint to be investigated and the member of staff dealing with the complaint accepts that there is good reason for the student not to deal with the complaint on their own behalf.

Equality, diversity and fair treatment

32. The University has a legal, as well as a moral duty, to treat all students fairly. The University values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect. The University seeks to provide equality to all, irrespective of: gender, including gender re-assignment; marital or civil partnership status; having or not having dependants; religious belief or political opinion; race (including colour, nationality, ethnic or national origins, including Irish Travellers); pregnancy, including maternity and paternity rights; disability; sexual orientation and age.

33. Within this Procedure, where possible, there will be an equal gender balance on committees.

Less favourable treatment

34. Any student who raises a concern or complaint under this procedure will not be treated any less favourably as a result, whether the complaint is upheld or not. Victimisation shall be grounds for a further, separate complaint.

Standard of proof

35. At all times, the principles of natural justice shall be observed and the standard of proof shall be on the balance of probabilities.

Reasonable adjustments

36. Students will be invited to notify Academic Affairs if they require any reasonable adjustments in order to make the process accessible. This may include consultation with Disability Services.

Deadlines/Timescales

37. The University will endeavour to meet all timescales set out in this Procedure. However, it may prove impossible to meet these timescales when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny. Where it is not possible for the University to meet the deadlines, for whatever reason, the student will be informed.

Submission and investigation of concerns and complaints

Stage 1

38. The majority of complaints can and should be resolved satisfactorily at Stage 1. Where a student has a complaint relating to any of the areas outlined in paragraph 6, they should raise it within ten working days of the incident occurring with the person involved or Head of School/Service, who shall attempt to resolve the matter and respond within five working days.

39. The member of staff dealing with the complaint should advise the student that the complaint is being dealt with as a Stage 1 complaint and should record details of the complaint.

40. Where the student is unable to discuss the matter with the individual, it should be raised with the individual's line manager. Where appropriate, the University's Student Dispute Resolution Policy should be used (see Section IX: Policies).

41. If the concern originates during a work or study placement, the student should raise the matter with the member of staff at the workplace or institution in question who is responsible for the placement.

42. At the conclusion of Stage 1, the member of staff dealing with the complaint shall write to the student informing the student that Stage 1 has concluded, setting out the terms of any resolution or agreement reached and advising the

student of their right to make a Stage 2 complaint if they remain dissatisfied.

43. Where the complaint was against an individual member of staff, the member of staff dealing with the complaint shall also write to the member of staff against whom the complaint has been made advising that Stage 1 of the procedure had concluded and setting out any resolution or agreement reached.

Stage 2

44. The process described in paragraphs 38-43 represents Stage 1 in seeking to resolve complaints. If, having pursued the matter through Stage 1, the student remains dissatisfied with the response, they should put their complaint in writing to the Head of Academic Affairs either by email to academic-affairs@qub.ac.uk or in hard copy to Academic Affairs, Level 6 Administration Building. All complaints must be submitted using the complaint form available at <http://www.qub.ac.uk/directorates/AcademicStudentAffairs/AcademicAffairs/> and should provide sufficient details to afford a reasonable understanding of the complaint, the impact upon the student and the remedy sought. Copies of any correspondence exchanged during the previous stage and any other relevant documentation should also be attached. The written complaint must normally be submitted within ten working days of the outcome of the previous stage (and normally not later than 25 working days after first becoming aware of the incident or issues giving rise to the complaint).

45. Where, in the opinion of the Head of Academic Affairs, it appears that the student has not attempted to resolve the issues using Stage 1 of this procedure or has made insufficient attempts or has given insufficient time to resolve the issues before submitting a Stage 2 complaint, the student will be required to attempt to resolve the issues at Stage 1. Informal resolution will also be encouraged where it would, in the opinion of the Head of Academic Affairs, be a more efficient and effective way of addressing the student's issues.

46. The student shall receive an acknowledgement from Academic Affairs within five working days of receipt. Subject to the Head of Academic Affairs being satisfied that the student has taken all reasonable steps to resolve the matter at Stage 1 and that no other University procedure or policy is appropriate, the written complaint shall be referred to the relevant Faculty Pro-Vice-Chancellor (PVC) (or nominee), or Director of the relevant Service (or nominee). The Faculty PVC/ Director (or nominee) shall appoint an Investigating Officer, independent of the complaint, who shall normally be a senior member of academic staff or senior Administrator, from outside the School/Unit in which the student is enrolled.

47. The Investigating Officer shall investigate the complaint and may:

- i. Seek to resolve the complaint on the basis only of the written documentation submitted by the student and any evidence gathered at Stage 1 of the process; or
- ii. Meet with the student and/or any other members of staff or witnesses deemed appropriate by the Investigating Officer.

At any such meetings, the student and any student or member of staff against whom the complaint has been made may be accompanied and represented (see paragraph 24-27 above).

48. The Investigating Officer shall prepare a report of all the evidence presented, normally within 15 working days of

receiving the complaint, and may make recommendation(s) to the Faculty PVC/Director (or nominee) as appropriate.

49. The Investigating Officer shall forward a copy of this report to Academic Affairs and to the student, who will be permitted to make a written response within five working days of receipt and before a decision is made by the Faculty PVC /Director (or nominee). The purpose of permitting the student to see the report before a decision is made is to ensure that

- the report is factually accurate
- all the issues raised in the complaint have been addressed.

It is not an opportunity for the student to question the conclusions or recommendations of the report, at this stage.

50. Following receipt of the student's response, the Investigating Officer may make further enquiries and may amend or make additions to the report, where necessary. The Investigating Officer's report, with any further comments from the student, or any other parties shall be forwarded to the relevant Faculty PVC/Director (or nominee), who shall make a decision. Where a complaint has been made about a Director or Pro-Vice-Chancellor, the complaint should be referred to the Vice-Chancellor or Registrar and Chief Operating Officer as appropriate. A complaint specifically against the Vice-Chancellor or Registrar and Chief Operating Officer as individuals (rather than the University) shall be referred to the Chair of Senate. The student shall be informed by the Faculty PVC/Director (or nominee) of the decision in writing, normally within five working days of the decision being made. The response shall set out any proposed resolution or the reasons for not upholding the complaint. The Faculty PVC/Director (or nominee) will also inform the person against whom a complaint has been made (or any other person, as deemed appropriate) of their decision.

51. Where issues of a confidential nature come to light as part of an investigation, for example personal information relating to a member of staff, these may not be documented in full in the report and may limit how much detail can be given on any proposed action following the outcome of an investigation.

Appeal: Stage 3

52. A student may appeal the outcome of Stage 2 on the following grounds:

- i. Procedural irregularity in the conduct of the investigation. (The student should demonstrate the impact of any such procedural irregularity on the outcome of Stage 2 and should submit any relevant evidence in support of the appeal)
- ii. Evidence is available which was not reasonably available at the time of the Stage 2 determination.

53. The appeal should be made in writing to the Director of Academic and Student Affairs either by email to appeals@qub.ac.uk or in hard copy to Academic Affairs, Level 6 Administration Building. All appeals must be submitted using the appeal form available at <http://www.qub.ac.uk/directorates/AcademicStudentAffairs/AcademicAffairs/> within ten working days of notification of the outcome of Stage 2. Receipt of the appeal form and any supporting documentation shall be acknowledged within five working days of receipt of the appeal.

54. The student shall forward copies of previous correspondence, including the Investigating Officer's Report, the decision at Stage 2 of the Procedure and any supporting documentation, to the Director of Academic and Student Affairs who shall decide whether or not the student has met either one or both of the grounds above and may:

- i. Uphold the appeal on the basis of the written evidence presented, or
- ii. Refer the appeal to an Appeal Panel.

The Appeal Panel will comprise a Chair nominated by the Director of Academic and Student Affairs, a Sabbatical Officer of the Students' Union and two senior members of University staff not previously involved in the complaint.

55. The Appeal Panel shall normally convene a meeting within 25 working days of receipt of the appeal. The quorum will be three members. If the Panel cannot reach a majority decision, the Chair will have the casting vote.

56. If new evidence is presented, which was not reasonably available to the complainant at the time of the Stage 2 decision, it shall be considered. Other than such new evidence, only the grounds of appeal submitted by the student shall be considered. The appeal will not constitute a re-hearing of the complaint.

57. The Panel may seek written evidence, including medical or other evidence, from any witness or person, who in their judgement may have relevant information to contribute and may require any person to attend the meeting to give oral evidence, where deemed necessary.

58. The meeting of the Appeal Panel may be postponed, pending the outcome of any other University procedure(s) already in progress.

59. Should the student or member(s) of staff fail to appear at the hearing at an appointed time and without valid reason, the Appeal Panel shall have the right to reach a decision in their absence.

60. Where witnesses are called by the Appeal Panel, they may be subject to examination, cross-examination and re-examination by the parties.

61. The Appeal Panel may either uphold the appeal or dismiss the appeal. Minutes shall be taken as a formal record of the hearing and retained.

62. The decision of the Appeal Panel shall be communicated to the student in writing, normally within five working days of the decision being made. A copy of the decision shall also be sent to the relevant Faculty PVC/Director (or nominee). The Head of School or Head of the relevant Department may be sent a copy of the decision and/or any recommendations of the Appeal Panel by way of lessons learned. The appeal decision may also be communicated to any person against whom a complaint has been made (or any other person, as deemed appropriate).

Northern Ireland Public Services Ombudsman

63. There is no further internal University appeal permitted beyond Stage 3. However, any student who is aggrieved by the decision of the Appeal Panel may make a complaint to the Northern Ireland Public Services Ombudsman <https://nipso.org.uk/nipso/about-us/who-we-are/> within six months of notification of the University's final decision.

Central monitoring of student complaints

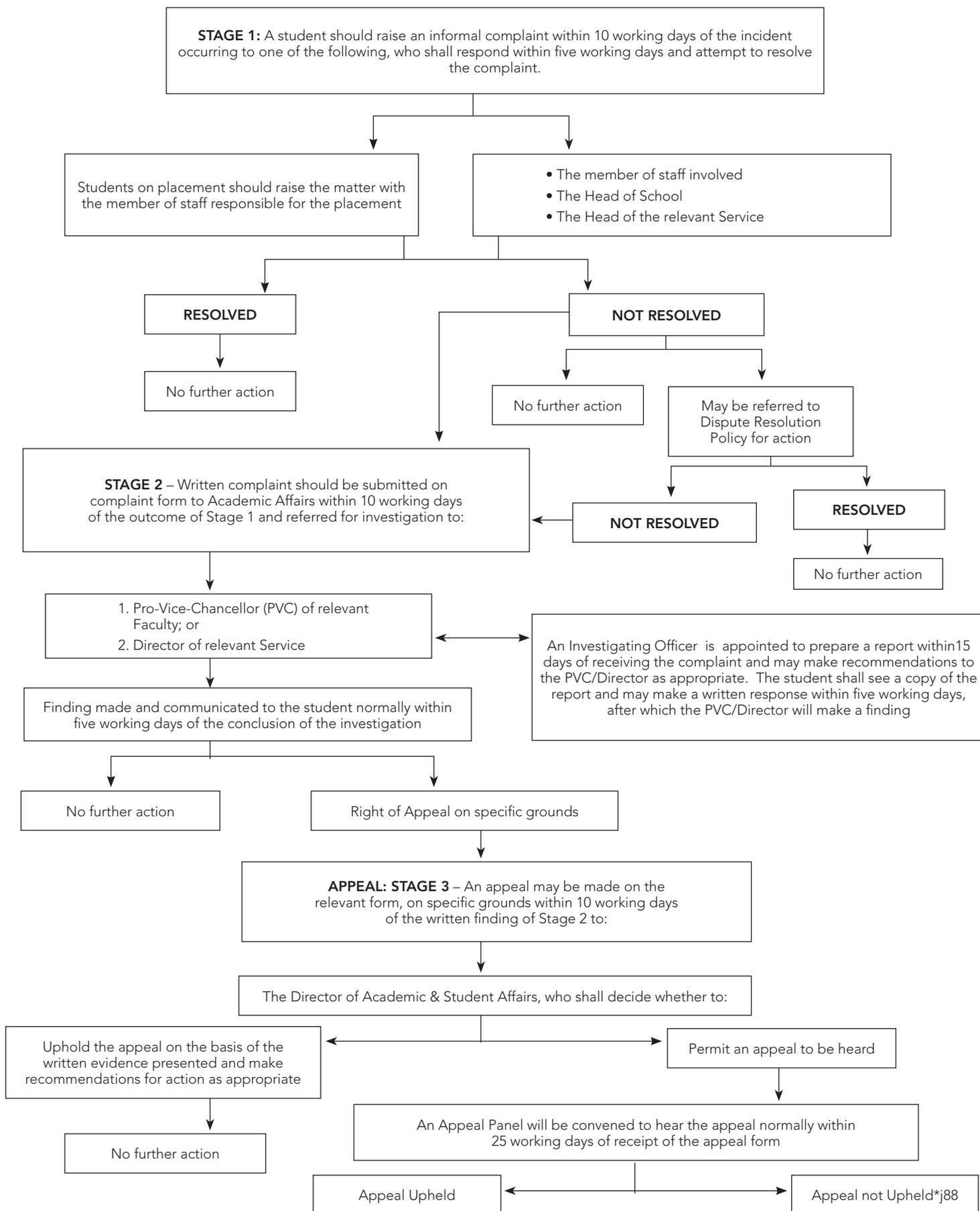
64. The University sees complaints, if substantiated, as opportunities to put things right for the complainant(s), and to learn lessons which might ultimately lead to improved standards. Accordingly:

- i. The nature and outcome of all student complaints received shall be reported to the appropriate Head of School (or nominee), Faculty PVC or Director of Service. The Head of School (or nominee), the Faculty PVC or Director of Service shall provide information relating to student complaints, as requested, at the end of each academic year, or when requested by the Director of Academic and Student Affairs.
- ii. The Director of Academic and Student Affairs shall prepare a summary report of any student complaints or appeals, preserving anonymity, for the Education Committee each year.

Further information

65. For further information please visit <http://www.qub.ac.uk/directorates/AcademicStudentAffairs/AcademicAffairs/AppealsComplaintsandMisconduct/StudentComplaints/>.

Annex 1: Student Complaints Procedure



*There is no further internal appeal. However, a student who is aggrieved by the decision of the Appeal Panel may make a complaint to the Northern Ireland Public Services Ombudsman <https://nipso.org.uk/nipso/about-us/who-we-are/> within six months of notification of the University's final decision.