

# Regulations Governing Student Complaints

## Introduction

The University is committed to ensuring that students have the opportunity to raise complaints without risk of disadvantage or recrimination. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented. Complaints will be treated constructively and promptly with fairness and consistency.

These Regulations are divided in to two sections. Section A gives details of the policy, whilst Section B outlines the procedure to be followed when raising a complaint. A simple summary of the procedure can be found in Appendix D. The University provides further information and guidance for staff and students, which can be found at <http://www.southampton.ac.uk/studentadmin/appeals/>.

Students can obtain free, independent and confidential advice and support about the complaint process from the [Students' Union Advice Centre](#).

For students based overseas, local variations may need to be applied. The variations to these Regulations for local implementation at the University of Southampton Malaysia (UoSM) can be found in the [University of Southampton Malaysia \(UoSM\) Policy and Procedure for the implementation of the Regulations Governing Student Complaints](#).

## Mediation - An alternative informal method of dispute resolution for students

Mediation does not form part of the formal Complaints Procedure but offers an alternative informal method of resolving any dispute and can be explored instead of lodging a formal complaint. If a student chooses to take part in mediation, this does not mean that they will lose their right to make a complaint or continue with a complaint under these Regulations.

Mediation can be entered in to before a complaint is lodged or at any stage of the Complaints Procedure in Section B. If mediation is entered in to, the usual timescales within the Complaints Procedure are suspended until the mediation is concluded.

Mediation is a process in which disputing parties seek to resolve their difference in a mutually acceptable way with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.

Mediation is entirely confidential and no record of the contents of the mediation process is held on any student file. All mediators are fully trained and accredited members of the Professional Mediators Association and remain impartial throughout.

Information about the Mediation Service and how to access it can be found at: <http://www.soton.ac.uk/corporateservices/mediation/studentpage.html>.

## Section A: The Policy

### 1. Who can complain using these regulations?

The following people can complain using these regulations:

- 1.1 Individual students currently enrolled at or being assessed by the University of Southampton.
- 1.2 Individual students who have left the University of Southampton (including recent graduates), provided that there is adherence to the timescales and relevant provisions as set out in Section B below.
- 1.3 Groups of students who are made up of individuals as described in points 1.1 and 1.2 above. In these circumstances normally one student should be prepared to be the spokesperson and correspondent for the purposes of the formal procedure. Each member of the group must be able to demonstrate that s/he has been personally affected by the matter which has been raised. In addition, all students must agree in writing to the spokesperson acting on their behalf. Group members must re-affirm their membership in writing if required at the point of escalation to Stage 2 of any student complaint. The group must decide collectively to escalate any complaint to Stage 3 or to request a Completion of Procedures Letter at the end of Stage 2. Any Completion of Procedures Letter will be addressed to the spokesperson. All students that are members of the group at the point of the final decision will be named in the Completion of

Procedures Letter and a copy will be sent to all students that are members of the group at that point.

- 1.4 Students studying at another institution for an award accredited by, validated by or made by the University of Southampton, where the complaint relates to the academic standards and/or quality of the learning opportunity. Such complaints should be referred to the Head of Student Academic Appeals and Complaints.

## 2. Who cannot complain using these Regulations?

The following people cannot complain using these regulations:

- 2.1 Those applying to study at the University of Southampton (see [Regulations Governing Complaints from Applicants](#)).
- 2.2 Anonymous complainants.
- 2.3 Third parties wishing to raise a complaint on behalf of a student. This includes parents, guardians, relatives or the spouse or partner of a student. Only in exceptional circumstances will a complaint from a third party be investigated and only if written authorisation *and* valid reasons have been provided by the student.
- 2.4 Students at other Accredited Institutions / Universities, except where covered by 1.4 above; these students are required to follow their respective Institution's regulations for complaints. The University of Southampton will liaise and cooperate with that student's provider to resolve any issues outside the framework of these Regulations.

## 3. What kind of complaints are covered by these Regulations?

- 3.1 Under these Regulations students may complain about matters which they have been materially affected by as a student relating to:
  - a) Facilities and services provided by the University.
  - b) Academic programmes.
  - c) Conduct of University staff.

## 4. What kind of complaints are not covered by these Regulations?

- 4.1 These Regulations do not cover complaints related to:
  - 4.1.1 Academic Appeals or Academic Appeal outcomes (see [Regulations Governing Academic Appeals by Students](#));
  - 4.1.2 the content of an existing University Ordinance, regulation or policy: guidance on raising such issues can be obtained from the Students' Union Advice Centre or the Head of Academic Appeals and Student Complaints;
  - 4.1.3 the Students' Union (see [Students' Union Complaints Procedure](#));
  - 4.1.4 allegations of research misconduct (see [Procedures for Investigating Cases of Alleged Misconduct in Research](#));
  - 4.1.5 The conduct of another student (see [Regulations Governing Student Discipline; Dignity at Work and Study Policy](#); reporting a fitness to practise concern under the [Fitness to Practise Policy and Procedures](#); addressing concerns under the [Student Support Review process](#); where appropriate).
  - 4.1.6 Academic judgement.
- 4.2 These Regulations do not cover complaints made persistently and unreasonably by a student based on substantially similar facts so as to constitute repeated demands or representations made on matters which have already been considered or are being considered under these Regulations or any earlier version of Regulations Governing Student Complaints or any other regulations. In these instances the University may also invoke the Student Discipline Regulations.
- 4.3 These Regulations do not cover complaints about matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education ("OIA"), a court or tribunal.

## 5. Support

- 5.1 During all stages of the procedure, students may be accompanied to meetings by a member of the University - usually either a member of staff or a fellow student, or by an advisor from the [Students' Union Advice Centre](#). Only in exceptional circumstances and by prior agreement may a student be accompanied by someone who is neither a member of the University nor a Students' Union advisor.
- 5.2 The role of the companion is not to offer formal representation, but to offer support and advice to the student.

## 6. Confidentiality

- 6.1 The University will process all personal information in accordance with its [Data Protection Policy](#).
- 6.2 Any complaint raised by a student will be treated with the highest level of confidentiality that can be maintained but the University will disclose information to: inform staff of the allegations made and give them an opportunity to respond as required by natural justice, to allow an investigation to be carried out properly, for the discharge of its duties or as required by law.
- 6.3 There may be cases where it is appropriate to preserve confidentiality in relation to the identity of witnesses where there is reasonably perceived to be a need to protect any student or staff from the risk of intimidation or retribution.
- 6.4 The University may also adapt these Regulations where it is considered undesirable for any one person to give evidence in the presence of another.
- 6.5 Where a person against whom allegations have been made is not aware of the identity of all those who have given evidence, due weight to this factor must be given and the individual's responses to the allegations must be seen in this context. Natural justice must be observed, meaning that such an individual has the right to fully understand the case made against him/her.
- 6.6 The outcomes and recommendations from complaint investigations may be shared across the University in the spirit of institutional learning, however any personal information will be removed and handled in accordance with the [University's Data Protection Policy](#).
- 6.7 Audio and/or visual recording of meetings is not normally permitted. If, due to exceptional circumstances it is agreed in advance that a student is permitted to record a meeting, the recording is confidential and must not be copied or shared with any third party, or published or disseminated in any way. A true and complete copy of the recording of the meeting must be provided to the other party as soon as possible after the recording was made.
- 6.8 Where a complaint refers to a member of staff, the outcome of the complaint and reasoning will be shared with the staff member. For upheld or partially upheld complaints, this will also be provided to their line manager and, for Stage 1 outcomes, the person that appointed the Stage 1 investigator under Section B 1.6 below. If matters arising are referred for consideration under the University's HR policies, students will not be advised of the outcome of any further action taken.

## 7. Resolving Complaints

- 7.1 The University of Southampton [Student Charter](#) sets out the general entitlements and responsibilities of students for their education experience at the University. If a student believes they have a legitimate complaint they are advised to refer to the Student Charter and Student Handbook to clarify what it is reasonable to expect from the University in the relevant area, and whether they have discharged their corresponding responsibilities. For students studying at other campuses abroad, students should also refer to local variations of the handbook. Students are encouraged to raise legitimate complaints and are assured that all constructive suggestions will be listened to and treated with respect.
- 7.2 The University shall be able to propose any resolution to the student that it considers reasonable and is within its powers in order to resolve a complaint which it upholds in whole or in part.
- 7.3 If a student's complaint overlaps with other University regulations or policies, advice should be sought from the Head of Academic Appeals and Student Complaints about how to progress the complaint under these Regulations, if at all.
- 7.4 In appropriate and exceptional circumstances, the University may meet the reasonable and proportionate expenses actually incurred by the student and which were necessary to incur in order to pursue a legitimate complaint, provided this is accompanied by the appropriate proof and documentation. Please see Appendix F for more information.

## 8. Monitoring Complaints

- 8.1 As part of continuous improvement but subject to regulation 6.1, the University will record and monitor complaints to identify trends, areas of good practice and where improvements could be made. The outcome of such monitoring will inform University practices, procedures and activities such as programme design, teaching and supervision or service delivery, to ultimately enhance the quality of the student experience.

## Section B: The Procedure

A summary of this procedure can be found in Appendix D. Reasonable adjustments to this procedure can be made, when appropriate, for students with additional needs or to allow for other factors that would otherwise place a student at a disadvantage, where the investigator and student agree, this may include holding meetings by video conferencing, telephone conferencing, Skype or other appropriate means including written correspondence.

Should a complaint be received by the President and Vice-Chancellor or other staff member in a senior capacity, it will be acknowledged and referred to the Head of Academic Appeals and Student Complaints who will ensure it enters this Procedure at the appropriate point. The University has absolute discretion to determine which stage of the procedure will be applied in any particular case.

This procedure outlines the usual timescales for submission of and responses to complaints at the various stages of the process. When the University is unable to adhere to stated timescales for any reason, the University will make all reasonable efforts to keep the student informed. Please note that where 'working days' are referred to, this excludes weekends, bank holidays and University closure days.

### 1. Stage 1

- 1.1 The University aims to resolve the majority of complaints at Stage 1.
- 1.2 A complaint should be raised as soon as possible and normally within **30 working days** of the event or issue occurring. The University will only consider matters raised outside the stated timescale in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint. If the University rejects the exceptional circumstances, this will be the final decision of the University and a Completion of Procedures Letter will be issued in line with Section 5 below.
- 1.3 Complaints related to academic matters or University staff in a School should be directed to the Curriculum and Quality Assurance Team in the relevant Faculty. Complaints related to University services or facilities or University staff in a professional service group, should be directed to the relevant Service Manager. Please see Appendix E for full details of where to direct a complaint.
- 1.4 The student should state the issue/s which have arisen and the preferred outcome they are seeking using the form at Appendix A.
- 1.5 The School or Service will contact the student within **5 working days** to acknowledge the complaint.
- 1.6 Following receipt of a complaint, the School or Service will allocate an appropriate member of staff, who is not the subject of the complaint, to be the Stage 1 Investigator. This may be a member of academic or Professional Service staff, as the School or Service deem appropriate. In the absence of a conflict of interest, the appointment of the Stage 1 Complaint Investigator will be made by the Associate Dean (Education) or nominee (usually the Deputy Head of School (Education) or the Service Manager or nominee. These individuals may also, in the absence of a conflict of interest, conduct the investigation.
- 1.7 The Stage 1 Investigator will be responsible for assessing whether the complaint falls within the scope of these Regulations as set out in section A. If the Stage 1 Investigator considers that a complaint falls outside the scope of these Regulations, the student should be advised of this in the complaint outcome referred to at 1.11 below and signposted to other regulations or procedures where appropriate.
- 1.8 If the Stage 1 Investigator is satisfied that the complaint falls within the scope of the Regulations, a meeting should be offered as soon as possible. If the student deems that a meeting is not necessary the investigator may commence the investigation on the basis of the student's complaint submission. If a meeting is held the student is entitled to bring an independent advisor from the Students' Union or another member of the University to the meeting. An independent note taker should be present and a brief summary of the discussion should be retained by the School or Service and a copy sent to the student along with the outcome of the complaint.

- 1.9 Where the student disagrees with the summary of the meeting, they may submit their own record within **5 working days**, which will be appended to the file.
- 1.10 Where a complaint is about a member of staff, the investigator shall advise the member of staff of the nature of the complaint and invite them to comment on the allegation.
- 1.11 The School or Service should send the complaint outcome to the student normally within **30 working days** of receiving the complaint.
- 1.12 If the student is not satisfied with the response or outcome received at Stage 1, they may proceed to Stage 2.

## 2. Stage 2

- 2.1 If the student is not satisfied with the response received from the School or Service at Stage 1 of the procedure they should submit, within **20 working days** of the date of the Stage 1 response, a completed Stage 2 form (Appendix B). The University will only consider Stage 2 complaints raised outside the stated timescale in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint. If the University rejects the exceptional circumstances, this will be the final decision of the University and a Completion of Procedures Letter will be issued in line with Section 5 below.
- 2.2 The Stage 2 form should be sent to:
- 2.2.1 The Dean of the Faculty if the complaint relates to:
- academic programmes;
  - the conduct of a staff member in a Faculty.
- 2.2.2 The Director of Service if the complaint relates to:
- a facility or service issue;
  - the conduct of a staff member in a professional service.
- 2.2.3 The President and Vice-Chancellor if the complaint relates to:
- the actions of the Dean of the Faculty.
- 2.2.4 The Chief Operating Officer if the complaints relates to:
- the actions of a Director of Service.
- 2.3 In all cases the Dean or Director (or if applicable the President and Vice-Chancellor/Chief Operating Officer) may appoint a nominee to deal with the matter raised at Stage 2 as set out in 2.5 below). If the student is unsure whom to send the Stage 2 form to, they should seek advice from the Head of Academic Appeals and Student Complaints or the Students' Union Advice Centre.
- 2.4 Students should take care to raise all matters of complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3 and additional evidence will not be permitted unless they can show good reason as to why the new evidence/information was not available to them to put forward at Stage 2 and it is essential to the complaint. It is important to comply with this as the grounds for review at Stage 3 are very limited.
- 2.5 The Dean, Director (or if applicable the President and Vice-Chancellor/Chief Operating Officer) or the nominee (if appointed under 2.3) will:
- 2.5.1 Inform the Faculty Academic Registrar or relevant Service Manager that a Stage 2 form has been received.
- 2.5.2 Appoint a person, independent of the initial complaint, to be the Stage 2 Investigator. If the complaint alleges an infringement of the Dignity at Work and Study Policy, the Stage 2 Investigator should not be situated in the Academic Unit in which the student is enrolled or the staff member cited in the allegation is working. In the case of a Service related allegation, the Stage 2 Investigator should not be situated in the same Service in which the person(s) who has been cited is employed.
- 2.5.3 Make a decision about the complaint as set out in 2.6 below.
- 2.6 The Stage 2 Investigator will:
- 2.6.1 Contact the student within **5 working days of receipt** of the Stage 2 form to acknowledge the complaint and confirm that they will be conducting the investigation.

- 2.6.2 Advise any relevant members of staff of the nature of the complaint.
- 2.6.3 Obtain any relevant documentation from the Stage 1 Investigator.
- 2.6.4 Subject to 2.7, provided that the Stage 2 Investigator is satisfied that the complaint falls within the scope of the Regulations, invite the student to a meeting to review and clarify the issues which have been raised. If the Stage 2 Investigator is of the view that the complaint does not fall within the scope of the Regulations, no meeting is necessary and the report described below may be limited to the reasoning for this recommendation.
- 2.6.5 If the student chooses not to attend a meeting, confirm in writing with the student a summary of the issues to be investigated.
- 2.6.6 If a meeting goes ahead, ensure an independent note taker attends and produces a summary, clearly identifying the issues that are to be investigated. Where the student disagrees with the summary of the meeting, they may submit their own record within **5 working days**, which will be appended to the file. The student is entitled to bring an independent advisor from the Students' Union or another member of the University to the meeting.
- 2.6.7 Subject to 2.8, meet or speak with the person(s) who is/are the subject of the complaint which has been raised by the student and with any other person who may have information that is relevant to the complaint. Staff members are entitled to bring a colleague or a trade union representative with them.
- 2.6.8 Prepare a Stage 2 report with evidence of the findings clearly listed under each element of the complaint identified by the student (report templates are provided to assist this process).
- 2.7 If the Stage 2 Investigator is satisfied that the Stage 1 Investigator conducted a meeting with the student and that the meeting notes comprehensively cover the complaint matters and that the complaint matters remain substantively similar between the Stage 1 and Stage 2 submissions by the student, the Stage 2 Investigator may, at their discretion, decide to proceed in the absence of a further meeting with the student. A note explaining this decision should be included in the Stage 2 report.
- 2.8 If the Stage 2 Investigator is satisfied that the Stage 1 Investigator conducted comprehensive interviews with some or all of the parties relevant to the complaint and that the complaint matters remain substantively similar between the Stage 1 and Stage 2 submissions by the student, the Stage 2 Investigator may, at their discretion, decide to proceed in the absence of interviewing the same people a second time, instead making use of the record of their interviews conducted at Stage 1. This may include any people who are the subject of the complaint.
- 2.9 Upon completion of the Stage 2 report by the investigator the Dean, Director (or if applicable the President and Vice-Chancellor/Chief Operating Officer) or the nominee (if appointed under 2.3) will then make a decision based on the Stage 2 report and will either fully uphold, partially uphold or not uphold the complaint raised by the student.
- 2.10 The Stage 2 response explaining the reasons for the decision and the proposed resolution, if appropriate, together with the Stage 2 Investigator's report will be sent to the student normally within **30 working days** of the receipt of the Stage 2 Form.
- 2.11 The student must be kept informed if any delays occur in the process.
- 2.12 If the student is not satisfied with the outcome of Stage 2 but does not meet the grounds for review at Stage 3, then Stage 2 is the final step of the Procedure and a student may request a Completion of Procedures letter, which will be issued by the President and Vice-Chancellor (see paragraph 5 below).

### 3. Stage 3

- 3.1 If a student is not satisfied with the outcome of Stage 2 they may proceed to Stage 3, by submitting a completed Stage 3 Form (Appendix C) to the Head of Academic Appeals and Student Complaints, within **10 working days** of the date of the Stage 2 response. The University will only consider Stage 3 complaints raised outside the stated timescale in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint. If the University rejects the exceptional circumstances, this will be the final decision of the University and a Completion of Procedures Letter will be issued in line with Section 5 below.

Stage 3 complaints will only be accepted **if the student can show:**

- 3.1.1 they have new information which was for good reason not available at Stage 2 and this information is essential to the complaint; OR

- 3.1.2 the University failed to follow the procedures at Stage 2 and this has significantly disadvantaged them.
- 3.2 The Head of Academic Appeals and Student Complaints will acknowledge receipt of the Stage 3 form normally within **5 working days**; inform the Vice-President (Education) for academic related matters or conduct of staff in the faculties or the Chief Operating Officer for Service related matters or staff in Professional Services; and act as the Stage 3 Investigator unless otherwise directed by the Vice-President (Education) or Chief Operating Officer.
- 3.3 The Stage 3 Investigator will initially consider whether either of the grounds in paragraph 3.1 appears to have been met with reference only to the documentation before them. If the Stage 3 Investigator considers that none of the grounds have been met, they should inform the student of this decision and the reasons for the decision normally within **15 working days** and issue a Completion of Procedures letter to the student.
- 3.4 If following this initial review, the Stage 3 Investigator determines that the grounds in 3.1 appear to have been met, they will conduct an impartial review of the complaint itself, reviewing the way in which the matter was investigated and the responses given. This review may be conducted with reference to the documentation or by contacting the student or any other relevant person to discuss the complaint. The Stage 3 Investigator may seek further information from any party involved in the earlier reviews and may consult with senior colleagues responsible for the area under review, if thought appropriate.
- 3.5 Following the review in 3.4, the Stage 3 Investigator may decide:
- 3.5.1 to refer the complaint back to Stage 2 for a further review, in which case the stage 3 investigator may indicate the scope of the review, whether the case should be referred to the original Stage 2 investigator and whether the report should be presented to the original Dean or nominee. The case will then proceed from Section B Regulation 2.4 above; *or*
- 3.5.2 that following a full review of the matter under clause 3.4, one or both of the grounds in 3.1 were not met by the student and the outcome of stage 2 is upheld; *or*
- 3.5.3 one or both of the grounds have been met and would have changed the outcome of stage 2. An alternative resolution may be proposed to the student.
- 3.6 The Stage 3 Report will give reasons for the decision in 3.3 or 3.5. In the case of a full review as set out in 3.4, the Stage 3 Report will be sent to the student normally within **30 working days** of the receipt of the Stage 3 Form.
- 3.7 The student must be kept informed if any delays occur in the process.
- 3.8 With the exception of 3.5.1, the decision made by the Stage 3 Investigator under 3.3, or 3.5 is final. At this point the internal procedures are completed and a Completion of Procedures letter will be issued to the student in the case of rejected complaints.

## 4. Suspension or Termination of a Complaint

- 4.1 The progress of a complaint through **any** stage of the Complaints Procedure will be automatically suspended for any period during which the complaint is being handled through mediation.
- 4.2 If a student's complaint overlaps with other university regulations or policies, advice should be sought from the Head of Academic Appeals and Student Complaints about how to progress the complaint under these Regulations if at all. The progress of a complaint through any stage of the Complaints Procedure may be suspended for a reasonable period to deal with this issue.
- 4.3 The University may, in exceptional circumstances, terminate a complaint at **any** stage of the Complaints Procedure where a student's behaviour is unacceptable or disruptive, the complaint is malicious or the complaint is vexatious as described in Section A, paragraph 4.2. The University may also invoke the Student Discipline Regulations.

## 5. External Review - Office of the Independent Adjudicator for Higher Education

- 5.1 A Completion of Procedures letter signifies to the student that the University's internal procedure for reviewing and resolving complaints has been completed and should be sent to the student normally within **28** days of the University's final decision. The letter will provide information about complaining to the OIA.
- 5.2 Information about the OIA's procedures may be found at <http://www.oiahe.org.uk/> or in the OIA leaflet 'OIA for Students' which is available from the Students' Union Advice Centre. Students wishing to submit

a complaint to the OIA must do so within the timeframe set down in the Rules of the Student Complaints Scheme, which is normally within 12 months from the date of the Completion of Procedures letter, unless the Completion of Procedures letter was issued before 9 July 2015, when the complaint must be submitted within 3 months from the date of the Completion of Procedures letter. A complaint must be made in writing using the OIA Complaint Form.

- 5.3 Where a student requests a Completion of Procedures Letter more than a calendar month after the decision letter, the time for bringing a complaint to the OIA will normally run from the date of the final decision, rather than the date of the Completion of Procedures Letter.
- 5.4 Contact details for the Office of the Independent Adjudicator are:

Office of the Independent Adjudicator Second Floor

Abbey Gate

57-75 Kings Road READING

Berks RG1 3AB

Tel: 01189 599813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## 6. List of Appendices and Guidance

[Appendix A: Stage 1 Form](#)

[Appendix B: Stage 2 Complaint Form](#)

[Appendix C: Stage 3 Complaint Form](#)

[Appendix D: Summary of Complaints Process](#)

[Appendix E: Where to direct a complaint](#)

[Appendix F: Student Claim Form](#)

[Students' Union Guidance for Students](#)

[Guidance for Students and Staff](#) (including templates)

*Regulations will continue to be dealt with in accordance with the regulations in force at the time the complaint was received. Complaints may only be dealt with under regulations in force at the start of your programme if you can prove substantial disadvantage. Please see the guidance notes at <http://www.calendar.soton.ac.uk/sectionIV/student-complaints-appendixa.pdf> for more information.*

*Reviewed in June 2015; minor changes approved by Chair's Action on 10 September 2015 Reviewed in June 2016; no changes made*

*Reviewed in June 2017; changes approved by Senate on 21 June 2017*

*Reviewed in May 2018, changes approved by Senate on 20 June 2018*

*Reviewed in May 2019; changes approved by Senate on 19 June 2019*

*Amendment made in Dec 2019. For all University Calendar changes click [here](#).*