

Ordinance XXXVIII

IMPORTANT: This is an archived version of this ordinance, and parts of it may not apply to current practice.

Student Complaints Procedures

(This version is effective from 1 August 2009 until 31 July 2011)

Purpose

1. The purpose of this Ordinance is to set out procedures which enable the University to address individual student complaints promptly and fairly.

Application

2. For the purpose of this Ordinance, complaints are defined as expressions of dissatisfaction from students concerning the services or information provided by the University which relate to matters not covered elsewhere in the Statutes, Ordinances, Regulations and procedures of the University. This procedure is also applicable to complaints from former students as long as the matter is raised in accordance with the timescale set out in paragraph 8.

In particular, complaints concerning the decisions of Programme and Review Boards and the decisions of examiners of research degrees will normally constitute academic appeals which are covered by Regulation XIV in the case of Programme and Review Boards and Section 16 of the Regulations for Higher Degrees by Research in the case of research degrees. Complaints relating to harassment by another student or member of staff should normally be referred to the University's Harassment Complaints Procedure in the first instance. Should there be any doubt concerning which procedure applies in an individual case, the Academic Registrar shall advise.

3. Complaints will be taken seriously and treated in confidence as far as is practicable with their resolution. Complainants will not be disadvantaged by making use of this procedure in good faith. Students who are considering making a complaint are encouraged to seek advice and support from Loughborough Student Advice. Contact details are available on the Students' Union website or from the Academic Registrar.

4. Where any individual named in the formal procedure below is the subject of a complaint which he/she would otherwise be asked to consider or where a member of staff of his/her department is the subject of the complaint, the Academic Registrar shall nominate an alternative individual of equivalent status to act in his/her place. Where the Academic Registrar or the Academic Registry is the subject of the complaint, the Chief Operating Officer shall normally nominate the alternative individual to act on behalf of the Academic Registrar.

Informal Procedure

5. Complaints should normally be raised at the earliest opportunity and in the first instance with the member of staff most closely involved with the matter of concern. The aim will be to resolve the complaint quickly and informally to the satisfaction of all parties.

6. If attempts at informal resolution under 5. are not successful to the student's satisfaction, the complaint should be normally raised with the Head of the relevant academic department or service section.

Formal Procedure

7. If the student still remains dissatisfied, or if the complaint directly concerns the Head of the relevant department or section, the student has the right to request that the complaint be reviewed outside the department or section.

8. The complaint should be made in writing to the Academic Registrar at the earliest opportunity and normally within three months of the last event of concern to which it refers. To assist speedy consideration of the complaint, students should seek to provide the following at the outset if possible:

- (a) A clear statement of the nature of the complaint
- (b) Independent evidence supporting the case
- (c) An indication of the action sought from the University

9. Where the complaint concerns an Academic Department or Faculty service, the Academic Registrar shall refer the case to the Dean of the relevant Faculty. Complaints concerning central University services shall be referred to the Chief Operating Officer. Should a complaint relate to both an Academic Department and central University services, the Academic Registrar may ask the relevant Dean and Chief Operating Officer to consider the complaint together.

10. The Dean or Chief Operating Officer shall consider the matter at the earliest opportunity and may undertake an initial investigation. He/she shall normally respond to the student with one of the following decisions within 15 working days;

- (a) Dismissal of the complaint as unfounded
- (b) Determination that the complaint is trivial and that no further action be taken
- (c) Proposal of a resolution to the complaint. The proposal shall indicate whether the Dean/Chief Operating Officer regards this offer as final or whether he/she is willing to undertake a further investigation as provided for under paragraph (d) below should the student be unwilling to accept the proposed resolution.
- (d) Determination that the matter be investigated further within the next 30 working days if possible. At the conclusion of the investigation the Dean or Chief Operating Officer shall either:

- (i) propose a resolution to the complaint, or
- (ii) shall refer the matter to the Student Complaints Committee for its consideration (see paras 15 to 29 herein).

In the case of (d) (i) above, the Dean/Chief Operating Officer shall indicate whether the offer is final or whether he/she is willing to refer the matter to the Student Complaints Committee should the student be unwilling to accept the proposed resolution.

11. The Dean or Chief Operating Officer shall notify the student of his/her decision and the reasons for it in writing. The decision of the Dean or Chief Operating Officer shall be final.

12. Should the matter be referred to the Student Complaints Committee, the Committee shall determine whether the complaint is upheld and, if so, shall make appropriate arrangements for its redress. The decision of the Committee shall be final.

13. Any student not content with the final outcome of the student complaints procedure may refer the matter to the Office of the Independent Adjudicator for Higher Education, details of which are available from the Academic Registrar.

14. A report on the operation of the student complaints procedure will be made annually to Senate and Council.

Student Complaints Committee Procedure

15. Where a complaint has been referred by a Dean or by the Chief Operating Officer to the Student Complaints Committee, the Academic Registrar shall nominate the members of the Committee.

16. The Committee convened to consider an individual case shall normally include:

- (a) One lay member external to the University.
- (b) One student member of the University nominated by the Loughborough Students' Union President
- (c) In the case of a complaint relating to an Academic Department, one member of the academic staff
- (d) In the case of a complaint relating to a Faculty or central University service, one member of the academic-related staff

Where a complaint concerns both an Academic Department and a Faculty or central University service both a member of academic staff and a member of academic-related staff will normally be included in the Committee membership.

17. The Academic Registrar may ask either the external or the staff member to act as Chair and shall appoint a member of his/her staff to act as Secretary.

18. No individual who has any connection with the complaint to be considered may serve on a Student Complaints Committee or act as its Secretary.

19. When a matter has been referred to the Student Complaints Committee by a Dean or the Chief Operating Officer, within 10 working days of the referral of the case to the Committee, the Secretary to the Committee shall ask the student who raised the complaint to supply a final written statement of the complaint for consideration by the Committee, together with all his/her supporting evidence. The student shall provide all documentation to the Secretary to the Committee normally within 10 working days of being requested so to do.

20. Within 3 working days, the Secretary to the Committee shall send copies of the written statement and supporting evidence to any person against whom the complaint lies, and/or in the case of a complaint concerning services to the Head of the department, section or other area responsible for providing those services, and shall normally invite a written response within a period of 10 working days.

21. Once the time limit in 20. above has elapsed, within a further 3 working days the Secretary to the Committee shall send copies of the written statement, supporting evidence and any response(s), to the Student Complaints Committee and to the student who raised the complaint. The Student Complaints Committee will meet no earlier than 10 working days and no more than 30 working days after these statements are sent.

22. When the Student Complaints Committee meets, the student who raised the complaint shall have the right to be heard at the hearing and to be accompanied by a person of his/her choice. The accompanying person may present the case on the student's behalf if the student so wishes. Any person against whom the complaint lies, and/or in the case of a complaint concerning services the Head of the department, section or other areas responsible for providing those services, shall also have the right to attend and be heard at any meeting of the Student Complaints Committee and to be accompanied by a person of his/her choice who may speak on his/her behalf.

23. The student and the person against whom the complaint lies and/or the Head of department, section or other area, if attending, shall inform the Secretary at least 7 working days in advance of the meeting whether they intend to attend the hearing in person, the name and status of any accompanying persons and the name and status of any witnesses they wish to attend to support their case. The names of all those intending to be present will normally be communicated to the student and to the person(s) against whom the complaint lies and/or the Head of department, section or other area if relevant, at least 5 working days before the date of the meeting.

24. Every reasonable effort shall be made to convene meetings at a time suitable for the student. However, if the student fails to attend on the appointed day at the appointed time, the Student Complaints Committee may proceed to deal with the case in the student's absence.

25. The Student Complaints Committee shall be able to suspend its hearing to seek additional information and shall give all parties at least 5 working days' notice of its further sittings. All parties to the complaint shall be entitled to attend any meetings of the Committee at which witnesses are present or evidence heard.

26. The Student Complaints Committee shall at its absolute discretion decide on all matters of procedure and evidence, and shall give such rulings and direction as are necessary for the efficient, fair and effective conduct of the hearing.

27. A record of the proceedings will be kept and made available to all parties by the Secretary.

28. Upon the conclusion of its hearings, the Student Complaints Committee shall meet in private with its Secretary to reach an outcome. A majority opinion will be conclusive.

29. The Student Complaints Committee shall decide whether the complaint is or is not well-founded and if it is well-founded shall make arrangements for the redress of the complaint as it sees fit. The decision of the Committee shall be final and shall be notified to all parties to the complaint in writing within 3 working days of the completion of the hearings.

(remade July 2009)