

Appendix H.1 Notes on the Conduct of a Complaint Review Hearing

1. Purpose

The purpose of the hearing is to hear the complaint and to consider the response of the Institution. The panel will determine whether your complaint is justified and whether the department has provided a reasonable response or resolution.

2. Process

The Director of Strategy and Business Operations or a nominee will arrange a complaint hearing following your written request, as stage three of the formal complaints procedure, provided it has met the review criteria in section 2.11(a).

Membership

The Director of Strategy and Business Operations will determine the membership of the panel to include:

- a senior member of staff not previously involved in the complaint as chair;
- two members of staff with no previous involvement directly relating to the complaint prior to the receipt of the appeal;
- one representative of the Students' Union.

The full panel should normally be present to allow the hearing to proceed. The chair may, exceptionally, allow the hearing to go ahead in the absence of some members of the panel, subject to the agreement of the parties, including the complainant.

- a) You may attend and bring a friend or representative (defined as a registered student of the Institution; an officer of the Students' Union or a member of staff of the Institution who is not acting in a legal capacity and not a fellow complainant or witness).
- b) Members of staff named in a complaint will also be entitled to make their cases to the hearing, if they wish: each member of staff is entitled to be accompanied by a friend or a union representative (not acting in a legal capacity). Up to two Institutional representatives may attend the hearing to respond to the complainant's case.
- c) It is subject to the discretion of the panel to interview anyone involved with the complaint.
- d) Notice of meeting

The parties will have a minimum of five calendar days' notice of the hearing wherever possible.

- e) Conduct of meeting

The hearing will ordinarily be conducted as follows (indicative format) although the panel has discretion to operate as it sees fit depending on the circumstances:

- Introduction of those present and explanation of the format and purpose of the hearing.
- Agree the extent of the documentation and other material evidence that will be considered as part of the hearing and confirm that all parties have the material (NB: no new evidence is admissible at this time).
- You or your representative will state the complaint and provide a supporting statement (indicative time: 10-15 minutes).

- Opportunity through the chair for panel members and departmental representatives to question you or your representative
- The faculty or department representative responds (indicative time: 10-15 minutes)
- Opportunity - through the chair - for you and panel members to question the Institutional response
- Summing up by the faculty or department representative (five minutes)
- Summing up by you or your representative (five minutes)
- Adjournment - chair and panel to consider the submission in private

NB both you and the institution may be required to provide additional information of clarification of matters to the panel, with all parties having access to any new information.

f) Documentation and evidence

The panel will have access to all prior correspondence and the results of the initial investigation. You will receive copies of all documentation used in consideration of the complaint. The Institution will take reasonable and proportionate steps to identify all relevant information: It will not provide the student with documentation it deems irrelevant to the complaint. The Institution will, however, reserve the right to withhold the early release of information that is being used in an investigation, if disclosure is likely to prejudice the conduct of the Institution's business or the rights of another individual.

You and the department involved in the complaint are allowed to provide written statements in advance of the meeting which will be considered with the previous documentation. Such statements should be received by the Director of Strategy and Business Operations at least ten calendar days prior to the date of the meeting.

All information considered in relation to the review will be dealt with confidentially and will only be disclosed to those parties involved in the investigation or the resolution of the complaint, or as required by law.

g) Conclusions and recommendations

The panel may:

- uphold the complaint, making any recommendations to the Institution
- determine that the faculty or department has no case to answer:
- determine that the complaint was investigated reasonably and in line with Stage Two of the formal complaints procedure:
- request supplementary information before reaching a decision. You will be advised of this requirement in writing. Upon receipt of any supplementary information the panel will inform you and confirm its decision in writing. In such cases you will not be required to attend a further meeting.
- decide whether to recommend consideration of disciplinary action against staff or students. Where the investigation of a complaint gives rise to a formal investigation under the disciplinary procedure (Appendix H.4.9), the students or staff concerned will be advised of their rights under that procedure.

The Director of Strategy and Business Operations or a nominee will communicate any conclusions and recommendations in writing to you and the department, with a copy to the Nominated Officer and the Registrar, within five calendar days of the hearing. Where the academic appeal is refused at this stage a Completion of Procedures letter will be sent to the student advising them of their rights to request a review by the Office of the Independent Adjudicator.