



STUDENT COMPLAINT POLICY AND PROCEDURES

Approved by Academic Council 6th December 2006

Version 1.6

1. INTRODUCTION

- 1.1 UCD is committed to providing its students with a high-quality education and it cherishes excellence, integrity, fairness and equality. Where student complaints have arisen, it has always endeavoured to resolve them in a speedy and fair way. Recognising, however, that students need a clear framework within which to tackle problems that they may encounter within the University, UCD is proposing this policy to ensure that students have accessible, consistent and efficient procedures for the resolution of legitimate student complaints, in accordance with the principles of natural justice, equity and fair treatment. Complaints made under this policy will be monitored and reviewed to enable the University to continually improve its processes, while respecting the confidentiality of individuals.
- 1.2. The rights of both the complainant and the individual / School / service against whom or which the complaint is made will be given due regard in the implementation of these procedures. A student making a complaint will not be discriminated against or suffer any recrimination as a result of making a complaint. A member of staff who is the focus of an alleged complaint will not be discriminated against or suffer any recrimination as a result of any unsubstantiated complaint being made, and the staff member has the right to be accompanied by a Trade Union representative or another staff member to consultations regarding an alleged complaint if so wished. However, where a complaint is shown to be malicious or vexatious or where false information is submitted, disciplinary action may be taken against the complainant¹.

2. BACKGROUND / CONTEXT

- 2.1. UCD is currently in a period of development. In the wake of a modern, modularised programme of learning for students in UCD, it is now appropriate to develop a new localised mechanism for student complaints which upholds the values of the University. It is important for both staff and students to ensure that adequate fora exist in order to resolve issues as efficiently as possible.
- 2.2. It has been recognised that it is almost always preferable for both the student(s) and respondent² to raise concerns or complaints as locally and promptly as possible; in this manner all parties can quickly resolve the arising matter together. However, it is also recognised that some complaints are of a more serious manner and it is in the interests of fairness that an appropriate policy be formulated to deal with these rare circumstances.
- 2.3. The Student Complaint Policy and its associated procedures are intended to:
- Reinforce the emphasis on promptly reaching an acceptable outcome at each stage of the procedure;
 - Reflect the University's devolved structure and ensure that there is appropriate local responsibility for resolving student complaints;
 - Provide an opportunity to issue more detailed guidance to both students and staff.
- 2.4. This policy is not intended to replace other complaint or dispute resolution mechanisms which are already in place.

¹ Complainant: the person or group who makes a complaint

² Respondent: the person or group who answers or defends a complaint

3. POLICY

3.1. Policy Scope

3.1.1 Students currently registered as a UCD student or within three months after final exam or otherwise leaving UCD are eligible to use these procedures, providing that the event took place whilst being a registered student, and if the complaint is about an aspect of one of the following:

- a) Teaching and academic facilities
- b) Academic services
- c) On campus Accommodation
- d) Student support services
- e) Administrative services
- f) an alleged action or inaction by the University or a member of its staff

3.1.2. In most cases, the complaint is likely to arise as a result of a serious failing in the provision of academic or support services which could create a hindrance to the student's learning outcomes being achieved.

3.1.3. Students may raise complaints jointly, if desired. Normally this is most likely to occur where the service(s) provided have seriously failed for a number of students and perceived to create a hindrance to their learning outcomes being achieved.

3.1.4. Anonymous complaints will not be considered under this procedure. If a member of staff receives an anonymous complaint, s/he will be expected to seek advice from his/her line manager as to how the complaint should be dealt with.

3.1.5. Table: Circumstances which are excluded

Circumstance which is excluded from the Student Complaint Procedure:	Alternative Procedure:
Any matter that can be pursued through an Assessment Appeal	Details of Assessment Appeals can be found at http://www.ucd.ie/appeals/exam_appeal.htm
Complaints about harassment of any type (including sexual harassment, bullying and racism) made against a UCD student, member of staff or recognised UCD club or society	Dealt with under the UCD Policy on Dignity and Respect http://www.ucd.ie/students/studentsupport.html
University policies and regulations	Complaints about these should be raised through the Students' Union and elected student representatives to Academic Council http://www.ucdsu.net/
Complaints against the judgement of Disciplinary Committees	see the Student Code for the Appeals Procedures in disciplinary cases http://www.ucd.ie/students/studentsupport.html
Complaints regarding Student Societies, other than complaints about harassment	these are dealt with by the Academic Council Committee for Recognition of Student Societies http://www.ucd.ie/registry/academicsecretariat/com.htm
Complaints regarding Student Sports & Athletics Clubs, other than complaints about harassment	these are dealt with by the Athletic Union Council http://www.ucd.ie/sport/whatswhat.htm#ath
Complaints regarding the Students' Union	these are dealt with by the Students' Union President
Complaints relating to an alleged clinical error by a member of UCD's healthcare	Contact the Student Health Unit

staff	
Complaints relating to events that occurred before the complainant became an enrolled student	Raise the issue with / refer the issue to the Registrar or their nominee.
Complaints relating to events that occurred after the complainant ceased to be an enrolled student	Raise the issue with / refer the issue to the Registrar or their nominee.
Complaints about the release of information under the Data Protection or Freedom of Information Acts	Information can be found at http://www.ucd.ie/foi

Individuals excluded from using the Student Complaint Procedure:	Permissible alternative:
Academic Applicants to UCD	Raise the issue with / refer the issue to the Academic Registrar or their nominee
Students on franchised, collaborative or other partnership courses who are not present on UCD campus or directly in receipt of services from UCD	Use the Student Complaint Procedure of the institution at which they are studying.

3.1.6. In the event that matters of a staff disciplinary nature arise through this process they will be dealt with separately, at the discretion of the University, through the agreed staff disciplinary procedures. However every effort will be made to resolve the student's specific complaint through the Complaints Process.

3.2. Timescales for Making a Complaint

3.2.1. Local and informal methods of resolving issues often serve the complainant best in terms of a speedy resolution, and it is for this reason, amongst others, that the student is advised to seek resolution as close to the source of the complaint as possible.

3.2.2. Students should raise complaints informally as soon as possible and normally within 28 days of a problem arising or being identified; complaints should, in the first place, be made to the person or persons whose action or inaction is the cause of dissatisfaction or to the service-provider if a service is unsatisfactory. The time-scale of 28 days is intended to limit the investigation of complaints to those where the circumstances of the complaint can be expected to be reasonably clear in the minds of those making the complaint and those involved in the circumstances which led to the complaint. However, this time-scale can be waived in exceptional circumstances if there are good grounds for the complaint not to have been raised within this limit, for example in the event where a perceived prejudice may arise from a complaint. In this instance, a student should contact the Student Complaints Officer.

3.2.3. If the student does not make a complaint within the timeframe specified, a written record of the nature of the complaint and observations, conversations, etc., with times and dates where possible, should be recorded in the interests of accuracy and fairness.

3.3. Procedure Once A Complaint is Made

3.3.1. Student complaints will normally be dealt with using an informal procedure at the local level in the first instance, with the minimum number of people involved, i.e. with the particular school or service unit. A resolution at local level should be attempted wherever possible and is most often in the best interests of all parties involved. The formal procedure will be followed only if a resolution of the complaint is not achievable at the local level. If a student is not satisfied with the formal procedure, he/she may appeal to the Student Complaint Appeals Committee on a number of grounds.

3.3.2. Student should be clear that when they make a complaint, certain procedures will ensue and therefore should be clear on the grounds for their complaint. Students are encouraged to consult a student support professional³ in UCD for advice or clarification regarding these procedures.

3.3.3. **Outcome:** A course of action will be identified and communicated to the complainant(s). In some cases, it may be most constructive for recommendations to be made about the way in which the actions of individuals or units should change in response to the issues raised. The University reserves the right to communicate via its website and, where possible, elected class representatives, the remedies proposed to issues of a general nature, particularly where it is recognised that the matter may have affected more students than the number that complained. This procedure therefore retains the ability to review complaints formally when necessary, but emphasises the use of conciliation and mediation to reach acceptable outcomes, rather than formal judgments.

3.4. Confidentiality

3.4.1. All information received in the course of a complaint will be confidential to those involved in the process. When a student makes a formal complaint, the individual/School/service against whom the complaint is made will be provided with a copy of the complaint, in the interests of natural justice.

PROCEDURE

4. INFORMAL PROCEDURE

4.1. A student should first raise a complaint with the person whose alleged action or inaction is the cause of dissatisfaction, as soon as possible and normally within a few days of the problem arising. If a complaint relates to a facility or service, it should be raised first with the person responsible for the facility or service. If the student does not know to whom to complain, they should seek the advice of a student support professional. Where a complaint is about an alleged lack of action(s) rather than a specific incident, it should be raised either within a month of the date on which the student had been notified that the action would be taken, or, if the student was not notified of a specific date, within a reasonable period of time. If a complaint cannot be raised within a few days of the arising issue, it is advisable that the complainant make note of the issues leading to the intended complaint in the interests of accuracy and fairness.

4.2. If this initial discussion does not satisfactorily resolve the matter, the student should ask to discuss it informally with the member of staff's Manager or Head of School as soon as possible and normally within a few days of the alleged issue arising. If the student so wishes, they may be accompanied by a member of staff, such as a student support professional, at this meeting. If a student requires advice on who is responsible for the area, they should consult a student support professional. The Manager/Head of School should respond to the complaint within 28 days of it being raised with them. If the Manager/Head of School and the student resolve the issue, the Manager/Head of School should make a brief written record of the complaint and its resolution and the student should be asked to countersign this.

4.3. Where the complaint relates to a Manager or Head of School, the complaint should be discussed as soon as possible with that person (as per 4.1). If this does not resolve the matter, the student should contact the line manager of this person in order for the matter to be resolved in an informal manner. If a student requires advice on who is responsible for the

³ A student support professional can be one of the following: a Student Adviser; a member of the Access / New ERA or Disability Support Service staff; an official UCD student counsellor; a UCD Chaplain or the UCD Student Union Sabbatical Officer.

area, they should consult a student support professional.

- 4.4. If the matter is not resolved or requires more intensive intervention, the Manager/Head of School/line manager may nominate a mediator (who has had no prior involvement in the case) from a panel of approved mediators. The mediator will assist the student complainant and the area or person against whom the complaint is directed (the respondent(s)) to reach a mutually satisfactory outcome. The mediator remains neutral and makes no assessment of the facts or rights and wrongs of a case. A list of staff willing to act as mediators will be identified by the Vice-President for Students and training will be provided. A mediator should be appointed within 10 working days of the Manager/Head of School/line manager meeting with the student and the mediator should seek to resolve the matter within a further 10 working days. If both the complainant and the respondent so wish, however, the complaint may go to the formal stage without mediation.
- 4.5. If a mutually acceptable outcome is achieved as a result of the mediation, the mediator will close the case with a brief written report to the Manager/Head of School/line manager, who will treat the report as confidential and keep it on file. The student will be asked to countersign this report to verify that the issue has been resolved.
- 4.6. If a mutually acceptable outcome is not achieved as a result of the informal procedure he/she may make a formal complaint in accordance with the formal procedure (section 2).
- 4.7. In certain circumstances, for example where complaints involve allegations of serious misconduct, a formal approach may be necessary from the beginning. In such cases a formal complaint should be raised within 28 days with the Manager/Head of School/line manager or with a more senior colleague if the complaint relates to a Manager/Head of School/line manager.
- 4.8. **Possible Outcomes at the Informal Stages:**
 - a. A mutually acceptable outcome is reached, and the Manager / Head of School / line manager notifies the complainant(s) in writing of his or her conclusions, and any consequent action proposed.
 - b. A mutually acceptable outcome is not reached, and the student's complaint is referred to a formal complaint mechanism, in which the complainant is required to fill in a Student Complaint Form.
 - c. A mutually acceptable outcome is not reached, but the Manager / Head of School / line manager considers that your complaint has been heard fairly and that appropriate actions have been taken. In this case, the student will be notified in writing that no further action will be taken at School / Unit level, and that the student has the right to request a formal hearing of their complaint by submitting a Student Complaint Form.

4.8.1. Students may submit a formal complaint only when

- all of the informal mechanisms have been exhausted (with the exception of particularly serious complaints), or
- substantial evidence has come to light that strengthens the basis of the complaint.

5. FORMAL PROCEDURE

- 5.1. A student may make a formal complaint if the student is seriously dissatisfied with the results of the informal procedure.
 - 5.2. The formal complaint must be in writing, identify the complainant(s) and the respondent(s) and provide details of the nature of the complaint. It should be made on the UCD Student Complaint Form (SCF1) and sent to the Student Complaints Officer. Receipt of the form will be acknowledged within five working days. The Student Complaints Officer will appoint an appropriate individual, normally a senior colleague, who has had no involvement in the informal process, to investigate the complaint. The Investigating Officer will be appointed as soon as possible or within 15 working days of receiving the formal complaint. Members of staff may not investigate a matter in which they have a material interest or in which any potential conflict of interest may arise.
 - 5.3. Should a formal complaint be made before the informal procedure is followed, the Student Complaints Officer may refer the complaint to the Manager/Head of School in the relevant area to try to resolve the matter informally if possible, via the informal process as outlined in Section 4.
 - 5.4. The Investigating Officer may seek further information from the members of staff involved in the original informal complaint and attempt to resolve the issue on the basis of the documentation submitted. Where the Investigating Officer requires further clarification, they may decide to meet with the complainant(s) and/or respondent(s) and any other parties relevant to the complaint as soon as reasonably possible. Both the student complainant and any member of staff responding to the complaint may be accompanied during any interviews; the accompanying individual must be a representative of a recognised Trade Union and / or a University colleague, a UCD student or an officer of the Students' Union. Having investigated the matter, the Investigating Officer will provide a written report to the Student Complaints Officer, including recommendations on measures to be taken to resolve the complaint.
 - 5.5. If the Investigating Officer and the Student Complaint Officer are in agreement that the matter must be more appropriately dealt with by An Garda Síochána, they will inform the complainant and the respondent and the matter will be suspended by the University, pending the outcome of the Garda investigation.
 - 5.6. The Student Complaints Officer will inform the complainant(s) and the respondent(s) in writing of the Investigating Officer's decision in relation to the resolution of the complaint. It is anticipated that all formal complaints will be dealt with as soon as possible and within 40 working days.
 - 5.7. In the interests of a speedy and fair resolution for both parties, UCD will make available the opportunity to return to an informal mediation stage should either party request this. Should either party in the process wish to engage in mediation, they should contact the Students Complaints Officer. The Student Complaints Officer will then make contact with the other party / parties in the matter to enquire as to whether a return to the mediation stage is possible.
- 5.6. Possible Outcomes at Formal Stages:**
- a. A mutually acceptable outcome is reached, and the Student Complaints Officer notifies the complainant(s) in writing of the Investigating Officer's conclusions, and any consequent action proposed.
 - b. A mutually acceptable outcome is not reached, but the Manager / Head of School / line manager considers that the complaint has been heard fairly and that appropriate actions have been taken. In this case, the complainant(s) will be notified in writing that no further action will be taken at School / Unit level, and that the complainant(s) can consider an appeal to the Student Complaint Appeals Committee.

5.6.1. A student may submit an appeal only if

- the Investigating Officer has not responded to all of the substantive areas of the complaint;
- there is a procedural irregularity in connection with the conduct of the investigation by the Investigating Officer;
- new evidence comes to light, or;
- the complainant is seriously dissatisfied with the outcome of the investigation.

6. STUDENT COMPLAINT APPEALS COMMITTEE

- 6.1. Upon receipt of a completed Student Complaint Appeal Form (SCF2) from the complainant(s), the Student Complaints Officer will convene a meeting of the Student Complaint Appeals Committee.
- 6.2. The Student Complaint Appeals Committee will consist of three members drawn from a panel approved by the Registrar and the Vice-President for Students and a nominee of the President of the Students' Union. It will have the services of an administrator to keep a record of proceedings.
- 6.3. No member of the Student Complaint Appeals Committee will have had any previous involvement in the informal or formal procedure in relation to the complaint.
- 6.4. The Student Complaint Appeals Committee will:
- Consider all matters relating to the appeal
 - Elect to interview such parties as are relevant to the appeal (the student complainant(s) and the respondent(s) may be accompanied at any such interview)
 - Consider the matter in private
 - Make a decision respect of the appeal and advise the Student Complaints Officer in relation to the appeal, including any remedies to be applied. The Student Complaints Officer will ensure that any decision of the Student Complaint Appeals Committee is communicated to the complainant(s) and the respondent(s) and implemented.
- The Student Complaint Appeals Committee may also make recommendations to inform the development of relevant procedures and processes.
- 6.5. The Registrar or Vice-President for Students will consider any recommendation of the Student Complaint Appeals Committee and take such action as is appropriate.

7. GENERAL

- 7.1. The University will adhere to the timescales quoted within this document whenever possible. Should, in exceptional circumstances, it not prove possible to adhere to these timescales, all parties to the complaint will be advised accordingly.
- 7.2. An Equality Monitoring form will be attached to formal complaint forms. The information contained therein will be kept separate to any details of the complaint(s) or the complaint made. These forms will be monitored by the Vice-President for Students' office.
- 7.3. Papers relating to formal complaints will be held in the Student Complaints Officer for 3 years from the date of resolution and then destroyed.
- 7.4. The Vice-President for Students, or their nominee, will report in summary to the UCD Governing Authority on all formal complaints and appeals made during the year.
- 7.5. **Review Provisions for Policy**

This policy will be reviewed in light of

- any feedback arising from formal complaints or appeals
- new policies or procedures in place in UCD.

Otherwise, this policy will be reviewed in 2008.

TRACKING INFORMATION

PERSONNEL

Role	Name	e-mail	tel
Academic Sponsor	Prof. Mary Clayton	Mary.clayton@ucd.ie	1280
Administrative Sponsor	Elizabeth Noonan	Elizabeth.noonan@ucd.ie	1344
Policy Officer(s)	Mary Gallagher	M.gallagher@ucd.ie	1535

VERSION HISTORY

Version	Date	Summary of Changes	Changed by
1.1	Oct-06	First draft	Mary Gallagher
1.2	Oct-06	Revision incorporating comments from Advisory Group	Mary Gallagher
1.3	Nov-06	Revision incorporating comments of Consultative Forum	Mary Gallagher
1.4	Nov-06	Revision incorporating comments from ACEC	Mary Gallagher
1.5	Dec-06	Revision incorporating comments from AC	Mary Gallagher
1.6	Jan-07	Revision incorporating comments from Personnel and Corporate & Legal Affairs	Mary Gallagher

CONSULTATION AND APPROVALS PLAN

Committee/Group	Date		Version	Action	Decision
	Meeting	Circulation			
Advisory Group	23/10/06	13/10/06	1.1		Some minor changes and refer issues to Corporate & Legal
Consultative Group	N/A	02/11/06	1.2		
Academic Council Executive	22/11/06	02/11/06	1.3	Item for discussion	ACEC in favour of draft policy to go to Academic Council
Circulation to membership of Academic Council & Corporate & Legal	06/12/06	24/11/06	1.4	Discussion with C&L, feedback received from AC	Minor amendments made for recirculation (listed in Annex for meeting)
Academic Council	06/12/06	04/12/06	1.5	Discussion and approval	Approval pending corrections regarding link to the Disciplinary Procedure
Sign-Off Group	16/01/06	16/01/06	1.6	Discussion and final approval	Approval of Policy with report to ACEC / AC