

## **STUDENT COMPLAINTS AND GRIEVANCE PROCEDURES, 2021-2022**

### **1. Introduction**

1.1 The University is committed to providing a high quality experience for each student and encourages students to inform it where there is any cause for concern. The University's Student Complaints and Grievance Procedures therefore exist to enable students to make complaints about such matters.

1.2 These procedures seek to ensure that complaints made by students are treated seriously and, if found to be valid, are acted upon to ensure that the students' interests are protected as far as it is possible for the University to do so.

### **2. Definition and Scope**

#### **2.1. What is a complaint?**

It is an expression of dissatisfaction by one or more students about Middlesex University's action or lack of action, or about the standard of service provided by or on behalf of Middlesex University.

#### **2.2. Who can make a complaint?**

These Regulations cover all students registered on programmes at Middlesex University's London campus, including research students, members of staff registered on University programmes and those on work placements, engaged in work-based learning field trips, approved student exchange visits or during periods of approved interruption of studies. Middlesex University overseas campuses follow the University regulations with the process administered by equivalent post holders. (website links to these overseas campuses are: Dubai - <https://www.mdx.ac.ae> and Mauritius - <https://www.middlesex.mu>). Former students may raise issues of complaint within the timescales stated in section 3 below.

2.3. Students studying on Collaborative Partner programmes should refer to Appendix A. A collaborative partner is a partner who enters into an agreement with the University under which it has responsibility for the delivery of services and academic programmes in accordance with the terms of the agreement.

2.4. The Regulation on Student Complaints does not cover the following (separate procedures exist for these as noted in brackets):

(a) appeals against Assessment Board decisions (for taught programmes) or examination decisions of the University Research Degrees Board (for research degrees);

(b) complaints relating to a case of alleged misconduct by the complainant (student conduct and discipline regulations)

(c) matters relating to fitness for practice where there is an existing relevant fitness for practice procedure (Faculty/School fitness for practice procedures)

(d) complaints against Middlesex University Students Union are dealt with by the Union

(e) complaints made by potential students who have gone through the admissions process but are not enrolled students as yet (Admissions complaints procedure)

(f) external complaints are dealt with by the Clerk to the Board of Governors.

2.5. The University reserves the right to reclassify a complaint as an academic appeal or vice versa, if the submission is deemed to have been made to the incorrect procedure, or the submission falls properly within the remit of one procedure rather than the other. The outcome of an appeal cannot be made the subject of a complaint except where there is possible material error in arriving at the decision.

2.6. The final decision regarding a matter raised under this Complaints Regulation or any of the associated procedures shall be considered to be the final decision of the University. There is no right to further consideration of the same matter under a different associated policy.

2.7. Each complaint will be considered on its own merits, subject to all legal and professional requirements.

2.8. A student will not be treated less favourably by the University or suffer any detriment or disadvantage if s/he makes a complaint in good faith, regardless of whether the complaint is successful. Frivolous or vexatious complaints may be considered under section 2.12.

2.9. Anonymous or vexatious allegations against the University or against a student or member of staff will not normally be considered under the complaints procedure and it may lead to action under section 3.4 (Deceitful Behaviour) in the Student Conduct and Discipline rules.

2.10. Any member of staff mentioned in a complaint will not be treated less favourably by the University than if the complaint had not been brought. If, however, the complaint against a member of staff is upheld, that member may be subject to disciplinary proceedings under University policy for staff.

2.11. These internal regulations of the University and their associated policies and guidance will be operated in accordance with its Equal Opportunities Statement and Equality and Diversity Objective. Complaints will be handled with an appropriate level of confidentiality. There is an expectation that students and staff members will treat both the complaints processes and each other with respect.

2.12. Frivolous or vexatious complaints

a) The Director of Student Affairs (or nominee) may reject a complaint at any time, on the basis that the complaint has "no serious purpose, or is intended to cause disruption or annoyance. We refer to these complaints as "frivolous or vexatious".

b) A frivolous or vexatious complaint can be characterised in a number of ways including one or more of the following:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value;
- Unrealistic remedy.

c) The University are sensitive to the fact that if the student raises the same or similar issues repeatedly despite receiving a full response, there may be underlying reasons for this persistence.

d) Deciding whether a request is frivolous or vexatious is a balancing exercise, taking into account all the circumstances of the case. The decision to reject a complaint will be taken jointly by the Director of Student Affairs (or nominee) and the relevant Deputy Dean and/or Director of service. The University's main consideration will be the issues raised in the complaint rather than the behaviour of the student bringing the complaint.

e) If the Director of Student Affairs (or nominee) and the relevant Deputy Dean and/or Director of service decides that a student's complaint is frivolous or vexatious, they will confirm this in writing and that the complaint is terminated. Reasons for the decision will be stated in the Completion of Procedure (CoP) letter and the decision will be final.

f) Students may get advice from the [Student Union](#).

2.13 A student may make a complaint as part of a group of students. Group complaints will receive a group outcome rather than outcomes tailored to the individual.

### **3. Timeframe for making a complaint**

3.1. A student who is, or was recently a registered student, or a group of students wishing to complain should normally do so within 3 months of the event which has given rise to the complaint or, if a series of events has given rise to a complaint, within 3 months of the final event in the series.

3.2. The Director of Student Affairs (or nominee) has the discretion to extend any timescales stated in the Student Complaints and Grievances procedure taking into consideration any circumstances that justifies an extension.

3.3 This procedure refers to working days throughout the document. Working days are defined as Monday-Friday all year round, excluding public holidays and University closure days.

### **4. Delegation of responsibility**

4.1. The Vice Chancellor delegates responsibility for dealing with student complaints as follows:

- Stage 1 (Early Resolution) student complaints are dealt with by the appropriate Faculty/Schools and/or Professional Services departments as applicable.

- Stage 2 (Formal Stage) student complaints are dealt with by the appropriate Deputy Deans of Faculty/Schools (Deans normally assign responsibility for managing student complaints to a Faculty/School Senior Manager) or Head of Professional Service.
- Stage 3 (University-Level Review) investigations are managed by a reviewer on behalf of the Vice Chancellor. The Director of Student Affairs normally nominates a Senior Manager from a Faculty/School or Professional Service that was not involved in the Stage 2 process to carry out the review as this is for the purposes of independence from the previous decision maker.

## 5. Complaints Procedure Stages

### Stage 1 – Early Resolution

Initially, a student should seek to deal with their complaint by discussing the matter informally at a local level; at the level at which the event leading to the complaint occurred.

This could be either at:

- Programme level
- Faculty/School level, or to
- The relevant service department (eg. Financial Services)

### Stage 2 – Formal Complaint

If a student is not satisfied with the outcome of Stage 1, they may submit a Stage 2 complaint within 20 working days of the official outcome from Stage 1.

A student should submit their Stage 2 complaint to:

- the Deputy Dean (for academic programme or Faculty/School related complaints), or
- the Head of the relevant service department (for service related complaints).

### Stage 3 – University-Level Review

If a student is not satisfied with the outcome of Stage 2 and considers that:

- there has been a procedural irregularity in the conduct of the Stage 2 investigation, or
- new information has come to light, which the student was unable to disclose previously, or
- the decision reached was unreasonable based on the information that had been available to the University when the complaint was considered.

**Note:** this is **not** a reopening of the original complaint.

They may submit a University-Level Review within 20 working days of the written response to Stage 2. The Review will be carried out by a neutral Senior Manager.

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

If a student remains dissatisfied, they may apply to the Office of the Independent Adjudicator (OIA) for Higher Education once the University internal procedures have been completed.

#### 5.1 Stage 1: Early Resolution

It is expected that most complaints can be resolved at an early stage by discussing the matter informally at a local level. A student should therefore bring the matter to the attention of an appropriate member of staff, who will aim to resolve the matter by informal discussion.

- i. Initially, a student should seek to deal with their complaint at the level at which the event leading to the complaint occurred. This could be either at programme level, Faculty/School-level or within the relevant service department.
- ii. A student should, if at all possible, address their complaint (completing the Stage 1 form available from UniHub <https://unihub.mdx.ac.uk/student-life/your-voice/formal-complaints-procedure>) to the member of staff most directly involved in the event leading to the complaint, in order to give that person the opportunity to address their concerns. For example, if the complaint concerns academic matters, a student might wish to take this up with their Personal Tutor/Research Supervisor/Director of Studies, or with another member of academic staff. If the complaint is about a University service, then the student should talk to an appropriate member of staff from that service.
- iii. If for any reason the student does not feel that this is possible, they should seek advice from the Faculty/School Leadership Executive Officer (or equivalent) or the Director/Head of the professional service department in order to identify an appropriate alternative mechanism of early resolution. If necessary the Faculty/School Leadership Executive Officer (or equivalent) will nominate an Investigating Officer to deal with the student's complaint.
- iv. Every effort will be made by the Investigating Officer to enable the clear explanation of the issue and to resolve the complaint simply and quickly. The Investigating Officer may invite the student to a meeting to discuss the matter, face to face, by telephone or by video conference as in an attempt to reach a resolution. The summary of this meeting will be provided to the student in writing.
- v. Stage 1 complaints will be dealt with in a timely fashion. Those involved in investigating the complaint will establish appropriate timescales based on its nature and complexity. These timescales should be communicated to the student and the student kept informed of any changes. Where possible, the investigation should be completed within 20 working days.
- vi. At the end of Stage 1, a student will be provided with a written response to their complaint. This should be copied to Student Complaints ([stcomplaints@mdx.ac.uk](mailto:stcomplaints@mdx.ac.uk)), which will either:

- Detail the proposed resolution; OR
- If no resolution has been proposed, explain why resolution has not been considered to be possible.

## 5.2 Stage 2: Formal Complaint

- i. If a student is not satisfied with the outcome of Stage 1, they may choose to submit a Stage 2 complaint, by completing the Stage 2: Formal Complaints form available from UniHub <https://unihub.mdx.ac.uk/student-life/your-voice/formal-complaints-procedure>. This should be done within 20 working days of the release of the written response to Stage 1. A Stage 2 complaint will normally only be considered following the completion of the early resolution stage.
- ii. A student wishing to submit a Stage 2 complaint should do so to:

- the Deputy Dean (for academic programme or Faculty/School-related complaints), or
- the Head of the relevant service department or their nominee (for service related complaints).

iii. If the Deputy Dean or Head of the service department was involved in the case at Stage 1, they will nominate an appropriate alternative individual to consider the case. If no appropriate individual can be found within the Faculty/School or service department, they shall refer it to Student Complaints ([stcomplaints@mdx.ac.uk](mailto:stcomplaints@mdx.ac.uk)), who will then assign the case to an appropriate individual.

iv. The receipt of the complaint form will normally be acknowledged within 5 working days.

v. The Deputy Dean or their nominee or Head of the relevant service department or their nominee will consider the case appropriately. This will normally involve discussions with the student and/or the subject of the complaint.

vi. Complaints will be dealt with in a timely fashion. The Faculty/School Deputy Dean or Head of the relevant service department will establish appropriate timescales based on the nature and complexity of the complaint. These timescales should be communicated to the student and the student kept informed of any changes. Where possible, complaints should normally take no more than 20 working days to investigate from the acknowledgement being sent.

For the most complex complaints students will be kept informed by the person considering the complaint if the timescales cannot be adhered to, with an explanation as to the reason why.

vii. The Faculty/School Deputy Dean or their nominee or the Head of the relevant service department or their nominee will inform the complainant, the subject of the complaint and, the Director of Student Affairs in writing, of the outcome of the investigation.

viii. Following the outcome of Stage 2: Formal Complaint, the student may request, under certain circumstances (see 5.3.i) an internal review under section 5.3 of these regulations;

Or the student may wish to approach the Office of the Independent Adjudicator for Higher Education (OIA) for review, without having gone through an internal review under section 5.3 of these regulations.

If this is the case :

(a) The student can request a Completion of Procedures (CoP) letter to be issued by the University.

(b) The request for the Completion of Procedures (CoP) letter must be made in writing to Student Complaints ([stcomplaints@mdx.ac.uk](mailto:stcomplaints@mdx.ac.uk)) within 20 working days of the date of the Stage 2: Formal Complaint outcome.

(c) If the student requested the University to provide the Completion of Procedure letter beyond the 20 working days deadline specified in the Stage 2: Formal Complaint outcome, the twelve month period of time for bringing the complaint to the OIA will run from the date of the Stage 2: Formal Complaint outcome letter.

(d) The Completion of Procedures (CoP) letter will state that the student has not completed the University's internal processes. The student will be required to present exceptional reasons to the OIA for not requesting the University to review the appeal.

### 5.3 Stage 3: University-Level Review

i. If a student considers that:

a. there has been a procedural irregularity in the conduct of the Stage 2 investigation;

or

b. new information has come to light, which the student was unable to disclose previously and which would have had a material impact upon the investigation previously undertaken.

c. the decision reached was unreasonable based on the information that had been available to the University when the case was considered.

The student can request a review of the outcome of the Stage 2 investigation. A student wishing to request a review must do so within 20 working days of the written response to Stage 2. The review request must be submitted to Student Complaints ([stcomplaints@mdx.ac.uk](mailto:stcomplaints@mdx.ac.uk)) using the University Level Review Form (ULR) available from Unihub <https://unihub.mdx.ac.uk/student-life/your-voice/formal-complaints-procedure>.

ii This is not a reopening of the original complaint. Dissatisfaction with the outcome of the appeal is not alone a valid reason for requesting a review.

iii. The receipt of a review request will normally be acknowledged within 5 working days.

iv. The review will be carried out by a designated Senior Manager. The review will consider whether the outcome of Stage 2 was reasonable, or should be re-considered in the light of new information, rather than reconsider the original case and its evidence.

v. Further discussions may be held with the student and/or subject of the complaint and with members of staff involved at Stage 1 and/or Stage 2.

vi. Where possible, reviews should normally take no more than 20 working days from the date that a student is notified that a designated Senior Manager is in place to handle the review. The Senior Manager undertaking the review will establish appropriate timescales based on the nature and complexity of the case. These timescales should be communicated to the student and the student kept informed of any changes.

vii. The Senior Manager will inform the complainant, the subject of the complaint and the Director of Student Affairs, in writing, of the outcome of the investigation.

viii. Possible outcomes:

Justified

Partially Justified

Not Justified

The student will be provided with the rationale behind the decision.

#### 5.4 The Office of the Independent Adjudicator

When the University's internal procedures have been concluded a student will be issued with a Completion of Procedures (CoP) letter, normally from designated Senior Manager who conducted the University Level Review.. Following this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: [www.oiahe.org.uk](http://www.oiahe.org.uk)

#### 5.5 Reporting

An annual report of student complaints prepared by the Director of Student Affairs (or nominee), will be received by Assurance Committee and the Board of Governors.

#### NOTES

These complaints procedures and any decisions made under them are not intended to give rise to legal rights, or obligations on the University to pay compensation either in respect of a decision made pursuant to the procedures or for a breach of these procedures. Anonymous complaints will not normally be considered.

The University will hear and consider a complaint only if lodged by a student or group of students themselves and will not deal with third parties, even with the permission of the student(s), unless in exceptional circumstances which prevent a student representing themselves (selves). The student(s) is(are) entitled, however, to be supported in any complaint hearing by an individual who will be a staff or student member of the University, or a [Students' Union](#) Representative. Legal representation is not allowed at meetings other than in exceptional circumstances and with the express permission of the investigating officer not less than 24 hours prior to the meeting.



## **Appendix A – Handling of complaints for courses delivered by a Collaborative Partner**

1. The Centre for Academic Partnerships is responsible for obtaining the internal complaints procedure/policy from the partner institution;
2. Complaints associated with one of the University's services should be pursued in accordance with the University's Complaints Regulations. If a student wishes to complain s/he should seek advice from the Director of Student Affairs at Middlesex University.

### **A. Types of Complaint**

A1 Academic Standards and/or Quality Issues (referred to below as 'academic matters'):

A complaint relating to academic matters may include concerns with matters such as academic standards, course and/or teaching issues, and learning resources.

A2 Service Issues:

A complaint that relates to service issues is a complaint that concerns any aspect of local management, facilities and other resource matters that you may be concerned about.

A3 You may have a complaint that is both an academic matter and a service issue.

### **B. Use of Collaborative Partners Complaints Procedures and Jurisdiction of the OIA**

B1 A student complaint relating to **academic matters** or to **service issues**, should normally in the first instance be dealt with by the Collaborative Partner under their own procedure, unless the agreement between the University and the Collaborative Partner Institution states otherwise. Where a student remains dissatisfied with the outcome of their complaint handled by a Collaborative Partner, the following options apply:

B1.1 In the case of academic matters or service issues that that have a detrimental impact on academic matters, the student can pursue a University Level Review, following the process set out in section C below.

B1.2 In the case of service issues that do not impact on academic matters, the University would be likely to conclude that the complaint did not fall within its area of responsibility (if the student referred such complaint to the University as a University Level Review), unless under the terms of its agreement with the Collaborative Partner Institution it is responsible for aspects of service delivery that are not related to academic matters.

B1.3 In the case of service issues that do not impact on academic matters, or which do not fall under the responsibility of the University under its agreement with the Collaborative Partner, and the student is not satisfied by the outcome of complaint handled by the University or the Collaborative Partner as applicable, the student may consider referring the complaint:

- (i) to the OIA if the Collaborative Partner Institution is a member of the OIA Scheme based on England or Wales; or
- (ii) to any local regulator or ombudsman service that may review complaints concerning the relevant Collaborative Partner. Collaborative Partners not based in England and Wales would not fall within the jurisdiction of the OIA.

### **C. University-level review**

- C1 To request a University Level Review, the student is required to submit the following to the Director of Student Affairs within 20 working days of receiving written confirmation of the final outcome of the investigation from the Collaborative Partner Institution:
- The CPULR (Collaborative Partner University Review) form;
  - The final stage outcome of the investigation from the Collaborative Partner Institution;
  - Any other supporting documentation.
- C2 The University will only accept a University Level Review if the complaint relates to or impacts on academic matters, unless under its agreement with the Collaborative Partner the University also has responsibilities in relation to service Issues. In addition the University will only conduct a University Level Review, if the student's complaint shows that :
- (i) there has been a procedural irregularity in the investigation of a complaint regarding a matter related to their academic programme carried out by the Collaborative Partner Institution.
  - (ii) new information has come to light, which the student was unable to disclose previously and which would have had a material impact upon the investigation previously undertaken.
  - (iii) the decision reached was unreasonable based on the information that had been available to the University when the case was considered.
- C3 The receipt of CPULR form will normally be acknowledged within 5 working days, and the Collaborative Partner Institution informed of the nature and substance of the complaint.
- C4 The CPULR form will be reviewed by the Director of Student Affairs or nominee. The University review will consider whether a) there has been a procedural irregularity in the investigation of the complaint by the Collaborative Partner Institution, or b) any new evidence has come to light which would have had a material impact on the investigation (See C2 above). Discussions may be held with the student and/or subject of the complaint, and with members of staff involved in the Collaborative Partner Institution's investigation process.
- C5 Where possible, reviews should normally take no more than 20 working days from the date that a student is notified that a designated Senior Manager is in place to handle the review. The Senior Manager undertaking the review will establish appropriate timescales based on the nature and complexity of the case. These timescales should be communicated to the student and the student kept informed of any changes.
- C6 The designated Senior Manager will inform the collaborative partner of the proposed outcome of their investigation and give the collaborative partner the opportunity to comment. The Completion of Procedure letter will then be communicated to the student and the collaborative partner normally within 20 working days.
- C7 University Level Review Completion of Procedures (CoP) Letter and Referral to the OIA

When the University Level Review has been concluded, the student will be issued with a Completion of Procedures (CoP) letter. Following this, any student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### C8 Reporting

An annual summary report of student complaints in relation to Collaborative Partner Institutions, prepared by the Director of Student Affairs, will be received by Assurance Committee and the Board of Governors.

#### **D. Exceptions to the Above Procedure**

The above procedure may not apply if under the agreement between the University and the Collaborative Partner if an alternative procedure for handling complaints is set out in that agreement.