

STUDENT COMPLAINT PROCEDURE

1. Glossary of key terms

1.1 In this procedure the following terms shall have the meanings set out below:

Case Handler	A member of OSCCA who determines whether a complaint is eligible to be investigated and who conducts any subsequent investigation under the Formal Resolution stage
Complainant	A Registered Student who has made a complaint under this procedure
Complaint Officer	A trained member of academic staff who decides whether a complaint is upheld or dismissed under the Formal Resolution stage
Completion of Procedures Letter	A letter that confirms the end of the University's internal proceedings, following which, a student may be able to raise a complaint with the Office of the Independent Adjudicator
Institution	The body which the Complainant believes is responsible for the action or lack of action or the provision of the service about which is the subject of the complaint including, but not limited to: Faculties, Departments, non-School institutions, and administrative offices within the Unified Administrative Service
OSCCA	The Office of Student Conduct, Complaints, and Appeals
Registered Student	A person who has matriculated as a student and is currently pursuing a course of study in the University; or any person pursuing a course of study leading to the award of a degree, diploma, or certificate of the University; or a person who had such student status at the time of the circumstances about which the complaint is being made
Responsible Officer	The person authorized by the Institution to respond to complaints from Registered Students concerning an action or lack of action, or a particular service under the Local Resolution Stage
Reviewer	A trained member of academic staff who decides whether a complaint is upheld or dismissed under the Review Stage

2. Scope and principles

2.1. This procedure applies where a Registered Student wishes to express dissatisfaction, either about the University's action or lack of action, or the standard of service provided by or on behalf of the University. The University includes all Faculties, Departments, non-School institutions, and administrative offices within the Unified Administrative Service. The procedure has three stages: Local Resolution, Formal Resolution, and Review.

Explanatory note

Grounds for complaint may include dissatisfaction with the following:

- (a) academic provision (course content; resources; facilities; or information provided about the course);*
- (b) the standards of service from the Institution, including postgraduate supervision and University tuition;*
- (c) the behaviour of University staff.*

2.2. This procedure also applies to Registered Students who wish to complain directly to the University about a service provided by another organization on behalf of the University, for example, a placement provider.

2.3. This procedure cannot be used to make a complaint relating to the following:

- (a) College provision, for which the student should consult the relevant College policies;
- (b) A decision made by an academic body regarding student progression, academic assessment or awards, for which the student should consult the examination review and examination allowances procedures; **1**
- (c) Complaints about the Students' Unions, which should be made to the Students' Union's own complaints procedure in the first instance;
- (d) Matters covered by other University procedures including but not limited to those concerning student discipline, student harassment and sexual misconduct, fitness to study and fitness to practise. **2**

Explanatory note

The Case Handler will consider these matters in accordance with paragraph 4.4(b).

- 2.4. The General Board shall approve and keep under review explanatory notes, to be read in conjunction with this procedure. Those notes shall include a policy on the use of personal information under this procedure. Before making a complaint, Complainants should read the procedure and the explanatory notes on the procedure. All Complainants are encouraged to seek support from a College Tutor, a member of the Students' Unions' Advice Service, or other advisor of the student's choosing.
- 2.5. A Complainant may be invited to attend a meeting under paragraph 3.2, 4.8, and 4.11 as part of this procedure. A Complainant who is invited to attend a meeting will be entitled to choose whether or not to attend the meeting and to be accompanied or represented by someone of the Complainant's choosing.
- 2.6. This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for Complainants or the University to be legally represented at any meetings that form part of the procedure except in exceptional circumstances.

Explanatory note

In order to ensure that a Complainant's views are accurately represented it is preferable for the University to correspond directly with the Complainant. However, it is accepted that sometimes this will not be in the best interests of the Complainant, for example, where a Complainant is reluctant to make or receive decisions about a complaint without support, as a result of an underlying medical condition. Where a Complainant would prefer correspondence to be directed through an authorized representative, permission needs to be provided by the Complainant in writing or via a University email account.

- 2.7. This procedure can only be used by a Registered Student who has been affected by the subject matter of the complaint. Complaints should be made by Complainants themselves, although in limited circumstances the University will accept a request from a third party acting as the Complainant's authorized representative. In this circumstance, the University will communicate only with the authorized representative and therefore any reference in this procedure about communication to or from a Complainant includes the Complainant's authorized representative.
- 2.8. Group complaints can be submitted, but a group representative must be identified with whom the University will correspond and who will be responsible for liaising with the other Complainants. In such cases, references in this procedure to the 'Complainant' shall be construed as referring to more than one person. The University may separate group complaints where it considers that the issues raised impact Complainants differently or where Complainants are seeking different remedies.

- 2.9. Anonymous complaints will not normally be accepted, as this may limit the investigation and communication of the outcome. Exceptionally, an anonymous complaint may be considered if there is a compelling case, supported by evidence, for the matter to be investigated.
- 2.10. Complainants will not be disadvantaged for raising a valid complaint. The University will act reasonably in considering complaints under this procedure and decisions will be made fairly and transparently. The Responsible Officer, Case Handler, Complaint Officer, and Reviewer will have had no material involvement in the matters raised as part of the complaint or in the earlier stages of the procedure and will be independent and impartial.
- 2.11. Any reference in this procedure to a University officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.
- 2.12. Complainants are required to raise a complaint as soon as possible and within the required timeframe (see paragraph 3.1, 4.1, and 5.1). Complaints or evidence submitted outside this timeframe will not be accepted unless there is a valid reason for delay, which will be judged on a case-by-case basis by the Responsible Officer, Case Handler, Complaint Officer, or Reviewer, as appropriate.

Explanatory Note

All Complainants using the procedure will need to comply with the prescribed timescales, which enable effective remedies to be provided (such as a change of supervisor or clarification of course guidance) without further disadvantage to the Complainant. Complaints received outside of the permitted timeframe will only be accepted where there is valid reason for the delay, supported by evidence. Revising, studying, seeking advice, or waiting to find out whether academic results have been affected, will not normally be accepted as sufficient reason for delay.

- 2.13. The University aims to process any formal complaint through Formal Resolution and any Review within 90 calendar days. The 90 calendar day timeframe requires Complainants to comply with any timescales set down in this Procedure. There will occasionally be circumstances when, for good reasons, the University will need to extend the timeframe and in these circumstances the Complainant will be notified and kept updated as to the progress of their complaint.
- 2.14. The University will only share the information and evidence submitted in a complaint with members of staff where it is strictly necessary in order to process, investigate, and consider the complaint. All information received from a Complainant will be handled sensitively and in accordance with the Policy on the use of personal information under the Student Complaint Procedure.
- 2.15. The Case Handler, Complaint Officer, or the Reviewer may terminate consideration of a complaint if it is considered to be frivolous or vexatious. If a complaint is terminated then the Complainant will be issued with a Completion of Procedures letter.

Explanatory Note

Examples of vexatious complaints are those which are obsessive, harassing, or repetitive; insist on pursuing unrealistic or unreasonable outcomes and/or requests which are designed to cause disruption or annoyance.

- 2.16. Complainants, their advisors, and staff of the University are required to communicate respectfully and reasonably at all times whilst using the procedure. Abusive or

threatening behaviour and language will not be tolerated. If, following a warning, a Complainant behaves in an unacceptable manner, the Case Handler, the Complaint Officer, or the Reviewer may terminate the Complainant's request without further consideration. If a request is terminated then the Complainant will be issued with a Completion of Procedures letter.

Explanatory Note

Unacceptable behaviour includes unreasonable persistence, unreasonable demands, lack of co-operation, or any aggression or threat of aggression.

- 2.17. When using this procedure, Complainants are encouraged to provide details and evidence of any disability and/or any reasonable adjustments which may be appropriate in light of their disability. Where it may be helpful and following the consent of the Complainant, an appropriately trained University staff member may be asked to provide a decision regarding reasonable adjustments.

Explanatory Note

The University has a duty to provide reasonable adjustments for disabled students in certain circumstances. Complainants who require further information about reasonable adjustments should contact the Disability Resource Centre at www.disability.admin.cam.ac.uk. When notified of a disability under the procedure, the University will always consider whether reasonable adjustments are required. These will be assessed for each individual and in accordance with the University's 'Code of Practice: reasonable adjustments for disabled students' available at www.educationalpolicy.admin.cam.ac.uk/files/final_cop_2016-17_for_disabled_students_2.pdf.

3. Local Resolution

- 3.1. Complainants should raise complaints, in writing or in person, with the Institution concerned. It is expected that an issue will be raised as soon as possible and in any event within 28 days of it occurring. Students are normally informed of the name and contact details of the Responsible Officer to approach within handbooks or other written guidance. Where a Complainant is uncertain about the identity of the Responsible Officer, the complaint should be addressed to the person responsible for the management of the service which is the subject of the complaint, or the Head of the Institution.

Explanatory Note

Genuine attempts at Local Resolution include asking for an explanation or a solution regarding an issue that has arisen. Repeated requests to the Institution to reconsider its detailed response to a complaint are not considered genuine attempts at Local Resolution. This type of correspondence will be discounted when calculating a Complainant's timeframe to submit a complaint for Formal Resolution and will therefore shorten the time available for submission or cause a complaint to be considered out of time (see paragraph 4.1).

- 3.2. The Responsible Officer should respond to the complaint in a timely manner and normally within 21 calendar days of its receipt. The response should be in writing where an investigation has taken place or where the complaint is submitted in writing and should include information about the next stage of the Procedure where the Complainant remains dissatisfied with the response. Where a response cannot be provided within 21 calendar days, the Responsible Officer will write to the Complainant within that period to indicate the reasons for delay and when a response is likely to be provided. The Responsible Officer may invite the Complainant to a meeting as part of an investigation, but is not obliged to hold such a meeting.

4. Formal Resolution

- 4.1. Where a Complainant is either dissatisfied with the outcome of the Local Resolution; or declines to engage with Local Resolution, or where Local Resolution is

inappropriate as the issues raised are serious or systemic, the Complainant can raise a complaint under Formal Resolution with OSCCA. Complainants should raise a complaint by submitting the Formal Resolution form (available at <http://www.studentcomplaints.admin.cam.ac.uk>) within 28 days of either:

- (a) the Responsible Officer's response to the complaint; or
- (b) the matter of complaint first arising, where the Complainant reasonably considers Local Resolution is inappropriate.

Explanatory Note

The Complainant may be dissatisfied with the outcome of the consideration of the complaint by the Responsible Officer or with a failure to resolve the complaint at Local Resolution within a reasonable timeframe. The Case Handler will accept a complaint for Formal Resolution without evidence of any attempt at Local Resolution if the complaint raises serious or systemic issues that cannot be addressed at Local Resolution. Complainants will be required to provide the following information within the Formal Resolution form:

- (a) their name, University Student Number, and correspondence details;*
- (b) the full detail of the complaint;*
- (c) any action that has been taken to try and resolve the complaint through Local Resolution, or an explanation of the reasons why Local Resolution is considered to be in appropriate;*
- (d) all evidence they wish to be considered as part of the complaint;*
- (e) the outcome they are hoping to obtain;*
- (f) agreement that in order to consider the complaint under the Procedure it will be necessary to share certain personal information about the Complainant as detailed in the Policy on the use of personal information under the Student Complaints Procedure.*

- 4.2. The Case Handler shall determine on a case-by-case basis whether the period of 28 calendar days should run from a later date in recognition of a Complainant's further reasonable attempts at Local Resolution; or whether it is reasonable for the Complainant not to have attempted Local Resolution.
- 4.3. The complaint should set out the Complainant's concerns clearly and succinctly and provide evidence to substantiate the issues raised. Evidence may include independent medical evidence, reports by professionals, financial information, or witness statements.
- 4.4. A Case Handler from OSCCA will consider the submitted Complaint and will make one or more of the following determinations:
 - (a) the complaint in whole or in part is eligible to be investigated using this procedure;
 - (b) the complaint in whole or in part should be referred for consideration under an alternative procedure;
 - (c) the complaint in whole or in part is ineligible to be considered by the University, for example because it is out of time, lacks substantive content, or is considered malicious, vexatious, or frivolous;
 - (d) the Complainant should attempt Local Resolution before investigation of the complaint under this stage of the procedure.
- 4.5. Where a determination is made under paragraphs 4.4(b)–(d), the reasons for this and information about the options available to the Complainant will be provided in writing within 7 calendar days. If the Complainant disagrees with the determination under paragraph 4.4, the reasons for the disagreement should be provided by the Complainant, in writing and within 7 calendar days of receiving the decision, to the Head of OSCCA who will review the determination within a further 14 calendar days. Where a complaint cannot be considered further by the University a Completion of Procedures letter will be issued. Where matters raised within the complaint would be

more appropriately considered under alternative University procedures, the Case Handler will inform the Complainant about which matters will be considered under which procedure. In some circumstances, it may be necessary to suspend one procedure pending the completion of another.

- 4.6. Some requests may require the University to take swift action, for example where the issues raised have detrimental consequences for the Complainant's mental health or where external time limits apply, for example, in meeting regulatory requirements for the completion of courses. If this is the case, this procedure may be expedited.
- 4.7. Where a determination is made under paragraph 4.4(a) the Complainant will be informed and the Case Handler will conduct an investigation, requiring written statements and evidence from witnesses and Institutions concerning the events and applicable procedures, as appropriate.
- 4.8. A Case Handler may or may not meet individually with the Complainant, the Responsible Officer, or witnesses as part of the investigation, or collect further evidence, at the Case Handler's discretion and where the Case Handler believes it to be beneficial to do so.

Explanatory Note

Where a Case Handler or Complaint Officer holds a meeting with the Complainant, the Responsible Officer, or a witness, a note-taker will be present. The notes taken will be presented to those in attendance at the meeting for factual clarification, following which the notes will become the formal record of the meeting.

- 4.9. The Case Handler shall prepare a report setting out the process that has been followed, the information that has been gathered, the conclusions that have been drawn, and any recommendations. The Case Handler should also consider whether mediation or conciliation might be effective at this stage.
- 4.10. Following investigation, the Case Handler will provide all of the materials to a Complaint Officer, appointed by the Case Handler from a panel of Complaint Officers maintained by the Council.
- 4.11. The Complaint Officer will consider all of the materials provided. In exceptional circumstances the Complaint Officer may request further written statements, hold a meeting with any individual involved in the complaint, and/or hold a hearing. The Complainant will receive all of the materials considered by the Complaint Officer at least 7 calendar days in advance of any meeting or hearing.
- 4.12. Following consideration, the Complaint Officer will have the power to make one or more of the following decisions:
 - (a) that further steps should be taken to resolve the complaint informally (for example, through mediation with the agreement of both parties);
 - (b) to uphold a complaint in whole or in part and where appropriate require such remedies as necessary;
 - (c) to dismiss a complaint in whole or in part where it is found that:
 - i. the University acted reasonably and in line with its procedures and written documentation; and/or
 - ii. the substance of the complaint was not justified; and/or
 - iii. the Complainant has not been substantively disadvantaged by any variation in the University's procedures or written documentation.

Explanatory Note

The appropriate decision will depend entirely upon the nature of the complaint and the relevant remedies available. If, following investigation, it becomes apparent that the complaint was malicious then action may be taken in accordance with the Discipline regulations.

(a) If mediation is recommended there is no requirement for parties to participate; this may be offered, but can only go ahead if all parties are in agreement.

- 4.13. The Complainant will receive confirmation in writing of the Complaint Officer's decision, the reasons for the decision, and copies of the material considered by the Complaint Officer, normally within 45 calendar days of having submitted the Formal Resolution form.
- 4.14. Regardless of the decision made, the Complaint Officer may make observations and recommendations to Institutions for consideration following the outcome of a complaint.

5. Review

- 5.1. If a Complainant is dissatisfied following the Formal Resolution decision, the Complainant can submit a Request for Review form within 14 calendar days of the Formal Resolution decision being communicated. Alternatively, if the Complainant is dissatisfied with the decision but does not believe the reasons for the dissatisfaction would meet the grounds for a Review, the Complainant can request a Completion of Procedure letter.
- 5.2. The Review will not usually consider issues afresh or involve a further investigation. A Review can only be requested on the following grounds:
- (a) procedural irregularities that occurred during Formal Resolution, which were material or potentially material to the decision reached; and/or
 - (b) the Formal Resolution decision is unreasonable, in that no reasonable person could have reached the same decision on the available evidence; and/or
 - (c) the availability of new evidence, which materially impacts the complaint outcome and which, for valid reasons, could not have been submitted at an earlier stage.

Explanatory Note

Complainants will be required to provide the following information within the Request for Review form:

- (a) their name, University Student Number, and correspondence details;*
- (b) the ground(s) under which they are requesting a Review;*
- (c) the full reasons for requesting a Review;*
- (d) all new evidence they wish to be considered as part of the Review;*
- (e) the outcome they are hoping to obtain;*
- (f) agreement that in order to consider the complaint under the Procedure it will be necessary to share certain personal information about the Complainant in accordance with the Policy on the use of personal information under the Student Complaints Procedure.*

- 5.3. If the request for Review has been made on the specified grounds and within the timeframe, as determined by OSCCA, OSCCA will appoint a Reviewer from a panel of Reviewers appointed by the Council to consider the request for Review. Where a request cannot be considered further by the University a Completion of Procedures letter will be issued.
- 5.4. The Reviewer will consider the Complainant's request, the information considered during Formal Resolution, the decision, and any new information. The Reviewer may request further information.

- 5.5. Following investigation, the Reviewer will have the power to either:
- (a) uphold the complaint in whole or in part and will require such remedies as necessary; or
 - (b) dismiss the request for Review and confirm the Complaint Officer's decision.
- 5.6. The Complainant will receive the Reviewer's decision and the reasons for the decision, in writing, normally within 28 calendar days of submitting the Request for Review form. This is the final stage of the University's internal process and therefore the Complainant will be issued with a Completion of Procedures letter.

Explanatory Note

If a Complainant chooses to raise a complaint with the OIA, the Reviewer's decision will still be enacted unless a review outcome from the OIA recommends otherwise.

6. Reporting and monitoring

- 6.1. OSCCA will monitor all complaints and decisions made under the procedure and will produce an annual report summarizing the anonymized decisions, remedies, and recommendations (including the implementation of these) made by Complaint Officers and Reviewers. Students' Unions' sabbatical officers will be invited to provide feedback on the annual report. The annual report will be submitted to the General Board's Education Committee.

Explanatory Note

There is student membership on the General Board's Education Committee.

Footnotes

- 1 Examination Review Procedure, see *Statutes and Ordinances*, p. 000 [as proposed in this Report, **p. 637**]; Review of decisions of the Applications Committee of the Council, see ***Statutes and Ordinances*, p. 109**; Regulation 12 of the General Regulations for Admission as a Graduate Student, see ***Statutes and Ordinances*, p. 421**; or Regulation 15 of the General Regulations for the M.St. Degree, see ***Statutes and Ordinances*, p. 537**; Review of decisions of University bodies procedure, see *Statutes and Ordinances*, p. 000 [as proposed in this Report, **p. 642**].
- 2 Discipline, see ***Statutes and Ordinances*, p. 191**; procedure for handling student cases of harassment and sexual misconduct, see *Statutes and Ordinances*, p. 000 [as approved by **Grace 3 of 22 February 2017**]; procedure to determine fitness to study, see ***Statutes and Ordinances*, p. 225**; procedures to determine fitness to practise of preclinical and clinical medical students, see ***Statutes and Ordinances*, p. 207**; procedures to determine fitness to practise of preclinical and clinical veterinary students, see ***Statutes and Ordinances*, p. 215**.

Appendix: Policy on the use of personal information under the Student Complaint Procedure

A copy is to be provided to the Complainant at the earliest contact and published on the University's website.

1. In order to deal with a Complainant's request it will be necessary for the University to process a Complainant's personal data in accordance with this policy. The overall purpose of processing personal data in the context of the investigation and resolution of student complaints is to decide what steps can appropriately be taken in response to such complaints. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Such persons may include:
 - staff within OSCCA, including the Case Handler;
 - individuals named or involved in the complaint, such as students, staff, or external bodies;
 - authorized representatives of other external bodies involved in the complaint;
 - a representative(s) from the Institution which is the subject matter of the complaint;
 - the Responsible Officer;
 - the Complaint Officer;
 - the Reviewer;
 - solicitors in the University's Legal Services Office and/or the University's external legal advisors;
 - the University Advocate (or other relevant officer); and
 - a Complainant's authorized representative.

Documentation generated in the course of an investigation under the procedure will be disclosed in full to the Complainant except where information relates to an individual who has not consented to the disclosure of personal data.

2. The University will seek the Complainant's written consent before notifying the Complainant's College Tutor or Graduate Tutor that a complaint has been submitted so that they are aware of the complaint and able to assist in providing support.
3. The University will seek the Complainant's written consent before liaising with appropriate staff members, including staff of the Disability Resource Centre, regarding support and any reasonable adjustments for disabled students.
4. Following completion of the procedure, the complaint, the documentation generated in the course of the investigation, and the decisions made under the procedure, will be retained securely by the Head of OSCCA for six years following the completion of the complaint. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any complaint is subsequently submitted under this procedure by the same Complainant, this information may be taken into account by the Case Handler, in reaching a decision under paragraph 4.4 or 4.11 of the procedure. The information may also be provided to the University Advocate or other relevant officer if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 4.4 or 4.11 of this procedure.
5. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.
6. Any questions or concerns about this policy should be directed to the Head of OSCCA in the first instance.