

**THE WHITE BOOK
REGULATIONS (PROCEDURES)**

REGULATION P12

Complaints against the College

The Student Complaints Officer

1. The Student Complaints Officer shall be the Senior Tutor or another person he or she appoints to act as deputy.
2. A student shall not normally raise a complaint with the Complaints Officer without first seeking information, advice and guidance from any one or more of the following:
 - (a) the student's Tutor
 - (b) another member or members of the Wellbeing Team.
 - (c) Director of Studies;
 - (d) an officer of SSCSU or CUSU;
 - (e) any other relevant Fellow or member of staff of the College or University.
3. In particular, comments or suggestions on matters of College policy, or day-to-day practice, may be addressed either directly, with the member of staff responsible in the area of provision, or with the Senior Tutor or the student's Tutor, or through any student representatives on College committees: normally, the Governing Body and College Council, and certain standing committees or working groups established by them.

Application of procedures

4. Any complaint made under these procedures shall normally be raised within one month of the date of the acts or omissions or other circumstances giving rise to the complaint. Where more than two months have elapsed, the Student Complaints Officer shall have discretion to rule that a complaint is stale and shall not be entertained, on the grounds that a substantial period of time has elapsed since the last of the acts or circumstances complained of, and that it is unreasonable to allow the complainant to pursue the complaint.

5. No student shall be disadvantaged in respect of his or her membership of the College by raising a complaint in good faith. If relevant circumstances arise, the student may raise a further complaint under this Regulation.
6. No student shall be disadvantaged in respect of their membership of the College by being subject to a complaint, and shall at all times have the benefit of these procedures; provided always that where a complaint is upheld against the student under this Regulation any remedy or sanction which is agreed or recommended may be applied and enforced.
7. A complaint raised under this Regulation shall normally be treated in confidence by the College at all stages of these procedures; provided that where the Complaints Officer or his or her deputy reasonably considers that it is necessary to reveal the identity of the complainant or the nature of the complaint to another person for the purposes of conducting a fair and expeditious enquiry, or for promoting settlement or redress, the complainant shall be informed in advance and his or her consent sought. Where consent is unreasonably refused, the complaint shall be treated as withdrawn.
8. The College reserves the right to reveal any confidential information without the consent of the complainant in exceptional circumstances, such as the necessity to report a criminal offence.

Remedies

9. Without prejudice to the final decision on the complaint, a complainant shall be invited to indicate at an early stage the nature of the remedy that he or she would accept as settling the complaint or as providing appropriate redress.
10. Where a complaint is upheld the nature of redress shall be appropriate to the particular circumstances, and shall normally include one or more of the following:
 - (a) a written or verbal explanation or apology;
 - (b) correcting or remedying the matter complained of, where that is appropriate and practicable;
 - (c) financial compensation;
 - (d) disciplinary action initiated against a student, Fellow or other member or member of staff of the College;
 - (e) a change in College policy or practice.

Informal resolution

11. Any complaint to the Complaints Officer shall be raised in writing and include full details. The Officer shall acknowledge receipt within seven calendar days.
12. The Complaints Officer shall investigate a complaint expeditiously. He or she shall inform the person or persons against whom the complaint is made ('the respondent(s)'), or who is responsible for the relevant area of College provision, and invite him, her or them to provide a written statement in response. The complainant may see any such statements, and the other parties shall be so informed when invited to submit them.
13. Within twenty-one calendar days of the complaint being made, the Complaints Officer shall reply to the complainant with a statement of his or her decision, the reasons and, if the complaint is upheld, any remedy proposed under paragraph [10]. Any remedy shall be applied as soon as practicable.
14. Where a complaint is made against the Senior Tutor, or he or she is involved as the member of staff responsible in the relevant area of College provision, the complaint shall be made in writing to the Master, who shall appoint an alternative Complaints Officer.
15. The complainant may withdraw the complaint at any time before the Complaints Officer provides a written reply under paragraph [13].

Formal complaints: Student Complaints Committee

16. Where the Complaints Officer is unable to resolve a complaint, the complainant may require the Officer to refer the complaint to the Council, which shall appoint a Student Complaints Committee to undertake an independent investigation and make a decision. The Officer may refer any complaint to the Council in a serious case, or where in the circumstances informal resolution procedures are unavailable or impracticable.
17. A Student Complaints Committee shall comprise:
 - (a) the Master or Vice-Master, as appropriate, who shall be Chair;
 - (b) one Fellow who is a member of the Governing Body; and
 - (c) one further Fellow or the President of the JCR or the President of the MCR, as the complainant chooses.

No person who is involved in the matter about which the complaint is made shall be a member of the Committee. Where the Master or a student President is thereby disbarred, he or she shall be replaced, respectively, by the Vice-Master or where necessary another Fellow appointed by the Council, or by a student appointed by the Council in consultation with SSCSU or the MCR.

18. The appointment of any member of a Student Complaints Committee may be challenged for good cause by the complainant, or by the respondent(s), or by the member of staff responsible in the relevant area of College provision. The Council shall determine whether the challenge is justified and its decision shall be final. Where necessary it shall appoint an alternate member.
19. The Student Complaints Committee shall receive a copy of all documentation relating to the complaint. The Chair shall inform all parties in writing that the Committee has been constituted, of its membership and of the date on which it shall conduct a hearing to investigate the complaint. All parties shall be invited to make further written submissions to the Committee.
20. A copy of all written evidence and any further submissions shall be circulated to all parties at least seven calendar days before the date on which the Student Complaints Committee meets. Any party to the complaint may attend any hearing of the Committee, and may be accompanied by a supporter, but may not engage legal representation. The Committee may, if it thinks fit, take witness evidence, either in person or in writing, from any other person or persons.
21. The Committee shall reach a decision by majority vote as soon as practicable and in any event within twenty-eight calendar days of the date when the complaint is referred to the Council under paragraph [16]. The Committee shall provide all parties, and the Complaints Officer, with a full written statement of its decision(s), the reasons and, if the complaint is upheld, any remedy proposed under paragraph [10]. Any remedy shall be applied as soon as practicable. If the complaint is not upheld the complainant shall be informed of his or her right to seek an external review under paragraph [23].
22. The complainant may, with the consent of the Chair of the Student Complaints Committee, withdraw the complaint at any time before the Committee provides a written statement under paragraph [21].

External review

23. If the complainant is dissatisfied with the decision of the Student Complaints Committee he or she may normally seek a review by a Complaints Review Committee under paragraphs 24-27; provided always that the College reserves the right not to appoint a Review Committee, but to issue a 'Completion of Procedures' letter under paragraph 30(b), in any case in which it considers such a review to be disproportionate to the nature of the complaint and/or to any remedy which the complainant might reasonably expect to be awarded.
24. A complainant seeking a review by a Complaints Review Committee shall give notice in writing to the Secretary to the Council within seven calendar days of receiving the decision of the Student Complaints Committee, stating the grounds for the request. A review may be requested only for the purposes of considering:
 - (a) the procedures conducted by the Complaints Committee;
 - (b) whether the decision of the Complaints Committee was reasonable;
 - (c) new evidence which the complainant was unable, on reasonable grounds, to provide at an earlier stage.
25. The Council shall appoint a Complaints Review Committee as soon as practicable, comprising three suitable members appointed by the Council, at least one of whom shall have a professional legal qualification and shall act as Chair. No member of the Committee shall be a Foundation Fellow; nor any person who at the time is a student, employee or consultant of the College, or a non-Foundation Fellow, alumnus or other person providing services to the College.
26. The Complaints Review Committee shall not hold any further investigation into the complaint or re-consider the issues unless further evidence has been submitted. The Committee shall normally conduct its review on the basis of the written record of the previous proceedings, but may hear submissions from the complainant in person if it thinks that doing so is necessary or desirable. The complainant may be accompanied by a supporter, but may not engage legal representation.
27. The Complaints Review Committee shall reach a decision by a majority vote as soon as practicable, and in any event within three months from the date when the formal complaint was referred to the Council under paragraph [16]. The Committee shall provide all parties, and the Complaints Officer, with a full written statement of its decision(s), the reasons and, if the complaint is upheld, any remedy proposed under paragraph [10]. Any remedy shall be applied as soon as practicable.

Termination of procedures

28. At any time, the Complaints Officer, or the Chair of a Student Complaints Committee or Complaints Review Committee, may in consultation with the Statutory College Officers formally terminate any current proceedings under this Regulation, on the grounds that the complaint:
- (a) is of a frivolous, vexatious or malicious nature;
 - (b) does not concern any matter of institutional provision by the College falling under Ordinance C,XV,1 and lies outside the scope of these procedures according to clause C,XV,3;
 - (c) is for any other reason not properly brought under Ordinance C,XV and this Regulation.
29. Where the College terminates procedures under paragraph [28] it shall inform the complainant of:
- (a) the College's reasons for terminating the procedures; and
 - (b) the complainant's right of further review, under paragraph 31(c).

Further review by the OIA

30. When:
- (a) the Student Complaints Committee or the Complaints Review Committee, as relevant, has made a final determination under paragraph [21] or [27]; or
 - (b) the College has exercised its right under paragraph [23] not to appoint a Review Committee; or
 - (c) the College has terminated proceedings under paragraph [28];
- the College shall write a 'Completion of Procedures Letter' for the purposes of any request to the Office of the Independent Adjudicator (OIA). The letter shall set out the issues that have been considered at each stage, and the decisions and reasons therefor.
31. The College shall inform the complainant of:
- (a) the right to request the OIA to conduct a review of any complaint which has not been upheld;
 - (b) the time limits and procedures set by the OIA; and
 - (c) where and how to find further help or support for any application.

Relationship with other College procedures

32. The College Complaints Officer or his or her deputy under paragraphs [1] or [14], or the Chair of a Student Complaints Committee under paragraphs 16-22, may at any time refer a complaint to any other relevant College procedures under these Ordinances, and in such case shall normally discontinue any proceedings under this Ordinance.
33. Where a complaint is terminated under paragraph [28], or not upheld by a Student Complaints Committee or Complaints Review Committee, and the College considers that the complaint was of a frivolous, vexatious or malicious nature, it reserves the right to refer the complainant to the Dean, under Ordinance C,XIV and Regulation P9.

Relationship with University procedures

34. As provided for in Ordinance C,XV,1], this procedure shall concern complaints about the institutional provision of the College; an independent University procedure concerns complaints about the institutional provision of the University. Accordingly, as stated in both Ordinance CXV,3(c) and the University procedures, a particular complaint shall not normally be brought under both the formal procedures of the College and those of the University.
35. It shall be the responsibility of the complainant, in consultation with the Student Complaints Officer of the College under paragraphs 11-13, to decide whether a formal complaint about a particular matter is properly brought against the College or the University; provided that:
 - (a) where the complainant is affected both by some matter of institutional provision which is the responsibility of the College, and by a related matter which is the responsibility of the University, the complainant may lodge complaints against both the College and the University; and
 - (b) paragraph [28] (termination of procedures) shall apply at all times.
36. Where a student raises a complaint under University procedures, the College shall, whether or not the student raises a related complaint against the College under this Ordinance:
 - (a) ensure that the student is given appropriate pastoral support while participating in the University procedures; and
 - (b) reserves the right not to support the substance of a complaint against the University which the College considers unwarranted;

- (c) reserves the right not to uphold any complaint made against the College, irrespective of the outcome of any related complaint made under University procedures.