

## Complaint Procedure for Students

### Introduction

Sometimes, despite its best endeavours, the University does not get things right for you, and this Complaint Procedure is one of the ways the University can correct mistakes when the University needs to. Most complaints can be resolved easily and quickly when the University knows something has not been done in the way it should and, when this happens, the University welcomes the opportunity to put things right.

You can take your complaint straight to your College, academic department, or support service to explain what has gone wrong (see section 21). If you are not satisfied with the outcome or if you do not want to contact your College, academic department, or support service, you can still go on to make a written complaint under this Procedure (see section 22) and send it to the Student Conduct Office to be dealt with.

Every complaint that the Student Conduct Office receives is given to a named Case Manager, who will be in contact with you and keep you informed of the way your Complaint is being dealt with. You can ask your Case Manager questions and ask for updates.

As a first step after your complaint has been received, the Student Conduct Office will, if it is necessary, help you to set out your complaint in a way to make it easy (and, we hope, quick) for an investigator to look at (see section 23).

The Student Conduct Office will send your complaint directly to the department of the University you are complaining about. (This is called 'The Early Resolution Stage'.) The department will have 21 days to try and resolve the matter (section 24). If you are not satisfied with the outcome, you can then ask for your complaint to be investigated formally by an investigator. In exceptional cases, your complaint may be sent to an investigator without going through the Early Resolution Stage.

Your investigator will have 42 days to write a report into your complaint. Occasionally in the case of complicated complaints, it may take longer than 42 days to get the report to you - but investigators do try very hard to keep to the deadline. We will let you know if there is likely to be a delay and we will give you an estimate of how long we think the delay will be.

If you are unhappy with the investigator's conclusions, you can ask for the investigation report to be reviewed (section 33). Section 42 explains what you can then do if you remain dissatisfied after exhausting all the University's procedures.

If you have any questions about this Procedure, please do get in touch with the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)).

Please note

- a. This Procedure has been written in plain English to make the Procedure easy to understand.
- b. Words that are italicised and with a capitalised first letter in the remainder of this Procedure (such as the word '*Complainant*') are defined and explained in the section called 'Definitions' in the last section of this Procedure.
- c. The Student Conduct Office may agree to extend the deadlines set out in this Procedure if the *Complainant* has a disability registered with the University's Disability Support service if the disability affects the *Complainant's* ability to meet the deadline.

- d. Complainants are expected to adhere to the University's Code of Practice on [Student Behaviour in Appeals and Complaints](#)

**Whom is this Procedure for?**

(1) This Procedure may be used by

(a) Individual *Students*; or

(b) Groups of *Students* who wish to complain about the same matter and who jointly submit a complaint.

(2) When a group of *Students* submits a complaint, the University will ask the group to nominate one of the *Complainants* to act as a group representative. The University will communicate only with the group representative and expects the group representative to liaise with the other *Complainants* in the group.

**What is this Procedure for?**

(3) Complaints may be about

(a) The University's *Action* (or lack of *Action*) in relation to a matter concerning the *Student*; or

(b) The *Student's* experience of the standard of *Service* provided by or on behalf of the University

(c) An academic department, college, finance service, or professional support service

(d) The adequacy of supervision, the arrangements for teaching, or the arrangements for summative assessments.

**What is this Procedure not for?**

(4) This Procedure does not cover the following (for which other University procedures exist, as shown in the links below):

(a) Appeals relating to Board of Examiners or other relevant committee or officers' decisions relating to examinations, assessments, or academic progress or against expulsion or exclusion on academic grounds (including decisions about Academic Progress Notices [Academic Appeals Procedure](#)

(b) Complaints involving an allegation of *Misconduct* by a *Student* [Student Discipline Procedure](#)

(c) [Complaints](#) relating to the behaviour of an individual

(d) Complaints involving an allegation of [sexual violence](#)

(e) Complaints about admissions decisions, [Admissions Regulations](#)

(5) Except in exceptional circumstances at the sole discretion of the University, the University will not consider complaints under this Procedure if:

(a) Complaints are made more than 28 *Days* after the *Actions* and *Services* to which the complaints refer or following unsatisfactory outcome of an informal attempt at resolution;

(b) The Complainant does not personally raise the complaint;

(c) The complaint is anonymous;

(d) The complaint is frivolous, vexatious, or motivated by malice.

(6) A complaint may be made even if legal, court, or tribunal proceedings have been commenced, or if a Police investigation into a matter related to the complaint is being undertaken. In such cases, however, the University will usually suspend the investigation of a complaint pending the outcome of the legal, court, or tribunal proceedings or the Police investigation.

(7) *Students* are not permitted to initiate more than one formal procedure simultaneously for the same or related matters. If this occurs, the Student Conduct Office will advise the *Student* on:

(a) The appropriate procedure to follow; or

(b) The order in which the procedures are to be followed.

### **Support**

8. When appropriate, a *Complainant* may seek advice from:

(a) The *Complainant's* College Student Support Office;

(b) Academic staff;

(c) The Students' Union (see in particular [Behavioural Discipline @ Durham SU](#) which offers independent advice or advocacy.

(9) A *Complainant* may seek advice from the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)) on complaints' procedures and processes in relation to this Procedure.

### **Representation**

(10) In any meeting held with University staff under this Procedure, a *Complainant* has the right to be accompanied by a current member of the University community or a Students' Union representative. The University does not normally permit legal representation at such meetings but will consider requests by complainants for legal representation at the meetings. The decision as to whether to permit legal representation will be taken by the University Secretary (or the University Secretary's nominee) and will be at the University's sole discretion.

(11) The University does not consider it necessary for *Students* to seek independent legal advice in respect of complaints. It is entirely at *Students'* discretion and cost if they choose to do so.

### **Principles of Complaints' Investigations**

(12) Complaints will be dealt with efficiently and promptly; however, if the issues are very complex, this may result in a delay to the outcome of the *Investigation*.

(13) Complaints will be investigated objectively and independently.

(14) The standard of proof in the investigation of complaints is the balance of probabilities, that is, that the matters alleged in the complaint can be shown as more likely than not to be true.

(15) *Complainants* will be given reasoned outcomes in written form.

(16) If a complaint is upheld, the University will seek to provide an appropriate response and correct any mistakes or misunderstandings.

(17) The University will use its best endeavours to make changes in response to the recommendations of *Investigators*.

**(18)** *Complainants* will not be disadvantaged, penalised, or victimised for making a complaint. However, the University reserves the right to take action against a *Complainant* if *Misconduct* by the *Complainant* is disclosed in the course of an investigation.

**(19)** *Investigators* and *Reviewers* will use their best endeavours to meet the deadlines set out in this Procedure. If it seems likely that a deadline cannot be met, a *Complainant* will be informed, given reasons, and provided with a revised date that is anticipated for completion.

**(20)** All complaints will be dealt with in confidence. However, *Complainants* should note:

**(a)** The *Respondent* of a complaint (whether about an individual or section of the University) will receive a copy of the complaint and has the right to respond to it;

**(b)** *Respondents* will be informed of the outcome of a complaint;

**(c)** *Third Parties* will be consulted if, in the opinion of the *Investigator* or *Panel of Investigators*, their views or opinions may be relevant to the investigation of a complaint.

### **Resolving Complaints Directly**

**(21)** As a first step to making a complaint under this Procedure, *Students* are urged to seek to resolve their complaints directly. To this end, a complaint relating to:

**(a)** An academic department should usually be discussed with a Department Manager, Academic Advisor, or Head of Department;

**(b)** A college should usually be discussed with a member of the College's Student Support Office;

**(c)** University administrative or support services should usually be discussed with the head of that service.

### **Making a Formal Complaint**

**(22)** If a *Student* wishes to make a formal complaint, the *Student* should complete a University *Complaint Form* for Students (see [Student Complaints](#)) and submit the Form to the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)) which will, subject to paragraphs 23-26, initiate an investigation of the complaint.

**(23)** Within 7 Days of the Student Conduct Office receiving a *Complaint Form*, the Student Conduct Office will acknowledge receipt of a *Complaint Form* and undertake some of or all the following:

**(a)** Ask the *Complainant* to complete fully, correct, clarify, simplify, shorten, or provide better evidence of some of or all the matters complained about;

**(b)** Ask the *Complainant* if the *Complainant* would like the complaint to be dealt with by mediation and conciliation, that is, by a voluntary process where an impartial, independent third party helps the parties involved in the complaint to resolve issues confidentially and subject to an agreed timescale (see [Durham University Mediation Service](#));

**(c)** Interview the *Complainant*;

**(d)** Advise the *Complainant* of a different procedure to follow;

**(e)** In most cases, send the *Complaint Form* to an appropriate person (or, if the complaint is about more than one issue, to appropriate people) in the college, academic department, administrative or support service which is the subject of the complaint;

(f) Take such other action which, in the opinion of the Student Conduct Office, is helpful or reasonable for addressing the complaint;

(g) Initiate an investigation of the complaint.

### **Early Resolution Stage**

(24) Where the *Complaint Form* is sent to an appropriate person (or, if the complaint is about more than one issue, to appropriate people) in the college, academic department, administrative or support service which is the subject of the complaint (see 23 (e) above):

(a) An *Early Resolution Stage* of the complaint is to be conducted with the aim of seeking a resolution of the complaint;

(b) The *Complainant* may be invited to discuss the complaint as part of the *Early Resolution Stage*;

(c) Within 21 Days, the college academic department, or administrative support service will by email notify the *Complainant* and the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)) of the outcome of the *Early Resolution Stage* and the reasons for the outcome.

(25) On completion of the *Early Resolution Stage*, if *Complainants* are dissatisfied with the outcome, *Complainants* may inform the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)) that they would like their complaints to be investigated under the *Formal Stage* of this Procedure.

(26) The Student Conduct Office will not usually initiate an investigation of a complaint under the *Formal Stage* of this Procedure unless the *Early Resolution Stage* has been completed.

### **Formal Stage**

(27) When the Student Conduct Office initiates the investigation of a complaint under the *Formal Stage* of this Procedure, the Student Conduct Office will:

(a) Appoint and then refer the complaint to an *Investigator* who is independent of the *Complainant* and the subject-matter of the complaint; or

(b) Refer the complaint to a *Panel of Investigators* whose members shall be independent of the *Complainant* and the subject-matter of the complaint.

(28) The *Investigator* or *Panel of Investigators* or (on behalf of the *Investigator* or *Panel of Investigators*) the Student Conduct Office may:

(a) Ask to interview the *Complainant* and other relevant parties as part of the *Formal Stage*;

(b) Take other appropriate action to investigate the complaint expeditiously and fairly, taking into consideration the nature of the complaint.

(29) The Student Conduct Office will use its best endeavours to ensure that the *Complainant* receives an *Investigation Report* within 42 Days of the Student Conduct Office initiating a *Formal Stage* investigation under paragraph 27 of this Procedure. If there is likely to be a delay, the *Complainant* will be informed of the reason and a revised timescale given.

(30) Possible outcome recommended in the *Investigation Report* include:

(a) The complaint (or part of it) is upheld or dismissed;

- (b) A resolution reached in co-operation with the department, college, finance or professional support service which is the subject of the complaint;
- (c) Compensation may be recommended;
- (d) An apology given;
- (e) Recommendations for change are made to the relevant decision-making body of the University;
- (f) Such other outcomes as the *Investigator* or *Panel of Investigators* considers appropriate in the circumstances.

(31) When a complaint is upheld, the University will explain how and when it will implement any remedy.

(32) The *Investigation Report* will also give information about:

- (a) The *Complainant's* right to request a *Review* of the outcome of the investigation of the complaint;
- (b) The grounds on which a *Complainant* may request a *Review*;
- (c) The time limit for requesting a *Review*;
- (d) The procedure for requesting a *Review*;
- (e) Where and how to access support.

## Review

(33) If a *Complainant* is dissatisfied with the outcome of the *Formal Stage*, the *Complainant* may request a *Review* of the *Formal stage Investigation Report* by writing to the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)) within 14 Days of receiving the *Investigation Report*.

(34) *Reviews* are to be requested using the Non-Academic Appeal or Request Form, to be found at [Student Complaints](#)

(35) The only grounds of requesting a *Review* are:

- (a) The identification of a procedural irregularity during the *Formal Stage*; or
- (b) Provision of new material evidence together with a valid reason why it was not previously submitted; or
- (c) The outcome of the *Formal Stage* was unreasonable in all the circumstances of the case.

(36) The request for a *Review* will be acknowledged within 7 Days and a *Reviewer* appointed to conduct the *Review*.

(37) An *Investigator* who has had no previous involvement with the complaint and who is independent of the *Complainant* will review the *Investigation Report* as *Reviewer*.

(38) A *Reviewer* may seek further information as part of the *Review*; however, a *Reviewer* will not usually consider the issues afresh or undertake a further investigation.

(39) The Student Conduct Office will use its best endeavours to ensure that the *Complainant* receives a *Review Report* within 28 Days of a request for a *Review* being received. If there is likely to be a delay, the *Complainant* will be informed of the reason and a revised timescale given.

**(40)** If a *Reviewer* upholds one or more aspects of a *Review*, the *Complainant* will be provided with information about outcomes (such as those set out in paragraph 30 above), which may include a new *Investigation* of the complaint by an *Investigator* or a *Panel of Investigators* not previously involved with the complaint or *Complainant*.

**(41)** There are no other opportunities for the complaint to be pursued within the University.

**(42)** The *Complainant* will be given a *Completion of Procedures Letter* and informed of the right to submit a complaint to the *Office of the Independent Adjudicator for Higher Education*, the time limit within which to do so, and where and how to access advice and support.

## Definitions

- 'Action' is an action (or lack of action) in relation to a matter concerning a *Student*
- 'Complainant' is a *Student* who completes and submits a complaint to [student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)
- 'Complaint Form' is University Complaint Form for Students (see [Student Complaints](#))
- 'Completion of Procedures Letter' is a letter which the University will send to a *Complainant* when the *Complainant* has reached the end of the University's internal processes for complaints and where there is no further avenue for the *Complainant* internally to pursue a Complaint.
- 'Day' means calendar day.
- 'Early Resolution Stage' is a review of a complaint in a *Complaint Form* that is conducted by an appropriate person in a college, academic department, administrative or support service.
- 'Formal Stage' is the investigation of a complaint by an *Investigator* or *Panel of Investigators*
- 'Investigation Report' is a report of the outcome of investigations by an *Investigator* or *Panel of Investigators*
- 'Investigator' is a person selected and appointed to investigate complaints.
- 'Misconduct' is behaviour that is deemed in breach of University Regulations, Codes of Practice and/or Policies.
- 'Office of the Independent Adjudicator for Higher Education' is an independent body set up to review students complaints about higher education providers in England and Wales. See [Office of the Independent Adjudicator for Higher Education](#)
- 'Panel of Investigators' is a group of two or three *Investigators* who meet twice-termly and (if necessary) once during the summer vacation to investigate complaints and to consider, approve, or amend investigation reports drafted by the Student Conduct Office on behalf of the Panel of Investigators. The role of the Student Conduct Office is to support and facilitate the work of the Panel of Investigators.
- 'Respondent' is the person or section of the University who or which is the subject of a complaint.
- 'Review' is a review of an *Investigation Report* conducted by a *Reviewer*.
- 'Reviewer' is an *Investigator* who had been appointed to review an *Investigation Report*.

- 'Review Report' is a *Reviewer's* report of a *Review*.
- 'Service' is a *Student's* experience of the standard of service provided by or on behalf of the University.
- 'Student' means a currently registered student or student who has left the University within the preceding 28 *Days*. Students on programme validated by the University have the right to request a *Review* under this Procedure, provided they have first completed the informal and formal procedures for complaints in their home institutions.
- 'Third Party' is any party who is not a *Student* or a member of the University community.

[Student Complaints Procedure Flow Chart](#)