



Policy for Student Complaints

1 Introduction

1.1 Purpose

This policy has been created in recognition of people's right to express a complaint in the event that they feel they have been mistreated or disadvantaged as a result of the College's provision of programmes or services or the behaviour or actions of members of College staff, faculty, adjunct faculty, or the student body.

1.2 Scope

a. To whom does the policy apply?

- i. This policy applies to students in receipt of services from the College.
- ii. This policy applies to all Hibernia College services and programmes.
- iii. This policy is **not** the *Policy for Appeals*.
- iv. Complaints about students from a third party may be managed through the College's disciplinary policy and procedures.

b. Who is responsible for implementing the policy?

- i. The Registrar is responsible for the implementation of the *Policy for Student Complaints*.
- ii. The Registrar is required to report to the Academic Board annually on the implementation of the policy and associated procedure.

2 Context

2.1 Legal or Regulatory Context

a. Quality assurance guidelines

This policy is designed with regard to QQI's QA Guidelines¹ and the *European Standards and Guidelines*², which set out the need to have policy and mechanisms in place to facilitate complaints.

a. Office of the Ombudsman: effective administration

¹ Quality and Qualifications Ireland (2016), *Core Statutory Quality Assurance (QA) Guidelines*, Sections 5.1, 6.1. Available at: <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf> [Accessed 29/09/2018]; Quality and Qualifications Ireland (2016), *Sector Specific Independent/Private Statutory Quality Assurance Guidelines*. Available at: <https://www.qqi.ie/Downloads/Sector%20Specific%20Quality%20Assurance%20Guidelines%20V2.pdf> [Accessed 29/08/2018].

² European Association for Quality Assurance in Higher Education (ENQA) et al. (2015), *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)*, 2nd edn, Section 1.3. Available at: http://www.engq.eu/wp-content/uploads/2015/11/ESG_2015.pdf [Accessed 29/08/2018].

Hibernia College, as a private unlimited company, does not come under the auspices of the Ombudsman. The College has nonetheless adopted the *Six Rules for Getting it Right - The Ombudsman's Guide to Good Public Administration*³ as a guide and set of standards to guide policy and practice. The six rules are:

- i. Get it right.
- ii. Be [student] orientated.
- iii. Be open and accountable.
- iv. Act fairly and proportionately.
- v. Deal with errors effectively.
- vi. Seek continuous improvement.

3 Policy Statements

3.1 Principles for Student Complaints

a. *Right to complain*

- i. Students have a right to complain about services provided by Hibernia College where they do not meet a reasonable or published standard.
- ii. No student will receive different or unfair treatment arising from their submission of a complaint.
- iii. Complaints may not be of a vexatious nature or for the purpose of personal gain.
- iv. The complaints procedure is based on the principle of natural justice. Consequently, anonymous complaints will not be accepted.

b. *Non-adversarial*

- i. Procedures under this policy are not intended to be adversarial and the College recommends that where a student does participate in a meeting, that they do not engage legal representation during proceedings.
- ii. Where a student does seek to bring legal representation to any meeting, student must notify the College in writing of their intent within five working days as the legal representatives of the College will also be required to attend.
- iii. A student may opt to be accompanied by a friend or family member in a supportive capacity. However, where this person is a member of the legal profession, they cannot act in that capacity.

c. *Informal complaints*

- i. Where possible, a complainant should seek to resolve the matter of concern informally and directly with the person(s) responsible for the service in question.

d. *Subsidiarity*

- i. Where possible, complaints are handled closest to the point at which the action/inaction complained of occurred.
- ii. The response to a complaint can be escalated through a process where there is no resolution at a lower level.

e. *Response to a complaint*

³ Office of the Ombudsman (2013), *Six Rules for Getting It Right: The Ombudsman's Guide to Good Administration*. Available at: <https://www.ombudsman.ie/guidance-for-service-providers/six-rules-for-getting-it/> [Accessed 29/08/2018].

- i. In response to a complaint, there may be instances that necessitate immediate engagement of formal action by the College, including investigations under the *Procedure for Investigating and Managing Breaches of Student Conduct*.

f. Rights and responsibilities of the complainant

- i. Students are expected to comply with the College and the programme rules and codes of conduct.
- ii. Students have the right to be accompanied by a friend, family member, or a member of the Student Representative Forum in interactions with the College regarding complaints.
- iii. The complainant is required to substantiate any allegations through evidence.
- iv. Where a complaint results in a disciplinary process, the complainant may not receive information on the nature of any penalty imposed — only the overarching outcome. This is because the person complained of has a right to privacy.

g. Rights and responsibilities of the subject of a complaint

- i. The subject of a complaint (person, programme, department or the College) has the right to be notified of the nature of the allegations made, a copy of the complaint, and the complainant's details.
- ii. The subject of a complaint has the right to respond to assertions made in any complaint.

h. Complaints committee

- i. A panel of potential members will be appointed by the Academic Board on a biannual basis.
- ii. There are two criteria for the membership of a committee convened to investigate a complaint:
 - Competence to make the decision or judgements required of the committee
 - Independence from the matter being investigated, i.e., no member can have had a previous involvement with the student on the matter.
- iii. Normally, the committee chairperson will be the Registrar, or where more practical a senior academic external to the College, i.e., not a member of staff, faculty, adjunct faculty, or the Board of Directors.
- iv. A gender balance should be maintained where possible.
- v. A note-taker, not a member of the committee, will attend and prepare a formal record/ written minutes of the committee proceedings for approval by the chairperson and communication to relevant parties.

4 Document Control

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	V.1.0	20/09/2018
	V.1.1	29/11/2018

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Related Procedures	Procedure for Investigating Student Complaints Procedure for Investigation and Management of Breaches of Standards for Student Conduct
Related Resources	