

## 1. Document Details

<b>Title:</b>	<b>STUDENT GRIEVANCE PROCEDURE</b>
<b>Author(s):</b>	Registrar & Vice President for Academic Affairs
<b>This Version Number:</b>	1.1
<b>Status:</b>	Approved
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<b>Governing Policy:</b>	N/A

**Important Note:** If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon.

## 2. Revision History

Version Number	Revision Date	Summary of Changes	Changes tracked?
1.1	August 2014	Insertion of Timelines for Referral of Issues to the National Ombudsman Office (Section 18.1) and the Ombudsman for Children's Office (Section 18.2)	

## 3. Relevant/Related Existing Internal Documents

Student Regulations, Student Ombudsman Terms of Reference
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## 4. Relevant/Related Existing External Documents

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## 5. Consultation History

***This document has been prepared in consultation with the following bodies:***

Academic Staff and Students via Academic Council, Student Ombudsman, CIT Students Union
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## 6. Approvals

***This document requires following approvals (in order where applicable):***

Name	Date	Details of Approval Required
<b>Academic Council</b>	<b>13/06/14</b>	Version 1.0
<b>Governing Body</b>	<b>03/07/14</b>	Version 1.0 and Version 1.1

### 7. Purpose

This Student Grievance Procedure (“Procedure”) provides a mechanism for students to resolve grievances internally without recourse to legal procedures. It should be recognised that the majority of grievances should be resolved as near to their source as possible. It is for this reason that the Procedure provides for a number of stages, both informal and formal in the handling of a grievance. The purpose of the Procedure is to ensure that grievances are resolved amicably in so far as possible and to the mutual satisfaction of both complainant and respondent. It is expected that the majority of grievances will be resolved at the informal stage.

### 8. Scope

- 8.1 This Procedure is open to all registered students of the Institute. The Procedure is also open to any person who was a registered student provided they invoke the Procedure within 3 months of leaving the Institute and the subject matter of the grievance relates to acts or omissions that occurred whilst the person was a registered student.
- 8.2 The Procedure can be invoked on an individual or collective basis. However, it can only be invoked by the aggrieved person(s). It cannot be invoked on someone’s behalf, nor can it normally be invoked anonymously. However, in exceptional circumstances, the Institute may deem that it is necessary and appropriate to consider an anonymous grievance.
- 8.3 This Procedure does not apply to grievances raised by students enrolled at another educational organisation for a programme leading to an award by the Institute where the subject matter of the complaint is outside the control and/or responsibility of the Institute.
- 8.4 The Procedure does not replace or take precedence over other Institute procedures. Where a grievance is made which falls within the ambit of another Institute procedure, the complainant will be advised of this and will be requested to avail of the appropriate procedure. Notwithstanding the examples detailed below, it is ultimately a matter for the Institute to decide if a particular grievance falls within the scope of this Procedure or not.
- 8.5 The following will generally fall outside the scope of this Procedure and should be pursued using the channels indicated alongside below:
  - Appeals in relation to academic assessment and decisions of examination boards pertaining to student progression, assessment and awards. Such matters are dealt with under the Institute’s Examination Regulations.
  - Matters relating to student discipline and complaints about students. Such matters are dealt with under the Institute’s Student Discipline Procedure.
  - Student grievances against members of staff which relate to matters that fall outside of the scope of the professional relationship between staff and students. Due to their unique circumstances, the procedure to be followed for grievances of this nature shall be determined by the Institute on a case by case basis.

8.6 The following are examples of matters that may fall within the scope of this Procedure:

- Student grievances against members of staff of the Institute in relation to bullying and harassment.
- Student grievances in relation to discrimination by the Institute or members of staff.
- Student grievances in relation to the delivery of academic programs and courses of study by the Institute or members of staff.
- Student grievances relating to the professional conduct of members of staff.
- Student grievances relating to student services, academic or non-academic, including the Students' Union.
- Student grievances relating to Institute facilities.

8.7 Where a grievance relates to the Institute itself, rather than a particular member of staff of the Institute, it should be raised with the Vice President for Finance and Administration in the first instance who will determine who should act as the respondent to the complaint on behalf of the Institute.

8.8 The Institute may progress a matter that has been dealt with under this Procedure further through other procedures. For example, where a student grievance against a member of staff is upheld, the Institute may determine that it should be progressed further under the Institute's Disciplinary Procedure for staff.

## 9. Definitions

N/A

## 10. Responsible Officer(s)

Registrar & Vice-President for Academic Affairs

## 11. Supporting Documents

N/A

## 12. Procedure

12.1 The Institute will endeavour to ensure that grievances are treated seriously and constructively at all stages of the Procedure. It will also seek to ensure that grievances are dealt with fairly and consistently and in accordance with the principles of natural justice.

12.2 All staff and students of the Institute are required to fully and promptly co-operate with this Procedure.

12.3 If a grievance is upheld, appropriate remedial action will be implemented. If a grievance is not upheld, the reason(s) for the decision will be communicated to the complainant and respondent.

- 12.4 The Institute will seek to ensure that student grievances are addressed promptly within specified timescales outlined in this procedure. If a timescale for addressing a grievance is not achievable at any stage in the procedure, then the complainant and respondent shall be notified in writing and provided with an explanation for any delay.
- 12.5 Privacy and confidentiality will be respected both for complainants and respondents. However, it may be necessary to disclose information to others in order to deal with the grievance and in these circumstances the parties concerned will be informed of such disclosure.
- 12.6 A complainant and respondent are both entitled to be accompanied at all stages of the Procedure by a friend or colleague (in the case of a staff member this person should be a work colleague or a trade union official but not any other person; in the case of a student this person should be a CIT student colleague or Student's Union representative). Both parties are required to notify the Head of Faculty/College or Head of Grievance Review Panel (as appropriate) in advance if a colleague will be present. At any meeting under this Procedure, the friend/colleague may make representations on behalf of the person they represent.
- 12.7 No student who brings a grievance in good faith under this Procedure, whether it is upheld or not, shall be treated less favourably by the Institute or any member of staff than as if the grievance had been upheld. Where a student feels that he/she has been victimised for availing of this Procedure, a further grievance may be made under this Procedure in relation to that matter.
- 12.8 Records will not be kept any longer than necessary. This will not normally exceed one full calendar year following the academic year in which the grievance process ends. It will be the responsibility of the record holder to ensure the records are destroyed in accordance with this procedure.

### **13. VEXATIOUS, MALICIOUS OR MISCHIEVOUS COMPLAINTS**

- 13.1 While students are encouraged to avail of this Procedure and will be provided with all necessary support, it should only be invoked in the case of legitimate grievances.
- 13.2 Making a complaint concerning a grievance which is found to be vexatious, malicious or mischievous may be considered a breach of this Procedure which may be subject to further action under the Student Disciplinary Procedure. For the avoidance of doubt, a complaint that is not upheld is not necessarily vexatious, malicious or mischievous. It is generally only in exceptional cases where there is evidence that the student(s) knowingly or recklessly made a complaint relating to illegitimate grievances that such further action will be considered by the Institute.
- 13.3 The Institute shall endeavour to ensure that the reputations and professional integrity of members of staff are protected in so far as possible from unsubstantiated complaints.

### 14. THE STUDENT OMBUDSMAN

14.1 The Institute shall appoint a person to be the Student Ombudsman for the purpose of this Procedure.

14.2 In short, the primary roles of the Student Ombudsman are:

- To provide advice to students in relation to workings of this Procedure;
- To act as a colleague or mediator at the informal stage of the Procedure (Step 1, detailed below);
- To receive appeals under Step 3; and
- To convene the Grievance Review Panel.

14.3 The Student Ombudsman does not have authority to make any decisions as to whether a complaint should be upheld or not, or to take any action where a grievance is upheld or dismissed.

14.4 Full details relating to the appointment, function, powers and duties of the Student Ombudsman are contained in Appendix 1.

### 15. STEP 1: INFORMAL GRIEVANCE PROCEDURE

15.1 The Institute is committed to ensuring that student grievances are resolved in a co-operative, rather than adversarial, manner.

15.2 Accordingly, it is expected that the majority of grievances can be resolved at this stage through the complainant first raising their grievance with the respondent. This can be done by:

- Telephoning the respondent to discuss the grievance;
- Making an appointment to see the respondent to discuss the grievance;
- Writing to the respondent to outline the grievance.

15.3 The grievance should be raised as soon as possible, normally **within five working days** of the incident that prompted the grievance

15.4 In outlining their grievance, the complainant should state the time, date and briefly describe the incident that prompted the grievance. It is also necessary for the complainant to clearly outline/explain the outcome that is expected.

15.5 Every effort should be made by the parties at this stage to arrive at a solution by consensus.

15.6 When the student meets with the respondent with a view to resolving the matter the meeting should be under mutually agreed conditions, with or without friends/colleagues or witnesses present, as agreed. Such colleague may include the Student Ombudsman.

- 15.7 If both sides are agreeable, the parties may opt for the Student Ombudsman to act as a mediator to any discussions at the informal stage of the Procedure. As stated above, the Student Ombudsman does not have any decision making role in this context. His/her role is confined to facilitating the parties in reaching a mutually agreeable solution if this is possible.
- 15.8 It is recognised that there may be exceptional circumstance in which the complainant considers they cannot approach the respondent directly. In this case the complainant may go to a senior member of staff within the department, school, faculty, college or service concerned to informally discuss the grievance. Such senior member of staff may attempt to handle the grievance through correspondence or meetings with the relevant parties. He/she may also seek advice from the Student Ombudsman in relation to the steps that may be taken by him/her to informally resolve the grievance.
- 15.9 It is also open to a student to initiate his/her complaint directly at Step 2 below if he/she feels it will not be possible to resolve the matter informally through Step 1.
- 16. STEP 2: FORMAL GRIEVANCE PROCEDURE**
- 16.1 If the complainant is unable to resolve the issue at the informal stage they should submit a Student Grievance Form to the Head of Faculty/College responsible for the area that is the source of the grievance. A copy of this form can be found in Appendix 2.
- 16.2 On the Student Grievance Form, the student is required to briefly outline the grievance and to include dates, times, the nature of the incident and any individual(s) involved. The student must also state the outcome he/she is hoping to achieve and mention any attempts made to informally resolve the grievance. A copy of the submitted Student Grievance Form will be provided to the respondent.
- 16.3 The Student Grievance Form should normally be submitted **within 15 working days** of the occurrence of the incident which prompted the grievance. It must be signed and dated by the student. It is acknowledged that the timing of the submission of the Student Grievance Form may be affected by any attempts at informal resolution of the grievance under Step 1.
- 16.4 The appropriate Head of Faculty/College shall acknowledge receipt of the Student Grievance Form **within 7 working days** of receipt of the Student Grievance Form and shall investigate the matter which will normally include a meeting with the respondent. As part of the investigation, the student will normally also be asked to attend a meeting to discuss the grievance in greater detail. The Head of Faculty/College may also request a meeting at which both parties (and their respective colleagues) will be present.
- 16.5 The person raising the grievance may request withdrawal of the grievance at any stage. Approval to withdraw will be at the discretion of the relevant Head of Faculty/College.
- 16.6 Following the conclusion of an investigation, the Head of Faculty/College shall make a decision as to whether or not the complaint should be upheld and whether any action is necessary. The precise nature of any action to be taken will depend on the circumstances of each case. Such action may include:

- Recommending that the Institute take certain specified steps to resolve the grievance.
  - Directing that the respondent apologise to the complainant.
  - Directing that the respondent amend his/her behaviour or practices as appropriate.
  - Directing that the complaint be withdrawn.
  - Directing that the complainant apologise to the respondent for making a vexatious, malicious or mischievous complaint.
  - Warning parties as to future conduct and detailing possible action for further infringements.
  - Recommending that the matter should be progressed further through other Institute procedures as appropriate, including the Student Discipline Procedure and the Staff Disciplinary Procedure.
- 16.7 The Head of Faculty shall endeavour to conclude the investigation under this Step 2, make his/her decision and communicate same in writing to the relevant parties **within 15 working days** of having acknowledged receipt of the Student Grievance Form.
- 16.8 Where the investigation is unable to be concluded within this timescale, the complainant and respondent shall be informed in writing of the revised timescale for receiving a response and the reason(s) for the delay.
- 16.9 The decision and any action taken by the Head of Faculty/College at this stage of the process shall be recorded on the Student Grievance Form.
- 16.10 A copy of the Student Grievance Form shall be appended to the written response sent to all parties, with the Faculty/Service retaining the original for information and for the recording of grievances. The Head of Faculty/College shall communicate the outcome of the Formal Grievance process to the Student Ombudsman.
- 17. STEP 3: GRIEVANCE REVIEW PROCEDURE**
- 17.1 If the complainant or respondent is dissatisfied with the decision and/or action taken under Step 2, an appeal can be made to the Grievance Review Panel (“Panel”).
- 17.2 The appeal should be submitted to the Student Ombudsman in writing detailing the reasons for wishing to take the grievance to this stage. This should normally be done **within 10 working days** of receipt of the response from Step 2. The Student Ombudsman will acknowledge receipt of the request and convene a meeting of the Panel normally **within 15 working days** of receipt of the request. The other party to the original grievance will also be given a copy of the written appeal.
- 17.3 As part of its review, the Panel will have access to all prior records and documents relating to the initial grievance. The Panel will normally request to meet with all parties involved in the grievance, individually or collectively.

- 17.4 The Panel should endeavour to have completed its review within 30 working days of receipt of the response from Step 2. Having completed its review, the Panel will make a determination as to whether the original decision should be upheld, overturned or modified. The Panel has the authority to take the same action as a Head of Faculty/College under Step 2.
- 17.5 The parties, including the relevant Head of Faculty/College, will normally receive written confirmation of the Panel's determinations **within 7 working days** of the hearing. A written summary of the hearing will be kept with any other relevant paper in the Office of the Student Ombudsman
- 17.6 The decision of the Panel is the final stage of this Procedure.
- 17.7 The Registrar and Vice President for Academic Affairs shall chair the Panel or, where appropriate, a member of the Institute Executive Board appointed by the President.
- 17.8 The Panel shall comprise of:
- The Chairperson;
  - A Head of Faculty/College not previously involved in the grievance, appointed by the President;
  - An independent person appointed by the President from a panel of independent persons approved from time to time by the Governing Body; and
  - The Secretary to the Panel shall be the Student Ombudsman or his/her nominee.
- 17.9 If any of the people above has already been involved in the grievance in any way, that person shall be replaced on the Panel by a person nominated by the Vice President for Finance and Administration.

### **18 REFERRAL TO THE NATIONAL OMBUDSMAN'S OFFICE**

- 18.1 If the complainant or respondent feels that they have been unfairly treated or is not satisfied with the Institute's decision on their complaint, it is open to them to contact the Office of the Ombudsman. By law the Ombudsman can investigate complaints about any of the Institute's administrative actions or procedures as well as delays or inaction in the complainant's or respondent's dealings with the Institute. The Ombudsman provides an impartial, independent and free dispute resolution service.

A complaint may be referred to the Office of the Ombudsman. The time limit for making a complaint to the Ombudsman is 12 months from the date the action complained of occurred, or the date that the complainant becomes aware that action occurred (whichever is later).

- 18.2 If the complainant is a child or young person under 18 or an adult who knows a child who they feel has been unfairly treated, or they are not satisfied with the Institute's decision on their complaint, it is open to them to contact the Ombudsman for Children's Office. By law the Ombudsman for Children's Office can investigate complaints about any of the Institute's administrative actions or procedures as well as delays or inaction in the complainant's or



respondent's dealings with the Institute. The Ombudsman for Children provides an impartial, independent and free complaints handling service.

There is generally a two-year time limit for submitting a complaint to the Ombudsman for Children, starting from the time of the action or the time the child making the complaint, or on whose behalf the complaint is made, became aware of the action, whichever is the later.

## APPENDIX 1

### STUDENT OMBUDSMAN – TERMS OF REFERENCE

#### 1. Student Ombudsman

The post of Student Ombudsman is a part-time one, tenable for a period of three years and renewable once only. The holder will be an experienced member (or retired member) of the academic staff who is familiar with the workings of the Institute and will report directly to the President.

The purpose of the post of Student Ombudsman is to advise and assist students with the resolution of difficulties, complaints or grievances involving staff or services of the Institute in an informal manner and as quickly as possible.

The services provided for by this post are complementary to a range of existing student services and the Student Ombudsman may refer relevant student issues for resolution by those services as appropriate.

#### 2. Role and Duties of the Student Ombudsman

The Student Ombudsman:

- (1) advises and assists students in matters arising from their membership of the Institute;
- (2) facilitates the Student Grievance policy in relation to complaints and grievances of individual students or groups of students;
- (3) facilitates communication by bringing parties together to resolve grievances;
- (4) refers complaints or grievances to the appropriate body for resolution, if appropriate;
- (5) examines complaints or grievances with a view to clarifying the facts of the case;
- (6) recommends to a Head of Department/School/Faculty/College/Administrative Unit, the action that may be required for the resolution of legitimate complaints or grievances;
- (7) submits an annual report to the President (a report that shall normally be released into the public domain within the Institute);
- (8) highlights, in the annual report to the President, recurring difficulties or patterns of difficulty encountered by students and makes recommendations to President for the resolution of such difficulties. The President may refer the report to Academic Council for comment. Where appropriate, recurring issues will be notified by the Student Ombudsman to the Registrar and Vice President for Academic Affairs, for follow up action;
- (9) carries out such other duties appropriate to the post as may be assigned by the President from time to time.

### **3. Powers of the Student Ombudsman**

- (1) The power of the Student Ombudsman lies in the prestige of the office, the independence of the individual from any institutional influence, and the fairness, objectivity and impartiality of the attempts to resolve conflicts.
- (2) The Student Ombudsman shall have access to all relevant documentation within the Institute.
- (3) The Student Ombudsman does not have authority to take disciplinary action, reverse decisions or over-ride regulations.
- (4) The Student Ombudsman serves as a mediator to resolve grievances informally rather than as an arbitrator.

### **4. Confidentiality**

- (1) All enquiries to the Student Ombudsman will remain confidential and the Student Ombudsman will not report the names of those who use the service to anyone without their permission, except in cases of serious threat to life or property or where required by law.
- (2) The Student Ombudsman will protect the identity of individuals and their concerns and will not disclose having met or talked with a party or parties, without permission of the party or parties, except in cases of serious threat to life or property or where required by law.
- (3) The Student Ombudsman will take specific action related to an individual's concerns only with the individual's express permission and only to the extent permitted, subject to 4(1) and 4(2) above.
- (4) Communication with the Student Ombudsman is not notice to the Institute. The Student Ombudsman's Office is not an office of record. Speaking with the Ombudsman is not "notice to the Institute" of problems or policy violations. If a student wishes the Institute to "be on notice," that is, formally to know about a particular problem and formally respond, the Ombudsman can assist in identifying the office to contact.





### APPENDIX 3

#### REVISION HISTORY

<b>JULY 2010</b>	Student Grievance Procedure approved by Governing Body
<b>JUNE 2013</b>	Insertion of section on National Ombudsman Office
<b>DECEMBER 2013</b>	Insertion of section whereby Student Ombudsman is to be informed of the outcome of a Formal Grievance under the Student Grievance Procedure, whether or not the Student Ombudsman is involved in Step 1 of that particular grievance.
<b>JUNE 2014</b>	Insertion of section on disposal of records Removal of section on retention of records Update of section on National Ombudsman Office Document presented in approved Academic Procedure Template