University Code of Practice

Complaints by Students

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Applications for exemptions to:	Academic Quality and Standards Committee
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Summary/ Description:

This document sets out the University's arrangements for investigating and seeking to resolve complaints made by students, whether on taught or research programmes leading to the University's awards.

Complaints are separate from academic appeals (the latter being a challenge to the outcome of an assessment or progression decision. Academic appeals are covered in the separate University Codes: Code on Academic Appeals (QH:C11) for taught programmes and Academic Regulations: Research Degrees (QH:D1) for research degrees.

The University seeks to encourage the resolution of complaints informally and at the earliest opportunity, by the student approaching an appropriate person relating to the complaint such as their

lecturer or Programme Coordinator (if relating to their programme) or Student Services (if relating to a University facility or support service).

Where a complaint has not been resolved to the satisfaction of the student at that informal stage the student has the right to submit a formal complaint to the Registrar. Unless the complaint is inadmissible, a Complaints Panel will be established which will investigate and meet with relevant parties, including the student, in an effort to find an appropriate resolution to the complaint.

If the student is dissatisfied with the outcome of the complaint following the Complaints Panel they may request the Vice-Chancellor review the matter. Such a review is only permitted where there is evidence that there were procedural irregularities in the conduct of the Complaints Panel process or that there is new evidence that could not reasonably have been provided at the time.

If a student remains dissatisfied with the outcome of their complaint following the review by the Vice-Chancellor they have the right to take the matter to the Gibraltar Public Services Ombudsman. The communication informing them of the outcome of the VC's review must include agreed text advising them of that right and directing them to further information about how to progress the matter.

Further Guidance

See the Introduction to the Quality Handbook (QH:A1) for further guidance and explanations of:

- how the Handbook is designed to work and what it covers and does not cover
- how it is structured
- the 'external reference points' and established practice which have informed each of the Codes
- key concepts and themes
- some suggestions for further reading
- a quick guide to each Code, including definitions and things to watch out for.

This university Code has been written in accordance with the approach approved by the University to enhance clarity involving the following terminology: must = mandatory should = advisable may = desirable. Where these terms are used they are emphasised in bold.

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INTRODUCTION

1 This document describes the three-stage process for making a complaint at the University of Gibraltar. Student complaints are managed through the Registrar.

2 Complaints may be made by anyone who is, or was, enrolled as a student of the University. Complaints may be made by individual students or, where appropriate, collectively by groups of students represented by a lead student.

Authority

3 The Academic Quality and Standards Committee is the final arbiter of the application and interpretation of this code of practice as it relates to students on taught programmes, and Research and Research Degrees Committee as it relates to students on research degrees. Where there are differences in the way the Code relates to students on taught programmes and those on research degrees, this is made explicit in the text; otherwise the word 'programme' relates to both taught programmes and research degrees.

Scope of the Code

4 This Code applies to all provision which leads to the award of the University's higher education qualifications.

5 It applies to all enrolled students, including those who have been permitted to interrupt their studies.

6 A complaint is defined as an expression of dissatisfaction by one or more students about a university's action or a lack of action, or about the standard of service provided by or on behalf of the University.

7 The following are examples of what can be complained about under this Code:

(a) a University service (e.g. library, laboratory, classroom facilities, general learning resources)
(b) the delivery and administration of programmes (e.g. notice of classes/timetable changes, notice of assessment results)
(c) arrangements for the provision of tuition and supervision
(d) the behaviour of a student and/or a member of staff (e.g. concerning discrimination, harassment and/or bullying)
(e) information about academic programmes (e.g. that is misleading or incorrect)
(f) facilities
(g) the University's failure to reasonably meet the expectations and obligations it sets out in regulatory and procedural documents.

8 Concerns about assessment decisions (i.e. the outcome of an assessment at module or programme level) must be progressed through the University's Academic Appeals Procedures rather than through these Complaints Procedures.

9 Where a student's or students' concerns are generic (e.g. in relation to University regulations and procedures, the content and/or assessment of programmes) this **should**, in the first instance, be directed through the relevant feedback channel (e.g. the Programme Coordinator / Student Experience Office).

Application to collaborative provision

10 Unless specified by the Academic Board, this Code applies to all provision referred to in paragraph 4 whether that provision is delivered by the University or another approved provider in accordance with a formal legal agreement.

PRINCIPLES

11 The University seeks to minimise student complaints by ensuring that, wherever possible, students have opportunities to participate in the appropriate formal decision-making processes of the University.

12 The University is committed to fostering an environment in which students are encouraged to raise any matters of concern informally at a local level (e.g. module level, programme level) as soon as they arise, as this often removes the need for formal complaints.

13 Equally, in order to ensure the thorough and fair investigation of a complaint, and in the interests of natural justice, the University will contact any student or member of staff who is named in a complaint to enable an informed and equitable response.

14 Students are encouraged to raise the concern or complaint as soon as possible after the occurrence. All students, including those who have left/graduated from the University, have a right of complaint no later than **three months** from when the initial event or issue occurred, in order to enable the issue to be addressed in a timely manner.

15 The processes described below are under-pinned by the principles of objectivity and respect and are intended to safeguard, as far as possible, the interests and well-being of students making a complaint and all parties who may be named or otherwise involved. They are also under-pinned by the following:

(a) all parties involved in a complaint are required to act reasonably and fairly towards each other and to respect the University's procedures
(b) wherever possible, all complaints will be resolved informally at the earliest opportunity
(c) all complaints will be dealt with promptly, and any time-critical factors set out in the complaint form will be taken into account
(d) time limits should be met by all parties and may only be extended by the relevant decision-maker where it is necessary to do so to ensure a fair outcome
(e) complaints will be dealt with confidentially by all parties involved, except where it is necessary to disclose information to conduct a fair investigation and/or where it is necessary to disclose information to meet professional body expectations requirements.

Where it emerges that confidentiality has been breached unnecessarily, disciplinary action and/or sanction may follow

(f) no-one investigating a complaint should have any conflict of interest in the matter; where conflicts of interest are apparent or arise, the Registrar **must** appoint substitute individuals.

(g) anyone who is involved in investigating or adjudicating a complaint **must** be totally independent of the student

(h) the University will not process complaints that are about matters which have already or are currently under consideration by a court or tribunal

(i) the process and outcome of the complaints procedure should not have a detrimental effect on the student's experience at the University, and a student is entitled to continue to pursue his/her studies whilst the complaint is under investigation.

16 The University will keep a record of formal complaints and their outcomes to inform decision-making in individual cases and improvements to the regulatory and operational functioning of the University.

PROCEDURE

17 The University complaints procedure is a three-stage process as follows:

Stage 1: local level resolution
Stage 2: formal level resolution
Stage 3: review.

Stage 1 - Local level resolution

18 Every effort **should** be made to resolve complaints by discussing the matter informally with all parties involved at a local level at the earliest possible opportunity, where this is possible and appropriate. At this stage, students are asked to explore their concerns informally (e.g. verbally and/or by email) with the relevant lecturer, Programme Coordinator or Student Services.

19 The member of staff to whom the complaint was made **should** contact the student within 5 working days of the initial complaint, with an explanation of what steps (if any) will be taken to address the complaint and the expected timescale.

20 The student **should** be requested to respond, within five working days, stating that:

(a) they are satisfied and the complaint is resolved

(b) they are not satisfied and intend to submit a formal complaint.

21 If the student does not respond the University will presume that the student is satisfied with how the matter has been addressed. This presumption does not preclude the submission of a formal complaint (as set out in para. 23).

22 The member of staff to whom the complaint was made **must** inform the Registrar in writing of the complaint, the solution offered/implemented, and the explicit or presumed acceptance of the solution by the student. The Registrar is responsible for maintaining a record of this information as the basis for helping inform the continuous improvement of the University's information, academic provision and/or facilities and services.

Stage 2 – Formal Complaint

Submitting a formal complaint

23 Where the matter raised by the student is either not amenable to local level resolution or cannot be resolved at a local level the student may submit a formal complaint to the Registrar using the appropriate Form. If local level resolution has been attempted the formal complaint **must** be submitted within 10 working days of receiving notice of the outcome of the local level resolution process. In all cases the formal complaint **must** be submitted no later than three months after the date on which the event which is the subject of the complaint occurred.

24 The Registrar may grant an extension to the time limits set out in paragraph 23, where they are satisfied that the student has provided evidence of exceptional circumstances, such as illness, injury, or unavoidable delay in obtaining evidence. The Registrar **should** agree a new and reasonable deadline with the student.

25 In completing the Complaint Form the student **should** state the grounds of the complaint, including relevant evidence (e.g. corroborating statements, inconsistent/contradictory documentation, photographs or audio-visual material), a statement as to why the issue(s) of concern could not be, or was not, resolved at a local level and a statement of their preferred resolution of the matter

26 Students are strongly advised to keep a copy of their complaint, accompanying documentation and any other documentation relating to the complaint for their own records.

Scrutiny of the complaint

27 The Registrar **must** determine whether the formal complaint constitutes a valid complaint in that it:

(a) meets the definition of complaint set out in paras. 4 and 7
(b) would not be better resolved as an academic appeal (or should be progressed as an academic appeal as well)
(c) it has been made by the student concerned or an authorised representative
(d) is not malicious, frivolous or vexatious
(e) is supported by relevant evidence.

Complaints and academic appeals

28 The University recognises that students may raise multiple issues which do not fall neatly into the categories of complaint or academic appeal and that a complaint may be better progressed as an academic appeal (as defined in the University's Code on Academic Appeals (QH:C11) for taught programmes, and Academic Regulations: Research Degrees (QH:D1 for

research degrees). Where this is the case the Registrar in consultation with the Head of Academic Quality and Learning will determine whether the complaint should be reclassified (at whatever stage of the process has been reached). The student will be guided on the most appropriate procedure, and their agreement obtained before progressing the matter further.

Submission by the student

29 Complaints will only be considered where they are made directly by the student concerned, or the authorised representative of a student or a group of students. Complaints made by third parties will not be considered. 'Authorised' means that the student has confirmed in writing that the representative may act on their behalf. Anonymous complaints will not be considered because of the need to obtain further information, including from the student, to ensure a fair process.

Malicious, frivolous or vexatious complaints

30 The University will not process complaints that are deemed to be malicious, frivolous or vexatious in that they are obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress. The University reserves the right to terminate the complaint process at any time where a complaint is judged malicious, frivolous or vexatious.

31 A student who submits a complaint which is malicious, frivolous or vexatious may be subject to disciplinary action (Student Code of Conduct and Disciplinary Procedure (QH:E5)).

Establishing a Complaints Panel

32 Within 10 working days of receiving the complaint, the Registrar **must** inform the student in writing either that:

(a) the complaint is valid and that a Complaints Panel will be established to hear and determine the matter or
(b) the complaint is not valid, stating the reasons for that decision, and confirming that the matter is closed.

33 Where the complaint is judged valid, the Registrar **must** establish a Complaints Panel comprising members who have no prior association with the case:

(a) a member of Academic Board, Academic Quality and Standards Committee, or Research and Research Degrees Committee as chair of the Panel
(b) an experienced member of staff (whether academic or non-academic)

34 The Panel **should** also include a current student who has no connection with the programme on which the complainant is studying and no connection with the matters being complained of, and has received appropriate training on the University's complaints procedures from Student Services. Where it is impractical to involve a student on the Panel, a further member of staff **should** be appointed to the Panel.

Further evidence

35 Once the membership of the Panel has been established the Panel **must** determine whether further evidence is required including whether potential witnesses need to be contacted, whether they are named in the complaint or not. The Registrar is responsible for obtaining such further evidence (where this is documentary or electronic) and for notifying witnesses that they will be asked to attend a complaints hearing.

Notice of the Complaints Panel hearing

36 Once the date of the Panel hearing has been agreed by the Registrar and the Panel members, the Registrar **must** inform the student and any witnesses in writing, stating the date, time and venue of the hearing and giving no fewer than 10 working days' notice of the hearing. The student **must** also be informed of their right to be accompanied by a person of their choosing, and must be informed of any witnesses who will appear at the hearing and be provided with copies of any further evidence which will be considered by the Panel.

Complaints Panel Hearing

37 The hearing may be conducted face-to-face or online but must be conducted in a manner which the Panel considers appropriate given the nature of the complaint and the evidence to be considered. The Chair **must** ensure that the student is given a fair and proper opportunity to make their case, to question any witnesses, and to comment on any evidence provided at or before the hearing.

38 The Registrar will act as Panel Secretary and make a record of the proceedings at the hearing, a copy of which **must** be provided to the student within five working days of the hearing. Neither party will digitally record the proceedings of a Complaints Panel.

39 If the student declines to attend the hearing the Panel may agree to progress the matter in the student's absence. If the student is unable to attend for a reason which the Panel considers legitimate (such as illness) the hearing **must** be rearranged giving the parties no fewer than 10 working days' notice of the new date.

40 If the student does not appear at the hearing, the Panel may proceed provided it is satisfied that the Panel Secretary has properly notified the student of the hearing.

41 Where the student is accompanied by a person of their choosing, that person may not address the Panel or witnesses other than in exceptional circumstances and at the invitation of the Chair.

42 Neither the University nor the student, shall have recourse to legal representation at the Panel hearing.

43 Once the Panel is satisfied that it has received sufficient information on which to make a decision, and that both parties have had a fair opportunity to make their case, it shall require all parties and witnesses to withdraw while it makes a decision.

44 The Complaints Panel must limit its determination to the complaint and to recommending a solution; it is not constituted as a disciplinary panel for staff or students.

Outcomes

45 The Complaints Panel is empowered to:

(a) dismiss the complaint
(b) uphold the complaint in whole, or in part.

46 Where the Complaints Panel upholds a complaint in whole, or in part, it can recommend the following actions:

(a) a direct apology, or the request of an apology from a third party (e.g. a student, a service/facility area)
(b) a mediation intervention between the parties
(c) the review and/or revision of a University procedure
(d) a review and/or revision of programme materials and/or the delivery of a programme
(e) a review of or improvement to a University resource or service
(f) payment of compensation and/or legitimate expenses
(g) other, as appropriate and proportionate to the nature of the complaint.

47 A recommendation **must not** be made that involves the exercise of academic judgement (such as awarding or changing a mark, assessment or classification outcome); such cases should be dealt with in accordance with the Codes on Academic Appeals (taught programmes) (QH:C11) or Academic Regulations Research Degrees (QH:D1).

48 The Registrar **must** confirm the decision in writing within five working days of the hearing. Confirmation **must** include notice of the student's right to seek a review of the complaint under Stage 3 (below).

49 The Registrar **must** inform the relevant Programme Coordinator and any person who is responsible for addressing any recommendation made by the Complaints Panel under paragraph 46 in writing within five working days of the hearing.

New evidence

50 If new evidence becomes available which was not, and could not reasonably have been made available at the Complaints Panel hearing, the Chair of the Panel will consider the new evidence to determine whether it is likely to have had led to a different outcome had it been available to the Complaints Panel, and provided:

(a) the Chair is satisfied that there were legitimate reasons for the evidence not having been available at the time of the Panel hearing
(b) the new evidence is made available no later than 20 working days after the Panel hearing.

51 If the Chair is satisfied that the evidence would have led to a different outcome, and the conditions in paragraph 50 are satisfied, the Chair **must** direct that the Complaints Panel be re-established and a further hearing held, conducted as specified in paragraphs 0-48.

52 Subject to paragraph 53 onwards, the decision of the Panel taking account of the new evidence is final.

Stage 3 - Review

53 Where a student is not satisfied with the complaint investigation process (after Stage 2) the student can request a review of the complaint by writing to the Vice-Chancellor only where there is clear evidence that the Complaints Panel did not follow the University's procedures as set out in this Code in some material way.

54 Such a request **must** be made in writing within 10 working days of receiving written notification of the Panel decision.

55 The request for review **must** either specify **precisely** what aspect(s) of the Stage 2 procedure was not followed.

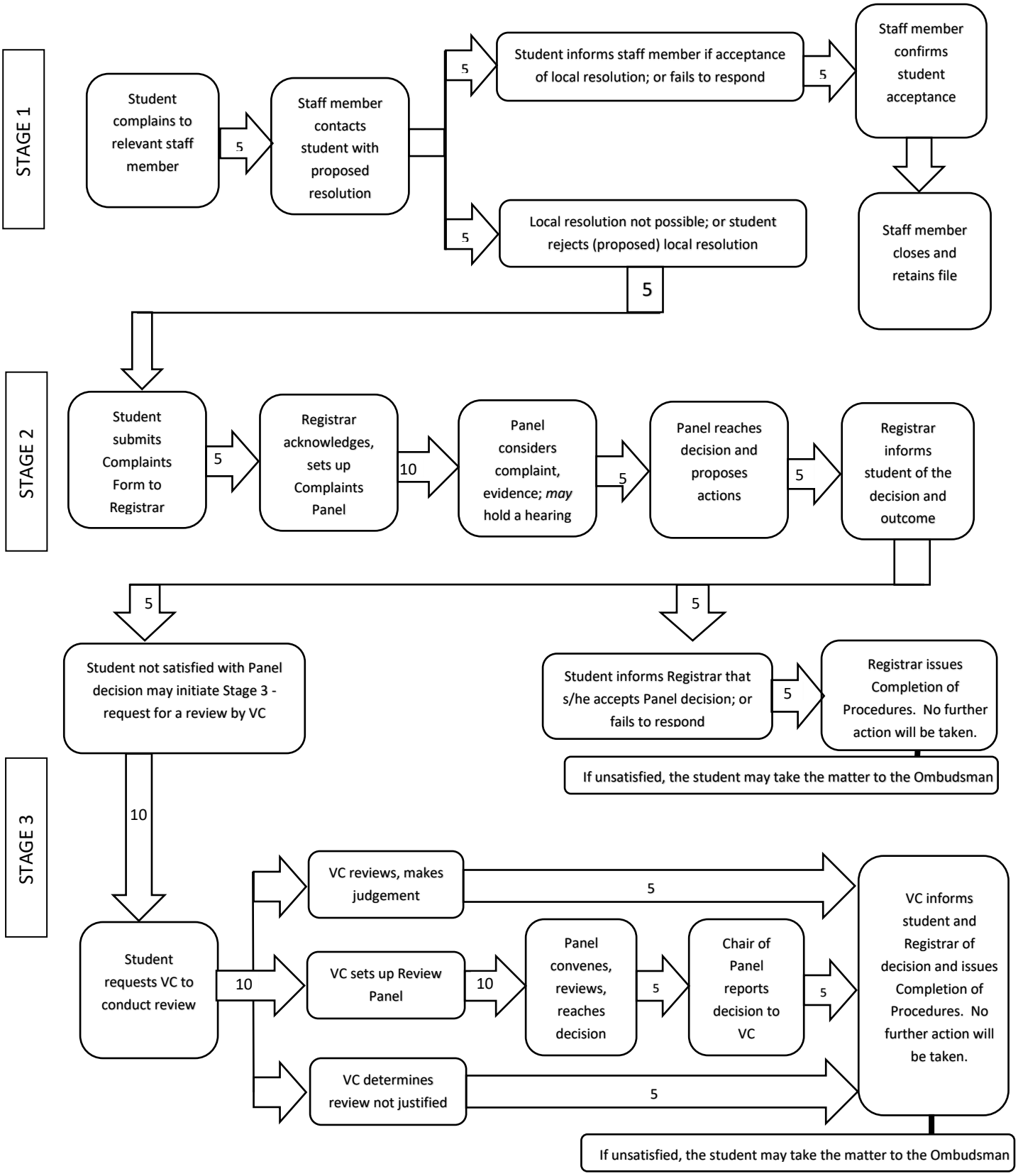
56 If the Vice-Chancellor is satisfied that a review is justified they will either:

(a) make a judgement on the basis of the student's submission or
(b) convene, within 10 working days, a Review Panel with new members, none of whom has been involved with the complaint to review the evidence; where appropriate the Review Panel may include a member of the Board of Governors.

57 The Review Panel will review all of the evidence of the proceedings at the Complaints Panel and either uphold, reverse or modify the decision of the Complaints Panel as it deems appropriate. The Review Panel **must** advise the Vice-Chancellor of its findings within 5 working days of convening.

58 The Vice-Chancellor **must** inform all parties to the complaint in writing, within five working days of making a decision or of being informed of the decision of the Review Panel as appropriate, and making clear that the decision is final. The communication to the student **must** also advise the student of their right to take the matter to the Gibraltar Public Services Ombudsman if they remain dissatisfied with the outcome of their complaint. The communication constitutes confirmation of the 'Completion of University Procedures' by the student and **must** include the text agreed jointly by the University and the Gibraltar Public Services Ombudsman.

Complaints flowchart



MONITORING, RECORDING AND REPORTING

59 The Registrar will keep a record of all formal complaint investigations and outcomes.

60 On an annual basis, an anonymised report on the number and nature of formal (Stage 2) student complaints considered and outcomes will be presented to the Academic Board and to the Board of Governors. This process will ensure appropriate monitoring of all complaints and related outcomes and is intended to facilitate learning from complaints.

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