

# Academic Complaints Procedure

## 1 Purpose

- 1.1 The Academic Complaints Procedure is intended to allow UEA students undertaking taught or research courses formally to raise concerns about their programme of study or its associated academic facilities. We take such concerns seriously at UEA and the Procedure is designed to enable a student's concerns fully to be considered and action taken, where practicable, to remedy the situation where appropriate in a timely manner.
- 1.2 Concerns about academic results or the circumstances relating to them should be raised via the Academic Appeals Procedure. Matters that relate to non-academic services or facilities should be raised under the Non-Academic Complaints Procedure. Details are available from Faculty Offices and online at:  
<http://www.uea.ac.uk/ltqo/studentexperience/academicappeals%26complaints>
- 1.3 An Academic Complaint may be referred to a more appropriate procedure where one exists, for example staff or student disciplinary procedures or procedures for dealing with allegations of harassment.
- 1.4 The Academic Complaints Procedure comprises two parts: Stage One, in which the Head of School considers the complaint and Stage Two, which a student may follow if dissatisfied with the outcome of the Stage One complaint. Stage Two Complaints are considered by an independent panel of senior academics, with the Student presenting the Appeal (with someone to accompany or represent them if they wish), and the Head of School or a suitable substitute presenting the School's case. The Hearing Panel represents and acts with the full delegated authority of the Senate.

## 2 Commitments

- 2.1 Students who submit a case under this procedure will not be disadvantaged for having done so. Any Student who believes that s/he has been disadvantaged by submitting a case should contact the Academic Registrar immediately. The University expects that students will not engage in frivolous or malicious complaints.
- 2.2 The University will in considering complaints apply the Academic Complaints Procedure in accordance with its Equal Opportunities Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities or long-term medical conditions.
- 2.3 All parties to the complaint and individuals who have been involved in any related investigations and/or the management and/or administration

of the complaint will observe the requirements of confidentiality. Whilst confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in the consideration of the complaint. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law.

- 2.4 All personal information will be processed by the University in accordance with the Data Protection Act 1998.

### **3 First steps to try to resolve concerns**

- 3.1 Students are encouraged to try to resolve the matter they are concerned about informally before beginning the formal Procedure. A number of avenues exist through which an explanation can be provided which might satisfactorily answer their concerns. An informal approach could be made to the person(s) who are most directly involved. This may involve contacting the personal Adviser/supervisor, another member of the academic staff or other appropriate person. These informal proceedings will not prejudice the formal procedure outlined below. Students can be assisted in making such an approach by their School student representative and may also seek advice from the Dean of Students' Office and/or the Student Union's Advice Centre.
- 3.2 Should these steps not resolve the matter to the student's satisfaction, the student may make a formal case for an Academic Complaint under Stage One of the procedure. The Complaint will be dealt with by the student's Faculty Office and Head of School. If the concern remains unresolved after this, the student may take the process to Stage Two, which is described later.

## **STAGE ONE ACADEMIC COMPLAINT**

### **4 How a student submits a stage one academic complaint**

- 4.1 A Student must submit a completed Stage One Academic Complaint Form and any supporting evidence to the Head of School. Forms are available at:  
<http://www1.uea.ac.uk/cm/home/services/units/acad/ltqo/studentexperience/academicappeals%2526complaints> or from the listed offices. All evidence submitted by the Student will be provided to the Head of School. No evidence submitted can be anonymous.
- 4.2 The relevant Teaching Office may suspend the Stage One Academic Complaint where appropriate, pending clarification by a Student that s/he has tried to resolve the matter s/he is concerned about informally before beginning the formal Procedure.
- 4.3 A Student may decide to withdraw a complaint, providing the Head of School is advised in writing.

## **5 Response to the complaint**

- 5.1 The Head of School is responsible for responding to an Academic Complaint. If the Head of School is part of the subject of the complaint or is otherwise in a conflict of interest, the Head of School shall designate an alternate. Notwithstanding this provision and for ease of reference the person responsible for responding to the Complaint will be called the Head of School hereafter in this Procedure.
- 5.2 A Head of School may delegate investigation of an academic complaint to one or more members of staff who do not have a conflict of interest with respect to the complaint. In such cases the Head of School will retain responsibility for the decision reached at Stage One and will act in accordance with subsequent sections of the Complaints Procedure where required.
- 5.3 The Faculty Office will assist the Head of School with the following investigation. The Head of School having completed the investigation will decide whether the complaint has any substance and whether any remedial action should be taken. The decision of the Head of School will be communicated to the student in writing within 15 working days of the date of receipt of the complaint, if practicable.
- 5.4 With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Head of School under the procedure will be accessible to the student as accompanying evidence to the decision of the Head of School. In the first instance, the evidence will take the form of a list of the documents considered, included with the Head of School's response to the Student.

The Student may request in writing to the Head of School a copy of the evidence considered.

## **STAGE TWO ACADEMIC COMPLAINT**

### **6 How a student submits a stage two academic complaint**

- 6.1 If dissatisfied with the outcome of the Head of School's investigation, the Student may, within 20 working days of the date of its notification, submit a completed Stage 2 Academic Complaint form (and any supporting evidence) to the Academic Registrar, giving reasons for wishing to pursue the complaint. Forms are available at <http://www.uea.ac.uk/ltqo/studentexperience/academicappeals%26complaints> from the listed offices. All evidence submitted by the Student will be provided to the Head of School. No evidence submitted can be anonymous.
- 6.2 For a complaint to proceed to Stage 2 there must be at least one or more of the following grounds:

- there is new information to be put forward by the complainant that was not known to the Head of School who investigated the original academic complaint;
  - that evidence put forward at Stage 1 was not fully and properly considered;
  - that there was procedural irregularity in the conduct of the Stage 1 academic complaint;
  - that there was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the Stage 1 academic complaint.
- 6.3 A Student may decide to withdraw the Stage 2 Academic Complaint providing the Academic Registrar is advised in writing before the date of any Hearing.

## **7 Response to the complaint**

- 7.1 The Academic Registrar shall consider whether there is a prima facie case for considering the academic complaint at Stage 2 of the procedure, having regard to the conditions set out in 6.2 above. If it does, the appeal will be accepted and the Student notified within 10 working days of receipt.
- 7.2 A Stage 2 Academic Complaint which the Academic Registrar does not believe meets any of the conditions and should therefore be rejected will be referred to one of the Learning and Teaching Directors (normally the Director of Taught Programmes/Postgraduate Research Degree Programmes). The Director will review the decision and the Student will be informed of the outcome within 15 working days of receipt (by the Academic Registrar). If the academic complaint is rejected, this decision is final and there is no further right to appeal in the University. Regulation 11 below refers to how a complaint may be pursued outside the University.

The Director who reviews the academic complaint will not sit on the Hearing Panel should the academic complaint proceed to a hearing.

- 7.3 If the academic complaint is accepted on the grounds that there is evidence of procedural irregularity in the conduct of Stage 1, the Academic Registrar on confirmation by the relevant Director of Taught Programmes/Postgraduate Research Degree Programmes, will refer the academic complaint to the Stage 1 process.
- 7.4 If the Academic Complaint is accepted on grounds other than or in addition to those referred to in 6.2 above, the Academic Registrar will appoint a Secretary from the University's Academic Division who will be the main contact point for Stage Two proceedings. The Academic Complaints Secretary will send a copy of the complaint form and supporting evidence submitted by the complainant to the complainant's Head of School and Faculty Office. If a substitute for the Head of School dealt with the academic complaint under Stage One (see

Section 5 above), the substitute will continue to deal with the academic complaint on behalf of the School. Notwithstanding this provision, for ease of reference, the person responsible for responding to the academic complaint will be called the Head of School hereafter in this Procedure.

- 7.5 On receiving a Stage Two academic complaint, the Head of School may decide to reconsider the Stage One decision (if for instance new information has been provided), and will proceed as in Section 5. In such a case, the Student retains the right to submit a Stage Two academic complaint should s/he be dissatisfied with the outcome.
- 7.6 Assuming the Head of School does not change the Stage One decision, the Head of School must provide the Secretary to the Stage Two Hearing Panel (hereinafter referred to as the Panel) with a written response to the Student's Stage Two academic complaint, including the evidence considered and details of a maximum of three people they wish to propose as witnesses for the Panel. Witnesses are not obligatory, but, if proposed, must have some relevance to the case and for each witness proposed, a brief supporting statement must be provided by the Head of School.
- 7.7 The Academic Complaints Secretary will provide the Student with a copy of the Head of School's written response to the Stage Two academic complaint and invite the Student to confirm that s/he would like to proceed with the academic complaint and if wished, to provide details of a maximum of three people the complainant proposes to call as witnesses for the Panel. Witnesses must have some relevance to the case and for each witness proposed, a brief supporting statement must be provided by the Student.
- 7.8 Exceptionally the Chair of the Panel may agree to additional witnesses. The Panel may also request additional witnesses. Witnesses attend as neutral witnesses for the Panel to provide information to the Panel to help it reach a decision; witnesses do not represent the Student or the Head of School. If any proposed witness is not a member of UEA staff, the proposer must first seek the person's permission before making the nomination.
- 7.9 With limited exceptions (for example, where information cannot be disclosed because of the University's obligations under the Data Protection Act), all written material considered by the Head of School under this procedure will be provided to the Student. No evidence submitted may be anonymous.
- 7.10 Each academic complaint will normally be considered individually, (though depending on circumstances, where a series of academic complaints involve the same subject matter or individual(s), the University may consider such academic complaints collectively, subject

to any confidentiality requirements).

## **8 The Hearing**

- 8.1 When the Student receives the written response to her/his academic complaint s/he will be asked which type of hearing is preferred. The hearing may be oral or paper-based.
- 8.2 With the agreement of the School, a Student may opt for a 'paper', rather than an 'oral' hearing. For a paper hearing, written statements will be submitted by all parties, including witnesses and the Panel (and the Academic Complaints Secretary) will meet to consider these and then arrive at a decision.
- 8.3 If the Student elects to have an oral hearing, s/he may nominate someone either to accompany or to represent the Student. The friend will not be permitted to speak during the hearing unless nominated to represent the Student.
- 8.4 If the Student is expected at an 'oral' hearing but fails to attend, the Panel may decide whether to continue with the hearing (providing it is satisfied that the Student has been properly informed about the arrangements) or to adjourn. If the hearing continues, anyone whom the Student had chosen to accompany or represent him/her would remain for the hearing.
- 8.5 The Academic Complaints Procedure (Stage 2) is not a formal legal process and therefore members of the legal profession (other than UEA Law School staff acting in their capacity as members of staff of the University) are not permitted to accompany or represent the complainant.
- 8.6 The person who made the decision at Stage 1 of an academic complaint (normally the Head of School) must present the School's case at Stage 2 hearings. A substitute for the person who made the decision at Stage 1 will only be allowed where that person is unexpectedly unable to attend the hearing (e.g. through illness) and it is not possible to reschedule the hearing. The Chair of the Panel will determine whether a substitute is permitted.
- 8.7 The Panel will be of mixed gender where possible and consist of three academic staff, none of whom will be from the Complainant's School. The Panel will include at least one of the following:
  - The Director of Taught Programmes or Director of Postgraduate Research Degree Programmes who will normally chair or a Faculty Associate Dean (Learning, Teaching and Quality) in the absence of the Director(s)
  - Two members of senior academic staff who have received appropriate training.

- 8.8 The oral hearing will proceed as follows:
1. The Student or his/her representative may make an opening statement;
  2. The Head of School may make an opening statement;
  3. After the opening statement by the Student or his/her representative and by the Head of School, the Student or his/her representative and the Head of School may question each other through the Chair of the Panel;
  4. Members of the Panel may ask questions of the Student or his/her representative and of the Head of School on completion of the questioning by the Student (or his/her representative) and of the Head of School, by each other;
  5. Witnesses (if nominated) will be called one at a time and be questioned first by the person who nominated them, then the other party and finally by the Panel;
  6. The Head of School may make a closing statement if wished (and may leave the Hearing for a few minutes to prepare this);
  7. The Student or his/her representative may make a closing statement if wished (and may leave the Hearing for a few minutes to prepare this);
  8. The hearing closes and all parties except the Panel and Academic Complaints Secretary leave the room to allow the Panel to reach a decision.
- 8.9 The rule of the Chair on any point of procedure shall be final.
- 8.10 The Chair of the Panel may adjourn the hearing if it becomes clear during the hearing that the deliberations of the panel would benefit from an adjournment. An adjournment (in order to obtain further information or undertake additional investigation), should not be unreasonably long and the Stage 2 Academic Complaints Secretary should notify the Student, including an expected date of completion.

## **9 Actions and outcomes**

- 9.1 The Academic Complaint Hearing Panel represents and acts with the full delegated authority of Senate. It has the power to:
- require members of staff of the University to make written submissions, attend, give evidence, and answer questions
  - require a School to undertake remedial action(s) providing such action(s) is/are in accordance with the Regulations, Codes of Practice and Procedures of the University and within the bounds of what is reasonable and practicable for the School/Faculty/University to do.
- 9.2 If the Panel decides that, based on evidence presented at the hearing, remedial action is warranted the Academic Complaints Secretary will write to the Head of School to instruct him/her on the action to be taken, giving a full and clear explanation of the decision.

The potential actions and outcomes may vary depending on whether the complainant is an undergraduate or a postgraduate student and the course taught or research.

- 9.3 If the Panel decides that, based on evidence presented at the hearing, remedial action is not warranted, it will write to the Student and the Head of School to inform them that the academic complaint has been rejected. The letter from the Panel will give a full and clear explanation of the decision.

## **10 Timescales for Stage Two**

- 10.1 The Student must submit the completed Stage Two Academic Complaints Form and any supporting documents to the Academic Registrar within 20 working days of the notification of the outcome of the Stage One Academic Complaint. Academic complaints submitted after this deadline with good reason for the delay may still be considered.
- 10.2 The Head of School must provide a response within 10 days of receiving the Student's academic complaint (Stage 2) from the Academic Complaints Secretary.
- 10.3 If the Head of School decides or is asked (in accordance with Section 7) to reconsider the original Stage One decision the Student must receive notification of the outcome from the Academic Complaints Secretary within 20 working days of the Head of School receiving the academic complaint.
- 10.4 The Panel hearing will normally take place within 30 working days of confirmation by the Student that s/he wishes to proceed with an 'oral' or 'paper' hearing. Papers will normally be circulated at least 5 working days before a hearing (whether 'oral' or 'paper') takes place.
- 10.5 The Academic Complaints Secretary will normally advise the Student and Head of School of the outcome of the Stage Two academic complaint in writing within 5 working days of a hearing.

## **11 Further right to appeal**

- 11.1 Following completion of Stage Two there is no further right to academic complaint within the University.
- 11.2 Students who are dissatisfied with the outcome of their Stage Two academic complaint, or whose academic complaint was rejected without a hearing, may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Details will be provided in the letter advising the Student of the academic complaint's final outcome.