

1 Student Complaints' Procedure

1.1 Terms of Reference

The Dundalk Institute of Technology is committed to excellence in education and seeks to ensure that students receive appropriate, high quality support, not just in the academic domain, but also at administrative and student services' levels. It is recognised however, that there may be occasions when students will feel that they have cause for complaint.

This Student Complaints' Procedure sets out to provide a fair, consistent and expeditious mechanism to process complaints made by students against the staff or services of the Institute. It sets out to do so in a manner that affords all concerned full rights in accordance with fair procedures and principles of natural justice.

In this context, a complaint is defined as a criticism or expression of dissatisfaction leveled by a student or students against a member of staff or against the programmes, services or facilities of the Institute.

The following list indicates examples of the type of complaint covered by this procedure:

- Problems arising within the learning experience;
- Misleading information published by the Institute;
- A failing in an Institute service, academic or non-academic;
- Inadequate facilities;
- Difficulties with a member of Institute staff.

This policy does not cover the following matters for which separate procedures exist:

- A request for a review of a decision of an academic body (e.g. Examination Board) regarding student progression, assessment and award. This is defined as an Appeal and is dealt with under the separate Appeals Procedure.
- Complaints against another student. These are dealt with under the Student Disciplinary Procedure.
- Complaints of Bullying or Harassment. These are dealt with under the Institute's Anti-bullying and Harassment Policy.

It is recognised that most student complaints can be handled fairly, amicably and to the satisfaction of all concerned without reference to these procedures.

1.2 Principles

The Institute recognises the right to dignity of every associated individual, and expects that each will be treated with consideration, courtesy and respect, without harassment or physical or verbal abuse. In accordance with the DKIT Code of Conduct, all members shall refrain from conduct liable to infringe the rights of others.

Where complaints arise, the Institute must ensure that these are addressed fairly and promptly and in accordance with fair procedures and principles of natural justice. Students have the right to lodge genuine complaints and will not be penalised for so doing.

Students are encouraged to raise their concerns promptly, normally no later than the end of a semester, where appropriate, so that the matter can be dealt with in a timely manner. Staff members are notified immediately where a complaint is raised against them.

Students are encouraged to raise complaints informally in the first instance with the relevant member of staff. Students may wish to seek advice or assistance from a third party to help them raise a complaint appropriately and the Institute affords them the right to do so.

The Institute seeks at all times where possible to resolve such matters in a calm and dignified manner, and prefers to reach a mediated solution, to the agreement of both parties. Where it is agreed by both parties that the complaint is a valid one, a suitable remedy should be found, which restores their good working relationship.

Students and those against whom they complain are entitled to confidentiality and privacy. Where it may however, be deemed necessary to disclose information to a third party in order to deal with the complaint, both complainant and those complained against will be informed. In the case of any necessary oral hearings, both parties are entitled to be accompanied by a friend or mentor.

Any designated complaint handler may not investigate complaints in which they have a direct involvement in the subject matter of the complaint or are the subject of the complaint themselves.

Anonymous or third party complaints will not be dealt with under this procedure. A student, who wishes to raise a complaint anonymously, is advised to contact their Student Union representative, who may raise the matter through the prevailing representative channels. If a member of staff receives an anonymous complaint, this should be referred to their respective line manager. Complaints judged to be unfounded, trivial or malicious may lead to disciplinary action against the complainant. Trivial complaints are defined as complaints, which should not reasonably be made and which are not found to have sufficient basis for investigation. Malicious complaints are defined as complaints lodged, with malicious intent towards those complained against. Staff have the right to Institute protection in such circumstance.

Where complaints are found to be justified, the Institute will take such action as may be appropriate in a prompt manner. Where it is agreed that complaint is not valid, the complaint is withdrawn. If this course of action proves unsatisfactory, a student may invoke the procedures set out in this document.

It is important to remember that complaints will not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the Institute's control may affect the level of service provided.

In order for a formal complaint to be properly investigated it is essential that students are specific about the cause and nature of the complaint. Full details must be presented in writing to the appropriate Head of Function/Head of Department on the Institute's Complaints' Form, which is available in all Departmental Offices and from the Library and Student Services' Office. Students should take care to include their name, student number, term-time address and all documentation relevant to the complaint. Attempts already taken to resolve the complaint must be detailed. Finally the expected outcome and remedy sought should be outlined.

Heads of Department / Heads of Function will monitor any complaints referred to them and will include these in an annual report to Executive Management Board, in order to inform future processes and procedures.

Figure 1 overleaf summarises this Complaints' Procedure.

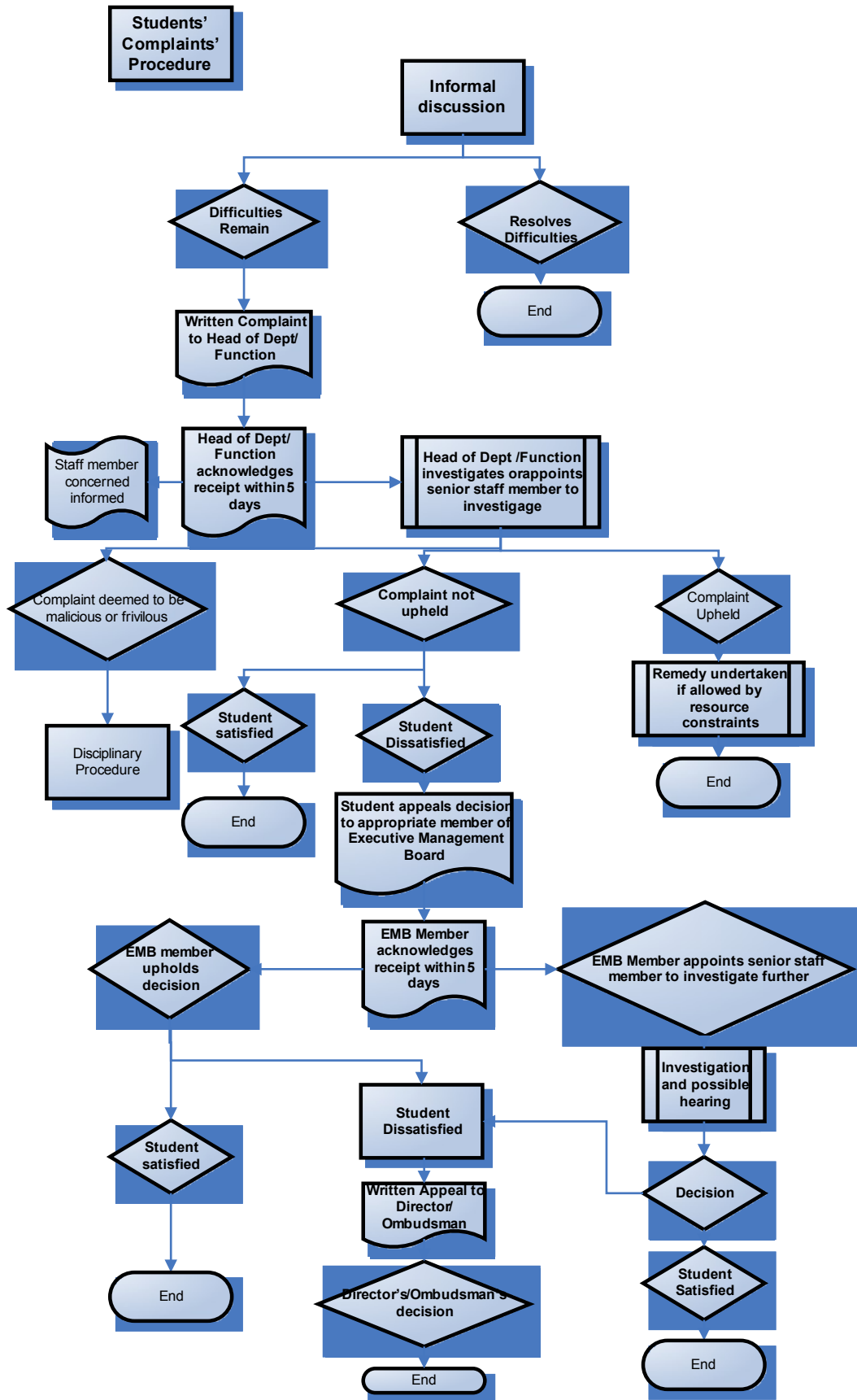


Fig. 1

1.3 Informal Procedures

As a first step the student who wishes to complain is encouraged to talk to one of the following, who can provide advice on how to deal with the complaint, help to resolve it informally and, if necessary, provide support in the process of making a formal complaint:

- Class Tutor
- Officer of the Students' Union
- Class Representative
- Student Services' Officer

Complaints of a minor nature should be directed promptly to the member(s) of staff concerned or raised with the following staff as may be appropriate:

- Supervisor
- Head of Department
- Student Services' Officer
- Librarian
- IT Services' Manager
- Estates' Manager
- Finance Officer

Recipients of complaints made informally should listen, be supportive and examine the matter promptly. They should try to negotiate a solution through a confidential, non-confrontational discussion or otherwise provide a remedy, if this is within their remit. Where a local solution is not found, they should refer the matter to the appropriate authorities. In any event, the complainant must be advised within one week of the steps taken to address the complaint and the expected timescale for a remedy. This stage is normally an oral process only and a written record will not be made other than in the minutes of meetings where applicable.

Staff members complained against must be promptly notified of the existence of a complaint against them, whether made formally or informally, so that they might take immediate steps to prepare a response.

1.4 Formal Complaints –Written Complaint to Head of Department / Head of Function

Where complaints are of a more serious nature, or where the complainant is dissatisfied with the local response to the complaint, the student may lodge a formal written complaint with the relevant Head of Department, or Head of Function as appropriate, using the Institute's Complaint Form. The written complaint should detail the nature of the complaint, and if appropriate, the informal steps already taken, details of the response received and a statement as to why ongoing dissatisfaction remains. All relevant evidence should be attached.

Where a formal complaint has been received, the Head of Department / Head of Function¹ should acknowledge receipt in writing within five working days, indicating who is to investigate the complaint. This latter should be the Head of Department /Head of Function himself/herself or a senior staff member within the Department or Function, who has no material interest in the complaint.

Those against whom the complaint has been made will be notified in writing as soon as possible that a complaint has been raised against them. A copy of the student's complaint form will be attached to this notice. Those complained against will be informed of their rights and requested to respond within one week, where practicable. Where an extended period of time is sought to prepare a response, this should be requested in writing to the person investigating the complaint, noting the circumstances which necessitate such an extension.

A copy of the response will be made available to the complainant.

The staff member so designated to investigate the complaint should examine the matter promptly and recommend a solution where possible. If a face-to-face meeting with either party is considered desirable, s/he may be accompanied by a friend or mentor. Both parties should be informed in writing of the outcome of the complaint, normally within one month of its submission, unless the complaint is received during holiday periods, in which case a response should issue not later than one month after the resumption of the term.

If the complaint is upheld, appropriate action to provide a remedy should be undertaken promptly, with due regard to resource constraints.

Where a complaint is not upheld, the reasons should be communicated to the student and to the person complained against in writing.

1.5 Formal Complaints – Written Appeal to member of Executive * Board²

If either party continues to be dissatisfied with the Institute response, s/he should within ten working days of receiving the above response, refer the matter in writing to the Head of School or as appropriate to another member of the Executive Management Board. The appellant should enclose all copies of correspondence exchanged during the earlier stages of the complaints' process.

An appeal at this level will only be considered where:

¹ Heads of Function include: Librarian; Academic Affairs and Student Services' Manager; IT Manager; Estates' Manager

² Director, Registrar

- Fresh evidence can be presented which was not or could not reasonably have been made available to the investigator appointed by the Head of Department / Head of Function or
- The finding of the investigation was against the weight of the evidence.

Receipt of this formal complaint shall be acknowledged in writing within five working days.

Where it has been satisfactorily demonstrated that the student has taken all reasonable steps to resolve the matter, a staff member from within the Institute, who has no material interest in the complaint, will be appointed to carry out an investigation. This investigator may seek to resolve the complaint on the basis of the documentation to hand or may seek a face-to-face meeting with the student and with the person against whom the complaint has been lodged. Each party is entitled to be accompanied by a friend or mentor to such a hearing. Such hearings should be held at a time and date agreed by all parties. Should one of the parties be unavoidably absent from the hearing, this shall be postponed and rescheduled at a time agreed by all parties. The voluntary or unexcused absence of any party shall not provide grounds for the suspension of the hearing.

The investigator will decide whether the complaint is to be upheld or not. S/he will record his/her decision and the reasons leading to it, in a report, which is normally to be submitted to the Head of School / other EMB member within one month of his/her appointment. The Head of School / other EMB member will determine what action, if any, is to be taken and will communicate his/her decision to all parties involved within five days of the receipt of the investigator's report, where practicable. Both parties have the right to receive a copy of the investigator's report.

1.6 Formal Complaints – Written Appeal to the Ombudsman

Following the formal investigation of the complaint by the Head of School / other EMB member, there will be no right of appeal as to the merits of the case. Dissatisfaction as to the outcome shall not constitute an acceptable reason for appeal. However, if either party considers that:

- the complaint was not handled properly or fairly in accordance with the procedures set out above;
- appropriate procedures were not followed in reaching the decision;
- additional information, which was not available at the time of the original decision has since come to light,

either party may submit a letter of appeal to the Ombudsman, appointed by the Institute as an independent arbitrator within ten working days of notification of the decision. All relevant documentation and correspondence relating to the complaint and appeal should be attached to this letter.

The Ombudsman will consider the circumstances of the case on the basis of the documentation presented and having taken such advice as s/he deems necessary, will decide whether there is prima facie evidence to support the claim that the complaint was incorrectly dealt with. If the Ombudsman finds that no such evidence exists, s/he will dismiss the appeal. Should s/he be satisfied, that there is a case for appeal, then s/he must initiate a review. In either event s/he will inform both parties of his/her decision within thirty working days.

Following this review, the Ombudsman will ensure that any appropriate action arising from this review is taken and he will inform both parties.