

Policy & Procedure Title:

SETU Carlow Student Complaints & Appeals Procedure

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Form(s)		Responsibilities/ Owner	
		Vice President Academic Affairs & Registrar Head of Department/Faculty/Campus	
Procedure for Raising a Complaint - Summary			
Student Complaint Form			
Superseded or Obsolete Procedures			
Version 05 – July 2021 – Policy reviewed to reflect wording for contacting Ombudsman			
Version 04 – May 2019 – Policy reviewed to reflect clarification on 2.6 under Procedure - General			
Version 03 – May 2018 - Policy reviewed to reflect requirements under Equality Diversity & Inclusion and GDPR			
Version 02 – June 2017 - Review to reflect changes to timelines associated with the complaints procedure.			
Version 01 – Dec 2003 - Review to include update legislation reference and reflect changes to title of Faculty			

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1. Rationale

South East Technological University Carlow aims to ensure a transparent complaint procedure is available to students of the University.

2. Procedure - General

- 2.1 The procedure outlined below has been established with the aim, where possible, of resolving problems informally and through negotiation between those individuals who are immediately concerned with the matter. The University recognises, however, that some issues cannot be resolved by informal means alone and may require intervention by outside parties. The formal procedure is therefore available to students should the informal pursuit of a problem at departmental level prove unsatisfactory.
- 2.2 South East Technological University Carlow believes that an open, fair and accessible problem-solving procedure is in everybody's interests and its existence encourages the prompt resolution of problems at the initial stage. The University is confident that the overwhelming majority of its students will use the procedure in a positive manner in order to improve the quality of life and study environment at the University for the benefit of all members of the academic community.
- 2.3 If a student wishes to invoke the Student Complaints and Appeals Procedure, the steps, which should be taken, are detailed in the ensuing paragraphs. This procedure should be utilised where a student wishes to complain about South East Technological University Carlow's services and/or facilities; and/or its adherence to University policy and/or procedures; and/or complaints about the behaviour of staff members of other members of the University's community, including fellow students.
- 2.4 Students may invoke South East Technological University Carlow's Student Complaint and Appeal Procedure either individually or collectively. All references to a student in this procedure should be interpreted as including both an individual student and students collectively.
- 2.5 Students should note that it is not possible to change the outcome of an examination or assessment decision through the Student Complaint and Appeals Procedure. Instead, a review should be sought in accordance with South East Technological University Carlow's Academic Standards and Assessment Regulations.
- 2.6 Person(s) about whom problems/issues are being raised have a right to know what is being alleged and who is invoking the complaint procedure.

- 2.7 Students should be mindful that any allegations made about another student/member of staff will be reported to them and this person may seek to defend their good name as they see fit. Students are reminded that vexatious or malicious complaints may be dealt with under the Student Code of Discipline.
- 2.8 The student may withdraw their complaint at any stage during the process. To do so, they must notify the relevant Head of Department/Faculty or Senior Executive Member/Vice-President for Academic Affairs & Registrar of their intention to do so, in writing, the withdrawal must be clear, specific and unequivocal.
- 2.9 If an allegation is made which relates to potentially criminal behaviour, the matter will be referred to the appropriate statutory authority, and South East Technological University Carlow will await the outcome of any criminal investigation or proceedings before issuing a report on the complaint.
- 2.10 At any stage of the procedure a party to the complaint may wish to be supported by an accompanying person. This person can attend to provide support, take minutes of meetings, etc. The accompanying person is not a party to the complaint. If the student is under 18, they should be accompanied by their guardians at meetings and hearings. If any party wishes to bring legal representation to any meetings/hearings, they must notify the University at least 48 hours in advance.
- 2.11 Staff involved in handling the various stages of this process are obliged to ensure that this process does not influence the assessment of the student's academic work as per South East Technological University Carlow's Academic Standards & Assessment Regulations, or the manner in which they are treated.
- 2.12 Staff dissatisfied with the outcome at any stage of this process may avail of South East Technological University Carlow's procedures for the resolution of grievances/disputes.
- 2.13 The initiation of a student complaint will not prevent the University from running a parallel investigation/disciplinary/grievance process, such as a Student/Staff Disciplinary Process.

3. Remedies

- 3.1 South East Technological University Carlow will ensure as far as is reasonably practicable that where an application under this Procedure is upheld, appropriate remedial action is taken.

- 3.2 If other students might be similarly affected by an application which is upheld for another student, the University will ensure that all such students are given the same remedy.

4. Resolution of Problems at Source

- 4.1 Before invoking South East Technological University Carlow's Student Complaint and Appeals Procedure, the problem should be raised immediately by the student with the member of staff or other person responsible with the aim of resolving the problem directly and informally. It is anticipated that the vast majority of problems will be resolved in this way.
- 4.2 If a student wishes to raise their treatment by a specific member of staff, the student should try to approach the member of staff in the first instance. If a matter of University policy or practice is the source of the problem, the student should seek to identify the person with local responsibility for its implementation or operation, e.g. issues about the contents of a particular programme or module should be addressed to the Programme Director or Head of Department possibly with help from the Class Representative.
- 4.3 In order to ensure that a problem is raised at a mutually convenient time, the student should try to arrange an appointment with the member of staff concerned. The member of staff may request the presence of a colleague and the student may wish to be accompanied. Staff should be open to deal with problems raised on an informal basis.
- 4.4 This is an informal and confidential process and a written record will not usually be made.
- 4.5 If a student feels unable to approach the individual concerned directly or if they are still not satisfied with the response to the issue raised, the student should then invoke the Student Complaint and Appeals Procedure outlined in section 5 below.

5. Problem Solving Procedure

(Please See Appendix 1 for a diagrammatic summary of the Procedure)

5.1 Stage 1: Informal Direct Application to the Head of Department or Function

- 5.1.1 Where it has not been possible to resolve matters satisfactorily at source, or the student feels unable to contact the person directly, they should contact the Head of Department or Function concerned indicating the nature of the problem and what reasonable steps the student would like to see taken to resolve the problem.

- 5.1.2 This is an informal stage and the Head of Department or Function should meet with the student and the subject of the complaint and outline what steps, if any, they propose to resolve the problem. This is an informal stage and does not require any minutes to be recorded. No formal report will be issued.
- 5.1.3 If the student is not satisfied with the outcome, they should proceed to Stage 2, which entails a formal written complaint.
- 5.1.4 If the Head of Department or Function considers that the complaint made by the student is particularly serious in nature, they can advise the student to proceed directly to Stage 2 of the process.

5.2 Stage 2: Formal Complaint to the Head of Faculty/Campus/Senior Executive

- 5.2.1. This stage involves the student making a formal written complaint detailing the nature of the problem to the Head of Faculty/Campus/ Senior Executive. The student should use and submit the relevant form (See Appendix 2), along with any supporting documentation, directly to the Head of Faculty/Campus/Senior Executive. The person investigating stage 2 will be a different individual from the person/s who conducted the Stage 1 investigation.
- 5.2.2. The Head of Faculty/Campus/Senior Executive shall acknowledge receipt of the complaint within five working days. A copy of the complaint form and any supporting documentation will be furnished by the Head to any member(s) of staff concerned without delay.
- 5.2.3 It is South East Technological University Carlow's aim that most problems dealt with at this stage should be resolved within 30 working days at the latest. A student will be informed by the Head of Faculty/Campus/Senior Executive of the section if there is likely to be any delay in the process, along with the reasons therefor. Unavoidable delays may occur if, for example, a relevant staff member is on leave or if a complaint is initiated outside of the academic term.
- 5.2.4. A meeting will be arranged between the student and the Head of Faculty/Senior Executive/Head of Function or other appropriate authority to discuss the matter.
- 5.2.5. As part of the process of attempting to establish the facts, the Head of Faculty/Campus/Senior Executive may also hold a separate meeting with the person(s) who is the subject of the problem raised (and who may be accompanied by a colleague), and will also interview any witnesses considered by the Head to be material.

- 5.2.6 A written record of all meetings shall be made by the Head of Faculty/Campus/Senior Executive.
- 5.2.7. Having investigated and considered the problem, the Head of Faculty/Campus/Senior Executive will issue a report to the student and any staff members concerned detailing their findings, determining if the complaint has substance and how they intend to deal with the situation and when this is expected to be done. The investigation and report should be completed in a timely manner and within 30 working days from the date of receipt of the student complaint. If the investigation takes place over a longer period of 30 working days, the Head of Faculty/Campus/Senior Executive must submit in their report, the reasons for the delay in the completion of stage two.
- 5.2.8. The Head of Faculty/Campus/Senior Executive can use their discretion in relation to the completion of stage two. In certain circumstances, where in the view of the Head of Faculty/Campus/Senior Executive, the complainant or complainees is not engaging with the process or if issues emerge which undermines the complaints stage two process, the Head of Faculty/Campus/Senior Executive can choose to submit their report and complete stage two of the complaints process before all investigations have taken place. The reasons for curtailing the stage two process must be outlined in the report and documented where possible.
- 5.2.9. If any party to the complaint is not satisfied with the outcome of this stage, they may appeal the outcome to the Student Complaint Resolution Committee by giving notice to the Vice-President for Academic Affairs. This must be done within 5 working days of the receipt of the decision in the previous stage.

5.3 Stage 3: Applications to the Student Complaint Resolution Committee

- 5.3.1. The purpose of an appeal to the Student Complaint Resolution Committee is to:
- (a) Review whether South East Technological University Carlow's internal investigation has been adequately handled
 - (b) Judge whether the response to the problem was reasonable in all circumstances
 - and
 - (c) Reach a final decision which is fair and just to all parties concerned
- 5.3.2 An application to appeal the outcome of a Stage 2 complaint must be made in writing to the Vice-President for Academic Affairs & Registrar no later than 5 working days from the date of receipt of the Stage 2 outcome. The appellant must clearly outline the grounds upon which their appeal is founded.

- 5.3.3 Upon receipt of an appeal, the Vice-President for Academic Affairs & Registrar or their nominee will, within 5 working days or as soon as possible thereafter, refer the appeal to the Student Complaint Resolution Committee. An appellant will be informed by the Vice-President for Academic Affairs & Registrar or their nominee if there is likely to be any delay in the process, along with the reasons therefore. Unavoidable delays may occur if, for example, a relevant staff member is on leave or if a complaint is initiated outside of the academic term.
- 5.3.4 The Student Complaint Resolution Committee, appointed by the President, is comprised of:
- Vice-President for Academic Affairs & Registrar or their nominee to Chair,
 - 2 members of South East Technological University Carlow's Academic Council
 - A representative from the University's Students Union
 - A person external to South East Technological University Carlow, with expertise relevant to the dispute
 - (An administrative member of staff will also be present to record meetings).
- The committee will, as far as practicable, be gender balanced.
- 5.3.5 The Committee may meet with the appellant and any other relevant parties in question, and ask questions of the parties as required. Any party to the meetings may bring representation, including legal representation, if desired. In such a case, the parties are required to notify the Vice-President for Academic Affairs & Registrar of this intention at least 48 hours in advance of the meeting in question. The Committee may also request the production of any internal correspondence, minutes, reports, etc. it deems necessary. Written records will be kept of all such meetings by an administrative member of staff.
- 5.3.6 New evidence that is relevant material to the original complaint may be presented by the complainant or any party to the hearing, and will be considered by the Committee. Other parties to the hearing and the Committee will be given due time to consider new evidence that is relevant to the complaint.
- 5.3.7 The Committee may engage an external expert to advise it if necessary and this may include legal advice.
- 5.3.8 Once the Committee has investigated the matter, and specifically the grounds of appeal, they will issue a report (template with the Vice-President for Academic Affairs & Registrar's Office) detailing its findings. The Committee may:
- (a) Uphold the Stage 2 findings and decision
 - (b) Overturn the Stage 2 findings and decision and issue new decision with findings/recommendations

- (c) Rule that the complaint was without substance or merit, or was actuated by malice or some other improper motive and recommend whether or not the complainant should be required to make a contribution to the costs incurred in the review or appeal, or undergo disciplinary action
- (d) Make observations relating to the substantive problem for the University to consider.
- (e) Make recommendations for the future to prevent the re-occurrence of problems of the nature in question.

5.3.9 The findings of the Student Complaint Resolution Committee will be submitted to Academic Council for noting and Governing Body for approval

5.3.10 A copy of the findings will be given to the Head of Faculty/Department/Function, the person(s) who are the subject of the grievance raised, to the student concerned and other relevant person(s) as soon as is practicable.

6. Referral of Complaints to the Office of the Ombudsman

- 6.1 It is our hope that we have been able to resolve your complaint satisfactorily through our process. However, if you remain unhappy with our response then you can refer your complaint to the Office of the Ombudsman. The Ombudsman is fair, independent, and free to use.
- 6.2 The Ombudsman will ask you for details of your complaint and a copy of this letter/email (our final response to your complaint). The best way to contact the Ombudsman is by:
 - (a) Clicking on the 'Make A Complaint' link at www.ombudsman.ie
 - (b) Or writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
 - (c) Or calling the Ombudsman on 01 639 5600 if you have any queries or if you need help making your complaint.

7. Disclosure of Malpractice, Abuse and/or Wrongdoing

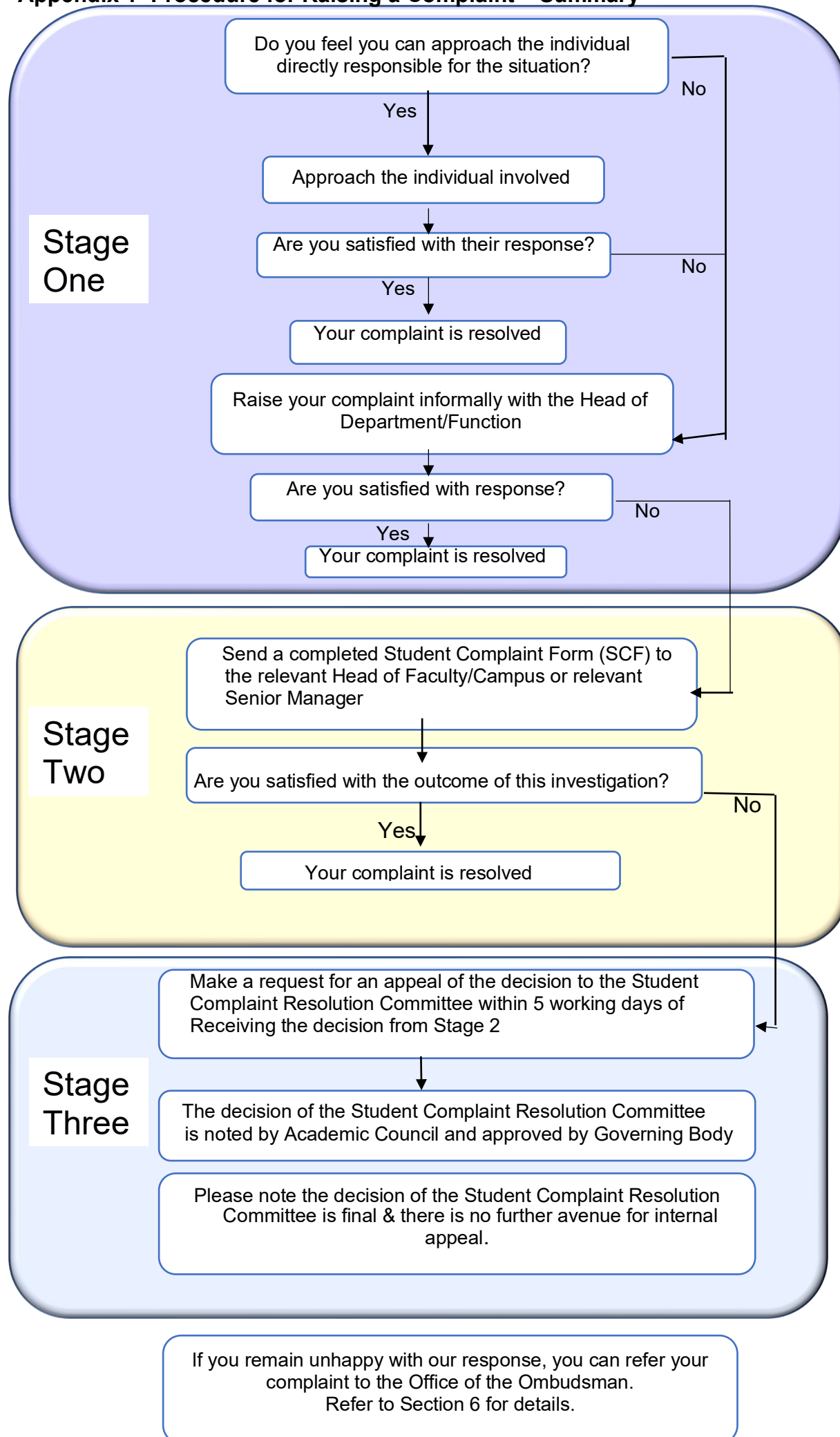
If a student wishes in good faith to raise bona fide concerns about malpractice, abuse or wrongdoing such as, for example:

- Financial malpractice, impropriety or fraud
- Activities which have or have the potential to involve bribery or corruption
- Failure to comply with a legal obligation
- Failure to comply with the University's Charter, Statutes, or regulations
- Endangering of health and safety
- Environment damage
- Criminal activity

- Academic or professional malpractice
- Miscarriage of justice
- Improper conduct or unethical behaviour
- Serious conflict of interest without disclosure
- Attempts to conceal any of the above

They may do so under South East Technological University Carlow's Disclosure Policy. This Policy is intended to enable individuals to raise genuine concerns through the appropriate channel without fear of victimisation, subsequent discrimination or disadvantage. Full details of the policy and process are available on the University's website.

Appendix 1 Procedure for Raising a Complaint – Summary



Appendix 2 Student Complaint Form



Student Problem Solving Procedure **Application Form**

The form should be used by students who wish to pursue a problem beyond the first stage of the University procedure. Approached should typically have been made at Departmental level and your case considered by a Head of Department/Faculty/Campus or equivalent prior to completion of this form.

Name:	
Address	Programme of study and year of study:
Email:	
Contact Number:	
ID Number:	

Please outline the substance of the problem you wish to raise

South East Technological University Carlow is committed to protecting the rights and privacy of individuals with respect to the processing of their personal data. A copy of the University's Privacy notice is available on the University's website (<https://www.itcarlow.ie/resources/data-protection.htm>). This website also contains further information relating to your rights regarding subject access requests, records retention and data protection in general. Any further queries in relation to the GDPR can be addressed to the University's Data Protection Oversight Group (e-mail: gdpr@itcarlow.ie)