



**PROCEDURE FOR DEALING WITH COMMENTS,
SUGGESTIONS AND COMPLAINTS FROM STUDENTS**

**MAGDALENE COLLEGE
CAMBRIDGE**

**ISSUED BY THE GOVERNING BODY
OF MAGDALENE COLLEGE**

Registered Charity Number 1137542

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1. Overview

1.1 The College welcomes comments and suggestions from students about the services it provides. Students wishing to make a **suggestion** or **comment** about the College's services, either academic or non-academic, can do so informally at the point of service delivery, by contacting the person in charge of the relevant area (see Appendix 1) or, where it seems appropriate, by raising the matter with their Tutor, the Senior Tutor, their Director of Studies.

1.2 Occasionally, however, students may wish to make a **complaint** about the services they receive. This document sets out the procedure for making a complaint to the College. It is in five parts: informal procedure, formal complaints procedure, external review (including reference to the Office of the Independent Adjudicator for Higher Education), guidance on matters falling outside the complaints procedure or for which there is supplementary provision, and monitoring and review provisions.

1.3 The College recognises that it has a duty to provide fair and objective procedures for examining and resolving complaints, and to ensure that its procedures are free from partiality arising from personal or institutional conflict of interest or other sources of bias. No student will be disadvantaged by having raised a complaint in good faith, even if it is not upheld, but the College expects that students will not make frivolous, vexatious or malicious complaints. Where a complaint is against a person, it must be recognised that the rights of the complainant and the rights of the person complained against are equally important. Every effort will be made to ensure that both parties are treated with equal fairness and dignity.

1.4 The College anticipates that *complaints will normally be dealt with informally* in the first instance. Students with a complaint should seek to bring it to the attention of the College using the procedure outlined here. Any complaint should be made *as soon as possible* and in any event within fourteen days following the occurrence of a problem. Many complaints can be dealt with quickly and effectively in this manner, without recourse to formal procedure. The College's procedures have been developed with this in mind, but students should bear in mind that the later a complaint is made, the more difficult it may be to investigate it.

1.5 Every attempt will be made to maintain the **confidentiality** of a complainant. However, where a complaint is of a personal nature against an individual, it is likely that the complainant's identity will have to be revealed at some stage in all but the most exceptional cases in order for there to be a fair investigation. The College will endeavour to inform an individual complainant of the extent to which his or her identity is likely to be revealed at each stage of the procedure.

1.6 The complainant may withdraw a complaint and stop the process at any time or, if it has proceeded to the formal stage, ask to return to the informal process (although under either procedure a person complained against may request to have his or her name cleared).

1.7 A student may of course wish to complain about a matter that is not within the control of the College, but within that of **another institution**, e.g. the University or another College. The University has its own student complaints procedure, as explained at

www.admin.cam.ac.uk/offices/academic/comp_app/

that covers Faculties, Departments and other University institutions, and other Colleges each have their own written procedures. In this case, the first thing to do will be to identify the appropriate point of contact within the relevant Faculty, Department or College. You may either contact that person directly, or ask the Senior Tutor of Magdalene College, your Director of Studies, your Tutor to take up the matter on your behalf

If the complaint relates to the **examination process**, then you should refer to “Undergraduate Examination Appeals: Guidance Notes for Candidates” published jointly by the University and the Cambridge University Students' Union see:

www.cusu.cam.ac.uk/campaigns/education/examappeals/

A copy of this may be obtained from the Tutorial Office. Graduate students should instead refer to <http://www.gradunion.cam.ac.uk/facilities/student-advice-service/>.

The College has a responsibility to help students identify mechanisms and to offer appropriate assistance in making a complaint within the University. If it is unclear to you where responsibility for the matter lies you may seek advice from any of the persons listed in Appendix 1.

1.8 Complaints relating to the behaviour of external contractors and others carrying out work on behalf of the College should not be taken up directly with the individual concerned but should be made either by the student him or herself or through the Senior Tutor or a Tutor to the college office responsible for the contract (generally the Assistant Bursar's Office).

1.9 Complaints on matters of College policy should be directed in the first instance to your Tutor. In the event that the Tutor is not able to resolve the complaint satisfactorily, it may be raised through a student representative (normally the JCR or MCR President) either at a Consultative Committee or at a Governing Body.

1.10 Students with a complaint relating to harassment of any kind can find additional information in the College's Policy on *Dignity at Work and Study* and the related *Code of Practice on Harassment*. These documents contain a suggested process for dealing with such issues at the informal stage. Formal complaints about harassment may be made under the 'formal complaints procedure' detailed below or, where appropriate (and in consultation with either a Tutor or one of the College's Harassment Officers), by recourse to a police inquiry.

1.11 Complainants will be invited at the outset to indicate where possible the form of **remedy** they are seeking, without prejudice to the final remedy determined. Where a complaint is upheld, appropriate remedies may include one or more of the following:

- a) A written and/or verbal explanation and/or apology;
- b) A change in practice or policy;
- c) Financial compensation;
- d) Disciplinary or other appropriate action against students, staff or Fellows.

1.12 If he or she wishes, a student may seek advice from a person of his or her choosing, when considering making a complaint or at any stage of the procedure. Persons from whom advice may be sought include (but are not limited to) those set out in Appendix 2. A complainant shall also be entitled to be accompanied by another person of his or her choosing at any interview or meeting during any stage of the procedure. During the informal stage, both the complainant and any person accompanying him or her will be expected to respect the informal nature of that stage of the procedure.

2. Informal procedure

2.1 Stage one: Students who experience a problem with any aspect of College provision or anything else within the control of the College, should first raise the matter with the individual who has handled the matter. If informal discussion does not resolve the situation satisfactorily, the person responsible for the area to which the complaint relates (e.g. the relevant Head of Department) should be approached, either directly or, if preferred, through a Tutor. Complaints should be dealt with promptly (normally within seven days) and reasons given for any delay.

2.2 Stage two: In cases where a student feels that the nature of the complaint is such that it cannot satisfactorily be addressed orally by him or herself or through his or her Tutor, or where, after the relevant Head of Department has been approached orally, a satisfactory conclusion has not been reached, a complaint should be made in writing to the **Complaints Officer** (who shall normally be the Senior Tutor), who will acknowledge receipt and ensure that the matter is investigated as soon as possible. An initial response to any complaint can be expected within seven days of its receipt, and a considered response to the complaint – if appropriate – should be received within three weeks, with any subsequent remedy implemented with the minimum of delay. The written complaint should if possible comply with Appendix 3, although this is not essential in the informal procedure.

2.3 In some cases the first stage of the informal procedure may already involve the Senior Tutor as Head of Department. Should the complaint remain unresolved at the end of that stage, or in the event that a complaint is against the Senior Tutor, the complaint should be sent to the President, who will appoint another Senior Member of the College to act as Complaints Officer for the purposes of the complaint in question.

2.4 The Complaints Officer will investigate the matter as soon as possible. If the written complaint does not comply with Appendix 3, the Complaints Officer will, after an initial interview with the complainant (who shall be entitled to be accompanied by another person of her or his choosing), ask her or him to amplify it as necessary, in particular so as properly to record in writing the nature of the complaint and the remedy sought. The Complaints Officer will also invite a written statement from the person or persons complained against. An initial response to any complaint can be expected within 7 days of its receipt, and a considered response to the complaint, in writing giving reasons for the decision, and setting out the details of any remedy, should be received within three weeks. Any subsequent remedy will be implemented with the minimum of delay.

3. Formal complaints procedure

3.1 It is hoped that very few complaints would remain unresolved after this stage. However should this be the case, the complainant may request that the Complaints Officer refer the matter to the President (the Master's position always being reserved for any appeal), who will undertake an independent assessment of the case and reach a conclusion on the matter. A full and considered response to the complaint should be completed within forty days and any subsequent remedy implemented with the minimum of delay. If the written complaint provided at the informal stage did not comply with Appendix 3, the complainant must now also provide a written complaint that does so.

Any appeal is to be made in writing (which includes by email) to the Master, within five working days of the decision under the formal complaints procedure. The Master, or a person or persons to whom they delegate the role, will determine the appeal (and references hereafter to 'the Master' include such delegate(s)). The determination will be on the basis of written submissions and evidence, unless the Master decides exceptionally to hold a hearing. When submitting the appeal, the appellant must submit their grounds of appeal, explaining the basis of the appeal, and any evidence on which they seek to rely. If thought appropriate, the Master shall permit, within a specified deadline, a person or persons subject to the complaint to respond in writing, providing such evidence as they wish. If the person or persons subject to the complaint do so respond, then the appellant shall be given the opportunity, within a specified deadline, to provide any final comments or evidence. An appeal may be brought, and determined, on the following grounds only:

- a) that there were flaws in the process by which the decision was made;
- b) that the appellant has new evidence that could make a difference to the outcome and which the appellant could not reasonably have provided earlier in the process;
- c) that the decision was unreasonable, in that it was not a decision which a reasonable decision-maker could have reached on the basis of the evidence provided (i.e. it is not sufficient under this ground that the decision is alleged to be wrong).

An appeal shall be dismissed if the Master considers it highly likely that the grounds, even if made out, would have not made a difference to the outcome. If the Master allows the appeal, then the Master may require the complaint to be reconsidered by the original decision-maker or a different decision-maker, or alternatively the Master may themselves make a decision as to the complaint (giving the opportunity for further submissions or evidence as considered appropriate).

3.2 In some cases, the first stage of the informal procedure set out above may already have involved the Senior Tutor (as Complaints Officer). Should the complaint remain unresolved at the end of that stage, or in the event that a complaint is against the Senior Tutor, the complaint should be put in writing directly to the President, who will handle it in accordance with 3.1 above.

3.3 If a student is required to attend in person as part of the formal investigation into a complaint, he or she is entitled to be accompanied by a friend or advisor: this could be a Tutor or other senior member, or a student including one of the officers of the JCR or MCR.

3.4 Promptly after the above procedure has been completed, the College shall issue to both the complainant and the person complained against a "Completion of Procedures Letter" complying with the Rules of the Student Complaints Scheme administered by the **Office of the Independent Adjudicator for Higher Education (OIA)**; such a letter shall not constitute an admission that the complaint is eligible under those Rules.

4 External Review

4.1 OIA

If the complainant is not satisfied with the decision made under the formal procedure, he or she may be able to complain to the OIA, if the complaint is eligible for consideration by the OIA. Details of how to make such a complaint will be contained in the Completion of Procedures Letter, and may also be obtained from the OIA website: <http://www.oiahe.org.uk>.

4.2 Independent Referee

It may not be possible to make a complaint to the OIA because the complaint is not eligible to be considered by the OIA, or the complainant may for his or her own reasons not wish to make a complaint to the OIA. In addition, it does not seem possible for the person complained against to make a complaint to the OIA about the handling of the original complaint. Accordingly, should a complainant or the person complained against not be satisfied with the decision made by the formal procedure, he or she may (instead of making a complaint to the OIA) appeal to an independent individual (the **Referee**). If it is desired to make such an appeal then the person wishing to do so must so notify the College by sending a written notice to the President within three months of the date of the Completion of Procedures Letter. In that event, the procedure will be as follows:

- The Referee shall be appointed jointly by the College and the complainant, or (in the absence of agreement as to such appointment within seven days after the first nomination of a proposed Referee by either the College or the complainant to the other) by the Chair for the time being of the Colleges' Standing Committee, on application to the Chair by either the College or the complainant.
- The decision of the Referee shall be final and binding on the relevant parties.
- The Referee shall determine his or her own procedure, provided that the complainant and the person subject to the complaint shall each be allowed a full and fair opportunity to make representations and to comment on any relevant evidence. The Referee shall form his or her own judgment of the merits of the complaint after full and careful review of all available evidence and in the light of the representations made by the parties. The Referee shall be required to provide to the relevant parties the reasons for his or her determination. The Referee shall have the power to confirm, amend or rescind the original decision.
- The costs of the Referee and, if appropriate, of the said Chair, shall be borne by the College. Each party shall bear his or her own costs.

5. Matters falling outside the complaints procedure

5.1 *College Discipline*

Statute XXVIII (as amended by the Higher Education Act 2004) and Section E of the College Rules, deal with the procedure relating to College discipline, including decisions to require students to go out of residence either temporarily or permanently.

5.2 *Criminal offences*

Where a complaint includes an allegation that a criminal offence has been committed it may of course be reported by the complainant to the police; there may be circumstances where it would be better for the matter to be handled by the police rather than through the above procedures. In so far as there is no conflict of interest the College will seek to offer advice and support in such cases, and the complainant may wish to seek legal advice. In cases of physical assault, please see Section 16 of the College's *Code of Practice on Harassment*.

5.3 *Matters of College Policy*

Complaints on matters of College policy should be directed in the first instance to your Tutor. In the event that the Tutor is not able to resolve the complaint satisfactorily such should be directed to the appropriate College committee (see Appendix 4) through student representatives. These may be contacted through the JCR and MCR Presidents. The Consultative Committee has a particular function in facilitating discussion of matters of interest to students: it meets at least once in Full Term.

6. Monitoring and review

6.1 The Complaints Officer shall keep a record of all complaints reported to them, including the nature of the complaint; the procedure followed in dealing with the complaint; the time taken to resolve the complaint; and the outcome of the complaint.

6.2 The Complaints Officer shall report to a meeting of the Governing Body at the beginning of each academic year in respect of the complaints received during the previous academic year. The report shall in all cases observe the principle of confidentiality: in particular, neither the complainants, nor any persons complained of shall be identified in the report.

6.3 The Governing Body, in conjunction with student representatives shall, at the beginning of each academic year, review:

- the adequacy of information, advice, guidance and support for students on making complaints.
- action which may usefully be taken to prevent the recurrence of a situation which led to a successful complaint.

APPENDIX 1: Responsible Officers

Names and email address of current officers can be found on the College Website

Academic or Tutorial	Senior Tutor
Accommodation	Rooms Tutor
Accounts	Assistant Bursar
Admissions Office	Admissions Tutors
Alumni/Development	Development Director
Buttery	Director of Catering & Conferences
Catering/Bar	Director of Catering & Conferences
Cleaning/Furnishings	Head Housekeeper
College Computing	College Computer Officer
Chapel	Chaplain
College Office/Bursary	Senior Bursar
Conferences	Director of Catering & Conferences
Data Protection	Data Protection Officer
Freedom of Information	Freedom of Information Officer
Gardens	Garden Steward
Health	College Nurse
Health and Safety	College Marshal
JCR	JCR President
College Library	College Librarian
Maintenance	Clerk of Works
MCR	MCR President
Porters/Security	College Marshal
Supervisions	Director of Studies

APPENDIX 2: Persons from whom help may be sought

Help and advice may be sought from anyone; listed below are those contacts with a specific role to assist students.

For undergraduates:

Tutor (for any matter)

Director of Studies (for matters relating to supervision or other academic provision)

Senior Tutor

Senior Bursar

The Chaplain

JCR Officers

CUSU Academic Affairs Officer, Welfare Officer

For graduate students:

Tutor for Graduates and Assistant Tutor for Graduates (for any matter)

Supervisor

Senior Tutor

Secretary of the Degree Committee or other Departmental Graduate Adviser

Student Registry

The Chaplain

MCR Officers

Graduate Union Welfare Officers

APPENDIX 3: The Statement of Complaint

The statement of complaint should include the following:

- 1) Description of what has happened to give rise to the complaint. This should include any dates, times and details the complainant has.
- 2) The name(s) of the person(s) against whom the complaint has been made.
- 3) The names of any witnesses who will corroborate the complaint made. A signed note should be enclosed from each of them giving consent to his or her name being given.
- 4) Any documentary evidence. If there are more than ten pages, a list of contents should be provided and the pages should be numbered. (Failure to do this will not invalidate a complaint however.)
- 5) An outline of what action the complainant would like to be taken or what remedy he or she is seeking.
- 6) The name of any person who has agreed to accompany or support or represent the complainant at any meeting or hearing.

APPENDIX 4: List of College Committees with Student Representatives

Buildings and Conservation Committee

Consultative Committee

Governing Body

Health and Safety Committee

IT Committee

Libraries Committee