

## Student Complaints and Academic Appeals

### Policies and Procedures

<b>Quality Assurance Benchmarking</b>		
This policy and procedure maps to the following external quality assurance frameworks: QAA Quality Code Part B9: Academic Appeals and Student Complaints		
<b>Document History</b>		
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## **I. INTRODUCTION**

West Dean College recognises that students may have legitimate complaints about its provision, facilities, services and staff. Section 4 of this document outlines the College's policy for student complaints.

The College also recognises a student's right to make appeal against a decision of the Assessment Board in respect of award, progression and termination of study without fear of disadvantage and in the knowledge that their privacy and confidentiality will be respected. Section 5 of this document sets out the College's policy for academic appeals.

The College aims to ensure that all student complaints and academic appeals are treated seriously and dealt with promptly, fairly and consistently throughout the institution.

## **2. SCOPE**

- 2.1 The Student Complaints and Appeals policies apply to all students studying on a on a Diploma or Degree Course at West Dean College.
- 2.2 Students who have completed a course or who have had their registration terminated will be normally permitted a further 60 working days from the last day of the last term during which they were a registered student to lodge an appeal or a complaint.
- 2.3 All staff with teaching or direct support shall have an understanding of the policies and will understand the support available to students to provide any necessary guidance if they are uncertain in any way as to how the policies apply.

## **3. UNDERLYING PRINCIPLES**

- 3.1 Wherever possible, students' concerns about their programmes, services provided by the College or any other aspects of their experience at West Dean should be dealt with at the earliest opportunity and through informal discussion. Where students wish to initiate a formal complaint, or make an Academic Appeal they must do so by following the College's Student Complaints Policy or Academic Appeals Policy.
- 3.2 Student complaints and academic appeals are dealt with without recrimination. Students making complaints or academic appeals will not suffer disadvantage or reproach and their studies will not be prejudiced as the result of making a complaint or an academic appeal.
- 3.3 The College aims to learn and act upon the outcomes of student complaints' investigations and academic appeals to help it to enhance the quality of the College's educational provision, to improve the student experience and to refine its services. Appropriate records will be kept of all formal Student Complaints and Academic Appeals to ensure transparency and accountability.

## 4. STUDENT COMPLAINTS

### 4.1 Definition

The College defines a student complaint as – ‘an expression of dissatisfaction by one or more students about a college’s action or lack of action, or about the standard of service provided by or on behalf of the College.’<sup>1</sup>

### 4.2 What type of complaints may be considered under this policy?

Examples of grounds for a student complaint may include concern that there has been:

- A failing in a College academic or support service (including teaching or supervision);
- Failure to meet obligations including those outlined in Programme documents, handbooks, College policies and other documentation from the College;
- Misleading or incorrect information in prospectuses or promotional materials or other College publications;
- Inappropriate conduct of a member of staff;

### 4.3 What will not be considered under the Student Complaints Policy?

The following will **not** be considered under this policy:

- Complaints or appeals against decisions of Assessment Boards, or otherwise relating to assessment or academic progress, which are dealt with by the Academic Appeals Policy below. Where such an appeal is based on a complaint which falls outside the remit of the Academic Appeals Policy then, at the discretion of the Director of Education, those aspects of the appeal may be dealt with under the provisions of the Student Complaints Policy. In such cases, where the findings and/or outcome in the Complaints Policy may inform the consideration of the academic appeal, the appeal will be temporarily suspended until the completion of the complaints procedure;
- Matters of academic judgement, which cannot be the subject of either a complaint or an appeal
- Complaint against another student where it is alleged that there has been academic misconduct in which case the investigation will be conducted in accordance with the College’s Academic Misconduct Policy.
- Complaint against another student that will be considered under the College’s processes for breaches of student discipline (**Student Code of Conduct and Disciplinary Process**).

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<sup>1</sup> The College has adopted the definition provided by the Office of the Independent Adjudicator (OIA) OIA, *The good practice framework for handling complaints and academic appeals*, December 2014, p. 8.

- Third party complaints. The Student Complaints Policy will only apply to complaints initiated and conducted by an individual student or group of students.

#### 4.4 Who can advise if there is uncertainty about how this policy works?

Should you have any queries about this policy, students may seek advice from one of the following:

- Student representatives
- Academic Registry
- Programme Leaders

#### 4.5 How does the Complaints Policy work?

The Complaints Policy is divided into 3 stages:

- i) Stage 1: Seeking a local/ informal resolution of the complaint
- ii) Stage 2: Submitting a formal complaint
- iii) Stage 3: Appeal

##### 4.5.1 Stage 1: Seeking a local/ informal resolution of the complaint

In the first instance students should seek to take up the matter informally with their Programme Tutor or by speaking to their Student Representative. The person approached will discuss the complaint with the student, assess the situation, take advice from a senior colleague when necessary and take one of the following courses of action:

- Resolve the problem through talking it through
- Resolve the problem by speaking directly to the person responsible.

The student should be advised that seeking informal resolution does not exclude the possibility of making a formal complaint (Stage 2) if this level of resolution does not lead to a satisfactory outcome.

##### 4.5.2 Stage 2: Submitting a formal complaint

4.5.2.1 If the student is dissatisfied with local attempts to resolve the complaint and wish to take the complaint further, or if the circumstances of the complaint mean that it is inappropriate for the complaint to be raised informally, it will be referred to the

Academic Registrar.<sup>2</sup> The complaint should normally be raised within one calendar month of the action or events that prompted the complaint.

The Academic Registrar will consider the complaint and if necessary investigate and take one of the following courses of action:

- Bring a resolution to the dispute with the individual or appropriate manager.
- Dismiss the complaint if it is lacking in merit.
- Refer the case to a College Complaints Panel hearing chaired by the Director of Education, another senior manager and a student representative.<sup>3</sup>

4.5.2.2 The student will receive initial notification of receipt of the Complaints Form by the Academic Registrar within 7 working days.

4.5.2.3 A student has the right to be heard in person at each stage and is required to indicate on the Student's Complaint Form if they wish to be heard or represented by someone else. The student may also be accompanied by a friend, fellow student or student representative who may speak on their behalf.

4.5.2.4 If a group of students wishes to appeal, a spokesperson should be identified to act on behalf of the group. One complaint should be submitted but agreement indicated by the signature of all students included within the collective action.

4.5.2.5 Where a complaint is made against a member of staff, a copy of the complaint (with any enclosures the College considers appropriate) will normally be sent to them for their response.

4.5.2.6 The applicant will receive notification of the outcome of the investigation of the complaint within 21 working days of submitting the Complaints Form to the Academic Registrar.

### 4.5.3 Stage 3: Appeal

4.5.3.1 The student may request an appeal against the outcome of the formal complaint on one or more of the following grounds:

- i) any procedural irregularity which has materially disadvantaged them in the investigation or outcome of the complaint;
- ii) the emergence of new and relevant material that was not available at the time the complaint was first submitted;
- iii) that the decision was unreasonable in all the circumstances.

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<sup>2</sup> Should the nature of the complaint make the Academic Registrar's objectivity difficult, an alternative member of the College's staff will be appointed by the Director of Education instead.

<sup>3</sup> Should the nature of the complaint make the Director of Education's objectivity difficult, a second senior manager will be appointed instead. The College Chief Executive shall nominate the Chair in this instance.

4.5.3.2 Any request for appeal must be made in writing to the College's Chief Executive within 25 working days of the date of the letter informing the student of the outcomes of the College's investigation of the complaint. The Chief Executive will appoint an appropriate senior nominee to review the case against the criteria in 4.5.3.1 above. On completion of the review, the nominee will recommend one of the following actions to the Chief Executive:

- i) that the complaint had been investigated in accordance with College procedures, that no new and relevant material has been made available and/or a reasonable outcome had been reached. Where this recommendation is accepted by the Chief Executive, the appeal will be **rejected**. This will be the College's final decision on the matter and the student will be issued a Completion of Procedures letter;
- ii) that the complaint has not been investigated in accordance with College procedures and the appeal is **upheld**. In this case the complaint should be referred back to an appropriate previous stage of the process (stage 2);
- iii) that new and relevant material has emerged and the appeal is **upheld**. In this case the complaint should be referred back to stage 2 to be re-investigated;
- iv) that the decision in relation to the complaint was unreasonable (i.e. that no reasonable person would have reached that decision given the facts of the case) and the appeal is **upheld**. In this instance, the Chief - Executive's nominee may recommend an alternative resolution to the Chief Executive. Where this recommendation is accepted by the Chief Executive, this will be the College's final decision on the matter and a Completion of Procedures letter will be sent to the student with the outcome.

4.5.3.3 The student will receive the outcome to the request for appeal within 10 working days of being sent to the Chief Executive.

#### 4.6. What routes remain for students still dissatisfied with the outcomes of the Complaints Process?

##### 4.6.1 University of Sussex

Should the complaint relate to academic matters and if the College complaints process has come to a conclusion, students may raise a complaint with the University's Accrediting partner, the University of Sussex. Details of how to raise a complaint with the University of Sussex can be found on the University's website -

<http://www.sussex.ac.uk/partnershipoffice/keydocuments/handbook>

##### 4.6.2 Office of the Independent Adjudicator (OIA)

Should students remain dissatisfied with the outcome of the University of Sussex's attempts to resolve their issue, (having completed the Complaints Procedure with the University of Sussex if applicable) they may refer the complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student complaints.

Students have 3 months from the date of issue of the Completion of Procedures letter to refer the complaint to the OIA. Students should ensure that they familiarise themselves carefully with the requirements.

<http://www.oiahe.org.uk/>

## 5 ACADEMIC APPEAL

### 5.1 Definition

The College understands an Academic Appeal to be ' A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.'<sup>4</sup> This includes appeals against decisions made in relation to academic misconduct. Appeals in relation to non-academic disciplinary matters are covered in the **Student Code of Conduct and Disciplinary Process Policy**.

### 5.2 How does the Academic Appeals Policy work?

The Academic Appeals Policy is divided into 4 stages:

- i) Stage 1: Submission of Academic Appeals Form
- ii) Stage 2: Convening of Appeals Panel
- iii) Stage 3: Notification of outcome of the Appeals Panel/ Invitation to an Appeals Panel hearing
- iv) Stage 4: Request for Review of Academic Appeal

Students studying at all levels have the right of appeal against a decision of the Assessment Board without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected.

#### 5.2.1 Stage 1: Submission of Academic Appeals Form

- 5.2.1.1 Students should submit a completed Academic Appeals Form to the Academic Registrar accompanied by any evidence within 21 calendar days after the publication of results or the taking of a formal decision by the Assessment Board.
- 5.2.1.2 If a group of students wishes to appeal, a spokesperson should be identified to act on behalf of the group. One appeal should be submitted but agreement indicated by the signature of all students included within the collective action.
- 5.2.1.3 The Registrar will normally acknowledge receipt of the Academic Appeals Form within 5 working days and carry out an initial investigation.

#### 5.2.2 Stage 2: Convening of Appeals Panel

- 5.2.2.1 Following receipt of an appeal and if considered necessary by the Academic Registrar, an Appeals Panel is convened comprising of:
  - The Director of Education (who will act as Chair)

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<sup>4</sup> The College has adopted the definition provided by the Office of the Independent Adjudicator (OIA) OIA, *The good practice framework for handling complaints and academic appeals*, December 2014, p. 8.

- Two senior academic members of staff who have not been involved with the student either in teaching or through assessment
- A student representative

5.2.2.2 In preparation for the Panel, relevant information will be gathered which is likely to include, the student's marks, any mitigating evidence and Assessment Board minutes.<sup>5</sup>

5.2.2.3 The Chair, in receiving the necessary information for the Appeals Panel, may seek the advice of other members of staff with relevant expertise.

5.2.2.4 Once all relevant information has been gathered, the Chair of the Appeals Panel will judge whether there is sufficient evidence for the appeal to be upheld or if there is not a sufficient basis for the appeal to be considered further.

5.2.2.5 If the Chair of the Appeals Panel considers that there is insufficient information to make a decision, they may:

- Request additional information from the student or other relevant parties;
- Recommend the setting up of an Appeals Panel hearing;
- Propose an alternative means of resolution that is considered to be in the best interests of the student;

### 5.2.3 **Stage 3: Notification of outcome of the Appeals Panel/ Invitation to an Appeals Panel hearing**

5.2.3.1 If the appeal is upheld, the student will be notified of the Appeal Panel's decision in writing within 10 working days following the confirmation of the receipt of Academic Appeals Form (5.2.1 above).

5.2.3.2 If required, the student will, be invited to an Appeals Panel hearing within 10 working days following the confirmation of the receipt of Academic Appeals Form by the Academic Registrar (5.2.1 above).

5.2.3.3 The Chair of the Appeals Panel will convey the decision of any Appeals Panel hearing in writing to the student as soon as possible after the conclusion of the hearing and not later than 14 working days after the hearing.

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<sup>5</sup> Any student who believes that there are circumstances which might have seriously have affected their performance in an assessment and which he or she wishes an Appeals Panel to take into consideration, shall, submit details with appropriate corroborating documentary evidence, e.g. a medical certificate, to the Academic Registrar with the Academic Appeals Form.

5.2.3.4 The student will be notified within 10 working days following the Academic Registrar's confirmation of receipt an Academic Appeals Form if the appeal has been rejected and the explanation for this in writing.

#### 5.2.4 **Stage 4: Request for Review of Academic Appeal**

5.2.4.1 The student may request a review of the outcome of the Academic Appeal, if dissatisfied, on one or more of the following grounds:

- i) any procedural irregularity which materially disadvantaged them in the investigation or outcome of the Academic Appeal;
- ii) the emergence of new and relevant material that was not available at the time the Academic Appeal was first submitted (stage 1);
- iii) that the decision was unreasonable in all the circumstances;

5.2.4.2 Any request for review of the outcome of the Academic Appeal must be made in writing to the College Chief Executive within 25 working days of the date of the letter informing the student of the outcomes of the College's consideration of the Academic Appeal. The Chief Executive will appoint an appropriate senior nominee to review the case against the criteria in 5.2.4.1 above. On completion of the review, the nominee will recommend one of the following actions to the Chief Executive:

i) that the Academic Appeal had been considered in accordance with College procedures, that no new and relevant material has been made available and/or a reasonable outcome had been reached. Where this recommendation is accepted by the Chief Executive, the appeal will be rejected. This will be the College's final decision on the matter and the student will be issued a Completion of Procedures letter;

ii) that the complaint has not been investigated in accordance with College procedures and the appeal is upheld. In this case the complaint should be referred back to an appropriate previous stage of the process (stage 2).

iii) that new and relevant material has emerged and the appeal is upheld. In this case the complaint should be referred back to stage 2 to be re-investigated.

v) that the decision in relation to the complaint was unreasonable (i.e. that no reasonable person would have reached that decision given the facts of the case)

and the appeal is upheld. In this instance, the Chief -Executive's nominee may recommend an alternative resolution to the Chief Executive. Where this recommendation is accepted by the Chief Executive, this will be the College's final decision on the matter and a Completion of Procedures letter will be sent to the student with the outcome.

5.2.4.3 The student will be notified of the outcome of the Request for Review within 10 working days following the confirmation of receipt of the letter to the Chief Executive.

5.2.4.4 Acceptance of an award, for example by attendance at an awards ceremony to receive the award, will be taken as agreement to the decision of the Assessment Board by the student concerned. In such circumstances, no further appeal will be allowed.

## 5.2.5 What routes remain for students still dissatisfied with the outcomes of the Academic Appeals Process?

### 5.2.5.1 University of Sussex

Should the College Academic Appeals process have come to a conclusion, students may raise an Appeal with the University's Accrediting partner, the University of Sussex **within 21 days** of the final notification of the outcome of the appeal at the College. Details of how to raise an Appeal with the University of Sussex can be found on the University's website -

<http://www.sussex.ac.uk/partnershipoffice/keydocuments/handbook>

### 5.2.5.2 Office of the Independent Adjudicator (OIA)

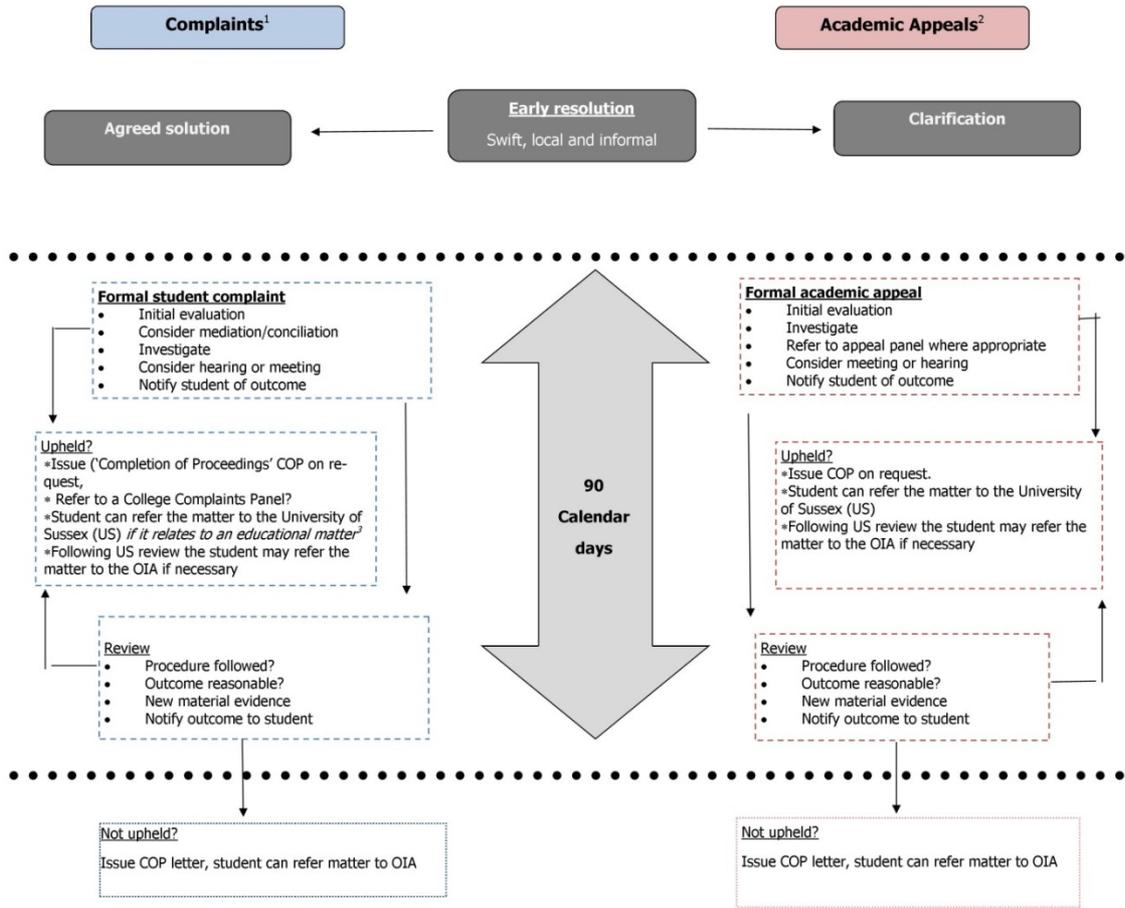
Should students remain dissatisfied with the outcome of the University of Sussex's attempts to resolve their issue, (having completed the Appeals Procedure with the University of Sussex and West Dean College) they may refer the complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student appeals.

Students have 3 months from the date of issue of the Completion of Procedures letter to refer the complaint to the OIA. Students should ensure that they familiarise themselves carefully with the requirements.

<http://www.oiahe.org.uk/>



DRAFT—Overview of Student Complaints and Appeals Processes



1. 'Complaint' - an expression of dissatisfaction by one or more students about a college's action or lack of action, or about the standard of service provided by or on behalf of the college.', A complaint may be related to one of the following aspects of College life: teaching and assessment, learning support, misleading information, general support services, equal opportunities.
2. 'Academic appeal' - ' A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.'
3. Complaints relating to matters not covered by the academic appeals process for which the student seeks further redress following initial formal review will be referred to the College's Chief Executive Officer who will investigate or delegate responsibility to another two senior managers who had no involvement with the initial review and a student representative .

## 6. OVERVIEW RESPONSIBILITIES

<b>Review and update</b>	<b>Responsible</b>	<b>Timescale/Notes</b>
Policy review and update	Quality Manager	
<b>Student Complaints</b>		
Submission of Complaints Form	Student	Form to be submitted within one calendar month of the action or events that prompted the complaint
	Academic Registrar	Confirmation of receipt of Complaints Form to be issued within 7 working days  Applicant to receive notification of outcome of investigation of the complaint within 21 working days of submission to Academic Registrar
Appeal against outcome of the formal complaints process	Student	Student to make formal appeal to Chief Executive Officer (CEO) within 25 days of the letter informing the student of the outcomes of the investigation of the complaint.
	CEO	Student to be informed of the outcome to the request for appeal within 10 working days
Office of the Independent Adjudicator (OIA)	Student	Student to refer complaint to the OIA within 3 months of the date of issue of the Completion of Procedures letter.

<b>Academic Appeals</b>		
Submission of Academic Appeals form	Student	Student to submit form to the Academic Registrar and any evidence within 21 calendar days after publication of results or taking of a formal decision by the Assessment Board
	Academic Registrar (AR)	AR to acknowledge receipt of the form within 5 working days.
	Chair of Appeals Panel	<p>If appeal upheld, student to be notified within 10 working days following date of receipt of Academic Appeals form.</p> <p>If required, student to be invited to an Appeals Panel hearing within 10 working days following date of receipt of Academic Appeals form.</p> <p>Appeals Panel Chair will convey decision of Appeals Panel no later than 14 working days after hearing.</p> <p>Student to be notified within 10 working days following date of receipt of Academic Appeals form if appeal rejected.</p>
Request for Review of Academic Appeal	Student	Request for review of outcome of Academic Appeal to be made within 25 working days of the date of the outcome letter to the Chief Executive (CEO)
	CEO	CEO to respond to student's request for Review of Academic Appeal within 10 days of acknowledging

University of Sussex	Student	receipt of the request.  Student to raise an Appeal with the University of Sussex within 21 days of the issuing of the Completion of Procedures letter from West Dean College
Office of the Independent Adjudicator (OIA)	Student	Student to raise issue with the OIA within three months of the issuing of the Completion of Procedures letter from West Dean College