

HENLEY MANAGEMENT COLLEGE

COLLEGE REGULATIONS

REGULATION N° AR9

COMPLAINTS PROCEDURES

TO BE FOLLOWED BY PROGRAMME PARTICIPANTS

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AR9.1 General Considerations

AR9.1.1 *Scope*

- (a) This Regulation covers procedures for the resolution of any complaint which may be lodged by a programme participant concerning:
 - (i) any decision of the College, or other collaborating organisation including Brunel University, an Accredited Centre or an Associate Organisation affecting a programme participant;
 - (ii) any conduct or decision of a member of the staff or group of members of the staff of the College, or of any other collaborating organisation including Brunel University, an Accredited Centre or an Associate Organisation which may be detrimental to the proper relationship between programme participants and members of staff;
 - (iii) any conduct of another programme participant or group of programme participants which may be detrimental to the proper relationships between programme participants.
 - (iv) the provision of academic or administrative services and facilities by the College or of any other collaborative organisation including Brunel University, an Accredited Centre or Associate Organisation
- (b) These procedures shall not be applied to any matter which has been or is to be the subject of an appeal against a decision by any examiner(s) or Board of Examiners under College Regulation AR6 (for students registered for an award of the College) or Senate Ordinance 13 of Brunel University (for students registered for an award of the University).
- (c) No matter which has been or is to be the subject of a hearing and/or an appeal under the College's disciplinary procedures as prescribed in Regulation AR8 shall be considered under these complaints procedures.
- (d) programme participants who are registered for an award of Brunel University and who have exhausted the College's complaints procedures under this Regulation will not have recourse to the University's complaints procedures.

AR9.1.2 *Confidentiality*

Any matter which is subject to these procedures shall be treated in confidence, in so far as this is consistent with other parties' right to know of any allegations that are made against them.

AR9.1.3 *Academic Judgement*

No alleged complaint which calls into question the academic judgement of any member of staff or that of any examiner(s) or Board of Examiners shall be considered under this Regulation.

AR9.1.4 *Nature of Complaints/Allegations*

- (a) Programme participants who lodge a complaint in good faith will not be disadvantaged as a consequence of their decision to complain.
- (b) If any programme participant makes an allegation under this Regulation which is judged to be either malicious, frivolous or irresponsible by the Principal and the College Secretary the complaint will be dismissed and the programme participant may be subject to the College's disciplinary procedures as prescribed in Regulation AR8.
- (c) Anonymous or third party complaints will not normally be considered.

AR9.1.5 *Rights of Individuals*

- (a) A programme participant shall have the right to be accompanied by a friend who may represent the programme participant at each stage of the complaints procedures.
- (b) Any person(s) against whom a programme participant has lodged a complaint shall have the right to receive a copy of any allegations, statements and supporting documentation relevant to the case.
- (c) Any person(s) against whom a complaint has been lodged shall also have the right to be accompanied by a friend who may represent the person at each stage of the complaints procedures.
- (d) No programme participant lodging a complaint, nor any person(s) against whom a complaint may be directed, nor the College, nor any other collaborating organisation including an Accredited Centre or an Associate Organisation, shall be represented by a professional legal practitioner at any stage of these procedures.

AR9.1.6 *Distance Learning or e-Learning*

- (a) The procedures for considering any complaint by a programme participant in a programme delivered through distance learning or e-Learning shall be modified in such manner as to take account of the nature of the relationship and communications between a programme

participant and the College or any collaborating organisation including an Associate Organisation or an Accredited Centre.

- (b) Any changes in the procedures, including the waiving of any requirement to attend any meeting in person, shall in no way prejudice the rights of any programme participant or of any person(s) against whom a complaint may be directed.

AR9.2 **Stages**

AR9.2.1 *Informal Stage*

- (a) Before invoking the formal procedure prescribed in this Regulation, the aggrieved programme participant should discuss the matter informally with his or her Director of Studies or Programme Director in order to establish whether a satisfactory resolution can be achieved and, where possible, to effect a resolution.
- (b) Where a programme participant's Director of Studies or Programme Director is the subject of the complaint or where the programme participant is dissatisfied by the outcome of discussions with the Director of Studies or Programme Director, the programme participant should discuss the matter informally with the Director of Graduate Qualifications Programmes or Director of Research as appropriate, in order to establish whether a satisfactory resolution can be achieved and, where possible, to effect a resolution. Complaints must be raised promptly and normally no later than one month after the events or circumstances which gave rise to the complaint.
- (c) If a matter is resolved to the satisfaction of the programme participant at this informal stage, the complaints procedure invoked by the programme participant shall be deemed to have been concluded.

AR9.2.2 *Formal Stage*

- (a) Where the matter is not resolved to the satisfaction of the programme participant at the informal stage, the programme participant shall submit to the College Secretary (or nominee) a written statement setting out: the nature of the complaint; the conduct, actions and/or decisions which have resulted in the complaint; the names of any person(s) against whom the complaint is directed; the names of the friend and/or witness(es) of the programme participant. The programme participant should also indicate the nature of the remedy which s/he seeks, but this will not prejudice the final remedy determined. Any supporting documentation which the programme participant wishes to present shall be submitted with the statement. Formal submissions must be made within 21 days of notification of the outcome of the informal stage in AR9.2.1.

- (b) The College Secretary shall, within 21 days of receipt of the written statement and other documentation, arrange for a formal meeting to consider the matter and shall request the following to attend:
 - (i) the programme participant, accompanied by a friend if so wished;
 - (ii) any person against whom the complaint has been directed, accompanied by a friend if so wished;
 - (iii) any witness(es) named by the programme participant and/or by the person(s) against whom the complaint is directed.
- (c) If the programme participant is unable, by reason of distance or other good cause, to attend the meeting it may proceed in the absence of the programme participant but that absence shall in no way prejudice consideration of the complaint.
- (d) The programme participant, any person(s) against whom a complaint has been directed, and any friend(s) respectively accompanying them, shall be entitled to be present throughout the meeting but any witness(es) shall remain after having given evidence only with the unanimous agreement of the programme participant and the person(s) against whom the complaint is directed.
- (e) The meeting shall be conducted as follows:
 - (i) by an arbitrator of appropriate standing, experience and impartiality, nominated by the Principal;
 - (ii) the College Secretary (or nominee) shall be in attendance and shall maintain a record of the meeting;
 - (iii) the programme participant (or friend) shall present the complaint;
 - (iv) the person(s) against whom the complaint is directed (or friend(s)) shall be invited to respond;
 - (v) the arbitrator shall question the programme participant (or friend) and each person against whom the complaint is directed (or friend(s));
 - (vi) each witness (if any) shall be invited, in turn, into the meeting to give evidence and then to be questioned first by the person (or friend) for whom he or she is appearing; then by the other person(s) (or friend(s)) concerned in the complaint; and finally by the arbitrator.
- (f) The arbitrator shall reach his/her decision in private, in consultation with the College Secretary. The arbitrator shall determine the nature of the remedy in the case of a complaint which has been upheld, which might include a full explanation and apology, adjustment of

decisions relating to registration status, financial compensation or refund of fees, disciplinary action against another programme participant or a member of staff etc. Any remedy shall be implemented as speedily as possible.

- (g) The College Secretary (or nominee) shall inform the programme participant and any person(s) against whom the complaint was directed of the arbitrator's findings in writing within 7 days of the meeting.

AR9.3 **Substantial New Evidence**

AR9.3.1 Where substantial new evidence arises which could not be submitted to the formal meeting and which might have influenced the decision of the arbitrator, the programme participant may request that such new evidence be considered.

AR9.3.2 Any request for consideration of new evidence shall be submitted in writing by the programme participant to the College Secretary (or nominee) no longer than 21 days after the evidence arises. The written request shall set out the nature and substance of the new evidence in full.

AR9.3.3 Within 14 days of receipt of the written request, the College Secretary (or nominee) shall arrange for the new evidence to be considered. Normally the evidence shall be considered by the arbitrator nominated to conduct the original formal meeting.

AR9.3.4 Where the original arbitrator is not available or otherwise not able to consider the new evidence, the Principal shall nominate an alternative arbitrator to act in the stead of the original nominee.

AR9.3.5 The arbitrator, or the alternative arbitrator acting in his or her stead, shall determine the procedure for consideration of the evidence save that, as far as appropriate and practicable, it shall follow the procedure prescribed in these Regulations for the conduct of the original formal meeting.

AR9.3.6 Within 7 days of the consideration of the evidence, the College Secretary (or nominee) shall inform the programme participant and any person(s) against whom the complaint was directed of the outcome.

AR9.4 **Review of Decisions**

AR9.4.1 *Internal Review*

Any programme participant who is dissatisfied with the decision of the arbitrator may apply, via the College Secretary, to the Principal for a review of that decision. Applications for review must be made within 21 days of notification of the arbitrator's decision. The Principal shall determine the procedure for his or her review of the arbitrator's decision and may either

- i) uphold the decision of the arbitrator and the remedy proposed, if any

- ii) uphold the decision of the arbitrator but vary the remedy proposed, if any
- iii) overturn the decision of the arbitrator and determine the consequences or remedy resulting from the overturning of the decision.

AR9.4.2 *External Review*

The College Secretary shall be responsible to the Academic Board and/or the Court of Governors for any external review mechanisms established by the Academic Board and/or the Court Governors. Programme participants who have exhausted the College's internal complaints procedures may apply for external review of their case by the Adjudicator appointed for the purpose by the Court of Governors. The decision of the Adjudicator shall be final.

AR9.5 **Miscellaneous Matters**

AR9.5.1 *Records*

Full written records of each stage of the procedures and of any decision and recommendations shall be maintained and retained by the College Secretary for such period as the Principal shall determine.

AR9.5.2 *Issues of Principle and/or General Application*

Any issues of principle and/or general application arising from a particular case shall be referred to the Court, the Academic Board or other Statutory Body, as appropriate, without breaching the confidentiality of the case concerned.

AR9.5.3 The College will meet any reasonable expenses incurred by a programme participant in lodging a complaint which is upheld.

Note

1. *Whenever a word meaning the masculine gender is used (e.g. Chairman) it shall include the feminine.*