

## CODE OF GUIDANCE: STUDENT COMPLAINTS AND APPEALS

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### 1. INTRODUCTION

The following Guidance Note seeks to implement the recommendations of the QAA Code of Practice - Student Complaints and Appeals - and to build on the existing procedures operating within Heriot-Watt University and Edinburgh College of Art. This Code forms part of the College's Quality Assurance Framework and has been considered and approved by the Governing Body. The College aims to provide effective procedures for resolving student complaints and for dealing with academic appeals. As intimated in the Student Charter and Code of Practice, the College aims to provide all its students with a full opportunity to raise, either individually or collectively, matters of public concern for them with confidence that such concerns will be dealt with expeditiously, sensitively, and with the weight appropriate to the nature of the complaint or appeal: where matters of privacy and confidentiality are relevant, these will be respected.

The College has attempted to draw up simple, transparent and, in the first instance, relatively informal procedures in the knowledge that for the most part such procedures are in the interests of both the students and staff concerned.

### 2. WHAT IS A COMPLAINT OR AN APPEAL

#### (a) Complaints

Complaints arise where a student is dissatisfied with the provision of goods, services or facilities by the institution or the terms and conditions on which they are offered or the level of performance by the staff undertaking the provision. Complaints may include a concern about the level of academic supervision provided by staff, the conduct of staff in connection with academic work such as studio work, workshop, lectures, seminars and tutorials. Similarly, there may be complaints concerning non-academic provision such as the student accommodation provided through the Welfare and Accommodation Service of Heriot-Watt University, access to the Library or the provision of appropriate language support. While special procedures may apply to some serious complaints, such as potentially criminal behaviour by staff or students, or racial or sexual harassment, as outlined in paragraph 7 to 9, for the most part this Management Guidance Note covers all complaints which may arise within the College.

#### (b) Appeals

Appeals relate to academic matters only and are dealt with separately under Heriot-Watt University Regulations, see in particular Regulation 36 (Student Appeals). Thus the student may wish to consider appealing against the class of a degree award, a failure in an examination or a decision to decline progression to a subsequent year of study until further examinations or studies have been completed.

### 3. GUIDANCE AND ASSISTANCE

Where a student wishes to consider an appeal or register a complaint it will generally be appropriate for him or her to approach the designated mentor/tutor for advice. As an alternative the student may wish to seek guidance from the link person within the School, the Equality Adviser or the Students Union Welfare Adviser. If a complaint arises during a study trip abroad, the member of staff in charge of the trip should be advised in the first instance or, in respect of an ERASMUS exchange, a complaint should be made to the tutor in charge at the receiving institution. It is always open to students to seek the guidance or support of other staff and to be represented by a person of their choice: to avoid expense and delay the College does not encourage legal representation in this respect

#### **4. TO WHOM SHOULD I COMPLAIN?**

In the first instance the student should complain to the person immediately responsible for the service concerned. The responsible person should be listed in the Student Guide and Charter, failing which the Secretary to the College will provide appropriate details.

Normally a complaint should be intimated, either orally or in writing, to the relevant party within five working days of the incident occurring or as soon thereafter as is reasonably practical. While there is no requirement to make a complaint in writing, it is often helpful to identify with some clarity what is felt to be wrong and, in addition, to suggest what action may be appropriate in order to rectify it.

#### **5. WHAT HAPPENS AFTER I HAVE LODGED MY COMPLAINT?**

Once you have made your complaint the responsible person, where it is made orally, may there and then seek to provide a satisfactory explanation and, where appropriate, offer some remedy where this is practicable. If the responsible person needs further information or requires to seek an explanation from others he or she will so advise the student, either orally at the time, or in writing if need be. If you would like a response in writing you may request this. A response to the complaint will be intimated either orally or in writing to the student within 15 days of its receipt.

#### **6. REVIEW OF COMPLAINT DECISION**

Where the student remains dissatisfied concerning how the complaint has been dealt with, he or she may thereafter seek a review of the decision from the Vice-Principal of the College. Such a request must be in writing. It must specify clearly the nature of the original complaint and how it has been dealt with by the responsible person. In addition, the student should explain why he or she is not satisfied and, where practicable, identify what resolution might be appropriate.

The Vice-Principal will either undertake the review himself or ask another senior member of staff to undertake the review and so advise the student. In either case the person undertaking the review will have no direct association with the complaint itself.

Within ten working days of the application for review, the reviewer will seek to discuss the complaint with the student concerned and will also seek to interview all relevant staff, including the member of staff responsible for dealing with the complaint in the first instance. The reviewer will explain the proposed procedure to the student and will seek to address any difficulties in the proposed process which may be raised by the student. The reviewer may seek an informal conciliation between the student and the responsible person, where appropriate, and suggest to the student what that might encompass. It will be for the student to decide, where this has been suggested, or the student wishes to explore this option, whether conciliation on the basis proposed by the reviewer is acceptable.

Whether or not conciliation is sought and obtained, the reviewer will come to a conclusion regarding the process and intimate his/her decision to the student concerned within ten working days of the application for review.

#### **7. DISCIPLINARY COMPLAINTS**

Where a complaint relates to a potential breach of the relevant disciplinary code by a member of staff or fellow student, the student will be so advised: he/she will be advised of the procedure to be followed against the member of staff concerned and what, if any, part he may be asked to play in the procedure and when the outcome might be expected. When the disciplinary procedure has been completed, the student will be advised, in broad terms, of the outcome and of what remedial action was or will be

taken in respect of any damage, loss or inconvenience caused to the student by the alleged breach.

## **8. WHISTLEBLOWING**

In accordance with the Student Guide and Charter (page 31), all students are encouraged to report cases where it is believed that there has been dishonest or improper use of the College funds or College facilities or where there has been malpractice by any College employee in respect of relationships with third parties, such as contractors or consultants, or where there is wilfully discriminatory practice.

In such instances a report should be made by the student to the Principal, the Vice-Principal, the Secretary or the Director of Finance. A complaint against the Principal or senior officers would normally be considered by the Chairman, in the first instance. Such complaint should normally be in writing. The Human Resources Department will provide the name and address of the Chairman. Where the matter relates to the Board of Governors itself, as a body, a complaint should be raised with the Chief Executive of the Scottish Higher Education Funding Council or the Department of Enterprise and Lifelong Learning (Scottish Executive). In all such instances the student's identity will remain confidential where possible.

## **9. DISCRIMINATORY TREATMENT**

The College has a separate Code of Practice relating to equal opportunities and seeks to adopt best practice in protecting the interests of both staff and students to ensure that no person is subjected to the indignity of either direct or indirect discrimination on any unlawful ground, including race, gender and disability. Where a student suspects, or has reason to believe, that any such discrimination has occurred he or she should report the matter in the first instance to the Equality Adviser. The Equality Adviser will advise the student how the matter is then to be pursued.

## **10. ACADEMIC APPEALS**

Heriot-Watt University has entered into an agreement, by way of Ordinance 28, with Edinburgh College of Art whereby it awards degrees to College students undertaking courses which are approved by its Senate. As an associated College of Heriot-Watt University, the College and its students agree to comply with University Ordinances and Regulations generally and, in particular, Regulation 36 (Student Appeals). This Regulation, a copy of which is available in the School office, in the SRC offices or through the Intranet, enables a student appeal in the following circumstances:-

(a) Students for a first degree may appeal to Senate in respect of the rules of student progress. Senate has delegated to the Student Progress Committee (SPC) of Heriot-Watt University full power to resolve appeals relating to progress. A student may appeal directly to the SPC or via the Head of Department or Director of Studies but in making an appeal grounds should be stated and any documentary evidence upon which the appeal is based should accompany the appeal.

(b) A student may appeal against a decision of the examiners and in doing so should write to the Head of School in the first instance as soon as practicable after the decision of the Board of Examiners stating the reason for disputing the decision.

Where the relevant Head of School, having consulted the Board of Examiners and external examiners involved, has intimated the decision on appeal, an appeal statement may be submitted to Senate through the Vice-Principal of Heriot-Watt University at Riccarton. All appeals should contain a full statement including grounds of appeal. Further information concerning such appeals is outlined in Regulation 36.

## **11. VEXATIOUS OR FRIVOLOUS APPEALS OR COMPLAINTS**

Both the College and the University reserve the right to strike out any complaint or appeal that is considered to be vexatious or frivolous and an explanation shall be given to the student when this has been so determined. However, the College will not strike out complaints or appeals solely because of minor procedural deficiencies in the application.

## **12. EXCLUSION FROM APPEAL**

In respect of academic matters it is for the University to determine the legitimacy of an appeal. However, in respect of the academic judgement of examiners on an assessment outcome, or the level of award recommended or granted, claims that academic performance was adversely affected by lack of effective supervision or ill health where there was no contemporaneous independent medical or other evidence to support the application, will not normally be entertained.

Approved 10.7.00