MANUAL OF ACADEMIC REGULATIONS AND PROCEDURES 2018-19

STUDENT COMPLAINTS PROCEDURE

(APPLICABLE FROM OCTOBER 2018)

Academic Standards and Quality

MARP 2018-19
SC 1 INTRODUCTION

SC 1.1 Lancaster University seeks at all times to provide its students with a high quality student experience. Through both formal representation and regular feedback students are engaged in the decision-making processes to ensure this, however, there may be occasions where students, either individually or in a group, are dissatisfied with a particular service or aspect of their education and want to make a complaint. These procedures set out how this will be managed, the responsibilities of all parties, and the opportunity for external scrutiny should students remain dissatisfied with the University.

SC 1.2 These procedures apply to all current students registered on a Lancaster University programme, with the exception of those students registered on collaborative teaching programmes where an alternative complaints procedure has been formally approved as being procedurally equivalent. A student is expected to invoke the procedures within one month of the final element of the event(s) that will be subject to the complaint occurring. A student who has left the University can also invoke the procedures, again within one month of end of registration. Exceptions will be determined on an ad hoc basis by the Complaints Co-ordinator. These procedures do not apply to persons applying to come onto a Lancaster programme, i.e. admissions.

SC 1.3 The complaints procedures abide by the following principles.

(a) Students will not be hindered in making a reasonable complaint. All parties will act without bias or prejudice and in a sensitive, fair and prompt manner.

(b) The objective of the procedure is to establish the facts and come to a reasonable and just resolution, which is both relevant and proportionate.

(c) No students will be disadvantaged for making complaints in good faith, and all reasonable complaints will be taken seriously and dealt with according to the agreed procedures. However, if it is established that complaints are frivolous or spurious, then they will not be considered reasonable, and the University may take disciplinary action.

(d) The University will deal with all complaints confidentially so far as it is able, and expects all parties involved to honour this approach.

(e) Members of staff who receive anonymous complaints will not investigate such complaints unless there is compelling evidence of a valid case and good reason why the students in the case would need to protect their anonymity.

(f) All reasonable measure will be taken to ensure that no student is disadvantaged within these processes due to location, requirements associated with protected characteristics, etc. Technology will be used, as appropriate, to facilitate these procedures.
Student Complaints Procedure

SC 1.4 Student complaints may be lodged against:

- members of University staff;
- constituent elements of the University (departments, faculties, the Library, colleges, administrative or support services, et al);
- the entire University.

SC 1.5 Under these procedures, students cannot complain about:

- other students;
- persons on campus who are not members of the University;
- on campus facilities over which the University has no authority (e.g. commercial businesses, transport links, et al).

Students wishing to complain about these areas can seek the advice of either the Students’ Union or the Complaints Co-ordinator as to how best to take them forward.

SC 1.6 These procedures also do not apply to dissatisfaction about:

- decisions of Boards of Examiners or other academic matters governed by the Academic Appeal Procedures (i.e. matters of academic judgement);
- actions and behaviours where other University procedures apply and take precedence (for example those elements considered under the auspices of the Standing Academic Committee);
- Services provided by the Students’ Union (they have their own complaints procedures);
- any potential breach of criminal law (these will normally be referred to the police);
- decisions made by College Deans/University Dean in line with the Student Discipline Regulations.

SC 1.7 Complaints relating to allegations of bullying or harassment will normally be dealt with in accordance with the University’s Bullying and Harassment Policy.

SC 1.8 Advice on how to use this procedure is available from the Students’ Union Education and Welfare Office or from the University Complaints Co-ordinator.

SC 2 APPLICATIONS AND IMPLEMENTATION OF THE PROCEDURE

SC 2.1 The complaints procedure only applies to complaints initiated and conducted by an individual student or group of students; a group will nominate a spokesperson for communication. A complainant has the right to be accompanied and supported at any meeting by one person, and may be represented where the complainant expressly authorises a third party in writing to act on their behalf. Reasonable adjustment will be made in the processes as necessary to meet requirements related to protected characteristics.

SC 2.2 The University will make every reasonable effort to complete complaints procedures in a timely manner and aims to complete all aspects of the complaints process within ninety calendar days. If the University is unable to comply, in reasonable grounds, (for example, due to vacation periods, in factually complex matters involving a number of
individuals, etc.) it will provide the complainant with an explanation and inform them of the timeframe in which the procedure will be completed.

SC 2.3 In this procedure any reference to named members of University staff also includes reference to her/his nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the complainant.

SC 2.4 The Senate, on the recommendation of the University Chief Administrative Officer & Secretary, will appoint a University Complaints Co-ordinator who will oversee this process and provide advice to all parties, both students and those subject to complaints, on process. Any evidence of breaches of the principles as set out in SC 1.3 above should be brought to the attention of the Complaints Co-ordinator for investigation. The Complaints Co-ordinator is not, however, an advocate for either party. The Complaints Co-ordinator will play an advisory role in complaint reviews and will act as the primary liaison with the Office for the Independent Adjudicator.

SC 2.5 Should a student wish to register a complaint against the Complaints Co-ordinator it should be sent to the University Chief Administrative Officer & Secretary.

SC 2.6 A Complaints Panel, chaired by the Provost for Student Experience, Colleges and the Library, and comprised of Complaint Investigators, Complaint Officers and chairs of Complaints Panels, will meet on an annual basis to review all complaints and agree an annual report including recommendations for action by the University. The Colleges and Student Experience Committee will receive this report and is responsible to both Council and Senate for monitoring student complaints. UMAG and the Academic Quality and Standards Committee will also receive the report for information.

SC 3 THE PROCEDURE

The University uses a three-stage complaints procedure.

SC 3.1 STAGE 1 – THE INFORMAL STAGE

SC 3.1.1 Many complaints are the result of either a misunderstanding or a lack of communication and can be resolved easily and quickly at a local level. Students wanting to complain are strongly advised to contact the member of staff who is most immediately relevant (either the subject of the complaint or the person best in a position to fix the problem). If the student feels unable to approach this person directly, then they should speak to the Head of Department, College Principal, Director of the relevant service, or equivalent senior member of staff.

SC 3.1.2 Students who believe that their complaint has not been or cannot be appropriately, fairly or reasonably addressed through informal resolution may proceed to Stage 2 below.
SC 3.2 STAGE 2 – THE FORMAL STAGE

SC 3.2.1 In order for the complaint to be considered formally, the complainant must put the complaint in writing using the Formal Complaint Form (available for online submission and in hard copy) and send it to the University Complaints Co-ordinator.

SC 3.2.2 The University Complaints Co-ordinator, or designated alternate nominated by the Director of Strategic Planning and Governance, will consider the complaint and make a prima facie decision as to whether it can be considered under this procedure. Where it cannot, the Co-ordinator will either:

(a) refer the complainant to an alternate more appropriate procedure;
(b) enter into a discussion with the complainant, and other parties as appropriate, as to how best to take forward the concerns (e.g. in cases where the concerns involve a number of elements which cross University procedures); or
(c) provide an explanation to the complainant as to why no action can be taken along with a Completion of Procedures letter which sets out their right to refer the matter to the Office for the Independent Adjudicator and describe the means to do so.

SC 3.2.3 Students have the right to challenge the prima facie decision and, in these cases, the decision will be reviewed by the Head of the Student Registry or designated alternate nominated by the Director of Students, Education and Academic Services

SC 3.2.4 If the complaint has been deemed within the scope of this procedure, the complainant will be referred to a nominated Complaints Investigator within the appropriate College, Faculty, Partner Organisation, Professional Service or other relevant body. The complainant will be offered a personal meeting with the Complaints Investigator to explain their complaint and why they remain dissatisfied; a designated Complaints Officer will take meeting notes. The student, via the Students’ Union, will be offered support for their complaint. Similarly, the member of staff will also be offered support as appropriate.

SC 3.2.5 The Complaints Investigator will instigate whatever investigation is considered appropriate and proportionate in order to establish the facts of the case, supported by a Complaints Officer. Investigations, unless agreed by both the University and the complainant, will take no longer than one calendar month. In the interests of transparency, fairness and integrity, the investigation will be conducted through a process of open correspondence, unless there are pressing reasons for any information or communication to remain confidential. As such, all parties will see all the relevant documentation (subject to data protection restrictions) and, if meetings are held with members of staff or other students, notes will be taken and all parties will be entitled to a copy.

SC 3.2.6 Following investigation, the Complaints Investigator will present the findings to a Complaints Panel of three persons comprising a senior member of staff (in the Chair) plus another member of staff (appointed by the relevant Head – Dean, Director, etc.) and a student (appointed by the Students’ Union President through Students’ Union Council). A note taker will also be in attendance throughout. The complainant may attend the event, although it is not required and failure to attend would not stop the
proceeding. If present, the complainant, following the presentation by the Complaints Investigator, will be invited to make a short personal statement and, through the Chair, ask questions of the Complaints Investigator. The Investigator will not be allowed to question the complainant. The panel will be allowed, through the Chair, to question both the Complaints Investigator and the complainant. It will not normally be permissible to call witnesses as part of the panel hearing, as it is expected that these people will have been consulted during the investigation; however, the Chair may allow it at their discretion. Both the Complaints Investigator and the complainant will be given the opportunity to sum up their position. The burden of proof will be on the complainant, albeit within a recognition of the responsibilities of the University. Following the proceeding, the panel will deliberate in private using the balance of probability as the standard of proof, and will either uphold or dismiss the complaint in whole or in part and agree actions/remedies accordingly. A Complaints Officer will be available to provide advice on the scope of actions/remedies available to the Panel.

SC 3.2.7 The complainant will receive a written decision that addresses the points they have made and gives reasons for the conclusion reached. The letter will also advise the complainant of their right to refer the matter to Stage 3 and describe the means to do so.

SC 3.2.8 Where recommendations are made as a consequence of the complaint, the complainant will be entitled to know what these may be and how the University intends to take them forward.

SC 3.2.9 If the complainant feels their complaint is resolved, they should indicate this to the Complaints Co-ordinator in writing.

SC 3.3 STAGE 3 – THE REVIEW STAGE

SC 3.3.1 If the complainant feels their complaint has not been resolved under Stage 2, they may apply to the Complaints Co-ordinator within two weeks of the date of the Stage 2 written decision for a formal review. They should explain why they feel dissatisfied with the outcome at Stage 2 and what remedy they seek. Requests for Stage 3 consideration can only be made on the following grounds:

(a) that there exists evidence that could not reasonably have been made available at Stage 2; or
(b) that there exists evidence of a material procedural irregularity in Stage 2; or
(c) that there exists evidence that the judgement at Stage 2 did not meet the expectations of natural justice.

No new ground of complaint may be requested at Stage 3, but the complainant may submit further evidence in support of their case (subject to point (a) above) or suggest a new remedy.

SC 3.3.2 The University Complaints Co-ordinator, or designated alternative nominated by the Director of Strategic Planning and Governance, will consider the application and make a *prima facie* decision as to whether or not to instigate a review. Where a review is rejected the Complaints Co-ordinator will write to the complainant explaining the reasons for the decision and providing a Completion of Procedures letter that sets out
their right to refer the matter to the Office for the Independent Adjudicator and describes the means to do so.

SC 3.3.3 Students have the right to challenge the *prima facie* decision and, in these cases, the decision will be reviewed by the Head of Student Registry, or designated alternate nominated by the Director of Students, Education and Academic Services.

SC 3.3.4 Where a review is deemed within the scope of the procedures a Review Panel will be convened. The panel will consist of either the Provost for Student Experience, Colleges and the Library or the Pro-Vice-Chancellor (Education) (in the chair) and two others (one member of staff and one student, appointed as in SC 3.2.5 above). No members of the panel will have been associated with the complaint or the institutional body (Faculty, *et al.*) against which the complaint has been made.

SC 3.3.5 The Complaints Co-ordinator, or nominee, will act as Clerk to the panel and will prepare the documentation. The Chair of the Stage 2 Panel will be invited to submit a statement addressing the complainant’s submission. The complainant may submit additional material only if there are good reasons why they were not submitted at Stage 2 (see SC 3.3.1 above). Both the complainant and the Chair of the Review Panel will be invited to attend; however, failure to attend by either party will not invalidate the proceeding, as determination will be made via the submitted documentation.

SC 3.3.6 If present, the complainant will be invited to make an opening statement as to why, in their view, the case should be subject to review. This will be restricted to consideration against the identified review grounds; the Review Panel will not rehear the original complaint. If present, the Chair of the Stage 2 Complaints Panel will then be invited to present an opening statement explaining how the Stage 2 decisions was determined and how, in their view, it was reasonable. If the complainant presents either new evidence or alternate remedies, the Stage 2 Review Panel Chair will also be invited to comment on these. Neither the complainant nor the Stage 2 Chair will be allowed to question the other, but the members of the Review Panel, through the Chair, may question either. Both the Stage 2 Chair and the complainant will be given the opportunity to sum up their position. The burden of proof will be on the complainant, and the standard of proof will be on the balance of probability. Following the proceeding, the panel will deliberate in private and will determine their conclusions, including, as appropriate, any modifications and/or additions to the Stage 2 actions/remedies. Only in exceptional circumstances would a rehearing at Stage 2 be recommended. The Complaints Co-ordinator will provide advice on the scope of actions/remedies available to the Panel.

SC 3.3.7 The complainant will receive a written decision that addresses the points they have made and gives reasons for the conclusion reached. They will also receive a Completion of Procedures letter that will advise the complainant of their right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

**SC 4 OFFICE OF THE INDEPENDENT ADJUDICATOR**

Once all internal complaints procedures have been exhausted, if the student is still not satisfied they have the right to take the case to the Office of the Independent Adjudicator (OIA) for Higher Education, for further review. The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter. Information about OIA and its processes can be found at [www.oiahe.org.uk](http://www.oiahe.org.uk).