

## EXETER COLLEGE

### Complaints Procedure for use by Student Members

#### Introduction

1. Exeter College fosters a sense of community in which the rights and dignity of all its staff and students are respected. It is grateful for feedback from its members and it takes seriously complaints about any aspect of its operation. Wherever possible, the College endeavours to resolve complaints promptly and locally.
2. The Complaints Procedure outlined below is intended to be followed by current students, and former students (in the case of former students, complaints should normally be made within three months of being granted Leave to Supplicate or otherwise completing their studies), in cases of disagreement with regard to matters including
  - Domestic matters (e.g. accommodation and services, including catering);
  - Financial matters (e.g. battels for fees and domestic charges, student support);
  - Academic matters (e.g. award of prizes, tutorial arrangements).
  - Welfare matters (e.g. provision of welfare services)
  - Matters not otherwise covered by other College complaints and/or appeals policies

Typically, complaints will refer to isolated incidents and the provision of services by the College, which have a direct impact on the person making the complaint. Matters of general concern about College actions or policy should be raised through JCR or MCR representatives.

3. This policy does not apply to reported breaches of the student disciplinary code, to complaints about harassment (e.g. bullying, victimisation, racial or sexual harassment: for the College's harassment policy see the *Green Guide*), or to reported criminal offences.
4. This policy does not apply to appeals against the outcome of a general disciplinary procedure, or of an academic disciplinary procedure, or of the College's fitness to study policy: these have their own procedures set out in the *Red Book*.
5. This policy does not apply to complaints or appeals against decisions taken by the University.
6. Complaints about JCR or MCR matters should follow the procedure outlined in the constitution of the relevant common room.
7. Anonymous complainants or complaints made on behalf of someone else will not be considered unless there are compelling reasons for doing so. Such reasons should be clearly stated. Raising a concern anonymously may affect the way that the College can investigate the issue, and limit how it can respond to and support the students concerned. Complaints that are not anonymous will still be treated confidentially as far as possible.
8. Disciplinary action may be taken against anyone who victimises or retaliates against a student who brings a complaint in good faith, and against any student who brings malicious or vexatious complaints.
9. Students will not be penalised for raising a complaint about something they are genuinely concerned about, even if those concerns turn out to be misplaced.

10. Students in need of advice in the interpretation of this policy are encouraged to speak to the Academic Registrar.
11. The majority of cases will normally be settled by the complainant resolving their grievance directly with the relevant tutor, college staff member or departmental manager. Where this has been attempted and resolution is not possible, complainants can adopt an early resolution procedure, and a formal procedure is also available where a complainant wishes to register a written grievance. Following the end of the formal procedure, the complainant, or the subject of a complaint, may apply for a review of the decision by the Rector. Details on each of these three procedures are set out below.

### **Early Resolution Procedure**

12. Under the Early Resolution procedure, the student member is asked to raise their complaint with the relevant College Officer:
  - for academic matters: the Senior Tutor
  - for issues involving domestic College staff and services e.g. food and accommodation and related financial matters; security; reception services (Turl Street Porters' Lodge / Cohen Quad Front Desk); maintenance: the Domestic Bursar
  - for financial and computing matters: the Finance & Estates Bursar
  - for matters pertaining to the Development and Alumni relations Office: the Director of Development & Alumni Relations
  - other behavioural and general disciplinary matters (including Junior Deans): the Sub-Rector
  - for matters pertaining to the Library: the Librarian
  - for matters pertaining to sports facilities: the Domestic Bursar
  - for welfare matters: the Welfare Lead
  - for matters pertaining to the Chapel: the Chaplain
  - for matters relating to provision for disabled students: the Disability Lead
  - for matters relating to the College's implementation of "Prevent" legislation, including the application of its external speakers policy: the Prevent Lead
  - for complaints about a College Officer, excluding the Rector or Sub Rector: the Sub Rector
  - for complaints about the Sub Rector: the Welfare Lead
  - for complaints about the Rector: the Finance and Estates Bursar
13. In case of doubt about the appropriate College Officer the Sub-Rector will advise.
14. Early Resolution is intended to encourage discussion and understanding of the problem, and may lead to its resolution without submission of a formal complaint. The complainant can be accompanied to any meeting held under the Early Resolution procedure by another member of College.
15. To resolve the complaint the relevant Officer will normally arrange a meeting with the complainant and:
  - seek to offer helpful and confidential advice
  - try to find a remedy, or a reconciliation (in cases where relations have broken down between individuals, and the complainant does not object to this course);
  - note the withdrawal of a complaint where the complainant decides to do so;
  - record the outcome in a written response to the complainant.

## Formal Procedure

16. All formal complaints must be made in writing via email to the Sub-Rector, or the Finance and Estates Bursar if the complaint is about the Sub-Rector.<sup>1</sup> The formal procedure will normally be used only when the informal procedure has not achieved a resolution. In cases where the complainant has adopted the formal procedure immediately, it will be open to the Sub-Rector to refer the complainant back to the informal procedure.
17. Formal complaints will not normally be considered more than three months after the occasion of the complaint, or in cases when the matter is being addressed under another College procedure. A complainant seeking to bring a complaint outside the normal three-month time period must include with their formal complaint the reason(s) for the delay.
18. The College will endeavour to complete consideration of a formal complaint, and any associated Review, within 90 days of the complaint being received. If, for good reason, this timeframe needs to be extended, the student will be informed and regularly updated on progress.
19. A formal complaint should be set out clearly and concisely, and should include:
  - An account of what has given rise to the complaint, together with dates and times, and names of those involved (if known).
  - Evidence to support the issues raised, where possible. The College may take steps to verify the evidence if necessary.
  - The details and outcome of Early Resolution procedure already pursued by the complainant, or an explanation of why that procedure was not pursued in this case.
20. Complainants should try to include all the information and available evidence when sending in their formal complaint. If new evidence comes to light before the complaint is decided, the student may request for it to be taken into account.
21. Within ten working days of receiving the formal complaint, the Sub-Rector will inform the complainant whether or not the complaint is being taken forward, and will provide an explanation if not. If, in the Sub-Rector's view, the complaint is more appropriately heard under another College policy, the Sub-Rector will direct the student to that policy, and the complaint will not progress further.
22. The Sub-Rector may seek to meet with the complainant at this stage to clarify any aspect of the submission that is not clear. The Sub-Rector may request further information, setting a reasonable deadline, before deciding whether to take the complaint forward. In such a case the time limit of ten working days set out in the previous paragraph shall not apply.
23. If the complaint is taken forward, any subject of the complaint will be entitled to receive a copy of it.
24. If a formal complaint is taken forward, the Sub-Rector will appoint an *ad hoc* committee of three people, including at least two members of Governing Body, and not including the

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<sup>1</sup> If a complaint is made about the Sub-Rector, then the role given to the Sub-Rector in all of the following elements of the formal procedure will be played by the Finance and Estates Bursar.

student's tutor(s), college adviser, or any person previously involved in the procedure, to hear the complaint. The Sub-Rector, unless they have already been involved in the case, will normally serve on the committee as one of its three members. All those appointed will be bound by the requirements of confidentiality.

25. The complainant, and any subject of the complaint, will be informed of the composition of the committee, and the identity of any appointed investigator, in writing. They will be given an opportunity to object to the appointment of any member of the committee, or of the investigator. Confidential material will not be provided to the committee or the investigator before any such objections have been settled.
26. The committee's investigation of the complaint will be guided throughout by the principles of fairness and proportionality.
27. The committee will have the power to investigate the complaint, and to request relevant information from any member of the College likely to have it. The committee may question any evidence provided to it.
28. The committee may appoint an investigator to investigate the complaint on its behalf. The investigator may be a member of the committee, or another person appointed for the purpose. The investigator does not need to be a member of the College. Responsibility for deciding the complaint remains with the committee.
29. The complainant, and any subject of the complaint, shall be entitled to see any evidence considered by the committee, except that confidential information not relevant to the complaint shall be redacted.
30. Both the complainant and any subject of the complaint will be entitled to make representations to the committee. The format of those representations will be decided by the committee.
31. The committee may invite the complainant, or the subject of the complaint, to a meeting. The complainant, and any subject of the complaint, may request such a meeting with the committee; whether such a request is granted is a matter for the committee to determine (subject to the requirements of the following paragraph).
32. If the committee meets with the complainant, any subject of the complaint will also be entitled to a meeting with the committee, should they want it; likewise, if the committee meets with the subject of the complaint, the complainant will also be entitled to a meeting with the committee, should they want it. At least five working days' notice of any such meeting will be given; this notice will include the names, roles and job titles of all those who will be present at the meeting, and an outline of the procedure that will be followed.
33. The format and procedure of any meeting held by the committee will be determined by the committee itself. Notes will be taken, setting out who attended, with a brief outline of what took place.
34. Both the complainant and any individual named as subject of the complaint may be accompanied by another member of College (or, in the case of the subject of the complaint, by a trade union representative) to any meeting convened by the committee to which they are invited.

35. There will not normally be any right to legal representation, either for the complainant or for any subject of the complaint. Application for exceptions to this rule must be made in writing to the committee, which will consider the matter carefully; if an exception is granted, it will apply both to the complainant and to any subject of the complaint.
36. The committee will normally reach a decision on the complaint not more than thirty days after receiving it. By the same date the committee will write a report stating and explaining their conclusion.
37. If a complaint is upheld (wholly or partially), the committee may require appropriate redress or restitution. Whether or not the complaint is upheld, the committee may recommend appropriate changes to College policy as it feels is necessary.
38. A copy of the committee's report will be given to the complainant and to any subject of the complaint, together with information on how to apply for a review of the decision. If no request for review of the decision is made within 5 working days, a copy will be given to the appropriate College Officer or Head of Department (as determined by the committee). The College Officer or Head of Department receiving the report will carry out any appropriate restitution or redress required by the committee, and consider any policy recommendations.

### **Review Procedure**

39. In the event that a complainant, or the subject of a complaint, is unhappy with the decision of the committee, they may apply for a review. Such application must be made in writing to the Rector within 5 working days of the decision of the committee being communicated to them. The application should set out clearly the reasons why a review is being applied for, taking into consideration the scope of the review procedure (next paragraph).
40. The review will be undertaken by the Rector, who may take advice. If the complaint is about the Rector, the review will be undertaken by the most senior available fellow who has not already been involved in the case.<sup>2</sup> Application for review of an outcome of the formal procedure may be made only for one or more of the following reasons:
  - The formal procedure was not correctly followed
  - The decision of the committee was perverse in the light of the facts
  - Relevant new evidence has come to light, which could not reasonably have been produced during the formal procedure, and which is likely to have had a material effect on the decision of the committee.
41. If the Rector determines that the application for review fits within the scope outlined in the previous paragraph, and is timely, it will be considered. If an application for review made by the complainant is considered by the Rector, any subject of the complaint will be entitled to see the application, as well as any new evidence, and to respond in writing to the Rector. If an application for review made by the subject of the complaint is considered by the Rector,

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<sup>2</sup> If a review is undertaken into a decision of a committee concerning a complaint made about the Rector, then the role given to the Rector in all of the following elements of the review procedure will be played by the most senior available fellow not previously involved in the case.

the complainant will be entitled to see the application, as well as any new evidence, and to respond in writing to the Rector.

42. As part of the review, the Rector may question and seek evidence from the committee which considered the formal complaint, from the complainant, and from any subject of the complaint. The Rector may also investigate any new evidence that is brought to light, or appoint an investigator to do so.
43. The review will be completed no more than 30 days after the request for review was made, and its results, together with a written explanation, communicated to the committee, the complainant, and any subject of the complaint.
44. The outcome of the review may be either to uphold (wholly or partially) the decision of the committee, to overturn (wholly or partially) the decision of the committee, or to refer the matter back to the committee for reconsideration.

#### **Office of the Independent Adjudicator**

45. If a complaint remains unresolved after the College's internal procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (OIAHE; see [www.oiahe.org.uk](http://www.oiahe.org.uk) for further information). Application forms and guidance notes are available from Exeter College's Academic Office. Please note that complaints relating to student discipline and academic matters are also within the scope of the OIAHE. However, complaints relating to matters of academic judgement (i.e. about academic performance) or admissions cannot be dealt with by the OIAHE.

#### **Monitoring Arrangements**

46. The College Secretary, on behalf of the Rector, will keep a register of the number of complaints made using the formal procedure in an academic year, and a summary of numbers and outcomes will be collected submitted to the Governing Body via the Education, Research, and Welfare Committee, along with recommendations for any action required in response to the issues identified in complaints. The register will indicate how many formal complaints have been registered, what stage they reached, and whether or not they were upheld.

By College Order 23/100, this policy was approved by Governing Body 1<sup>st</sup> November 2023 and is to be reviewed by 30<sup>th</sup> June 2026, and was also approved for display on the website