

Holmes Institute Pathway Appeals and Complaints Procedure

1. Context

The International College is an embedded, affiliate college of the University. All students enrolling at the International College will be simultaneously enrolled on both the International College's and the University's student management systems and from that point onwards they will be subject to both the University's policies and regulations as well as the International College's own policies and regulations where applicable and in such cases as they differ.

Whilst they are enrolled on a stage of study at the International College, students will have recourse to the appeals and complaints procedures outlined in this document for any and all matters relating to the following:

- Modules taught at the International College
- Facilities provided by the International College
- Other students at the International College
- Academic and / or administrative staff at the International College

In all other matters students may refer to the University's Appeals and Complaints procedures directly.

2. Appeals

2.1 An 'appeal' is a process of review of an examination or assessment item.

2.2 There are 3 stages to appeal: 1) informal stage; 2) formal stage; 3) review stage.

2.3 The International College does not place a restriction on the nature of queries, including those which amount to requests for confirmation, clarification or elaboration of a recommendation or decision but all queries should be noted and passed on to the CBS. It may not be possible for the International College to answer all possible questions or provide as full a response as may be desired by the student raising the query.

2.4 Generally, all appeals are made on informal grounds and provide students and staff the opportunity to query a recommendation or decision made by either the International College's College Board of Study (CBS) or Module Panel. Queries may be made on:

- The result of an individual module.
- Completion of a stage or part of a programme.
- Progression to the next stage of a programme.
- Entitlement to an award.

2.5 Candidates wishing to lodge a formal appeal must register this in writing using the International College Appeals form.

2.6 The formal appeals process will follow the procedure outlined in 3.6.3

2.7 The grounds on which candidates are permitted to lodge a formal appeal are:

- That the assessor(s) and/or examiner(s) has/have been advised **beforehand** of medical or other extenuating circumstances which were likely to have adversely affected the candidate's performance, but failed to appreciate their significance when arriving at their decision or recommendation.

- That there were medical or other mitigating circumstances which were likely to have adversely affected the candidate's performance, and which the candidate was unable for valid reasons to disclose before the examiners arrived at their decision or recommendation.
- That there was a material administrative error or procedural irregularity at some stage of the assessment process or that the examinations or other assessments were not conducted in accordance with the approved programme regulations, or that some other material irregularity or procedural irregularity relevant to the assessments occurred.
- That there was unfairness or impropriety on the part of one or more of the examiners.

2.8 Candidates are not permitted to appeal against academic judgement.

3. Complaints

3.1 The International College students have the right to lodge a complaint and upon receipt of such this will be given due and equitable consideration. Where the complaint refers to an issue or occurrence outside of the International College's sole scope of teaching and learning, assessment and / or management of programmes but relates to that at the University, the International College will refer the complaint directly to the University using the appropriate channels.

3.2 A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility which is provided to enrolled students of the International College.

3.3 Principles and Scope

3.3.1 This complaints procedure is for use by students enrolled with the International College and is handled by the International College.

3.3.2 The procedure aims to be simple, clear and fair to all parties involved, with informal resolution an option at any point.

3.3.3 Complaints will be handled sensitively and with due consideration to confidentiality for both students and staff. Any person named in a complaint will be informed of the substance of the complaint and will have the right to reply as part of the investigation. Information contained within the complaint will be made available only to those members of staff involved in its resolution. The International College's CD/P will be informed of the complaint with immediate effect.

3.3.4 No student bringing a complaint under this procedure, whether successful or otherwise, will be treated less favorably by any member of staff at the International College than if the complaint had not been brought. If evidence to the contrary is found in this regard the member of staff at the International College may be subject to disciplinary proceedings under this policy.

3.3.5 It is expected that, except in exceptional and fully documented circumstances, a student who wishes to make a complaint will invoke the Informal Stage within one calendar month of the incident which is the cause for complaint.

3.3.6 Separate procedures exist for the following:

- (i) For academic matters relating to examination and assessment performance and outcomes – see: the International College-PD4 Assessment Regulations.
- (ii) Academic misconduct, assessment offence and disciplinary issues – see: the International College-PD7 Disciplinary Procedures

3.5 Protocols

3.5.1 Anonymous Complaints

Where a complaint is made anonymously, normally no action will be taken. However, there may be exceptional circumstances where the International College deems it appropriate to take action or investigate a matter on the basis of a complaint that is made anonymously.

3.5.2 Third Party Complaints

No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to the concerns raised, and written consent for an investigation to be carried out. This includes complaints made by the parent or spouse of the student concerned.

3.5.3 Complaints to the Vice Chancellor or other members of staff at the University.

Should a complaint be received by the Vice Chancellor, or other staff at the University, regarding the teaching and learning, assessment and / or management of programmes and/or services at the International College, it will be referred directly and immediately to the International College's CD/P who will ensure that it is considered through the International College's Complaints Procedure.

3.5.4 Vexatious or Malicious Complaints

A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the complaints procedure or, for example, to attempt to defame the name or character of another person. The International College may consider invoking disciplinary procedures in cases where complaints are found to be vexatious or malicious.

3.5.5 Complaints made by students under the age of 18 years

If a complaint is made under the Formal Procedure by a student who is under the age of 18, unless it is the student's express wish that this should not be done, the International College's CBS will notify the parents or guardians of the student in writing, and keep them informed of the progress of the complaint – generally via email or telephone. The CBS will permit the parents or legal guardians of the student to act on the student's behalf during the process, provided the student has confirmed agreement in writing beforehand.

3.5.6 Group complaints

Where a complaint is brought by a group of students, one person should be prepared to identify him/herself as spokesperson and correspondent and each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the complaint. In addition, all complainants must agree in writing to the spokesperson acting on his/her behalf.

3.5.7 Changes to Policies or Procedures

The complaints procedure may not be appropriate if the complaint concerns the process or content of a previous the International College policy or procedure as the International College reserves the right to review and change these. Complaints of this nature must be resolved against the policy or procedure applicable at the time. The International College will ensure that all updated policies and procedures are published to students at all times.

3.5.8 Accompaniment at the complaint hearing

The complainant, if he/she wishes, may be accompanied at the Complaint Hearing by a friend or representative for support or representation as appropriate. The friend or representative may not be a paid member of the legal profession. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the International College representatives. In the event that the complainant is unable to attend, the Hearing will be rescheduled.

3.5.9 Reimbursement of Expenses.

If a complaint is upheld, the International College will meet any reasonable 'out of pocket' expenses connected with the formal stage of the procedure, on production of receipts; this may include travel and subsistence costs in connection with the student's attendance at a complaint hearing.

3.5.10 Monitoring, evaluation and review.

the International College's CBS will oversee the tracking of complaints progressed through the complaints procedure and will ensure that records show the nature of the complaint, how it was dealt with, the time taken for each part and the outcome.

- 3.5.11 The complaints procedure for students is one aspect of the International College's quality assurance procedures; complaints are therefore considered as useful feedback and, where appropriate, will be used to facilitate improvements to services and facilities.

3.6 Procedure

- 3.6.1 The procedure is divided into two parts: an informal procedure, which emphasises resolution at the 'local' point where the complaint arose, and a formal procedure, which involves the CD/P as facilitator of the procedure. The CD/P will ensure that the formal procedure is operated according to due process and with regard to achieving a resolution as quickly as possible and to the satisfaction of the complainant.

3.6.2 Informal Procedure

Students wishing to complain should, notify a member of staff at the International College, ordinarily within student services. Once a complaint has been received by the International College, resolution should be sought from the area in which the complaint arose, by discussing the complaint with the most appropriate member of staff (e.g. the academic tutor) or the student services officer. Students should normally expect to receive a written or verbal acknowledgement of the complaint and the process to be undertaken within 10 working days and a full response within one calendar month.

3.6.3 Formal Procedure for Appeals or Complaints

Part I (Investigation)

- a) If the response to the appeal/complaint under the informal procedure is considered by the student to be unsatisfactory, (s)he may elect to escalate the matter by completing the relevant the International College Appeal/Complaint Form and returning it to the International College's student services.
- b) The form should detail the issue which the student believes is unsatisfactorily and why this is the case, or other serious grounds for appeal/complaint, together with a statement of what has been done by the student to attempt resolution with the person/s involved, and why (s)he considers the response/ resolution to be unsatisfactory. The manager of student services will acknowledge receipt of the Appeal/Complaint Form within 5 working days and notify the CD/P.
- c) The manager of student services, or another independent member of staff who has not previously been involved with the matter concerned, will attempt resolution at this stage either by correspondence between the parties, negotiation with the individuals or issue about which the appeal/complaint is being made and, where appropriate, other senior members of the International College, or facilitation of a conciliation meeting between the student concerned and those individuals involved. The circumstances of the appeal/complaint will dictate which of these methods is considered most likely to result in a resolution of the issue to the satisfaction of the student.
- d) It is anticipated that Part I of the Formal Procedure would normally be completed, with a response in writing to the student, within one calendar month of the receipt date of the completed Appeal/Complaint Form.

Part II (Hearing)

- a) If the student remains unsatisfied with the response / resolution from the International College following completion of Part I, (s)he may elect Part II of the formal procedure by a request in writing, within 10 working days from the date of the notification of the outcome of Part I. The request should be addressed to the CD/P outlining why (s)he feels the resolution in Part I is not satisfactory. Taking into account the substance of the appeal/complaint and the previous attempts at resolution, the case will then be reviewed by a senior member of the International College staff

- who has not previously been involved in the appeal/complaint who will make a decision about whether the matter should be referred to a Hearing.
- b) Should a Hearing be appropriate, a panel chaired by the Director University Pathways, Holmes Institute and consisting of two other senior members of Holmes Institute will be convened. Members will be appointed in a way that ensures none of them will have prior involvement with the case concerned.
 - c) If the complaint relates to the actions of an individual member of staff or student, rather than an academic or service department/area, that individual has the right to be informed of the substance of the complaint and to attend the Complaint Hearing and be represented.
 - d) The Hearing will meet normally within one calendar month (excluding scheduled holidays) of the referral from Part I, and communicate its conclusions to the student and the relevant persons within one calendar month. The Chair will keep all parties informed of progress and will explain reasons for any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary.
 - e) The Student may be accompanied at the Hearing by a representative who may participate in the proceedings.
 - f) The student will have access to all the documentary evidence that is presented to the Hearing.
 - g) Should a complaint be upheld, the Chair of the Complaint Hearing may make recommendations/conditions to the International College's CBS. Recommendations/conditions may also be made to the International College Module Panel or Progression Board in respect of quality assurance procedures or policies.
 - h) If an appeal/ complaint is not upheld, the student will be informed in writing with reasons for its rejection.
 - i) Any conclusions and recommendations of the Hearing will be communicated in writing to the student and the CD/P.
 - j) An anonymised report on each case which comes before a Hearing will be prepared by the Chair for the International College's CBS to assist in monitoring the effectiveness of the appeals /complaints procedure and to identify relevant quality assurance issues.

3.6.4 Referral to the University (review)

If the matter is not resolved through the International College processes outlined above in 3.6.3, the student may write to the University's Student Complaints Officer and ask for the outcome to be reviewed by the University.

3.6.5 Awareness

the International College's CBS will ensure that activities are put in place at the International College to raise awareness of the appeals and complaints procedure, and how it is to be used, amongst the student body. the International College's student services team will also provide support and guidance for departments/areas in handling complaints and resolving them as efficiently and equitably as possible.