

## Athlone Institute of Technology Student Complaints Procedure

*Status:* **FINAL**

<b>Document title: Athlone Institute of Technology Student Complaints Procedure</b>			
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<b>Originator: Dr Joseph Ryan &amp; Ms Sarah La Cumbre</b>		<b>Status: FINAL</b>	
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2	12.09.2012		
3	26.11.2012	To incorporate the various suggestions made by institute staff and students following open call in October 2012. The changes recommended and responses to same are available on a separate sheet provided to the ASQ members.	To be tabled at ASQ on 07 December 2012. Approved.
4	09.01.2012	Revisions on foot of the approval by the ASQ in December 2012	Academic Council 17.05.2013 and forwarded to Governing Body June 2013
5	24.05.2013	Pending approval by Governing Body on 19.06.2013	
6	19.06.2013	Approved by Governing Body	

# **Athlone Institute of Technology Student Complaints Procedure**

## **1. Introduction**

- 1.1 Athlone Institute of Technology is wholly committed to excellence in education and to providing a supportive, fair, and appropriate environment in pursuit of the highest educational attainment and holistic development of our students. While we strive for excellence in all areas, it is recognised that an appropriate and fair mechanism for complaint may be required by students from time to time.
- 1.2 This complaints procedure is set out as a staged approach offering any student who feels they have a grievance a recourse that is initially informal and then, where early resolution is not possible, a formal route by which the complaint may be heard.
- 1.3 If you have a complaint about an individual, an institute department or service (perhaps, the teaching or supervision which you are receiving; the academic provision or support facilities that you are using; other support facilities or services provided by the institute), the first step is to take this up with the officer or body responsible for managing the academic programme or facility or service concerned. You may want to make a complaint yourself (ultimately in writing), or get support from someone like your academic manager, programme coordinator, subject tutor, supervisor, member of the AIT Students' Union, or a member of the Student Services staff. Where such resort does not satisfy the complaint, this policy is there to support you and to offer you a staged recourse.

## **2. Purpose, Definition, and Exclusions**

- 2.1 AIT is committed to ensuring that students have a positive student experience. The purpose of this AIT Student Complaints Procedure is to offer recourse to the student and to allow the institute to resolve, in a fair and timely fashion, any legitimate complaints which a student may enter in relation to certain interpersonal dealings and to the provision of courses and services to them. This policy does not cover appeals of grades for examinations or assessments; this is covered through the Appeals Process. Nor does this policy cover appeals against decisions taken by a disciplinary committee; a separate appeal mechanism is in place in such a circumstance.

2.2 Athlone Institute of Technology defines a student complaint as a complaint levelled by a student against another student, a member of staff, or a service or facility of the institute. For the purpose of this complaints procedure, a student is understood as a person who has been accepted to study at the institute, is registered, and is in good standing with the institute. The complaints procedure can be utilized by a former student who has left the institution within the last three calendar months.

2.3 For the purposes of this procedure, a student in good standing is defined as one who is observing the academic and associated requirements of the college.

### **3. Initial informal process**

3.1 Students are advised to voice concerns or to register the nature of a complaint as soon as possible. This will allow all concerned to seek informal resolution and conciliation if possible; this can facilitate early resolution. Experience shows that raising an issue can often resolve a problem quickly and informally. Some complaints are founded in misunderstanding or disagreement and can be resolved through non-prejudicial discussion between parties. This obviates the need for formal recourse. Accordingly it is advised that all student complaints be considered informally in the first instance unless the nature of the complaint is such as to warrant formal management from the outset. A student can register a complaint in the first instance verbally; a written statement is required if the formal stages are invoked.

3.2 Schools, research centres, and functions are proactive in offering to facilitate informal resolution and a complainant is encouraged to engage with such informal channels in the first instance.

3.3 Students wishing to voice initial concerns will find assistance readily available; this can be provided by academic staff within their own school, by support staff as listed below, or through the offices of the Students' Union. At first, a complaint may be resolved with the support, involvement, or intervention of an institute officer. Students wishing to make a complaint, or to appeal against a decision already made, are therefore encouraged, in the first instance, to consult and seek the advice of either:

1. an appropriate institute officer - for example, an academic manager, lecturer, or mentor
2. or, a member of the Student Services department, Counsellor, Disability Officer, or College Chaplain,
3. and the AIT Students' Union is also prepared to give advice and support and can advise on where a complaint might best be initially directed.

#### **4. Scope & General advice**

- 4.1 Some complaints are specific and relate to particular academic domains. Others have general applicability. As above, all students are expected, and encouraged, to exhaust informal routes wherever possible, and to use the correct procedure to register and pursue a complaint. That procedure is set out below.
- 4.2 Please note that complaints against matters of academic judgement are largely outside the scope of this procedure. Academic judgement is defined here as the scholarly and professional knowledge and expertise which members of institute staff and extern examiners draw upon in reaching an academic decision. Such academic judgement therefore includes, but is not restricted to, determinations concerning academic standards attained, marks and grades to be assigned, and award classification. The separate examination appeals process can be employed to review matters of academic judgement. This can be found in Section N of the institute's *Standards, Assessment, & Awards* (March 2011).  
<http://www.ait.ie/media/athloneit/formsanddocuments/quality/Standards,-Assessments-&-Awards-4.3.11.pdf>
- 4.3 It is also advised that there are separate and discreet mechanisms for concerns raised in respect of such as disability and illness. Such mechanisms can also cover matters of interpersonal relationships which might best be dealt with under such as the Anti-Harassment Policy.<sup>1</sup>
- 4.4 This procedure does not cover complaints regarding the release or withholding of information under the Data Protection or Freedom of Information Acts.

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<sup>1</sup> The current Anti-Harassment Policy is not suitable for this purpose in that it focuses exclusively on staff. The recommendation here is that this be extended to cover the whole learning community.

- 4.5 This procedure is available to all registered students of the institute who are in good standing with the institute. The procedure is also available to any person who was a registered student but who has graduated or who has otherwise left the college providing that any such complaint is made within three months of the individual so leaving and that the acts or omissions being complained of occurred whilst they were a registered student in good standing with the institute.
- 4.6 In respect of collaborative provision, the procedure does not apply to complaints raised by students enrolled with another institution on a programme leading to an award of, or validated by, AIT, where the matters complained of occurred at, or were the responsibility of, the other institution.
- 4.7 No complainant registering a genuine complaint will be disadvantaged by having raised such a complaint.
- 4.8 Complaints of a criminal nature will be referred to the Gardaí.

## **5. Confidentiality and Impartiality**

- 5.1 It is important that students have confidence in this procedure. All complaints will be handled sensitively and with due consideration to confidentiality for all parties concerned, be they staff or students. The institute proposes to deal with all such complaints in an impartial manner.
- 5.2 Complaints will remain confidential to those directly involved in the investigation, and determination, of the complaint. In natural justice, any respondent named in a complaint is entitled to be informed of the substance of the complaint and the identity of the complainant. That respondent will always have a right of reply as part of the investigation. Only in *exceptional circumstances* will the identity of the person making the complaint be concealed from the person against whom the complaint is made.
- 5.3 Please note that all staff and students who become aware of any of the names or issues involved in a formal complaint are required to keep this information confidential except insofar as is necessary to progress, investigate, or respond to the complaint. Failure to respect this may itself lead to disciplinary action.
- 5.4 The institute undertakes to administer complaints in a timely fashion and timelines are stated under the staged procedure below.

- 5.5 Where a student is interacting with staff in a formal phase as indicated in this procedure, that student can be supported by a colleague, friend, or a member of the students union. As with the disciplinary procedure, such support cannot be provided by a member of staff.
- 5.6 Where a complainant in a formal phase of this procedure is under the age of 18, they should be supported by an advocate. The Institute will support such a student where necessary.

## **6. Vexatious or Mischievous Complaints**

- 6.1 Where a complaint lodged is found to be vexatious or mischievous, this may lead to disciplinary action against the individual or individuals making such a complaint. Similarly, any student who makes a false, frivolous, or malicious complaint will be dealt with under the institute's disciplinary procedure.
- 6.2 A vexatious or mischievous complaint refers to a complaint which has no basis in fact and is lodged by a student with that full awareness.
- 6.3 Claims expressed in abusive, harassing, and threatening or vilificatory language will not be accepted.

## **7. Lodging a complaint**

- 7.1 A complaint can be lodged by an individual or by a group. The advices provided above apply. As with 5.2 above, normally an anonymous complaint will not be entertained. There may be exceptional circumstances where the institute deems it appropriate to investigate or to take action on the basis of an anonymous complaint. The decision to investigate such a complaint will be made by the Academic Registrar.

## **8. Supporting documentation**

- 8.1 A student lodging a complaint under level 2 (formal stage) as set out below is required to submit all supporting documentation along with a written statement of complaint.

## 9. Staged Procedure

9.1 The procedure consists of three stages or levels. As above, the first stage is the informal stage and encourages informal resolution. Only if this has proven unsuccessful should the subsequent formal levels be pursued.

### Level 1

1. Any student contemplating a complaint is advised in the first instance to seek advice. This will readily be provided by
  - an appropriate institute officer - for example, an academic manager, a lecturer, or mentor
  - or, a member of the Student Services department, Counsellor, Disability Officer, or College Chaplain
  - an officer of the Students' Union
2. Following such advice and wherever possible, issues or complaints should be raised immediately with the member of staff responsible, or with one of the support services below, with the aim of resolving the problem and informally:
  - One of your Student Advisors
  - An Officer of the Students' Union
  - A Class Representative
  - The Student Services Manager or another Student Services Officer
  - Your Head of Department or School
3. Level 1 will generally be an oral process and a written record will not be made.
4. If you remain dissatisfied with the response to your complaint at Level 1 you should use Level 2 of the process.

5. On recommendation from Academic Council, schools and functions in receipt of complaints should keep a record not of the detail, but of the number of such complaints in order to alert managers to any trends that may require attention. This should include a record of the date.

## Level 2

1. Where it has not been possible to resolve matters at Level 1 you should lodge a formal complaint in writing addressed to the Academic Registrar. In order for your complaint to be properly investigated it is essential that you are specific about the case and nature of your complaint. You should present full details, including your name, student number, and term-time address and include all relevant documentation. You should detail what attempts you have already made to resolve the complaint, and state what outcome and remedy you are seeking. This should include the outcome of the informal process (Level 1). Please note that the submission in this case must be in writing.
2. Formal (Level 2) complaints should be lodged within *three months* of the conclusion of the informal (Level 1) phase. Complaints received later than this will not normally be considered. You should expect to receive an acknowledgement of the receipt of your complaint within five working days.
3. Be advised that your complaint, and all relevant documentation, will be forwarded to your Head of School (for an academic complaint) or to the Student Services Manager (for a non-academic complaint).
  - Academic complaints relate to issues that have a direct effect on the provision of teaching, learning, research, and supervision.
  - Non-academic complaints usually relate to issues connected with the institute's services but may also cover any inappropriate behaviour from institute staff, including allegations of behaviour which might be considered discriminatory or harassing. Note that depending on the nature of the complaint, some cases may more



appropriately be handled under the institute's Anti-Harassment Policy (see 4.3 above).

If the Head of School or Student Services Manager has already been involved at Level 1, an appropriately senior alternative member of staff will be identified to deal with the Level 2 investigation. Please note also that any respondent named in a complaint is entitled to be informed of the substance of the complaint and the identity of the complainant.

4. In some cases you may be contacted for further information or clarification and you have the right to request a meeting with the person investigating your complaint, to discuss the issues in person.
5. You will be informed, in writing, of the outcome of your complaint. It is our aim to resolve most complaints at Level 2 within 28 days. You will be informed if, for any reason, there is likely to be any delay in the process.

### **Level 3**

1. In the event that you remain dissatisfied with the outcome at Level 2, your complaint can be passed to the Academic Registrar for final internal review. Such dissatisfaction must be based on a firm grounding (see below). You should lodge your request for Level 3 review of your complaint within one month of receiving the outcome of the Level 2 investigation. Requests for review received later than this will not normally be considered.
2. Requests to review the outcomes of Level 2 investigations will be considered in terms of whether any of these conditions are met:
  - There were procedural irregularities in the investigation of the complaint; or

- Fresh evidence can be presented which was not, or could not reasonably have been made available to the investigator at Level 2; or
  - The finding of the investigation was against the weight of the evidence.
3. If the Academic Registrar is satisfied that any or all of the above conditions apply s/he will undertake a further investigation of the complaint. The Academic Registrar will establish a Complaints Board to review the case. The Complaints Board will consist of:
- A chairperson, appointed by the President of the Institute
  - Two members selected from the Academic Council as nominated by the Academic Registrar
  - One Students' Union Representative.
4. No person who is a complainant or defendant or who has any previous involvement in a particular case shall be entitled to act as a member of the Complaints Board.
5. You will be notified of the outcome of the investigation of the complaint at Level 3 in writing. The decision of the Complaints Board shall be final and shall be formally communicated to the complainant.

## **10. Office of the Ombudsman**

Where you feel that you have been unfairly treated and are not satisfied with AIT's decision on your consequent complaint, it is open to you to contact the Office of the Ombudsman. By law the Ombudsman can investigate complaints about any of AIT's administrative actions or procedures as well as

delays or inaction in your dealings with AIT. The Ombudsman's overview does not include complaints relating to academic judgements.

The Ombudsman provides an impartial, independent and free dispute resolution service.

Contact details are as follows:

- Office of the Ombudsman  
18 Lower Leeson Street  
Dublin 2  
Tel: Lo-call 1890 22 30 30  
Tel: 01 639 5600  
Fax: 01 639 5674  
Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)  
[www.ombudsman.ie](http://www.ombudsman.ie)
- Ms. Mary Duffy,  
AIT Liaison Officer for the Office of the Ombudsman.  
Tel: 090 6468117  
Email: [mduffy@ait.ie](mailto:mduffy@ait.ie)