

KINGSTON UNIVERSITY

STUDENT

COMPLAINTS

PROCEDURE

Student Affairs Office

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GLOSSARY OF TERMS

For the purposes of the Student Complaints Procedure, the following expressions have the meanings indicated

EXPRESSION	MEANING
Days	University Working days
Staff	Members of staff including staff of the Kingston University Service Company (KUSCO) or any other wholly owned subsidiary company of the University
Vice-Chancellor	Vice-Chancellor, the Deputy or Pro Vice-Chancellor or such other person designated to act on his/her behalf by the Vice-Chancellor in his/her absence from the University.
University Secretary	University Secretary or any person designated by him/her in fulfilling the role and responsibilities assigned to the post in this procedure
Student Affairs Office	The Head of Student Affairs Office, the Student Affairs Advisor or such other senior member of staff as may be designated by the Director of Student Services and Administration. For complaints about staff conduct, Human Resources will assume the Student Affairs Office's role in relation to the formal investigation and any subsequent referral to appeal
Representative of the Students' Union	President of KUSU or other Sabbatical Officer of KUSU as may be designated by the President of KUSU

1. INTRODUCTION

Purpose

1.1 The Student Complaints Procedure can be used by any student who is unhappy with any academic or non-academic service provided by the University. An overview of the procedure is provided in Section 2 with flowcharts to illustrate the process at Appendices A to C. Section 6 outlines the process for investigating student complaints about staff conduct. Certain types of complaints will be investigated under other procedures and these are listed in Section 2 at 2.14-2.21. Students can raise a complaint about any aspect of their University experience in the knowledge that their complaint will be treated seriously without recrimination unless the complaint is found to be untrue or malicious. Complaints made anonymously cannot be considered under this procedure.

1.2 The University strives to achieve the highest standards in its provision of services but accepts that complaints may arise in relation to these. The University encourages students to report complaints promptly in order that an appropriate resolution can be found to minimise any negative impact on a student's experience at the University. Any complaints affecting the course as a whole should normally be raised through the relevant Staff-Student Consultative Committees or its equivalent in the first instance.

1.3 The Student Complaints Procedure also constitutes a source of student feedback on the operation of its services/facilities and application of its procedures. As such, the process makes an invaluable contribution to enhancing University procedures and services and a betterment of the student experience. Staff are expected to fully co-operate with a complaint investigation and to be responsible for implementing any actions identified as a result of an investigation.

Time Limit

1.4 Complaints must normally be made ***within one month*** of the incident/related events or circumstances which are its cause. Complaints will only be considered after this timescale in exceptional circumstances. The onus is on a student to raise a complaint should (s)he feel dissatisfied with a level of service received and/or standard of facilities. A complaint should be made as soon as practically possible and normally with the person directly responsible for a particular service or facility. The majority of complaints will be resolved at the informal stage of this procedure.

1.5 The time limits set out in this procedure offer a general indication of timescales for completion of complaint investigations. However, it may not always be possible to adhere to a particular timescale due to assessment periods (i.e. examinations), staff holidays or absence or other intervening causes. When a complaint investigation is likely to exceed the time scale set out in this procedure, the person responsible for the investigation (i.e.

Complaint Co-ordinator or Student Affairs Office) will provide the student with a written progress report and will advise the student of the revised timescale.

Definition

1.6 The following are examples of the types of complaint that will be considered under this procedure:

- Concerns about the delivery of courses and related services (e.g. standard of supervision and tuition received, assessment arrangements) if these are unable to be resolved by the relevant Staff and Student Consultative Committee;
- Shortfalls in standards of service and/or failure to apply procedures in relation to Halls accommodation and administrative departments of the University;
- Failure to meet obligations including those outlined in prospectuses, course/student handbooks and correspondence from the University
- Misleading information in prospectuses or in advertising or promotional material
- Complaints over any aspect of a student's experience at the University in relation to communication with and service delivery of administrative or support services;
- Complaints concerning discrimination in contravention of the University's equality and diversity policies.

1.7 Types of complaints not covered under this procedure are listed at 2.14-2.21.

Advice and Guidance on the Procedure

1.8 Information and advice for students on how to use this procedure can be found in the Practical Guide which can be found on the Student Affairs pages on StaffSpace and StudentSpace and which is also available from the Student Affairs Office, Student Advice Centre in the Students' Union and the Complaint Co-ordinator in the relevant Faculty/department. Advice and guidance for staff in handling and resolving complaints can be found on the Student Affairs Page on StaffSpace, the Student Affairs Office and Complaint Co-ordinator.

Representation/Accompaniment

1.9 As the University's relationship is, in the vast majority of cases, directly with the student, a student is normally expected and encouraged to represent him/herself at the various stages of this procedure. This is in view of the student's own involvement and personal experience of events which gave rise to his/her complaint. A student is entitled to be accompanied and supported by a friend, family member or representative of the Students' Union at meetings relating to his/her complaint.

1.10 As the Student Complaints Procedure is an internal process for raising and resolving complaints, representation by a third party is not considered appropriate. Representation by a friend, family member or representative of the Students' Union will only be permitted in exceptional circumstances, for example if the student is unable to represent him/herself on medical grounds or has difficulties with spoken English. In such circumstances, the student should provide his/her signed written consent to this effect before the relevant meeting. Legal representation or accompaniment will not be permitted at hearings.

Mediation

1.11 Mediation is a method of conflict resolution designed to find a constructive solution to a situation without apportioning blame. It is a particularly useful tool for restoring an effective and professional working relationship. Mediation involves trained impartial individuals bringing the two or more conflicting parties together and facilitating a constructive dialogue between those parties. As it is a voluntary process, all parties must be willing to participate if mediation is to be applied.

1.12 Mediation can be requested by either the student complainant, the staff member responsible for the delivery of the service or can be suggested by the Student Affairs Office at any stage of the Student Complaints Procedure. A request for mediation to resolve a complaint should be made to the Student Affairs Office. The Student Complaints Procedure would normally be suspended whilst mediation is under way. Should mediation not be successful in resolving the complaint then the relevant stage of the Student Complaints Procedure shall be activated.

2. OVERVIEW OF THE STUDENT COMPLAINTS PROCEDURE

Stages of the Procedure

2.1 The Student Complaints Procedure comprises the following four stages with an overview of the process being provided at Appendices A to C:

1. Stage 1 (Informal Stage): The student will raise the complaint initially with the person directly responsible for the particular area/service where the problem has arisen. If the student feels unable to raise the complaint with the person concerned or the matter is unable to be resolved within a timescale of 5 *University working days*, then the student shall address his/her complaint in writing using the Student Complaint Form (Appendix D) to the Complaint Co-ordinator for the particular Faculty/department. The Complaint Co-ordinator shall investigate the matter and report back in writing to the student on his /her findings normally *within 15 University working days* of receipt of the complaint. See Section 3 and Appendix A for further information.

2. Stage 2- Student Affairs Investigation (Formal Stage): If the student remains dissatisfied with the outcome of the investigation at Stage 1 then (s)he can refer the matter to the Student Affairs Office. The student will complete the relevant section of the Student Complaint Form (Appendix D) accompanied by any supporting documentation and the Student Affairs Office will then conduct its own investigation. Its investigation will normally be completed *within 30 University working days* though the timescale will be shorter for complaints necessitating urgent resolution. See Section 4 and Appendix B for further information.
3. Stage 3 - Complaint Appeals Committee: If the student remains dissatisfied with the investigation carried out and/or resolution proposed at Stage 2 then (s)he has the right to appeal to the University Secretary. The appeal must fall within the grounds for appeal that are outlined in Section 5 of this procedure. Once the University Secretary has determined that the appeal falls within the grounds for appeal then a Complaint Appeals Committee will be convened. See Section 5 and Appendix C for further information.
4. Stage 4 – Office of the Independent Adjudicator (OIA): Once a student has completed all the available processes under this procedure and still remains dissatisfied with the handling of his/her complaint and/or the resolution proposed then (s)he can refer the matter to the OIA. In such cases, a student will be issued with a 'Completion of Procedures Letter' by the University and needs to make any referral to the OIA *within 3 months* of the date of that letter. See Section 7 for further information.

Handling of Complaints

2.2 This section outlines how complaints will be investigated as part of this procedure in relation to particular categories of students and the nature of the complaint.

Students in Partners Institutions

2.3 Students who are enrolled on Kingston University degrees but who are studying at Partner Institutions will raise any complaints through their course team. Any complaints affecting the course as a whole should normally be raised through the relevant Staff-Student Consultative Committees or its equivalent in the first instance. Stage 1 of the procedure will involve the institution and the parent Faculty, normally through the Faculty's liaison point of contact with the institution, undertaking a joint investigation into the complaint. Should a student in a Partner Institution remain dissatisfied with the outcome of a complaint investigation undertaken by the institution and parent Faculty then they can refer the matter to the Student Affairs Office for investigation as per Stage 2 of this procedure. The other stages outlined in this procedure will then apply.

Former Students of the University

2.4 Students who are no longer enrolled at the University are expected to raise any complaints *within three months* of the date of the expiry of their enrolment. Complaints raised after this timescale will normally not be considered. Former students will submit their complaint to the Student Affairs Office who will investigate as per the process for Stage 1 below. The other stages outlined in this procedure will then apply.

Collective Complaints

2.5 Complaints by their nature will normally be raised individually by students. However, there will be occasions where a group of students will bring up a common issue of concern. Where there may be more than one student affected, all such students must be able to show that they have been personally affected by the matter which is the subject of the complaint. Normally, only students who have invoked the complaint will be consulted and responded to as part of the complaint investigation. However, where a complaint investigation reveals factors that will have affected a wider group of students then this will be taken into consideration as part of any resolution.

2.6 It is expected that course related issues which impact on a group of students should be addressed in the first instance with the relevant Course Director or brought to the attention of the relevant Field Consultative Committee/Staff-Student Consultative Committee. This would constitute the informal stage of this procedure. Should such matters remain unresolved then the complaint(s) can be referred to the Student Affairs Office for investigation with the relevant stages outlined in this procedure being applicable.

2.7 Any collective complaints about accommodation in University Halls of Residence should be addressed in the first instance to the relevant Halls Manager. If this is unable to resolve the matter then the issue should be referred to the Head of Accommodation Services.

Complaints about Staff Conduct (See Section 6)

2.8 Under this procedure, staff misconduct constitutes deliberately targeted behaviour towards a student that would normally have occurred on a number of occasions. Allegations of staff misconduct towards a student would include but is not limited to the following examples:

- Bullying and harassment
- Inappropriate and/or offensive behaviour
- Targeted discrimination or victimisation of a student

2.9 If a complaint relates to allegations of staff misconduct then the process set out in Section 6 of this procedure will be followed.

Disabilities and Dyslexia

2.10 Any complaints relating to support provision for a disability or dyslexia or an alleged breach of the Disabilities Discrimination Act 1995, shall be referred in the first instance to the Head of Disability and Dyslexia. The timescales and process of investigation as outlined in the informal stage of this procedure shall be applicable. If the complaint remains unresolved then the student can take his/her complaint to the Formal Stage of the procedure.

Role of the Student Affairs Office

2.11 In addition to its role of investigating formal complaints as per Stage 2 of this procedure, the Student Affairs Office has the following responsibilities regarding this procedure:

- Monitoring the operation of the Student Complaints Procedure with the assistance of the Complaint Co-ordinators (see 2.12/2.13) and submitting an annual report to the Quality Enhancement Committee
- Providing advice and guidance to students on using this procedure
- Providing advice, guidance and training to Complaint Co-ordinators
- Convening termly meetings, as appropriate, with Complaint Co-ordinators in Faculties/departments to update on OIA/Student Affairs investigations, to discuss complaint issues and to share best practice in handling and resolving complaints
- Ensuring that Faculties/departments co-operate with complaint investigations and comply with the resolutions for Stage 1 investigations. The Student Affairs Office will report any instances of non-compliance to the Dean of Faculty and/or departmental head in the first instance.

Role of the Complaints Co-ordinator

2.12 Each Faculty and department will have a nominated Complaints Co-ordinator who will have the following responsibilities:

- Serving as a Faculty/department point of contact for students and staff seeking advice and guidance on the Student Complaints Procedure
- Investigating Stage 1 complaints (after the initial stage if applicable) and supervising the implementation of any actions arising out of that investigation in collaboration with relevant Faculty/departmental staff
- Acting as the Faculty/department point of contact for Stage 2 complaint investigations including collating relevant information and responding to requests from the Student Affairs Office
- Collating information on informal complaints in the Faculty/department which will be included in the Student Affairs Office's annual report

NB The role of the Complaints Co-ordinator is not applicable to student complaints about staff for which the process outlined in Section 6 will apply

2.13 Details of the relevant Faculty/department Complaint Co-ordinator can be found on Student Space intranet in addition to being available from the Faculty Student Office, departmental reception, the Student Affairs Office and KUSU. For Student Services and Administration, the respective section heads shall fulfil the role of the Complaints Co-ordinator for Stage 1 of the procedure with the Student Affairs Office investigating formal complaints at Stage 2. If the Complaints Co-ordinator is the subject of a complaint and/or if there is a conflict of interest then the relevant Faculty/department shall appoint a nominee to fulfil the respective responsibilities outlined in 2.12, as appropriate.

Exemptions to the Procedure

2.14 The following types of complaint will not be covered under this procedure.

Appeals against Assessment Marks/Degree Classifications

2.15 Any student seeking a reconsideration of a mark received for a module, examination result or a degree classification will need to use the academic appeals procedure. Further information is available from Academic Registry, the relevant Faculty Student Office and KUSU.

2.16 If there are aspects of an academic appeal which would normally fall within the remit of the Student Complaints Procedures (e.g. a complaint about course delivery), then these will be investigated concurrently alongside the consideration of an academic appeal. The relevant Faculty would normally respond to such issues in the first instance alongside the consideration of the academic appeal, as per the first stage of this process. Where an academic appeal is referred to Academic Registry, Academic Registry will liaise with the Student Affairs Office to determine those areas which will be investigated by the latter. The outcomes of the investigation by the Student Affairs Office will be included as part of the final response to the academic appeal issued by Academic Registry.

Outcomes of Disciplinary Action

2.17 The Student Complaints Procedure is not applicable for students dissatisfied with outcomes of disciplinary action taken under the University's Student Disciplinary Procedure or action taken by Halls Management under the Halls licence for those students residing in the University's Halls of Residence. The Student Disciplinary Procedure affords a student the opportunity to appeal at each stage of the disciplinary process. There is also an appeals process for students who have been issued with a Notice to Quit from Halls of Residence with further information available from Halls Management.

Reporting of Faults

2.18 A distinction should be made between complaints and the reporting of faults. Any faults which a student encounters should be made immediately to the relevant staff member; for instance any accommodation problems should be reported in the first instance to Halls Management with the relevant request form completed. If a fault is not rectified within a reasonable timescale or remains unresolved then a student should raise the matter as per the informal stage of this procedure. In the case of University accommodation, such issues should be referred to the Head of Accommodation Services.

Kingston University Students' Union (KUSU)

2.19 Any complaints about the services or facilities provided by KUSU should be addressed to the General Manager of the Students' Union. The General Manager can be contacted at studentsunion@kingston.ac.uk or via the KUSU reception at Penrhyn Road.

Admissions

2.20 Any complaints regarding a student's application to the University as part of the admissions process should be addressed to Applicant Services who can be contacted at aps@kingston.ac.uk or Operations Manager Applicant Services, Cooper House, 40-46 Surbiton Road, Kingston upon Thames, Surrey, KT1 2HX

Student Funding

2.21 Any student who is dissatisfied with the outcome of a decision on an award of student funding should seek advice from Student Funding on its appeals procedure. The decision of any Appeals Committee is final on such matters.

Untrue or Malicious Complaints

2.22 Any student(s) found to have submitted a made up or malicious complaint (e.g. evidence indicates that a false accusation has been made or a complaint has been fabricated) will be subject to an investigation by the Student Affairs Office under the University's Student Disciplinary Procedure. Details of the process can be found under the relevant heading of this procedure.

3. STAGE 1 (Informal Stage)

Raising of the Complaint

3.1 A complaint will initially be dealt with informally and as close as possible to the point at which it has arisen. The complaint should, therefore, be made in the first instance to the member of staff who seems best able to

deal with it there and then. This will provide staff with an early opportunity to address the complaint and take appropriate action. At this level, the student can make the complaint either verbally or in writing to the relevant staff member who shall make a record of the complaint. The staff member shall investigate the complaint which may involve seeking further clarification about the circumstances either from the student or other persons. The member of staff shall advise the student of the outcome of the initial investigation in writing (e.g. via e-mail) as soon as practically possible and normally *within 5 University working days* from the date that the complaint was first raised.

Referral to the Complaint Co-ordinator

3.2 Should a student remain dissatisfied with the outcome of the initial complaint investigation or the matter is unable to be resolved, then the student should refer the complaint to the Complaint Co-ordinator for the relevant Faculty/department to investigate. The student shall complete a Student Complaint Form (Appendix D) in addition to providing any supporting documentation.

Stage 1 Investigation

3.3 The Complaint Co-ordinator shall investigate the complaint on behalf of the Faculty/department. The investigation will involve speaking to the student about the issues relating to the complaint and his/her desired outcome. The Complaint Co-ordinator may also seek further clarification about the circumstances from the members of staff or students involved, as appropriate. The Complaint Co-ordinator shall normally complete the investigation *within 15 University working days* of the receipt of the Student Complaint Form. Should a longer timescale be necessitated to undertake the investigation then the reasons for the time extension and the revised timescale shall be communicated in writing to the student.

Outcome of the Stage 1 Investigation

3.4 Following the completion of the investigation, the Complaint Co-ordinator may decide to uphold the complaint in part or in full or dismiss the complaint. As part of the resolution, the Complaint Co-ordinator may recommend one or more of the following courses of action in addition to any other resolution that it may consider appropriate:

- An apology to the student;
- Payment/refund of any costs incurred by the student
- An ex-gratia payment to take account of any inconvenience;
- Request that the relevant policy/procedure is revised

3.5 The relevant Faculty/department will be expected to implement any recommendations arising out of the Stage 1 investigation and to notify the Student Affairs Office. Any payments due to the student will normally be paid within one month of the conclusion of the Stage 1 investigation. The written notification of the Stage 1 outcome shall also advise the student of the next

stage of the process should (s)he remain dissatisfied with the outcome and/or feel that the complaint remains unresolved.

4. STAGE 2 – STUDENT AFFAIRS INVESTIGATION (FORMAL STAGE)

Submission of a Stage 2 Complaint

4.1 If a student remains dissatisfied with the outcome of the complaint investigation at Stage 1 then (s)he can refer the matter to the Student Affairs Office. A student may also request a Stage 2 investigation where his/her complaint is so serious as to warrant bypassing the informal procedure. A student should notify the Student Affairs Office of his/her request of a Stage 2 investigation through the completion of the relevant section of the Student Complaint Form (Appendix D). A copy of the form is available through the Faculty Student Office, KUSU and the Student Affairs Office. A student should submit the form accompanied by supporting documentation to the Student Affairs Office *within 10 University working days* of the date of the Stage 1 written notification. Forms submitted after this time period will not normally be considered and only in exceptional circumstances. The decision of the Head of Student Affairs in such matters is final.

4.2 Should the complaint be about the Student Affairs Office then the Director of Student Services and Administration will carry out the investigation. If the Director of Student Services and Administration is the subject of the complaint then the matter should be referred to the Vice Chancellor requesting that another senior manager be appointed to investigate.

Stage 2 Investigation

4.3 On receipt of the Student Complaint Form and accompanying documentation, the Student Affairs Office will send a written acknowledgment to the student *within 5 University working days*. Staff will then review the complaint to ensure that it falls within the parameters of this procedure. This process may involve the Student Affairs Office having a discussion with the student in order to clarify the nature of the complaint and the desired outcome sought by the student. The Student Affairs Office will also verify with the relevant Complaint Co-ordinator that the Faculty/department concerned has had an opportunity to respond to the complaint. Should the Student Affairs Office determine that a complaint needs to be addressed at the informal stage, it will notify the student in writing and the processes outlined at Stage 1 (see previous section) will be applicable.

4.4 If it is considered appropriate for the Student Affairs Office to investigate, the relevant Complaints Co-ordinator will be notified and a copy of the student's complaint forwarded with questions as appropriate. The Complaints Co-ordinator will act as the Faculty/departmental point of contact for any information and/or documentation requests from the Student Affairs

Office to assist with its investigation. Faculties/departments are expected to comply with the timescales stipulated by the Student Affairs Office for receipt of information and documentation. If a Faculty/department can demonstrate appropriate reasons why it is unable to meet the stipulated deadline for submitting information and documentation then a revised timescale will be agreed. The investigation may also involve the Student Affairs Office requesting further information from the student complainant as well as interviewing those members of staff and/or students directly involved.

4.5 On receipt of the relevant information required to complete its investigation, the Student Affairs Office will write a report on its findings. The Faculty/department may be asked to comment on the report for factual accuracy prior to it being sent to the student. Depending on the nature of the complaint, the student should normally expect the written response to his/her Stage 2 complaint *within 30 University working days* from the receipt of the Student Complaint Form. Should a longer time scale be required for an investigation then the student will be advised accordingly.

Outcome of the Stage 2 Investigation

4.6 Following the investigation of the complaint the Student Affairs Office will prepare a report of its findings and recommendations to the student and to the staff involved in the investigation. The Student Affairs Office may decide to uphold the complaint in part or in full or may dismiss the complaint. Should a complaint be upheld, the Student Affairs Office may decide one or more of the following courses of action in addition to any other resolution that it may consider appropriate:

- An apology to the student;
- Payment/refund of any costs incurred by the student as a direct result of the complaint;
- An ex-gratia payment to take account of any inconvenience;
- Request that the relevant Faculty/department revise a policy/procedure

4.7 The relevant Faculty/department will be expected to comply with the findings and any recommendations arising from a complaint investigation. Any instances of non-compliance will be reported to the Dean of the Faculty and/or departmental head. Any payments due to the student will normally be paid within one month of the date of the Stage 2 report. The student will also be advised in the report of the next stage of the process should they remain dissatisfied with the outcome of the Stage 2 investigation.

5. STAGE 3 - COMPLAINT APPEALS COMMITTEE

Grounds for Appeal

5.1 A student can appeal against a Stage 2 decision to the University Secretary based solely on one or more of the following grounds for appeal:

- There were procedural irregularities in carrying out the Stage 2 investigation or formal investigation in the case of staff misconduct cases;
- The finding was unjustifiable in that it was one which no reasonable person could have reached on the available evidence
- That new information which could not have been made available earlier has come to light. In such circumstances, the University Secretary may decide to refer the matter back to the previous stage of the process for further investigation.

5.2 Dissatisfaction with the outcome of Stage 2 does not itself constitute grounds for appeal. If the appeal does not relate to any of the aforementioned grounds for appeal, it will be dismissed by the University Secretary and the student notified in writing of this decision.

Student Submission of Appeal

5.3 Any student who wishes to appeal should notify the University Secretary in writing *within 21 days* of the date of the Student Affairs Office's letter advising that Stage 2 of this procedure has been completed. The University Secretary's department is situated in River House and can be contacted on 020 8417 9000 or via email S.Weir@kingston.ac.uk. Only in exceptional circumstances and if the student has made a request to the University Secretary for an extension will an appeal be considered outside of this time frame. A student's letter of appeal should include the following:

- The grounds for appeal together with supporting evidence (e.g. documentation) for each ground being used
- The names of any relevant witnesses that a student wishes to call as part of the appeal process
- A copy of the Student Complaints Form
- The student's preferred outcome to resolving the complaint

University Secretary's Review of Complaint

5.4 On receipt of a student's letter of appeal, the University Secretary shall determine whether the appeal relates to one or more grounds for appeal and his/her decision on such matters is final. As part of this process, the University Secretary will also consider whether the complaint warrants further investigation or an alternative resolution. In such cases, the matter will be referred back to the Student Affairs Office with the particular areas necessitating further investigation and/or resolution being specified. The student will normally be notified in writing of the University Secretary's decision whether his/her appeal will be considered at Stage 3 *within 10 University working days* of receipt of the student's letter of appeal.

Arrangements for the Complaint Appeals Committee

5.5 If the University Secretary decides that a student's appeal is valid, (s)he will convene a Complaint Appeals Committee. The University

Secretary's department is responsible for the administrative arrangements for the Complaint Appeals Committee. This shall include collating the relevant documentation for consideration by the Committee which shall also comprise a written response by the Student Affairs Office to the student's letter of appeal. The appeal letter and accompanying evidence shall constitute the student's submission to the Complaint Appeals Committee. Only in exceptional circumstances will additional written submissions from the complainant be permitted. The Student Affairs Office and the student are responsible for calling their own witnesses, as appropriate, and should inform the University Secretary's department *at least 5 University working days* before a Committee.

5.6 The Complaint Appeals Committee will normally take place *within 30 University working days* of receipt of the Stage 3 appeal. A longer time frame may be required if the student and/or Committee members are not available to attend due to assessments or University vacations.

5.7 The Complaint Appeals Committee shall consist of three persons who will have had no previous exposure to the facts of the case:

- a member of the University's Board of Governors or Executive Board (as Chair);
- a representative of the Students' Union;
- a Senior member of Academic/Managerial Staff. This person will be from a different Faculty/department from where the student studies and/or from where a complaint originated.

5.8 The members of the Complaint Appeals Committee, the student and the Student Affairs Office will be issued with the relevant documentation by the University Secretary *not less than 5 University working days* before the date of the Committee meeting. The documentation will include:

- the date, time and place of the Committee;
- copies of the appeal letter and supporting documentation submitted by the student complainant;
- the written submission from the Student Affairs Office, as appropriate;
- advice that the parties have the right to:
 - i) present their case in person and/or in writing;
 - ii) be accompanied by another person (see 'Representation/Accompaniment');
 - iii) be present throughout the hearing except when the Committee is considering its decision.

Proceedings for the Complaint Appeals Committee

5.9 The University Secretary will act as Clerk to the Complaint Appeals Committee and will advise the Committee on procedural matters. Both the student and the Student Affairs Office are expected to attend in person and are responsible for ensuring that their witnesses are available, if applicable. Where a party to the appeal does not appear at the Committee meeting and

has not submitted to the Clerk any prior explanation for absence, the Committee may proceed to consider the appeal. The decision of the Committee to proceed will be final.

5.10 At the beginning of the proceedings, the Chair will invite the student to present his/her appeal. The letter of appeal and supporting evidence will form the basis of the student's submission. As part of the student's presentation, (s)he will be permitted to call witnesses that are relevant to the grounds of appeal. At the end of the student's presentation, the Student Affairs Office will be invited to respond and also to call any witnesses as part of this process. Both the student and the Student Affairs Office will be afforded an opportunity by the Chair to ask questions and to seek points of clarification regarding each other's respective presentations.

5.11 Once both parties have made their respective presentations, the Committee will withdraw to consider its decision in private. At the end of its deliberations the Committee can make the following recommendations to the Vice Chancellor:

- Uphold the appeal in whole or part and, if appropriate, make recommendations to the Vice Chancellor regarding the resolution of the complaint. This may include any remedies to be applied and for prevention of such events recurring.
- OR
- Dismiss the appeal

Follow-up Action to Stage 3

5.12 The Vice Chancellor will communicate the decision to the student *within 10 University working days* of the date of receiving the recommendations of the Committee. A 'Completion of Procedures' letter shall also be included with the written notification of the Vice Chancellor's decision to enable the student to refer the matter to the OIA, as appropriate (see next section).

5.13 Where an appeal has been upheld in full or in part, the Student Affairs Office will be responsible for ensuring that the relevant Faculty and/or department complies with any approved action to resolve the complaint. This may include the requirement that a Faculty and/or department submit an action plan to the Student Affairs Office outlining its response to the complaint resolution. Any non-compliance by a Faculty or department with an agreed complaint resolution (e.g. non-payment of any compensation) shall be referred by the Student Affairs Office to the University Secretary's department. Monies due to the student as a result of the Stage 3 outcome should be paid by the relevant Faculty/department within one month of the date of the Vice Chancellor's written notification to the student.

6. STUDENT COMPLAINTS ABOUT STAFF CONDUCT

6.1 This section sets out the process for students who wish to complain about the conduct of staff. The process for investigating complaints of this nature is similar to that outlined in this procedure. The main exception is that Human Resources (HR) will assume the role of the Student Affairs Office in relation to investigation of the complaint at the formal stage and at any subsequent appeal.

6.2 Allegations of staff misconduct towards a student would include, but is not limited to the following examples:

- Bullying and harassment
- Inappropriate and/or offensive behaviour
- Targeted discrimination or victimisation of a student

Support for individuals

6.3 The University recognises that allegations of harassment and bullying can be stressful and upsetting for all parties involved. Individuals who are involved in cases of harassment and bullying can seek guidance and support from:

- A Harassment contact (see below)
- Human Resources Department
- Occupational Health
- Trade Union/Students' Union

6.4 The Student Affairs Office is able to provide guidance to students on using the procedure with the Students' Union able to assist students with their specific case, including accompaniment at relevant stages of the process.

Informal Procedure

6.5 If a student believes they are being harassed or bullied, or are the target of inappropriate and/or offensive behaviour, discrimination or victimisation, consideration should be given to dealing with the matter informally. There are a number of initial steps which a student could take to try to resolve the situation as follows:

a) Individual Action

- Speaking directly to the person concerned about their behaviour can be enough to bring the situation to a close, as the person may not realise their behaviour is offensive or unreasonable
- The student should arrange a suitable time and place to meet, where a conversation can be held privately and without interruption
- The student should clearly identify the behaviour that is causing concern and provide examples, making it clear that it should stop immediately

b) Third party intervention

- Holding a meeting with the member of staff's line manager (or next level manager if the allegation is against the manager), as well as the individual

may be enough to resolve the matter. Information about the relevant line manager can be sought from the relevant Faculty Student Office

- The member of staff's manager should arrange a suitable time and place to meet, where a conversation can be held informally with both parties privately and without interruption. The manager should facilitate a conversation between both parties with the aim of resolving the issue and should not be forming a judgement
- The individual should be given the opportunity to clearly identify the behaviour that is causing concern and provide examples, and the manager should make it clear the effect of this behaviour on the individual

c) Mediation

- See paragraphs 1.11 and 1.12

d) Harassment contact

- Harassment contacts are trained volunteers from all parts of the University, including members of staff, students and the Students' Union.
- Contact details and further information on Harassment Contacts can be found on Staff Space and Student Space.
- All contacts are treated in the strictest confidence and allow individuals the opportunity to discuss issues or concerns in private before considering whether to take any action.

Raising of the Complaint

6.6 Should the above approaches be unable to resolve the situation or not be appropriate due to the nature of the complaint, the student should submit a complaint to the Student Affairs Office. Allegations would normally be submitted on the the Student Complaint Form (Appendix D) together with any relevant documentation including examples and evidence of the behaviour of the member(s) of staff that has given rise to the complaint.

6.7 The Student Affairs Office will acknowledge receipt of the complaint within five days. The Student Affairs Office shall be responsible for collating the relevant documentation and this process may include a meeting with the student to clarify the complaint and the outcome sought by the student to resolve the issue. The relevant documentation will then be forwarded to HR who will then contact the relevant Dean of Faculty or Head of department with the request that a nominated manager be appointed to investigate the complaint. The nominated manager shall have had no previous involvement in this matter nor will have had any direct contact with either the student or the member(s) of staff involved.

6.8 On receipt of the complaint, the nominated manager will review the relevant documentation to determine whether the matter warrants investigation at the Faculty/departmental level and/or falls within the scope of this procedure. The nominated manager will need to consider whether:

- The allegations can be supported by the evidence provided by the student and provide sufficient detail to reflect the grounds on which the complaint is raised
- All informal options (where appropriate) have been exhausted
- Recommendations can be made in an attempt to resolve the matter

6.9 At this review stage, the nominated manager may decide to a) dismiss the complaint or to suggest alternative forms of resolution as outlined in 6.5 above b) investigate at Faculty/departmental level or c) refer to the formal stage of the process should (s)he consider the allegations to be of a serious nature. The nominated manager will write to the student to advise of his/her decision accordingly.

6.10 If the nominated manager determines that the evidence is inadequate and does not support the complaint, they must inform the complainant in writing within ten working days of reviewing the evidence. The nominated manager must explain why they do not think the evidence supports the complaint and advise the complainant that the matter is deemed closed. The nominated manager may wish to encourage the complainant to consider options for informal resolution e.g. mediation, and provide recommendations.

Faculty/Departmental Complaint Investigation

6.11 Should the nominated manager decide to investigate the complaint, (s)he will contact HR to discuss the issue. The nominated manager will then write to the student inviting them to a meeting to discuss the complaint. The meeting will take place within ten working days of receipt of the complaint. The notification letter to the student will include the following information :

- Date, time and venue of meeting
- The right to be accompanied by a friend, family member or representative of the Students' Union. Please refer to 1.9-1.10 on Representation/Accompaniment
- That a note taker will be present
- That an HR representative will be present (if required)
- A request for the student to inform the nominated manager whether any reasonable adjustments are required in accordance with the Disability Discrimination Act

6.12 The nominated manager will then invite the member(s) of staff for a meeting, in writing, within ten working days of meeting the student, to discuss the matter. The purpose of the meeting is for the nominated manager to discuss the allegation and to obtain the member of staff's version of events. The notification letter to the staff member shall include the following:

- Date, time and venue of meeting
- The right to be accompanied by a trade union or workplace colleague
- That a note taker will be present
- That an HR representative will be present (if required)

- A request for the individual to inform the nominated manager whether any reasonable adjustments are required in accordance with the Disability Discrimination Act
- A copy the complaint, including any supporting evidence submitted by the student
- A request for the member of staff to bring with them, any supporting evidence they wish to be taken into consideration

6.13 If at any time the nominated manager wishes to invite either party to any supplementary meetings, they will inform the relevant party in writing and provide *at least five working days* notice.

6.14 The nominated manager will inform all parties of the outcome, in writing, *within ten working days* of the final meeting and copy in HR. The outcome, having met both parties, may be:

- No case to answer
- Make recommendations in an attempt to resolve the matter e.g. mediation (both parties need to agree to participate)
- Proceed to a formal investigation (see below)

Referral to the Formal Stage

6.15 Should the student remain dissatisfied with the outcome of the informal investigation or should the nature of the allegations be considered serious enough to bypass the informal stage by either the nominated manager in the Faculty or the Student Affairs Office then the formal stage shall be invoked. On receipt of a formal complaint, the Student Affairs Office will acknowledge receipt within five days. The Student Affairs Office shall be responsible for collating the relevant documentation and this process may include a meeting with the student to clarify the complaint and the outcome sought by the student to resolve the issue. The relevant documentation will then be forwarded to HR, who will be responsible for notifying the member of staff who is the subject of the complaint. The relevant Dean/Head of department for the member of staff will also be informed of the complaint.

Investigation

6.16 On receipt of the relevant documentation, HR will appoint an investigator(s). The investigator(s) shall have had no previous involvement in this matter nor will have had any form of contact with either the student or the member(s) of staff involved. HR will complete the Investigation Front sheet and Terms of Reference (Appendix E) and send a copy to the investigator, which will include the following information:

- The names of the complainant and member of staff who is the subject of the complaint
- Details of the complaint
- Documentation provided by the complainant
- Information on any action taken to date

6.17 Upon the receipt of the terms of reference, both parties will be written to advising them of the name(s) of the investigator(s) and enclosing a copy of the terms of reference. If the complaint is against a member of staff who has ongoing teaching responsibilities with the student, then consideration should be given to making alternative arrangements until an outcome decision has been reached.

6.18 HR/The investigator will liaise with both parties and their reps to establish dates when they are available for a meeting. Both parties are entitled to be accompanied to the meeting

6.19 The investigation will include an interview with the student, the member of staff concerned, witnesses or others who may have relevant information. Interviews should be conducted at a mutually convenient time in private and without interruptions.

6.20 If the individual or the individual's representative is unable to attend a meeting through unforeseen circumstances, the investigator may arrange another date so long as it is within five working days of the original hearing. If the individual or the individual's representative fails to attend the rearranged hearing without good reason, a decision may be taken in the individual's absence.

6.21 The remit of the investigation is to establish the facts and collect as much relevant information. The investigation and report will be completed *within four weeks* wherever possible from the start of the investigation. For very complex cases where this may take longer, the investigator will keep the student and the member of staff informed and updated on the progress of the investigation. To allow the investigation to be completed as quickly as possible, all parties should make themselves available for interview.

6.22 Upon completion, the report should be submitted to the Dean/Head of Department, HR and the Student Affairs Office.

Outcome of Investigation

6.23 Upon receipt of the report, the Dean/Head of department will write to both parties, inviting the student and the member of staff to attend separate meetings (where possible on the same day), to discuss the outcome of the investigation and the course of action to be taken. The meeting will be held *within ten working days* of receipt of the report and all parties should make themselves available to attend. The notification letter should include the following:

- Date, time and venue of meeting
- The right for the student to be accompanied by a friend or member of the Students' Union
- The right for the member of staff to be accompanied by a trade union or workplace colleague
- That a note taker will be present
- That an HR representative will be present (if required)

- A request for the student and member of staff to inform the nominated manager whether any reasonable adjustments are required in accordance with the Disability Discrimination Act
- Confirmation that a copy of the report will be available for personal collection no later than 3 hours before the meeting

6.24 If an individual cannot attend on the proposed date, the Dean/Head of department may suggest an alternative date so long as it is within ten working days of the original hearing. If an individual or the individual's representative fails to attend through unforeseen circumstances, the Dean/Head of department may arrange another date so long as it is within five working days of the original hearing. If an individual or the individual's representative fails to attend the rearranged hearing without good reason, a decision may be taken in the individual's absence.

6.25 Prior to the meeting, the Dean/Head of department will discuss the course of action with HR and the Student Affairs Office.

6.26 The interviews should be held in private and without interruptions. The purpose of the meeting is to discuss the:

- Findings of the report
- Outcome of the investigation, which may include;
 - No further action (where there is insufficient evidence to uphold the complaint)
 - Remedial action (e.g. mediation, training, counselling)
 - Disciplinary action
- Details of the next stage including any recommendations made by the Dean/Head of department.

6.27 The report will be made available in accessible formats for both parties to collect personally, no less than 3 hours before the meeting. Reasonable adjustments to this timescale will be considered for individuals covered by the Disability Discrimination Act. If further discussion is required on the report, either party may request another meeting with the Dean/Head of department.

6.28 The outcome of the meeting will be confirmed in writing to all parties concerned within *ten working days*.

6.29 If the Dean/Head of department's judgement is that the complaint cannot be substantiated, and the matter will not proceed further e.g. disciplinary action, the Dean/Head of department should invite both parties to a facilitated meeting (either with the Dean/Head of department or a third party) to agree a way forward to help restore the student/staff relationship in a professional manner. The Dean/Head of department may wish to consider recommending mediation during this meeting.

6.30 If the complaint is upheld the Dean/Head of department will need to consider the severity of the case and whether disciplinary action is required against the member of staff in accordance with the Disciplinary Procedure (insert link). If disciplinary action is taken, it will not be necessary to re-

interview individuals or reinvestigate the case. The Dean/Head of department should speak to HR before taking any action.

6.31 If the outcome of the report determines that the student has made a malicious or vexatious allegation, they will be subject to an investigation by the Student Affairs Office under the University's Student Disciplinary Procedure. The Dean/Head of department should speak to a member of the Student Affairs Office before taking any action.

Right of Appeal

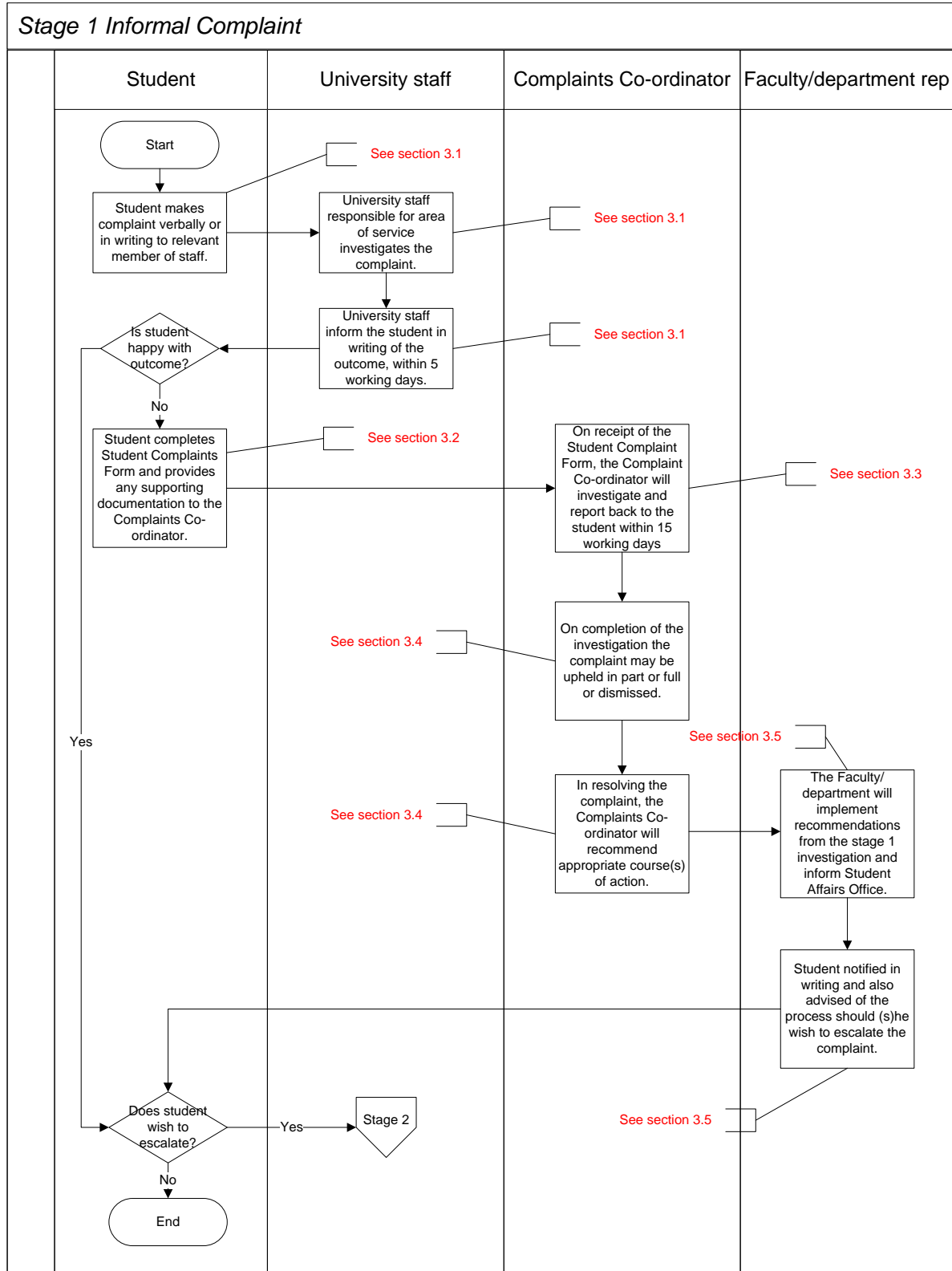
6.32 Should the student remain dissatisfied with any of the outcomes of the formal procedure they will have the opportunity to proceed to Stage 3 of the Student Complaints Procedure as outlined in section 5. The grounds for appeal are listed at paragraph 5.1. In the event of a Complaint Appeals Committee being convened, the investigator will normally be required to attend, accompanied by a member of HR.

7. REFERRAL TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)

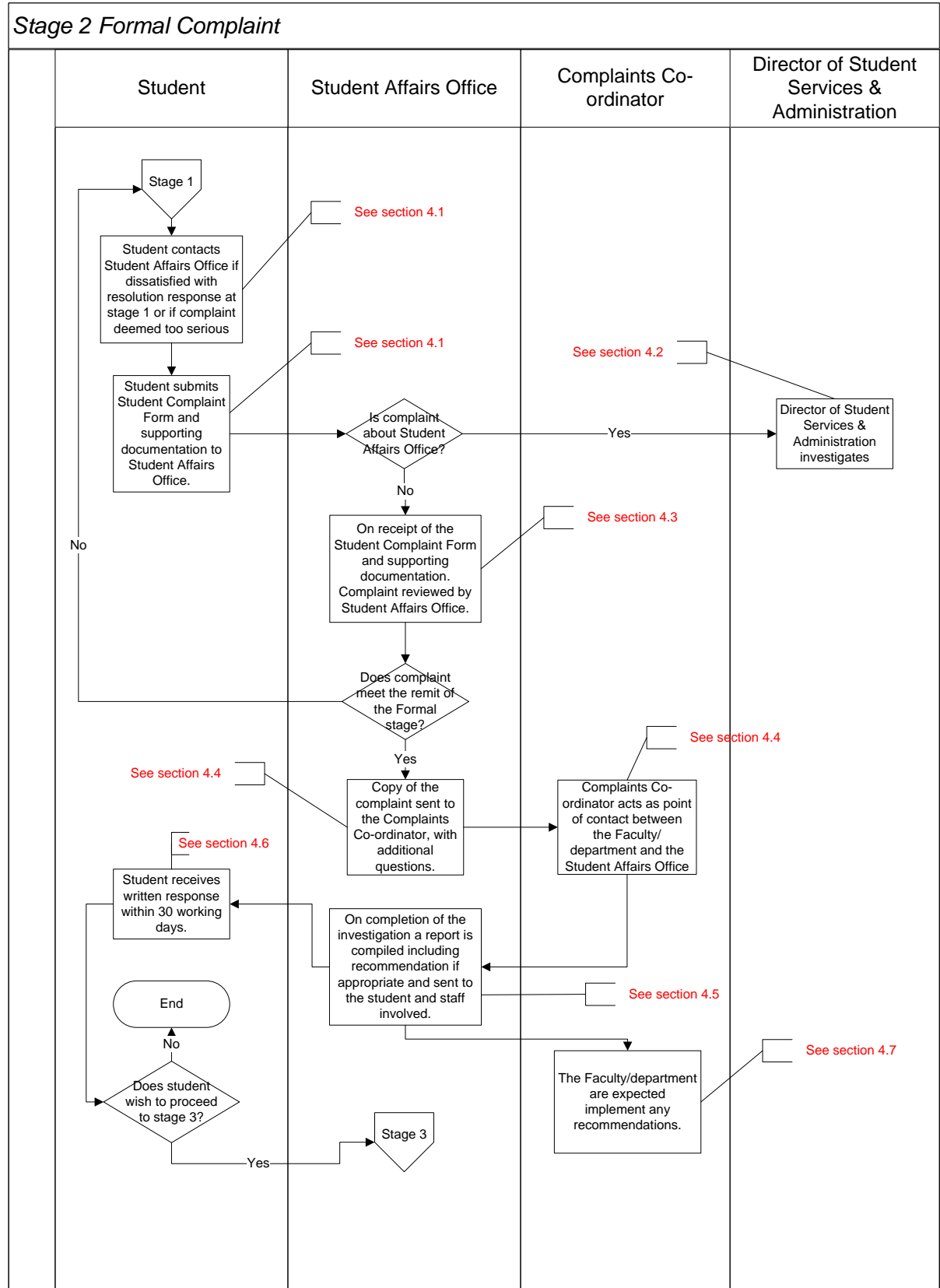
7.1 When a student has completed all the relevant stages of this procedure and still remains dissatisfied with the outcome/resolution of a complaint investigation, then (s)he shall be issued with a 'Completion of Procedures' letter. The letter shall be provided by the department responsible for the final stage of a complaint investigation. The University Secretary's department will, therefore, be responsible for issuing the 'Completion of Procedures' for those complaints that have reached Stage 3 of this procedure. Academic Registry shall be responsible for issuing the 'Completion of Procedures' letter for academic appeals.

7.2 Any referral to the OIA needs to be made *within three months* of the date of the 'Completion of Procedures' letter and must be accompanied by a copy of the letter. Further information on the process for referring a complaint to the OIA is available from the Student Affairs Office, the University Secretary's department or via the OIA's website, www.oiahe.org.uk.

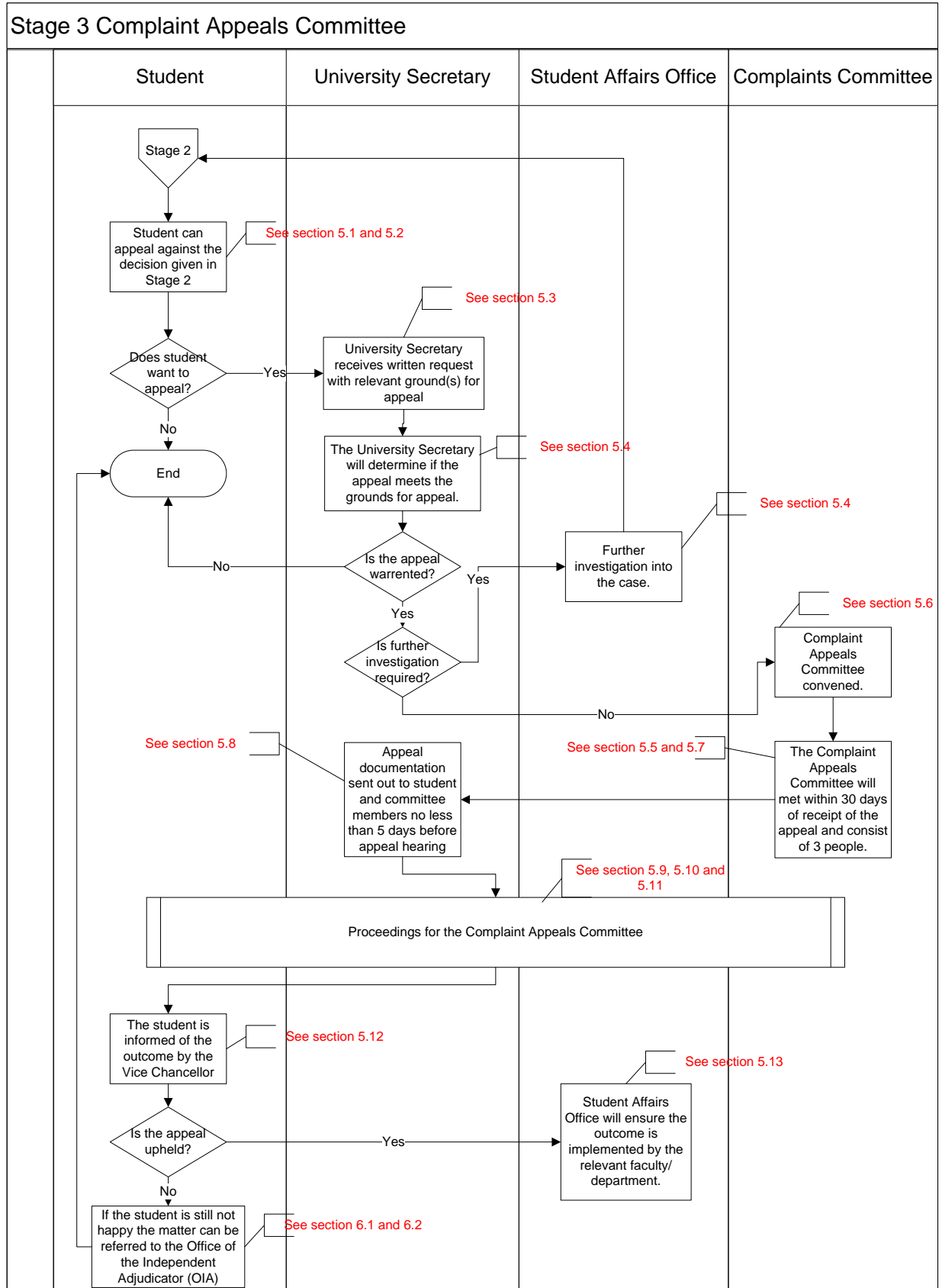
APPENDIX A – FLOWCHART OF STAGE 1 PROCESS



APPENDIX B – FLOWCHART OF STAGE 2 PROCESS



APPENDIX C – FLOWCHART OF STAGE 3 PROCESS



APPENDIX D - STUDENT COMPLAINTS FORM

**Kingston University
STUDENT COMPLAINTS FORM**

If you unhappy with the delivery or quality of a service you have received from a University department, you should use this form to raise your complaint with the correct member of staff. Please ensure that you have read the Student Complaints Procedure before completing this form.

This form should be submitted to the Complaints Co-ordinator for Stage 1 complaints or to the Student Affairs Office for Stage 2 complaints. Details of the Complaints Co-ordinator can be obtained via the relevant Faculty/department or the Student Affairs Office.

Please keep a copy of this form for your own records.

SECTION A – PERSONAL DETAILS

Full name.....	ID number.....
Address.....	
.....	Postcode.....
Telephone.....	Email.....
Course details.....	Faculty

SECTION B – DETAILS OF COMPLAINT

Please set out below the details of your complaint (e.g. date, nature of incident etc) and attach supporting documentary evidence

This is (please tick one):	Stage 1 (informal) <input type="checkbox"/>	Stage 2 (formal) <input type="checkbox"/>	Appeal <input type="checkbox"/>

SECTION C – DESIRED OUTCOME

Please indicate what you would like in order to resolve your complaint to your satisfaction.

SECTION D – ACTION YOU HAVE TAKEN SO FAR TO RESOLVE COMPLAINT

Who have you discussed your complaint with?.....

List below the proposed outcome/resolution and explain why it is unsatisfactory.

Action taken by staff at initial stage.....

Why unsatisfactory?.....

Action taken by staff at stage 1.....

Why unsatisfactory?

Action taken by staff at stage 2 (Student Affairs).....

Why unsatisfactory?.....

SECTION E – STUDENT DECLARATION

The information I have provided is accurate to the best of my knowledge. I confirm that the details of my complaint can be forwarded to the Faculty or department concerned as part of any investigation or can be forwarded to the appropriate department for investigation as appropriate (i.e. Academic Registry or Human Resources).

Signature.....Date.....

Please list any documentary evidence you have attached in support of your complaint (i.e. correspondence with staff)

SECTION F – FOR OFFICE USE ONLY

Date received..... Received by.....

Complaint acknowledged..... Referred to

Gender Ethnicity Case closed.....

APPENDIX E
INVESTIGATION INTO HARASSMENT AND BULLYING

FRONT SHEET & TERMS OF REFERENCE

Section One

To be completed by HR and a copy sent to the Investigator

Name of Complainant:	KU Number:
Job Title:	Place of Work:

Name of Staff Member involved	KU Number
Job title	Place of Work:

Name of Investigator:	Contact details of investigator:
Name of supporting manager:	Contact Details of Supporting Manager:
Date Investigators Appointed:	
Date Investigation Commencing	
Date Investigation Due for Submission:	
Date Investigation Completed:	

<p>Nature of Allegations/Matters Under Investigation: (further details can be found in the attached Form for Raising a Complaint of Bullying, Harassment, victimisation or Discrimination)</p>

Section Two

To be completed by the Investigator and a copy sent to HR prior to the interviews commencing

Details regarding the Complainant:

Date of interview			
Time of interview			
Venue of Interview			
Date Notes Issued			
Date Notes Returned			
Witnesses to be Interviewed:			
Name of Witness	Date of Interview	Date Notes Issued	Date Notes Returned

Details regarding the Staff Member involved:

Date of interview			
Time of interview			
Venue of Interview			
Date Statement to be submitted:			
Date Statement received (copy attached):			
Date Notes Issued			
Date Notes Returned			
Witnesses to be Interviewed:			
Name of Witness	Date of Interview	Date Notes Issued	Date Notes Returned

Policies and Procedures Referred to:	
Date Report Submitted to the Dean/Head of Department	
Date Copy of Report sent to HR	

Signed _____ (Investigator)

Date _____

Additional Information:

- Each interview will be conducted on a separate day
- Each interview is likely to be up to half-day in duration
- It is possible that after the interviews and prior to drafting the report, the investigators may wish to check or clarify certain points with any of the interviewees. The investigators will contact the interviewees directly by phone or e-mail.
- If other names of witnesses are mentioned during interview, the investigators will seek agreement from the Dean/Head of department to contact the individuals for interview.
- The remit of the investigators is to interview all relevant parties and establish the facts.
- The investigators will provide each interviewee with of a copy of the notes taken at the interview.
- The investigators will prepare a report for the Dean/Head of Department who will determine the course of action.
- If either the complainant or the alleged harasser raises new substantive issues that are not part of the original statements, the investigators will inform the nominated manager immediately.
- In relation to Data Protection, interviewees should be aware that they will be asked to sign the notes to acknowledge receipt. The notes will be used when writing the report. Comments made and by whom, may be disclosed in the report.
- In order not to impede the assessment of the investigation, Kingston University wishes to make it clear that they do not expect the investigators to provide any notes or documents collected during the investigation process. Kingston University requires the investigations to provide a report and expects the investigators to destroy all other documents within six months of the investigation commencing.
- The investigation process will be carried out in good faith and in accordance with the principles of fair treatment.
- Any complaints about the conduct of the process should be raised with HR in writing.
- In order to clarify any aspects of the report and of the investigation process, the investigators agree to provide relevant assistance to either party.

The front sheet and terms of reference will be distributed to (insert names):

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Section Three

To be completed by the Dean/Head of department following submission of the report.

The investigation report was submitted on (enter date) -----/-----/-----

The contents of the report have been carefully considered and I recommend the following course of action:

- No further action*
- Remedial Action Required*
- Proceed to Disciplinary Hearing*

*delete as appropriate

Signed _____ (Dean/Head of department)

Date _____