

5 STAGE 3: APPEAL TO THE UNIVERSITY'S COMPLAINTS COMMITTEE

Appeal to the University Complaints Committee is **the final stage** of the University's internal process. Complainants may appeal to the University Complaints Committee if they believe a satisfactory outcome has not been reached at Stage 2. Appeal to the Complaints Committee must normally be made **within three months** of the completion of Stage 2 of the procedure. The Chair of the Complaints Committee may dismiss complaints made after this time if in his/her absolute opinion the complaint is so lacking in substance that further consideration would not be justified. The Chair's decision is final **and not subject to review by any other University body**. The complainant may, however, be eligible to take their case to the Office of the Independent Adjudicator for Higher Education (see below paragraph **6: EXTERNAL REVIEW**).

The Complaints and Student Conduct Manager may also refer a complaint to the University Complaints Committee if he/she believes that a satisfactory outcome can not be achieved at Stage 2.

In the case of disputes concerning release from a De Montfort University occupational licence or the level of tuition, accommodation or other fees charged by the University which have been reviewed by the Complaints and Student Conduct Manager, such appeals are considered by the Chair of the University Complaints Committee on the basis of documentary evidence only, which may include a written statement from the complainant. The Chair of the Committee may refer the case to a full meeting of the University Complaints Committee if he/she believes the case to be sufficiently serious as to require such a hearing. **The Chair's decision is final** and not subject to review by any other University body. This does not affect a complainant's rights in law.

The Complaints Committee consists of:

- A non-staff member of the Board of Governors or recently retired Governor in the Chair.
- A member of De Montfort Students' Union Executive (normally the DSU President).
- A senior member of University staff who has no connection with the complaint, complainant or the department against which the complaint is made.

The complainant has the right to:

- Ask the Committee to consider their case in their absence on the basis of documentary evidence, which may include a written statement from the complainant.

OR

- Present their case in person to the Committee.
- Be accompanied by a representative as defined in the **Glossary to the University's General Regulations and Procedures Affecting Students**¹ from time to time in force.
- Call witnesses.

OR

- Ask a representative (as defined in the **Glossary to the General Regulations and Procedures Affecting Students**) to present the case on their behalf.

In such a case, unless there are exceptional reasons which might prevent the student from attending (explained in writing), **the student must be present**. The Committee Chairman makes the decision as to whether the case should be presented by the student's representative in his/her absence. The Chair's decision is final and not subject to review by any other University body.

¹ Accessible on the University's website at <http://mle.dmu.ac.uk/regulations/general/index>.

The complainant must:

- Inform the Complaints and Student Conduct Manager in writing if they will not be attending the meeting of the Complaints Committee arranged to hear their case. Otherwise the case will be heard in the complainant's absence on the basis of documentary evidence.
- Inform the Complaints and Student Conduct Manager in writing if they will be accompanied by a representative, who that representative will be and in what capacity they are attending. The Committee reserves the right to adjourn any hearing if this information is not provided in advance.
- Inform the Complaints and Student Conduct Manager in writing of the resolution they are seeking. The Committee reserves the right to adjourn any hearing if this information is not provided in advance.
- Inform the Complaints and Student Conduct Manager in writing and in advance of the hearing of the names of any witnesses they intend calling.

The local manager responsible for the service about which the complaint is raised **has the same rights** to attend, be accompanied by a friend and call witnesses.

The Complaints Committee may conduct itself as it sees fit, with the agreement of the parties concerned, to achieve an acceptable resolution. The proceedings are intended to be non-adversarial. The Committee can review all documents relevant to the complaint and may require the Complaints and Student Conduct Manager to provide a report on the management of the complaint.

The Committee can decide to:

- Dismiss the appeal.
- Uphold the appeal and either:
 - Set aside the proposed resolution and refer the complaint back to the Complaints and Student Conduct Manager for further investigation
 - OR**
 - Consider the complaint themselves and vary or confirm the proposed resolution.

The Complaints Committee's decision is final and not subject to review by any other University body. This does not affect a complainant's rights in law.

When the Complaints Committee has reached a decision, provided the complaint is not referred back for further investigation, the Complaints and Student Conduct Manager will issue a completion of procedures letter as required by the Office of the Independent Adjudicator (see paragraph 6 below).