



## COLLEGE COMPLAINTS PROCEDURE

### Definitions

|                   |   |
|-------------------|---|
| complaint         | an expression of dissatisfaction by one or more students about the College's action or lack of action or about the standard of service provided by or on behalf of the College or about the conduct or capability of an employee of the College |
| complainant       | the person who is making a complaint or on whose behalf a complaint is made   |
| complaint handler | the person who on behalf of the College considers the complaint and decides whether to uphold it (see appendix A)   |
| reviewer          | the person who reviews the handling of the complaint, if a review is legitimately requested   |
| student           | a person who, at the time of submitting a complaint, is a current student of the College or was a student of the College at any time within the preceding 90 days   |

### Introduction

A complaint should only rarely be the first attempt to resolve a problem. The College encourages all students to discuss matters of concern or dispute, and to attempt to find an informal and amicable resolution. In the event that such efforts fail or are inappropriate in the circumstances, and there is no reasonable alternative to pursuing a complaint, the following procedure governs how the College deals with complaints, except where complaints procedures are already built into existing policies (in which case the procedures in those policies will be followed in place of what follows here: see Appendix A). In summary, the following types of complaints do not fall within the scope of this procedure:

- Complaints arising from the College's fitness to study procedure
- Complaints arising from matters of non-academic discipline
- Complaints arising from harassment
- Complaints arising from matters of academic discipline

Students should note in particular that disciplinary decisions (whether academic or non-academic) do not fall within the scope of this procedure (and instead may, where possible, be appealed to the Conference of Colleges Appeal Tribunal).

### Formal stage

1. A student, or person acting as a representative of a student or a group of students, should submit a complaint to the College by contacting the complaint handler in writing (which for the purposes of this procedure includes email).
2. Any complaint considered under this procedure will normally be handled by the complaint handler identified in appendix A. Where complaints arise from more than one area of College life, the relevant complaint handlers will decide who is most appropriately placed to consider the complaint and which procedure will apply.

3. Complaints should normally identify the complainant by name. Exceptionally, a complaint may be submitted anonymously, but only if, in the opinion of the complaint handler, there are compelling reasons, supported by evidence, for doing so. However, complainants should bear in mind that making a complaint anonymously may impede the investigation of the complaint.
4. A complaint must normally be submitted within 90 days of the circumstances occurring that give rise to the complaint. Complaints submitted after this period will only be considered where, in the opinion of the complaint handler, there is a good reason, supported by evidence, for the late submission of the complaint.
5. The College may decline to consider a complaint where the matters in dispute are being considered or have been considered or decided by an external body (such as the OIA, the police, or a court or tribunal).
6. A complainant may request that their complaint be handled confidentially, and the College will, so far as is reasonably possible, attempt to accommodate such a request. However, complainants should bear in mind that it may be necessary to ask employees to comment on or respond to complaints, and requesting confidentiality may impede an investigation of a complaint.
7. Unreasonably wasting the time of College Officers, Fellows, and staff is a matter of misconduct under the College's Regulations for Junior Members. The College therefore reserves the right to dismiss a complaint which has no reasonable justification, which may include circumstances where complaints are obsessive, harassing, or repetitive, or designed to cause disruption or annoyance, or where there is an insistence on pursuing unmeritorious complaints or unreasonable outcomes. If the College dismisses a complaint in these or similar circumstances, this dismissal will be communicated to the complainant by the complaint handler and will for the purpose of this policy be treated as a decision not to uphold the complaint at the formal stage, and the complainant may request a review under the 'review stage' procedures below if any of the grounds for review outlined in paragraph 14 apply.
8. The following rules will govern the consideration of a complaint:
  - a) A complaint will wherever possible be considered by an employee who has had no previous involvement in the matter; if the complaint handler identified in appendix A is unable to perform this role, for this or any other reason, they will nominate an appropriate alternative complaint handler;
  - b) The complaint handler will be expected to bring to their consideration of the complaint the standard of care of an ordinarily competent employee of a small higher education institution;
  - c) Wherever appropriate, the complaint handler will consider, amongst other things, whether the objective of the College's action was sufficiently important to justify limiting the complainant's interests, whether the means used were rationally and sufficiently closely connected to that action, and whether those means impaired the complainant's interests no further than was necessary to accomplish the objective;
  - d) Consideration of the complaint will take into account the outcome of any similar previous complaint;
  - e) The complaint handler has the power to determine the manner in which they shall consider the complaint, which may include asking questions of students (including the complainant) and staff, or convening a hearing, or some other mode of investigation as is appropriate in the circumstances;
  - f) Any hearing held to consider a complaint will involve a panel normally comprised of employees of the College and chaired by the complaint handler. The panel shall devise such procedures as it sees fit to govern any hearing, and such procedures shall always be consistent with the principles of natural justice and fairness;
  - g) A complainant may be accompanied by one other person at any meeting or hearing that takes place to consider the complaint. However, it should not normally be necessary or appropriate

for any person (including the College) to have legal representation at any such meeting or hearing.

9. The complaint handler will decide whether to uphold the complaint and will promptly (and in any event within 45 days of receiving the complaint) notify the complainant in writing of this decision.
10. If the complaint is upheld, the complaint handler will explain how and when any remedy will be implemented, and what the complainant can do if they remain dissatisfied.
11. If the complaint is not upheld, the complaint handler will explain what the complainant can do if they remain dissatisfied.
12. A complaint may be withdrawn at any time, but the College reserves the right to continue to consider the matters raised in a withdrawn complaint if the complaint handler considers it desirable or necessary to do so.
13. The College will keep records of complaints (including reviews) and their outcomes.

### **Review stage**

14. A complainant who is dissatisfied with the outcome of the formal stage may, by writing to the Provost within a period of 14 days of being notified of the outcome of the formal stage, request a review of the handling of their complaint if one or more of the following grounds applies:
  - a) the provisions outlined in this procedure were not properly followed at the formal stage;
  - b) the outcome of the consideration of the complaint at the formal stage is manifestly unreasonable;
  - c) significant new evidence has become available which the complainant was unable, for valid reasons, to provide earlier.
15. The reviewer will be a member of the Governing Body of the College nominated by the Provost who has not previously been involved in the handling of the complaint.
16. The reviewer will only consider the handling of the complaint on the grounds outlined in paragraph 14, and will not normally further investigate the complaint unless significant new evidence has become available which the complainant was unable to provide at the formal stage.
17. The review stage will conclude not more than 30 days after the review is requested. The review stage will lead to one of three outcomes:
  - a) the reviewer will refer the complaint back to the complaint handler for reconsideration, in which case the complaint handler will issue a final decision within 14 days and this will mark the completion of the College's procedures; the complaint handler will at this point advise the complainant of their right to submit a complaint to the OIA for review, the time limit for doing so, and where and how to access advice and support;
  - b) the reviewer will overturn the decision of the complaint handler and substitute their own decision;
  - c) the reviewer will decline to uphold the complaint.
18. The reviewer will provide a clear explanation in writing of the reasons for their decision. Other than in the situation where the reviewer refers the complaint back to the complaint handler (see paragraph 17(a)) this will mark the completion of the College's procedures. The reviewer will at this point advise the complainant of their right to submit a complaint to the OIA for review, the time limit for doing so, and where and how to access advice and support.

## Appendix A

## Who to complain to?

The following table identifies the principal headings under which complaints may arise and the associated complaint handler. The College Office can identify who is the holder of a given role if this is not known by the complainant.

| Subject matter of complaint                                       | Who normally handles complaint?   |
|---|---|
| Conduct or capability of College employees                        | <ul style="list-style-type: none"> <li>Complaints about non-academic employees should be made to the line-manager of the person concerned</li> <li>Complaints about academic employees acting in their capacity as academics should be made to the Senior Tutor</li> <li>Complaints about academic employees acting in non-academic capacities should be made to the Provost, except in the case of complaints about Moral Tutors (which should be made to the Tutor for Undergraduates) or Graduate Advisors (which should be made to the Tutor for Graduates)</li> <li>Complaints about the Provost should be made to the senior Official Fellow</li> </ul> |
| Residential matters (including IT and the Lodge)                  | Domestic Bursar   |
| Health and safety   | Domestic Bursar   |
| Decanal matters / College Regulations                             | Dean  |
| Fitness to study / suspension of status                           | As per <a href="https://www.queens.ox.ac.uk/wp-content/uploads/2022/11/Fitness-to-Study-Policy-2022.pdf">https://www.queens.ox.ac.uk/wp-content/uploads/2022/11/Fitness-to-Study-Policy-2022.pdf</a>  |
| Non-academic disciplinary procedures                              | As per <a href="https://www.queens.ox.ac.uk/wp-content/uploads/2022/09/Disciplinary-Procedures.pdf">https://www.queens.ox.ac.uk/wp-content/uploads/2022/09/Disciplinary-Procedures.pdf</a>  |
| Welfare   | Tutor for Welfare   |
| Financial matters (except decisions of Student Finance Committee) | Bursar  |
| Student Finance Committee matters                                 | Hardship Officer  |
| Safeguarding  | Lead Safeguarding Officer   |
| PREVENT   | PREVENT Lead  |
| Harassment  | As per <a href="https://www.queens.ox.ac.uk/wp-content/uploads/2022/11/Harassment-including-bullying-Code-of-Practice-May-2020.pdf">https://www.queens.ox.ac.uk/wp-content/uploads/2022/11/Harassment-including-bullying-Code-of-Practice-May-2020.pdf</a>  |
| Equalities matters  | Equalities Officer  |
| Academic judgement  | There is no right of complaint against academic judgement per se  |
| Matters of academic discipline                                    | As per <a href="https://www.queens.ox.ac.uk/wp-content/uploads/2022/09/Academic-Discipline-1.pdf">https://www.queens.ox.ac.uk/wp-content/uploads/2022/09/Academic-Discipline-1.pdf</a>  |
| Other academic matters except academic appeals                    | Senior Tutor  |

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