Student Complaints in the Collegiate University: Overview

The University and the Colleges (the Collegiate University) are committed to providing an enriching and positive experience for students. However, it is recognised that students may sometimes feel dissatisfied with some aspect of their interaction with the University and/or their College. Where concerns arise, and informal resolution has been unsuccessful, students are expected to make a complaint using either: the University’s Student Complaint Procedure, where the matter relates to the University; or a College complaints procedure, where the complaint relates to College provision. The Collegiate University will ensure that complaints are dealt with quickly and fairly and with due concern and care for the current and future studies of the complainant(s). For complex complaints, this may involve consultation with the Secretary of the Senior Tutors Committee and the Pro-Vice-Chancellor for Education.

Whilst each of the Colleges and the University have created a complaints procedure appropriate for their own contexts, this policy sets out the features that all Collegiate University complaints procedures will include. Exceptionally, where the matters of complaint cannot be defined or separated out to concern only the University or one specific College, students are advised to submit a complaint to the University, which will engage appropriately with any other relevant bodies in its investigations and decisions relating to the complaint. The Collegiate University may act to separate different elements of the complaint so that they can be considered by the appropriate body.

Complaints procedures will be published and will be publicly available on the internet. The complaints procedure will consist of three stages: an informal stage, where the student raises the complaint at a local level; a formal stage, where a student submits a complaint which is investigated and considered by someone with no material involvement in the complaint; and an appeal stage, where a student wishes the formal complaint outcome to be reviewed for fairness of both the process and the outcome. Following the review stage, a student will be issued with a Completion of Procedures letter, indicating the end of the procedure. If the complainant(s) remains dissatisfied at this stage, a complaint can be submitted to the Office of the Independent Adjudicator, the external ombudsman for complaints from higher education students.

Students are advised to seek advice before raising a complaint. Advice can be sought from their Tutor or other trusted advisor. Independent advice on all complaint procedures can also be sought from the Students’ Unions’ Advice Service.

Where students or others are invited to attend a meeting as part of the complaints procedure, they can be accompanied by their advisor or any other person of their choosing, providing that the identity of the person is confirmed in advance. In most procedures, this is likely to be limited to one person, but an additional supporter may be appropriate as a reasonable adjustment.

When using a Collegiate University complaints procedure, students can expect:

a) their complaint to be considered, providing it is within the scope of the procedure and is submitted within the time limit specified in the procedure;

b) their complaint to be investigated in a timely manner and that they will be informed of when they can expect a response - where timeframes need to be extended, students
can expect to be informed of this and the reasons for it;

c) their complaint to be decided upon by someone who is able to consider the matter competently and has had no involvement in the matters relating to the complaint and is otherwise without actual or perceived conflicts of interest;

d) their complaint to be handled with an appropriate level of confidentiality, while noting that a copy of the complaint will be shared with those directly involved to enable them to provide a response;

e) they will receive written outcomes and the reasons for those outcomes of both formal and any appeal stages, including, where a part of the complaint has been considered justified, clarity on any proposed appropriate remedy.

For further information, please contact the Office of Student Conduct, Complaints and Appeals (University matters) https://www.studentcomplaints.admin.cam.ac.uk or the Senior Tutor.
1. **Overview**

1.1 The College welcomes comments and suggestions from students about any aspect of College provision. Students wishing to make a suggestion or comment about the College's provision, either academic or non-academic, can do so informally by contacting the person in charge of the relevant area or, where it seems appropriate, by raising the matter with the Senior Tutor, their Director of Studies or a Tutor.

1.2 Occasionally, however, students may wish to make a complaint about College provision. The College subscribes to the guidelines agreed by the Senior Tutors' Committee for the handling of student complaints, and this document sets out the procedure for making a complaint to the College.

1.3 The College recognises that it has a duty to provide fair and objective procedures for examining and resolving complaints, and to ensure that its procedures are free from partiality arising from personal or institutional conflict of interest or other sources of bias. No student will be disadvantaged by having raised a complaint in good faith, even if it is not upheld, but the College expects that students will not make frivolous, vexatious or malicious complaints. Where a complaint is against a person, it must be recognised that the rights of the complainant and the rights of the person complained against are equally important. Every effort will be made to ensure that both parties are treated with equal fairness and dignity.

**Student Complaint Procedure (the Procedure)**

2. **Glossary of key terms**

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

Complainant: The Student who has made a complaint under this procedure
Complaint Officer: A trained member of staff1 (normally the Senior Tutor) 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 College’s internal proceedings following which, a student may be able to raise a complaint with the Office of the Independent Adjudicator

Reviewer: A trained senior College member who decides whether a complaint is upheld or dismissed under the Review Stage

3. Scope and Principles

3.1 This procedure applies where a student member of the College wishes to express dissatisfaction, either about the College’s action or lack of action, or the standard of service provided by or on behalf of the College. The procedure has three stages: Informal Resolution, Formal Resolution and Review.

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

a) University provision, for which the student should consult the relevant University complaint procedures (www.studentcomplaints.admin.cam.ac.uk);

b) A decision made by an academic body regarding student progression, academic assessment or awards, for which the student should consult the University examination review and examination allowances procedures.

In addition, certain matters are covered by other procedures of the College and/or the University, and the College reserves the right to refer the matter to those procedures for investigation and appropriate resolution. These include:

c) Complaints against one or more members of the College or University (which may instead be addressed through relevant disciplinary procedures);

d) Complaints relating to serious harassment or sexual misconduct perpetrated by other students, which with the Complainant’s permission will be handled under the University Procedure for the handling of student cases of harassment and sexual misconduct.

3.3 Before making a complaint, Complainants should read 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.

3.4 A Complainant may be invited to attend a meeting under paragraph 4.2, 5.8 and 5.10 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, noting that non-attendance may affect the

1 Throughout this Policy, the word ‘staff’ includes Fellows of the College.
acceptance of grounds for a Review of any formal complaint decision on the basis of incomplete evidence. The Complainant is also entitled to be accompanied by someone of the Complainant’s choosing, providing that such attendance is notified in advance of the meeting. During any meeting, the Complainant is entitled to ask for breaks during the meeting, to allow an opportunity for the Complainant to consult any accompanying person in private.

3.5 This procedure is an internal process and does not have the same degree of formality as a court of law. It is not necessary or appropriate for Complainants or the College to be legally represented at any meetings that form part of the procedure, except in exceptional circumstances.

3.6 This procedure can only be used by a student who has been affected by the subject matter of the complaint. Complaints should be made by Complainants themselves in order to ensure their views are accurately represented, unless a compelling case is made to demonstrate that the Complainant cannot act on their own behalf, and the College has received a statement in writing that the Complainant is prepared for the third party to act on their behalf in full. In this circumstance, the College will communicate only with the authorised representative and therefore any reference in this procedure about communication to or from a Complainant refers instead to the Complainant’s authorised representative.

3.7 Group complaints can be submitted, but a single group representative must be identified with whom the College 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 College may separate group complaints where it considers that the issues raised impact Complainants differently or where Complainants are seeking different remedies.

3.8 The College reserves the right to make a judgement on whether or not to accept formal complaints that are made anonymously. 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.

3.9 Complainants will not be disadvantaged for raising a valid complaint. The College will act reasonably in considering complaints under this procedure and decisions will be made fairly and transparently. The 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. Complaint Officers and Reviewers will be appointed by the Master. The Complainant will be advised of who will take on these roles and be given the opportunity to raise any concerns with the person making the appointment relating to real or potential conflicts of interest.

3.10 Any reference in this procedure to a College 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.

3.11 Complainants are required to raise a complaint as soon as possible and within the required timeframe (see paragraph 4.1, 5.1 and 6.1), to ensure effective remedies can be provided without further disadvantage to the Complainant. Complaints or evidence submitted outside this timeframe will not be accepted unless there is a valid reason for delay, supported by evidence, which will be judged on a case-by-case basis by the Complaint Officer or Reviewer, as appropriate. Delays as a result of revising or studying will not normally be accepted as a valid reason for delay.

3.12 The College 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 College 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.

3.13 The College 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.

3.14 The Complaint Officer or the Reviewer may terminate consideration of a complaint if it is considered to be frivolous or vexatious. 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. If a complaint is terminated then the Complainant will be issued with a Completion of Procedures letter.

3.15 Complainants, their advisors and staff of the College are required to communicate respectfully and reasonably at all times whilst using the procedure. Abusive or threatening behaviour and language including unreasonable persistence, unreasonable demands, lack of co-operation or any aggression or threat of aggression will not be tolerated. If, following a warning, a Complainant behaves in an unacceptable manner; 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.

3.16 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 staff member may be asked to provide a decision regarding reasonable adjustments. When notified of a disability, the College will always
consider whether reasonable adjustment to the procedure are required, based on the needs of the individual.

4. Informal Resolution

4.1. Complainants should raise complaints, in writing or in person, with their College or Graduate Tutor, or with the staff member concerned as soon as possible and normally within 28 days of the matter occurring, to ensure that the matter can be investigated properly.

4.2 Following being informed of a complaint, the College staff member should respond to the complaint in a timely manner and normally within 21 calendar days of its receipt. The response should be in writing and should include information about raising a formal complaint if the Complainant remains dissatisfied with the response. Where a response cannot be provided within 21 calendar days, the staff member will write to the Complainant within that period to indicate the reasons for delay and when a response is likely to be provided. The staff member may invite the Complainant to a meeting as part of an investigation, but is not obliged to hold such a meeting.

5. Formal Resolution

5.1 Where a Complainant is dissatisfied with the outcome or the timeliness of the Informal Resolution; or declines to engage with Informal Resolution, or where Informal Resolution is inappropriate as the issues raised are serious or systemic, the Complainant can raise a complaint under Formal Resolution. Complainants should raise a complaint by submitting the Formal Resolution form (downloadable from this webpage) normally within 28 days of either (a) the informal response to the complaint; or (b) the matter of complaint first arising, where the Complainant reasonably considers Informal Resolution is inappropriate.

5.2 The Complaint Officer 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 Informal Resolution; or whether it is reasonable for the Complainant not to have attempted Informal Resolution.

5.3 The complaint should set out the Complainant’s concerns clearly and succinctly and provide all relevant evidence to substantiate the issues raised. The Complainant should also outline what in their view would constitute a suitable outcome and remedy for their complaint. Evidence may include independent medical evidence, reports by professionals, financial information or witness statements.

5.4 A Complaint Officer will consider the submitted Complaint and evidence 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 College, for example because it is out of time, is not a matter that can be resolved by the College, lacks substantive content, or is considered malicious, vexatious or frivolous;
d) the Complainant should attempt Informal Resolution before investigation of the complaint under this stage of the Procedure.

5.5 Where a determination is made under paragraphs (b)-(d), the reasons for this and information about the options available to the Complainant will be provided in writing to within 7 calendar days. If the Complainant disagrees with the determination under paragraph 5.4, the reasons for the disagreement should be provided by the Complainant, in writing and within 7 calendar days of receiving the decision, to the Master, who will review the determination within a further 14 calendar days. Where a complaint cannot be considered further by the College a Completion of Procedures letter will be issued. Where matters raised within the complaint would be more appropriately considered under alternative College procedures, the Complaint Officer 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.

5.6 Some requests may require the College to take swift action, for example where the issues raised have detrimental consequences for the Complainant’s or another College member’s health and safety (including 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.

5.7 Where a determination is made under paragraph (a) the Complainant will be informed and the Complaint Officer will conduct an investigation, requiring written statements and evidence from witnesses and Institutions concerning the events and applicable procedures, as appropriate.

5.8 A Complaint Officer may or may not meet individually with the Complainant, staff who attempted to informally resolve the complaint or witnesses as part of the investigation, or collect further evidence, at the Complaint Officer’s discretion and where the Complaint Officer believes it to be beneficial to do so. Where a meeting does take place a note-taker will be present. The written 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.

5.9 The Complaint Officer shall prepare a report containing the process that they have followed, the information they have gathered, the conclusions that have been drawn and any recommendations. The Complaint Officer should also consider whether mediation or conciliation might be effective at this stage.
5.10 The Complaint Officer will consider all of the materials provided. In exceptional circumstances the Complaint Officer may request further written statements, or hold a meeting with any individual involved in the complaint, 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.

5.11 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 College 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 of College procedures or written documentation.

5.12 The Complainant will receive confirmation in writing of the Complaint Officer’s decision, along with the reasons for the decision and copies of all relevant material considered by the Complaint Officer at the conclusion of the investigation.

5.13 Regardless of the decision made, the Complaint Officer may make observations and recommendations to the College for consideration following the outcome of a complaint.

6. Review

6.1 The Complainant should confirm to the Complaint Officer whether they accept the outcomes of the formal complaint or whether they remain dissatisfied. 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 and evidence being provided to them. 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.

6.2 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.
6.3 A Review of the Complaint is a two-stage process. On receipt of a Request for Review form, the Reviewer will consider whether there are grounds for a Review, based on a cursory review of the Request and the evidence provided. If the Reviewer does not consider that the Request is eligible for review, the College will issue a Completion of Procedures letter.

6.4 If the Reviewer accepts there are valid grounds for Review, they will then consider in detail the Complainant’s Request, the information considered during Formal Resolution, the decision and any new information. The Reviewer may request further information.

6.5 Following investigation, the Reviewer will have the power to either:

a) uphold the complaint in whole or in part and require such remedies as necessary; or
b) dismiss the request for Review and confirm the Complaint Officer’s decision.

6.6 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. 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.
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 College’s website.

1. In order to deal with a Complainant’s request it will be necessary for the College 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 handling, investigating and considering the complaint;
   - individuals named or involved in the complaint, such as students, staff or external bodies;
   - authorised representatives of other external bodies involved in the complaint;
   - the College’s legal advisors;
   - relevant staff in the University; and
   - a Complainant’s authorised 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 explicitly consented to the disclosure of personal data.

2. The College 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 College will seek the Complainant’s explicit written consent before liaising with appropriate staff members, 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 College for [state retention period – University’s period is 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 Complaint Officer, in reaching a decision under paragraph 2.14 or 4.4 of the procedure. The information may also be used if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 2.14 or 4.4 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 Senior Tutor in the first instance.

Paul Hartle
15.05.2018