



# Student Complaints Procedure\*

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## 1. Introduction

- 1.1. This Student Complaints Procedure (SCP) exists to enable junior members (students) of University College to bring matters of concern about the College to its attention, and to enable those matters to be investigated and responded to, with the aim of reaching a resolution satisfactory to all within a reasonable timescale and having due regard to the requirements of natural justice.
- 1.2. The College welcomes feedback and takes complaints seriously. Students will not suffer any disadvantage as a result of making a complaint in good faith. However, making a complaint which is frivolous, vexatious or malicious is likely to be a breach of a student's obligations to the College and may result in disciplinary action being taken against that student under the College's Academic and Other Disciplinary Procedures (AODP) as set out from time to time in the College's Handbook of Information and Regulations.
- 1.3. The College will endeavour to resolve complaints informally and quickly between the relevant parties and this SCP will only take effect if that approach fails. Where such a good faith attempt has been made to deal with the matter outside this SCP, and that attempt has failed, stage one of the Procedure may be waived by agreement between the student and the College.
- 1.4. The College aims to deal with complaints promptly so that delay does not hinder fair resolution. Accordingly this SCP includes various deadlines with which the College and any student making a complaint must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time.

## 2. When does the Student Complaints Procedure apply?

- 2.1. The College makes a distinction between Complaints and Appeals, and there are separate procedures for dealing with each.
- 2.2. A Complaint is an objection to the College's academic, pastoral, or domestic provision, the behaviour of its senior members (Fellows) or employees, or any other aspect of College life, where what is objected to is alleged to have had a special individual impact upon the student making the Complaint. The procedures in this SCP are those that apply to Complaints.

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\* v1.2, promulgated 3 July 2017.

- 2.3. An Appeal is an application by a student for reconsideration of a disciplinary decision made against that student by an officer or committee of the College under the AODP. Where a student wishes to object to a disciplinary decision under the AODP, this SCP is not applicable. Instead, the student should consult the AODP which makes specific provision for Appeals.
- 2.4. In addition, this SCP does not apply to:
- a) complaints about another junior member of the College. The College would normally deal with such matters by invoking its AODP against the other student, where there is cause to do so.
  - b) complaints that a member or employee of the College has committed an act of bullying or harassment (including sexual or racial harassment), except as otherwise provided in the College's Code on Harassment.
  - c) complaints falling within the reach of any other more specific procedures that may be established from time to time by the College.
  - d) private disputes between students and members or employees of the College, meaning those that do not arise out of the conduct of those members or employees acting or holding themselves out as acting in their capacity as members or employees of the College.
  - e) complaints about people who are not members or employees of the College.
  - f) complaints of matters affecting a wider circle of students, where there is no special individual impact upon the student making the complaint. These should instead be raised through the College's consultative mechanisms, which include a Joint Consultative Committee as well as student representation elsewhere in the governance of the College.

### **3. Who may make a Complaint?**

- 3.1. Those eligible to make a Complaint under this SCP are current students of the College, students temporarily suspended from the College for disciplinary, medical or pastoral reasons (whether or not a condition attaches to their return), and former students of the College whose Complaint relates to a matter that arose while they were current or temporarily suspended students.
- 3.2. A Complaint may be made and pursued by another person ('a Nominee') on behalf of a student eligible to make a Complaint under 3.1 but only in exceptional circumstances of illness or other severe difficulty. In such a case the Nominee must be authorised in writing by the student to make and pursue the Complaint, and an explanation must be given for why the student is unable to pursue it personally. The College will not be in communication with more than one person at a time in connection with any Complaint under this SCP, so the appointment of a Nominee to make and pursue such a Complaint is also, until revoked in writing, the surrender of the student's own right to make and pursue the same Complaint. The College will not entertain a Complaint under this SCP made or pursued on the student's behalf by the student's legal or other professional representatives. In what follows 'Student' refers to student complainants and their

Nominees alike.

#### **4. Summary of Procedure**

- 4.1. Before making a Complaint, a Student can seek the advice of the Welfare Fellow (or any senior member of the College who seems appropriate and is prepared to be consulted) and discuss confidentially whether there is a Complaint to be addressed and, if so, how to proceed.
- 4.2. There are four stages to follow when making a Complaint. Subject to the exception in 6.1 below, the Student should start at Stage One and follow the stages only in the sequence set out below:
  - a) Stage One: Informal Stage
  - b) Stage Two: Formal Stage
  - c) Stage Three: Application for Review of the Handling of Stage Two
  - d) Stage Four: Complaint to the Office of the Independent Adjudicator under the national Student Complaints Scheme

#### **5. Stage One: Informal Stage**

- 5.1. The Student should raise the Complaint informally as soon as possible after the problem arises. If there has been a delay, the Student should explain why. The College will not normally consider Complaints which are made more than three months after the problem originally arose or (in the case of a gradually emerging problem) more than three months after the actions or events that, according to the Student, brought the problem to a head.
- 5.2. The Complaint should initially be made, in person or in writing, to the College Officer who seems most appropriate to deal with it. A list of College Officers is to be found in the College's Handbook of Information and Regulations. A Student making a Complaint in person may be accompanied in doing so by another student of the College. A College Officer who feels that he or she is not the most appropriate to deal with the Complaint may, in consultation with the Student, make inquiries to identify the most appropriate College Officer, to whom the handling of the Complaint may then be transferred.
- 5.3. The College Officer handling the Complaint will investigate and attempt to resolve the Complaint expeditiously by informal means. In doing so, he or she may seek further information from the Student or from any others involved, subject to the consent of the Student. The Student should give full and prompt assistance if asked to provide further details.
- 5.4. If the Complaint is about a particular person, the College Officer handling the Complaint will normally expect to be at liberty to inform that person that the Complaint has been made, and may decline to proceed further with Stage One of this SCP if the Student's consent to inform that person is not given.

- 5.5. The College Officer handling the Complaint will advise the Student either orally or in writing of the results of the investigation, and any suggested resolution of the Complaint, within one week of the completion of the investigation. If the Student is dissatisfied with the results or the suggested resolution, he or she may proceed to Stage Two of this SCP.

## **6. Stage Two: Formal Stage**

- 6.1. The Student must exhaust Stage One above before registering the Complaint formally, or give a good reason for not doing so. A good reason might be that the problem is particularly grave, or that when the Student raised the matter informally there was a refusal to deal with it (under 5.3 above or otherwise). The College and the Student may also agree to waive Stage One where there have already been efforts to resolve the problem outside this SCP (1.4 above).
- 6.2. If it appears that the informal procedure under Stage One has not been exhausted, and the Student has not given a good reason under 6.1 above, a Complaint taken to Stage Two may be referred back by the College for informal resolution under Stage One.
- 6.3. If the Student decides to pursue the Complaint to Stage Two, he or she should do so within one month of hearing the outcome of Stage One.
- 6.4. At Stage Two, the Complaint should be addressed to the appropriate Senior College Officer according to the following criteria:
- Complaints about academic provision and support: the Senior Tutor;
  - Complaints about the implementation of reasonable adjustments for disabled students: the Senior Tutor;
  - Complaints about welfare and pastoral support: the Welfare Fellow;
  - Complaints about non-academic staff and non-academic facilities, and related financial matters: the Domestic Bursar;
  - Complaints about other financial matters: the Estates Bursar;
  - Complaints about the conduct of Junior Deans or other delegated exercisers of disciplinary authority: the Dean;
  - Complaints about one of the above College Officers and Complaints not assigned on the list above: the Master or Vice-Master;
  - Complaints about the Master: the Vice-Master;
  - Complaints about the Vice-Master: the Master.
- 6.5. At Stage Two, the Complaint must be made in writing and identified by the heading 'Formal Complaint' and should include at least the following:
- a) a description of what has happened to give rise to the Complaint, including

dates, times and all other relevant details;

- b) if applicable, the name of the person or body within the College about whom or which the Complaint is made (although a Complaint need not necessarily be against a specific person or body);
- c) details of the steps which have been taken so far to resolve the Complaint;
- d) an explanation of why the Student is dissatisfied with the outcome of the informal procedure at Stage One;

6.6. Within ten working days of its delivery, the Senior College Officer to whom the Complaint is addressed at Stage Two will

- a) consider the matters set out in the Complaint and determine whether it is covered by this SCP and whether he or she is the appropriate Senior College Officer to consider it further;
- b) acknowledge receipt of the Student's Formal Complaint and either confirm that more detailed investigation will follow under Stage Two of this SCP, or notify the Student that the Complaint falls outside the SCP (with an explanation of the reasons) or should be sent to a different College Officer (with an explanation of the reasons).

6.7. If the Complaint is to proceed under this SCP, the Senior College Officer handling the Complaint will appoint an Investigator, usually another senior member of the College with no previous involvement in the Complaint or the matter complained about, who will investigate the Complaint in an independent and impartial manner. The Student will be informed of the identity of any proposed Investigator before that Investigator is appointed, and will be given a reasonable opportunity to object to the appointment, stating the grounds for doing so. The Senior College Officer handling the Complaint will appoint an alternative Investigator if, in that Senior College Officer's opinion, the Student's grounds for objecting are reasonable ones.

6.8. The Investigator may make such inquiries as he or she thinks fit, and the taking of a Complaint to Stage Two implies consent by the Student to all such inquiries. In particular the Investigator may request additional information and documents from the Student or any other person, and may hold interviews with or seek written statements from the Student, any witnesses named by the Student, and any other person. Notes will be taken of all interviews. Although there is no time limit for the completion of the investigation, it will be conducted as expeditiously as the subject-matter allows.

6.9. Within ten working days of the completion of the investigation, the Investigator will produce a report setting out details of the investigation together with copies or notes of any evidence relied upon, and will provide copies of the report (complete with the supporting documentation) to the Student and to any person or body who or which is the subject of the Complaint (as identified in 6.5.b above), inviting both parties to submit written comments or objections within a further five working days.

6.10. Upon receipt of the response or (if no response is provided within the time allowed) after the expiry of five working days, the Investigator will provide to the Senior College Officer

handling the Complaint at Stage Two copies of the report and any accompanying documents and any written response received from the Student or the person who is directly the subject of the Complaint.

- 6.11. The Senior College Officer handling the Complaint at Stage Two will consider the Student's Complaint and the Investigator's report, and make a decision about the remedies, if any, to be implemented or any other action to be taken. In making this decision the Senior College Officer will not (without the agreement of those concerned) take account of information or documents which are not available to the Student or any person who is the subject of the Complaint.
- 6.12. Within ten working days of receiving the Investigator's Report the Senior College Officer will write to the Student to notify him or her of the outcome of the Stage Two Complaint and the action which the Senior College Officer proposes to take, including recommendations, if any, to the College's Governing Body.

## **7. Stage Three: Application for Review of the Handling of Stage Two**

- 7.1. If the Student is dissatisfied with the response to the Complaint at Stage Two, and wishes to take it further, he or she should pursue the Complaint to Stage Three. This must be done within ten working days of the date of the letter from the Senior College Officer setting out the outcome of the Stage Two Complaint.
- 7.2. The Complaint at Stage Three should be addressed to the Master, or (if the Complaint is against the Master or the Master was the Senior College Officer handling the Complaint at Stage Two) to the Vice-Master.
- 7.3. A Stage Three application must be made in writing, marked 'Application for Review of Handling of Formal Complaint' and should set out:
  - a) an explanation of why the Student is dissatisfied with the response to the Complaint at Stage Two; and
  - b) an outline of what action the Student would like to be taken instead of that proposed by the Senior College Officer handling the Complaint at Stage Two.
- 7.4. The Master or Vice-Master (as the case may be), together with one other senior member of the College chosen by the Master or the Vice-Master (as the case may be), will together review the Stage Three application and the Stage Two response within fifteen working days of receipt to determine whether there is a prima facie case for enlisting a Complaint Panel. If in their shared view there is no prima facie case the Complaint will not be pursued further by the College, and the Student will be issued with a Completion of Procedures letter. The letter will contain the final decision and the reasons for it, which allows the Student to proceed to Stage Four if desired.
- 7.5. If the view of either person reviewing the matter under 7.4 above is that the Complaint, or any part of it, should be heard by a Complaint Panel, the matter must be put before a Complaint Panel. In that case the Master or Vice-Master (as the case may be) will

- a) inform the Student of the decision to enlist a Complaint Panel within fifteen working days of receipt of the Stage Three application; and
- b) enlist a Complaint Panel to hear the Complaint.

7.6. A Complaint Panel will comprise:

- a) one senior member of the College of suitable seniority and experience, holding an academic post, who will chair the Complaint Panel.
- b) one further senior member of the College, holding either an academic or a non-academic post
- c) one junior member of the College nominated by the Junior Common Room (for a Complaint by an undergraduate student) or by the Weir Common Room (for a Complaint by a graduate student)

7.7. The members of the Complaint Panel must have no previous involvement in the Complaint or the matter complained about, and must act in an independent and impartial manner. If Panel members meeting these conditions cannot be identified from within the College then the Master or Vice- Master (as the case may be) shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of University College) fall under the descriptions in 7.6 above.

7.8. The Complaints Panel shall be assisted by the College Registrar (or another senior administrative employee of the College enlisted by the Master or the Vice-Master as the case may be) who will act as Secretary to the Panel. The Secretary to the Panel shall fix a date for the hearing which should take place no later than one calendar month after the appointment of the Panel. Subject to that one month limit, the date should be fixed in consultation with the Student and the members of the Panel as well as any person who or body which is identified as the subject of the Complaint under 6.5.b above ('the Subject').

7.9. At least ten working days before the hearing, the Secretary to the Panel will:

- a) write to the Student and the Subject to inform them of the date, time and location of the hearing;
- b) provide the Panel Members with a bundle containing copies of:
  - the Complaint as received at Stage Two;
  - the Investigator's Report from Stage Two;
  - any written comments on the Investigator's Report made by the Student or a person who is the subject of the Complaint;
  - the letter from the Senior College Officer handling the Complaint at Stage Two to the Student setting out the Stage Two response;

- the Complaint as received at Stage Three;
  - any other relevant documents; and
- c) ensure that the Student and the Subject have copies of all of the documents which are before the Panel.
- 7.10. The Student and the Subject shall also be informed that they are each entitled to be represented or accompanied at the hearing by a Friend. This Friend will normally be a member or employee of the College. A Panel will not allow legal or other professional representation for the Student or the Subject. The Student and the Subject shall inform the Secretary to the Panel of the identity of their respective Friends, indicating whether they will be representing or merely accompanying Friends, at least two working days before the hearing. It is the responsibility of the Student and the Subject to inform their Friends, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of any person that person will surrender the right to speak on his or her own behalf, except as a witness. Unless the Panel agrees that exceptional circumstances prevent it, the Student must attend the hearing for the Complaint to be heard, and must be ready to appear as a witness at the Panel's request. This is so even if the Student has asked a Friend to speak on his or her behalf. The attendance of the Subject or a Friend of the Subject is not compulsory.
- 7.11. If the Student or the Subject wishes the Panel to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least two working days before the hearing. Any documentation submitted after this date will not be considered by the Panel unless the Panel decides that exceptional circumstances warrant its inclusion. The Secretary will then ensure that it is circulated to the Panel and the other party as soon as possible.
- 7.12. At least five working days before the hearing, the Student and the Subject shall inform the Secretary of any witnesses they wish to call at the hearing. The Secretary will in advance of the hearing provide a list of witnesses to the Student, the Subject and the Panel. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from the Panel and from either party as allowed under 7.14 below. It is the responsibility of the person calling the witness to ensure that he or she attends. The Panel Chair may also request the attendance of witnesses not nominated by the parties, in which case it will be for the Secretary to ensure attendance and to notify the parties of the additional witnesses being called by the Panel.
- 7.13. Where the Student and the Subject agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the Panel it would not be appropriate for a witness to attend, the Panel may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least three working days before the hearing. The Secretary to the Panel will then circulate them to the other parties and the Disciplinary Panel as soon as possible.
- 7.14. The Student and the Subject will have the opportunity to address the Panel at the hearing, either in person or through their respective Friends. The Panel may also hear witnesses in any order and in any manner that to it seems appropriate, having regard to the requirements of natural justice. Questions will be asked of witnesses in the first



instance by the members of the Panel. At the discretion of the Chair, the Student and the Subject may also (personally or through their Friends as the case may be) ask questions of any witnesses.

- 7.15. Subject to the above, the Panel has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as appropriate, informal and flexible.
- 7.16. When the Panel members consider their findings and recommendations, each shall be given the opportunity to present and discuss his or her impressions and conclusions regarding the Complaint and the hearing. The Panel will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any Panel member other than the Chair. The success or failure of any motion shall be determined by majority vote. The Panel will not take account of any information or documents which were not available to the Student or which were not available to the Subject (if there is one) at or before the hearing.
- 7.17. The decision of the Panel will not be announced until at least the next working day after the hearing. The Panel may take up to five working days after the hearing to reach a decision. Within ten working days of the hearing, the Panel will produce a written report setting out their findings and recommendations, and the reasons for them. In case of a majority decision, the decision and the reasons shall be those of the majority. No dissenting opinion will be presented.
- 7.18. The decision of the Complaint Panel is final. Within five working days of the Panel's reaching a decision, the College will issue a Completion of Procedures letter to the Student, which allows the Student to proceed to Stage Four. The letter will contain or append the decision of the Panel and the reasons for it.

## **8. Stage Four: Complaint to the Office of the Independent Adjudicator under the national Student Complaints Scheme**

- 8.1. A Student who is dissatisfied with the outcome of the internal procedures for hearing their Complaint may have their case reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).
- 8.2. If the Student wishes to pursue the Complaint, he or she must apply to the OIA within 12 months of the issue of the Completion of Procedures letter.
- 8.3. The application form and guidance notes may be downloaded from the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk). Hard copies are available from the Academic Office or the Student Welfare Office.