



OÉ Gaillimh
NUI Galway

NUI Galway Student Complaints Procedure

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NUI GALWAY STUDENT COMPLAINTS PROCEDURE

1. Introduction

NUI Galway is committed to ensuring that students have a positive student experience. The University constantly monitors and evaluates its academic courses, administrative systems and student support services with a view to improving their quality.

Many formal and informal mechanisms exist within the University to allow students to express grievances and resolves issues as they arise. Students are encouraged to use the existing mechanisms available to them and where possible to resolve any complaints or difficulties they may be facing in an informal way. Support in using these processes is available from the Students' Union, "Contact Persons" and the Dean of Students.

The University recognises however that resolution through these mechanisms may not always be possible or may not result in a satisfactory outcome. The purpose of this the Student Complaints Procedure, is to provide a formal mechanism for students to have their complaints heard and resolved. The Procedure is not intended to be a disciplinary one, nor is it intended to enforce governance or academic changes. However, the Complaints Procedure can and does provide redress to students where it is appropriate, and often makes recommendations for improvements to University processes.

The University intends that this complaints procedure will allow for matters to be dealt with fairly, transparently and in a timely fashion, for the benefit of current and future students and the wider University Community.

2. Scope and Time Limits

- 2.1 The Student Complaints Procedure ("The Procedure") is open to all registered students of NUI Galway ("The University"). In addition, any person who was a registered student but who has graduated or otherwise left the University may also avail of the procedure providing that any such complaint is normally made within one month of the relevant event and, without exception, no later than within three months of leaving the University and that the acts or omissions being complained of occurred while they were a registered student.
- 2.2 The procedure may only be invoked by the aggrieved student and not by someone acting on their behalf. This clause does not preclude the student obtaining advice or support in the preparation of their complaint.
- 2.3 This procedure does not apply to complaints raised by students enrolled with another institution on a programme leading to an award of NUI Galway, or an award validated by NUI Galway, where the matters complained of occurred at or were the responsibility of the other institution.
- 2.4 This procedure is not applicable to complaints about issues over which the University has no control.
- 2.5 This policy and its associated procedures are not intended to replace other complaint or dispute resolution mechanisms which exist within the University. In the event that a complaint is made about a service which has such a procedure the complainant will be advised of such by the Dean

of Students, and will be obliged to utilise these procedures before invoking a formal complaint under this procedure. In particular, the following types of complaint are outside the scope of this procedure:

- i. Complaints relating to a student's examination results (currently dealt with under QA235¹).
 - ii. Complaints relating to bullying, harassment or discrimination, which are dealt with under Student Anti-Bullying Policy and Harassment and Sexual Harassment Policy.²
 - iii. Complaints regarding the processes or outcomes of the application of the Student Code of Conduct³, which includes arrangements for appeals against those processes and outcomes.
 - iv. Complaints which would normally be dealt with through the Student Disciplinary procedures. In particular, a student who is aggrieved about the behaviour of a fellow student may refer the matter to the Disciplinary Officer under the Student Code of Conduct.
 - v. Complaints regarding the release or withholding of information under the Data Protection Acts or Freedom of Information Acts.⁴
- 2.6 Where allegations are made which suggest activity of a criminal nature, the University reserves its discretion to refer the matter to An Garda Síochána if it is considered appropriate to do so. The University further reserves the right to take whatever precautionary measures as may be deemed appropriate and necessary by the University in the circumstances to ensure the integrity of any criminal investigation, and to meet its duty of care to all members of the University community. The University will act always with sensitivity to all parties to a complaint, while upholding the principle of the presumption of innocence in any such situation.

3. Principles

The procedures contained herein will be carried out in accordance with the following principles.

Confidentiality

- 3.1.1 All complaints will be handled sensitively and with due consideration to confidentiality for both students and staff.
- 3.1.2 Complaints will remain confidential to those directly involved in the investigation of and response to the complaint. Any person named in a complaint (respondent) will be informed of the substance of the complaint and the identity of the complainant. The respondent will have a right of reply as part of the investigation. Only in *very exceptional* circumstances will the identity of the person making the complaint be concealed from the person against whom the complaint is made.
- 3.1.3 All staff and students who become aware of any of the issues involved in a formal complaint are required to keep this information confidential except insofar as is necessary to progress, investigate or respond to the complaint. Failure to do so may result in formal disciplinary action being taken through the Student or Staff Disciplinary Procedure.

¹ QA235 "Discussion, Checking and Appeal of Examination Results"

² QA600 and QA606 respectively.

³ QA616 – Student Code of Conduct.

⁴ For further information on your rights under these statutes, please see the Data Protection Officer's page on the NUIG website.

- 3.1.4 Data collected as part of a complaint will be treated in accordance with the Data Protection Acts and all relevant University policies.

Victimisation

- 3.2.1 No student bringing a complaint in good faith under this procedure, whether successful or otherwise, will be treated less favourably by any member of staff than if the complaint had not been brought. If evidence to the contrary is found in this regard then the member of staff may be subject to disciplinary proceedings under the relevant Staff Disciplinary Procedure.

Vexatious or Mischievous Complaints

- 3.3.1 Any complaint found to be vexatious or mischievous may be the subject of disciplinary proceedings under the Student Disciplinary Process. For instance, this includes but is not limited to instances whereby the complaint is found to be entirely without merit, where false information is submitted or if the complaint is made with the intention of causing distress, detriment or disruption.

Anonymous Complaints

- 3.4.1 An investigation is required to enable the resolution of a complaint; where a complaint is made anonymously it will not be possible to undertake such an investigation. Neither will it be possible to make a response to the complainant. For practical reasons therefore, normally no action will be taken in the event of complaints made anonymously. There may, however, be exceptional circumstances where the University deems it appropriate to take action or investigate a matter on the basis of an anonymous complaint. The decision to investigate such a complaint will be made by the Dean of Students, in consultation with the Registrar & Deputy President.

Group Action

- 3.5.1 Complaints may be raised individually or collectively where the matter is such that it affects a number of students.

Timescale for making a complaint

- 3.6.1 Students should raise complaints informally as soon as possible. In order to ensure that complaints can be dealt with efficiently and expeditiously the University asks students to ensure that complaints are made within one month of the relevant event and, without exception, no later than within three months of leaving the University.
- 3.6.2 Making a complaint in a timely fashion will ensure that the circumstances of the complaint are reasonably clear in the minds of the complainant and respondent. This will greatly assist in the investigation and resolution of a complaint.
- 3.6.3 Where a complaint is raised more than one month after the date of the issue being complained of, the University (through the Dean of Students or the Complaints Board) will be entitled to refuse to consider the complaint. If a Student wishes to appeal a refusal made on this ground, they will be obliged to give reasons as to why the delay occurred.

Documentation

- 3.7.1 Complaints will not be progressed without a written statement of the complaint. The University reserves the right to request supporting documentary evidence before a complaint is accepted for progression through the Procedure.
- 3.7.2 Documentary evidence will be kept during and after the procedure and will be destroyed in accordance with agreed University procedures and the relevant legislation.

Substitution of post-holders where necessary

- 3.8.1 Throughout this document, reference is made from time to time to functions being undertaken by various post holders. Although it is intended that those post holders will undertake those functions in the majority of cases, there may be special circumstances, including where a conflict of interest arises, where another post holder will be required to undertake the functions assigned to the post holder referred to in the document.

4. Advice, Support, Representation and Guidance

- 4.1 Advice, support, representation and guidance are available from a number of sources within the University for the complainant. However, it is the complainant's responsibility to seek advice and assistance where necessary. The following are key points of contact for help or advice:

- The Students' Union is an independent source of advice, support, guidance and representation for any student wishing to make a complaint.
- The Dean of Students can provide advice on the applicability and operation of the procedure.

- 4.2 If the Complaints Board requests a meeting, students and staff may be accompanied by one friend or advisor throughout the procedure.⁵ However, where a party intends to be accompanied to a meeting or other interaction during the course of process, they must advise the University of their intention beforehand.

5. Complaints Boards and Appeals Boards

- 5.1 All complaints raised by a student which have been deemed appropriate for resolution under the formal procedures outlined below at Section 6.2 will be dealt with by the Dean of Students (or nominee) in the first instance, or by a Complaints Board.
- 5.2 Academic Council shall nominate for a period of four years a panel of 10 people, ensuring that amongst the membership of the panel there are sufficient members capable of conducting a case through the medium of the Irish language.
- 5.3 The Registrar & Deputy President shall make nominations from this panel to the Complaints Board and to the Appeal Board and these nominees will normally hold office for four years.
- 5.4 The Complaints Board shall be constituted as follows:

⁵ This may include a colleague or fellow student, a Trade Union or Student Union representative, or a legal representative.

- Chairperson, appointed by the President.
- Two members selected from the Academic Council complaints panel as nominated by the Registrar and Deputy President.
- One Students' Union Representative.

5.4.1 The Chairperson and two members will constitute a quorum.

5.4.2 There shall be a minimum of one man and one woman on any Complaints Board. The Chairperson shall arrange for the reselection of board members by the Registrar and Deputy President and Students' Union in any case where this gender quota would not otherwise be met.

5.5 The Appeals Board shall be constituted as follows:

- Chairperson, appointed by the President.
- Two members selected from the Academic Council complaints panel as nominated by the Registrar and Deputy President on behalf of Registrar & Deputy President.
- One Students' Union Representative
- An external member of Údarás na hOllscoile, appointed by the President.

5.5.1 The Chairperson and two members will constitute a quorum.

Provisions regarding the Irish language

5.6 In the event that the Chairperson of either the Complaints Board or the Appeals Board is not capable of conducting a case through the medium of the Irish Language, the President shall appoint a Chairperson for the purposes of hearing a specific case through the medium of Irish.

5.7 In the event that an Academic Council nominee of either the Complaints Board or the Appeals Board is not capable of conducting a case through the medium of the Irish Language, the Registrar & Deputy President shall appoint a member of the panel nominated by Academic Council for the purposes of hearing a specific case through the medium of Irish.

5.8 In the event that a Students' Union representative on either the Complaints Board or the Appeals Board is not capable of conducting a case through the medium of the Irish Language, the Students' Union shall appoint a representative for the purposes of hearing a specific case through the medium of Irish.

Provisions regarding avoiding Conflicts of Interest in Boards

5.9 Members of all boards shall ensure to act in good faith regarding potential conflicts of interest and ensure that any potential conflicts of interests which may arise, whether actual or perceived, are noted to the Chairperson at the earliest opportunity so they can be dealt with appropriately if necessary.

5.10 If the Chairperson of the Complaints Board or the Appeal Board is associated in any aspect of the case under review which may give rise to a potential conflict of interest, a replacement Chairperson shall be nominated ad hoc by the President from among the members of the Academic Council, if necessary.

5.11 No person who is a complainant or defendant in a particular case shall be entitled to act as a member of any of the bodies dealing with that case. In such cases the Students' Union or the Registrar & Deputy President will nominate a replacement from the Students' Union or the panel nominated by the Academic Council as appropriate.

5.12 Membership of the Complaints Board and the Appeals Board shall be mutually exclusive.

Provisions regarding Terms of Office

5.13 Nominated or appointed members of the Complaints Board and Appeals Board, other than the members nominated by the Students' Union, shall hold office for four years or for the remainder of the term of the panel in the event that someone is appointed to the panel as a replacement.

5.14 Members nominated by the Students' Union shall normally hold office for one year, but such members shall not be precluded from reappointment.

6. Procedure

6.1 - Stage 1 – Local Resolution of Complaints

6.1.1 Students with a complaint should, in the first instance, seek a resolution to the issue locally unless there are legitimate and objective reasons not to do so.

6.1.2 This is to be done by raising the complaint directly with the relevant member of staff, the Head of School or Dean of College, or as appropriate the head of the appropriate facility or service, in order to deal with the complaint as quickly as possible.

6.1.3 Advice on how to proceed can be sought from the Students' Union, a "Contact Person", or the Dean of Students, including in identifying who the appropriate person to contact to resolve the complaint locally is.

6.1.4 As at all stages of this Complaints Procedure, students may seek advice in making the complaint and students may be accompanied by one friend or advisor to meetings in their attempts to resolve complaints (subject to advanced notice of same being given).

6.1.5 Should the resolution offered at this stage prove ineffective or unsatisfactory then the student may forward their complaint to the Dean of Students as set out at the Stage 2 procedure detailed below, normally within one month of the completion of Stage 1.

6.2 - Stage 2 – Formal Written Complaint and Review by Dean of Students

6.2.1 All formal complaints must be made by completing the Student Complaint Form (attached at Appendix 1) which must be sent to the Dean of Students. The student must provide on the form all relevant details of the complaint including the name of the individual or service about which the complaint is being made, dates, times, witnesses and circumstances of the event(s) being complained of. The Complaint Form must also describe any previous attempts at resolution, and where resolutions have been offered why these have not been satisfactory. Where no attempts to resolve the matter have been made, the student must justify why these were not made. Finally, the student may wish to suggest what reasonable steps they think could be taken to resolve the complaint.

6.2.2 The Dean of Students will issue a written acknowledgement of receipt of the complaint normally within 5 working days.

Assessment by the Dean of Students

6.2.3 A preliminary assessment of whether a complaint comes within the scope of this procedure will be undertaken by the Dean of Students. If the matter is appropriate for consideration by the University Complaints Board it will be referred there by the Dean of Students. The Dean of Students may also recommend to the student to revisit the matter with local management in order to resolve the issue, may seek further information from the student in order to resolve the complaint directly or may reject the complaint outright. The Dean of Students may also advise the student to have their complaint dealt with under another procedure. The student may update the written complaint before final submission to the Complaints Board.

6.2.4 Matters which may lead to the rejection of consideration of a complaint at this stage include:

- The grounds of the complaint are not matters related to the provision of a course of study or service of the University;
- There has been no attempt to resolve the matter at a local level (i.e. at Stage 1) and no legitimate reasons for not doing same have been offered;
- The complaint is vexatious, frivolous, malicious, or otherwise plainly without merit;
- The matter is more appropriately dealt with by another procedure (such as the Student Code of Conduct and Discipline Procedure).
- The matter has been left for too long to be investigated appropriately.
- Complaints against other students are not covered by this procedure.

6.2.5 Where the issue, about which the complaint has been made, has already been dealt with under another process within the University, the Complaint will not be dealt with under this Procedure unless the Dean of Students considers the circumstances surrounding the issue or the content of the complaint to be exceptional.

6.2.6 The Dean of Students will advise the complainant of the outcome of the initial assessment normally within 15 working days of receipt of the complaint.

6.2.7 Where the Dean of Students does decide to forward the matter to the Complaints Board, the Dean of Students may deliver a statement of their investigations and resolution attempts to date with the Complaint and associated documentation.

6.2.8 If an individual is dissatisfied with the decision of the Dean of Students following their preliminary assessment the complainant may appeal to the Chairperson of the Complaints Board in writing setting out why the complaint should be allowed to proceed in accordance with this procedure. The Chairperson of the Complaints Board will consider the appeal and respond to the complainant normally within 15 working days outlining their decision and the rationale for same.

Stage 3 - Investigation and Resolution by the Complaints Board

6.3.1 The Complaints Board will receive the complaint from the Dean of Students and will conduct such investigations, including possibly meeting with the student and/or the respondent, and

seek such further information as it requires and deems fit to determine a resolution to the matter being complained of. The respondent(s) will receive a copy of the complaint and be given an opportunity to respond to the complaint. The relevant Head of School or Head of Unit will also receive a copy of the complaint and will have an opportunity for written input.

- 6.3.2 Upon completion of their adjudication, the decision of the Complaints Board will be sent to the complainant and respondent. The decision shall contain the following:
- i. The reasons for their decision (whether the complaint has been upheld, partially upheld or rejected);
 - ii. If appropriate, any consequent recommendations that they may intend to make to other bodies or parties within the University to improve services based on the issues raised by the complaint or its handling.

6.3.3 The Complaints Board will copy its findings to the Dean of Students, the relevant Head of School/Head of Unit and may also forward their decision to other Officers within the University where appropriate.

6.3.4 The response will normally be issued within 30 working days of the complaint being received by the Board. Where it appears to the Board that they will not meet this target the Secretary to the Board will inform the complainant of the reason for the delay and when they expect a decision to be reached. They will subsequently provide an update every 20 working days should it be necessary.

7. Appealing the Outcome

7.1 In the event that the complainant or respondent is dissatisfied with the Complaints Board's response to the complaint they may appeal this decision to the Appeals Board.

7.2 In order for the appeal to be considered, the appeal must:

- Be made in writing, containing the information sought at Section 7.3 below;
- Be accompanied by a fee of €50; and,
- Submitted within 10 working days of the issuing of the finding of the Complaints Board.

The fee is to be paid in cash at the Dean of Students office. The fee will be returned should the appeal be upheld. Where it is not upheld, the fee will be forwarded to the Student Hardship Fund. Where a student can demonstrate that the fee would cause undue hardship, the fee may be waived upon representation to the Registrar and Deputy President.

7.3 The Notice of Appeal shall set out the following:

- i. Whether the appellant is appealing
 - a. The Complaints Board's findings, or
 - b. The recommendation issued, or
 - c. Both.
- ii. The appellant must specify the ground or grounds of appeal, which are as follows:
 - a. That there has been a material procedural irregularity which has demonstrably affected the outcome of the complaint;
 - b. There is material or new information which the Party was unable, for valid reasons, to provide when the complaint was being investigated and which would have significantly affected the outcome.
 - c. The decision did not address the substantive areas of the complaint

d. The sanction or recommendation is unreasonable given the facts of the matter

7.4 For the avoidance of doubt and without prejudice to the powers of the Appeals Board to provide for its own administration, the Appeals Board shall be entitled to dismiss an appeal summarily and without further investigation should they feel that there has been no sufficiently significant grounds of appeal identified by the appellant.

7.5 The Appeals Board will normally review only the aspects of the complaint which are relevant to the appeal being made. In exceptional circumstances, the Appeals Board may review aspects of the case which are beyond the issues raised in the appeal where the Appeal Board deems it appropriate.

7.6 The Appeals Board may choose to meet with the student and/or the respondent and will conduct such investigations and seek such further information as it deems necessary to resolve the complaint.

7.7 Upon completion of their adjudication, the decision of the Appeals Board will be sent to the complainant and respondent. The decision shall contain the following:

- i. The reasons for their decision (whether the appeal has been upheld, partially upheld or rejected);
- ii. If appropriate, any consequent recommendations that they may intend to make to other bodies or parties within the University to improve services based on the issues raised by the complaint or its handling.

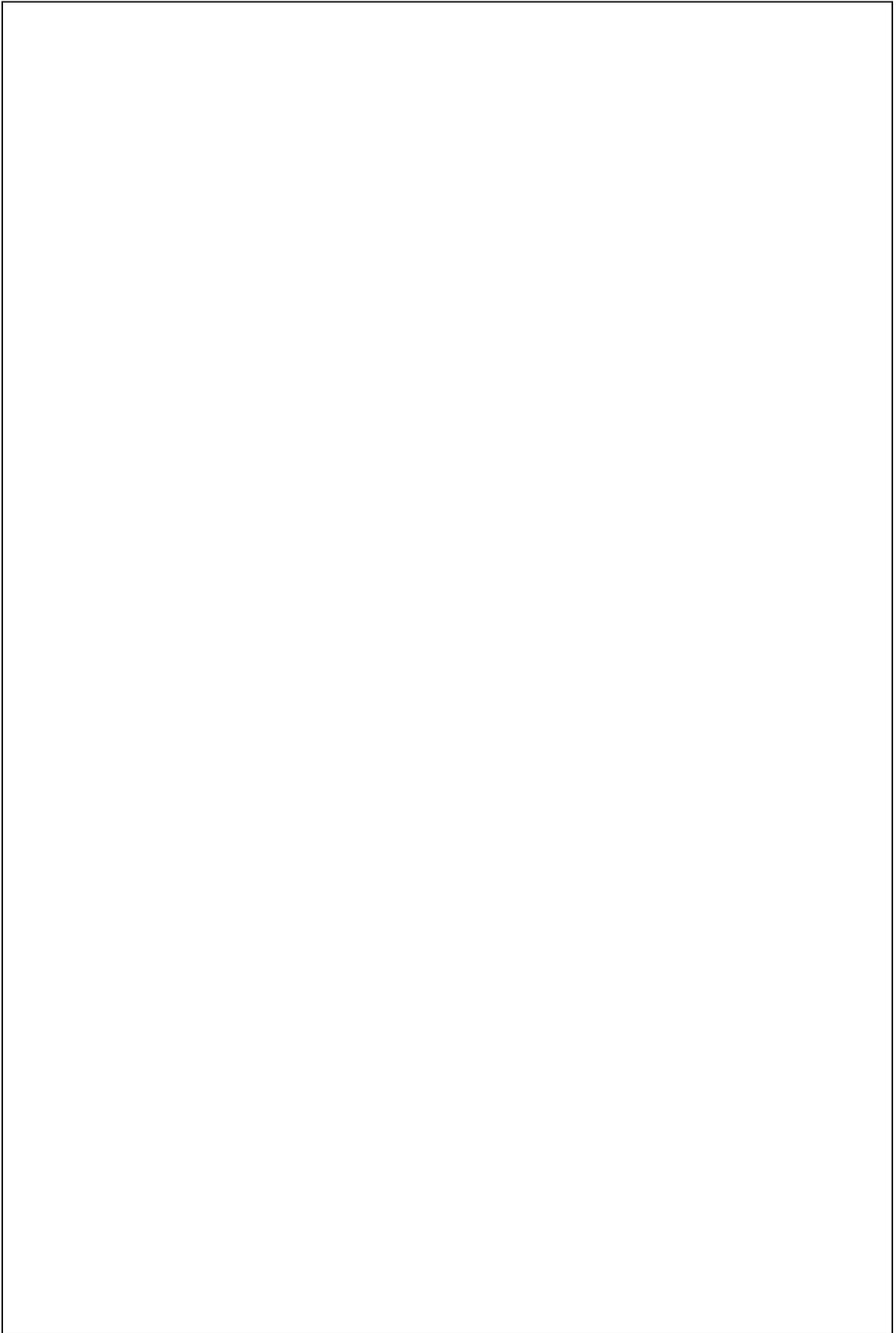
7.8 The Appeals Board will copy its findings to the Dean of Students, the relevant Head of School/Head of Unit and may also forward their decision to other Officers within the University where appropriate

7.9 The finding of the Appeals Board shall be final.

8. Monitoring Evaluation and Review

8.1 Subject to any agreed changes between the relevant offices, responsibility for tracking and maintaining records in relation to complaints and queries up to submission to the Complaints Board shall reside with the Dean of Students; and after that point, will lie with the Registrar and Deputy President's office.

8.2 The performance of the Procedure will be reviewed on an annual basis by the Dean of Students, the Chair of the Complaints Board and the Registrar and Deputy President. Recommendations will be made to the Academic Council as to improvements in light of these reviews, and reports will be made to Academic Council at least once every 2 years.



HAVE YOU ALREADY RAISED THE CONCERNS INFORMALLY?	YES / NO (CIRCLE).
If yes please give details / If no, please give details why local resolution inappropriate.	
<u>or</u>	
PLEASE OUTLINE EFFORTS MADE TO DATE TO RESOLVE THIS COMPLAINT INFORMALLY AND WHY THIS MATTER IS NOW BEING REFERRED TO THE COMPLAINTS BOARD?	
IF APPLICABLE LIST ANY ADDITIONAL DOCUMENTS ATTACHED.	
SUGGESTED ACTION OR REMEDY	

Statement by Student

I wish this complaint to be considered by the University under the procedures as laid down in the Student Complaints Procedure (QA611). I declare that the statements made are to the best of my knowledge true.

Student's Signature..... Date.....

**Completed Form to be returned to:
Dean of Students, NUI Galway.**