

Code of Practice for Student Complaints

GLOSSARY

The College: Trinity College, Cambridge.

Student Members: undergraduate or postgraduate students of the College reading for a degree or diploma, in residence or otherwise, until they take the degree or diploma for which they are registered. It also includes affiliated students, exchange students, and students serving as sabbatical officers of Cambridge SU.

Council: The College Council, which consists of five officers of the College (the Master, the Vice Master, Senior Tutor, Senior Bursar, Junior Bursar) and nine elected Fellows, and is chaired by the Master.

Responsible College Officer: a Fellow of the College who deals with administrative and disciplinary matters of Departments of the College. A full list may be found here: <https://students.trin.cam.ac.uk/contacts>

Heads of Department: Members of staff who have immediate administrative and disciplinary responsibility of a Department. They report to a Responsible College Officer. Their names can be found here: <https://students.trin.cam.ac.uk/contacts>

Responsible Person: the person dealing with the complaint.

Any reference in this Code to a named role includes a deputy appointed to exercise the functions, or any of them, assigned to that role-holder under the Code.

1. INTRODUCTION

- 1.1 This document covers student complaints and outlines the procedure by which they are dealt with. It also lists the forms of support available to the students.
Specifically, this Code of Practice covers complaints made by¹
 - Student Members of Trinity College against Fellows and members of staff of Trinity College
 - Student Members of Trinity College against each other
- 1.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for complainants or the College to be legally represented at any meetings that form part of the procedure except in exceptional circumstances.
- 1.3 This procedure has three stages: Informal Resolution, Formal Resolution and Review.
- 1.4 The College expects that complaints will normally be dealt with informally in the first instance. An informal resolution should normally be sought within a week of the problem occurring. Where an attempt at informal resolution has been unsuccessful or is not appropriate, then students should bring their complaint to the attention of the College, using the procedure outlined here, as soon as possible following the occurrence of a problem and normally within one calendar month of the problem occurring.

2. SCOPE OF COMPLAINTS

- 2.1 Subject to section 2.2, this Code of Practice covers complaints about any matter under the control of the College which affects the progress, wellbeing or circumstances of an individual student.
- 2.2 Complaints relating to sexual harassment and sexual misconduct against a Student Member should normally be handled by the University's Office of Student Conduct, Complaint and Appeals (OSCCA) in accordance with the University's Procedure on Student Harassment and Sexual Misconduct.

¹ In respect of complaints from students from other Colleges or from members of the public, any complaint should be addressed to the relevant College Officer who will follow an analogous procedure to the one laid down in this Code of Practice, where appropriate.

- 2.3 Complaints about matters of College policy that affect students or groups of students more generally should normally be raised through the Liaison Committee via the representatives of the Trinity College Students Union (TCSU) and the BA Society.
- 2.4 A student may wish to complain about a matter that is not within the control of the College but within that of another institution, e.g. the University or another College. If students are unclear about where responsibility lies, they may seek advice from any of the individuals listed in Appendix 1 about how to proceed and may ask their Director of Studies, their Tutor or the Senior Tutor to take up the matter on their behalf.

3. GENERAL PRINCIPLES

- 3.1 The College recognises that it has a duty to provide fair and objective procedures for examining and resolving complaints, and to ensure that its procedures are free from partiality and bias arising from personal, institutional or other conflicts of interest. A person whose conduct forms part of the complaint shall not be responsible for dealing with or investigating any complaint or appeal under this Code.
- 3.2 No student will be disadvantaged by having raised a complaint, but the College expects that students will not make frivolous, vexatious or malicious complaints.

Help and advice in connection with complaints

- 3.3 Students who are considering making a complaint may wish to seek help or advice from those listed in Appendix 1.
- 3.4 Tutors and Chaplains are able to provide support to students throughout the complaints procedure and to offer advice on how to identify and access appropriate support, including specialist counselling.
- 3.5 In relation to sexual harassment and sexual misconduct, students may find it helpful to discuss the various reporting options and the possible implications of those options with their Tutors, Chaplains and/or the University's Sexual Assault and Harassment Advisor. Where relevant, students will be supported to come to an informed decision as to whether to report such an incident to the Police. If students decide not to report the incident to the Police, the College will not require them to do so. No inference will be drawn from a student's decision not to report the incident to the Police.

Confidentiality and sharing information

- 3.6 Every effort will be made to maintain the confidentiality of a complaint. However, where a complaint is of a personal nature against an individual, it is likely that the complainant's identity will have to be revealed at some stage in all but the most exceptional cases, in order for there to be a fair investigation. That is particularly the case where an investigation leads to action under any disciplinary or 'fitness to practise' procedure. The College will endeavour to inform an individual complainant of the extent to which his/her identity is likely to be revealed at each stage of the process.

Timeliness

- 3.7 Complaints should be submitted in a timely manner, so that matters can be dealt with effectively. Whilst all complaints will be considered, it may no longer be possible or proportionate to investigate or to take effective action in relation to delayed complaints (for example, if witnesses or alleged perpetrators are no longer students at the College).
- 3.8 The College shall investigate and consider complaints in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for participants to provide information. The College normally aims to complete the initial investigation within 60 days of receipt of the complaint as referred to in section 6.1. However, delays may occur where the case is complex, participants are not available to attend meetings, or where the procedure has to be suspended for good reason. The student will be provided with updates where there is a delay.

Right to be accompanied

- 3.9 Any student required to attend a meeting as part of the consideration of a complaint under this Code may choose to be accompanied by another member of the College; this could be a Tutor, a Chaplain, a Director of Studies or other senior member, or a student, including one of the officers of the TCSU or the BA Society. It is for the student to approach their chosen companion, make timely arrangements to be accompanied, and let the person leading the meeting know, in advance of the meeting, the name of the companion.
- 3.10 The student's companion may put, and sum up, the student's case, respond on behalf of the student to any views expressed at the meeting, and confer with the student during the meeting. The companion may not, however, answer questions on the student's behalf, speak if the student does not wish it, or prevent anyone else present from explaining their case.

Complaints relating to sexual harassment and sexual misconduct

- 3.11 The College acknowledges the distress, anxiety, hesitation, and concerns students may feel in deciding to report sexual harassment or sexual misconduct.
- 3.12 The College acknowledges the distress, anxiety, hesitation, and concerns students may feel if a complaint alleging sexual harassment or sexual misconduct is made in respect of them or if they are asked to provide a witness statement concerning such a matter.
- 3.13 Cases involving students will be referred to the University's Office of Student Conduct, Complaint and Appeals (OSCCA); for cases where a Fellow or member of staff is involved, the Dean or the Responsible Person will liaise closely with students' Tutors and with others supporting the students, to ensure that meetings are conducted in a sensitive manner.

4. PRINCIPLES APPLICABLE TO COMPLAINTS INVOLVING POTENTIAL DISCIPLINARY ISSUES

Complaints of potential misconduct

- 4.1 A complaint may allege conduct by an individual that could amount to a breach of the standards of behaviour expected of members of the College or the University, and potentially give rise to disciplinary proceedings. Normally, the procedure outlined in this Code of Practice on Student Complaints will be completed before any disciplinary procedure is commenced.

Overlapping complaint and disciplinary cases

- 4.2 Where a complainant makes a separate complaint during a disciplinary process against those involved in the disciplinary process, it may be appropriate temporarily to suspend the disciplinary process in order to deal with the complaint. However, where the complaint and disciplinary cases are related (for example, relating to the same individual or incident), it may be more effective to deal with both concurrently and for both to be determined by the same individual or panel. Where the complaint is made by the student subject to the disciplinary process, the matter should be raised after conclusion of the disciplinary process (including any appeal) and will not be dealt with under this Code.
- 4.3 Normally, the procedure outlined under the Code of Practice on Student Complaints will be completed before any disciplinary procedure is

commenced. If a complaint alleges conduct of a Student Member that could amount to a breach of the standards of behaviour expected of members of the College or the University, and potentially give rise to disciplinary proceedings, the Senior Tutor may, at any time, refer such potential disciplinary matters for investigation to the Dean under the College's Disciplinary Procedure for Junior Members, or to a different body (such as the University or the University's Office of Student Conduct, Complaints and Appeals or the Fitness for Medical Practise Committee).

Precautionary action

- 4.4 Where the complaint is of a personal nature against an individual, precautionary action involving the individual and the complainant may be necessary while investigations are carried out. In the case of a complaint against a Student Member, the Dean will liaise with the University to initiate the process outlined in the University's Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I) and/or, where appropriate, implement equivalent precautionary actions in College, such as moving one student's accommodation to another part of the College, or instructing all parties to refrain from contacting each other.
- 4.5 Where appropriate and possible, precautionary action may include suspension or temporary re-assignment of duties of a member of staff, after the relevant College Officers or Heads of Department have been consulted, and in accordance with the College's Disciplinary Policy for staff.
- 4.6 Where appropriate and possible, precautionary action may include suspension or temporary re-assignment of duties of a Fellow, including tutors, in accordance with Statute LXVII.

5. INFORMAL PROCEDURE

- 5.1 Students who wish to complain about a matter within the scope of this Code of Practice should first raise the complaint with the individual who handled the matter, if the matter concerns conduct by a Fellow or a member of staff. A student who feels unable to do this for any reason should consult one of the individuals listed in Appendix I, who will give advice about how to proceed.

- 5.2 If the complaint is about another student, then the complainant might choose to approach one of the individuals listed in Appendix I for advice. That individual might offer to arrange a meeting between the students involved to see if a solution can be reached. The student being complained about is encouraged to consult his or her tutor or anyone listed in Appendix I.
- 5.3 Where the complaint concerns accommodation then students should refer to the Accommodation Handbook.
- 5.4 Where the initial attempt at informal resolution has been unsuccessful and the complaint relates to the conduct of a person who is under the supervision of a Head of Department or Responsible College Officer, the complainant should normally approach that person (either directly or through their tutor) to request their assistance with an informal resolution. The current names of Heads of Department and Responsible College Officers can be found here: <https://students.trin.cam.ac.uk/contacts>

6. FORMAL PROCEDURE

Let the College know the nature of the complaint

- 6.1 Where the nature of the complaint is too serious to be dealt with informally, or where an approach under section 5 has not produced a satisfactory conclusion, a formal complaint should be made in writing according to the Student Complaints Flowchart (<https://www.trin.cam.ac.uk/download/student-complaints-flowchartpdf/>). The complainant should set out the nature of the complaint, provide copies of all documents relevant to the case and indicate the form of resolution sought.
- 6.2 The Responsible College Officer to whom the complaint has been made will acknowledge receipt and will deal with the complaint as required by sections 5 and 6 above personally, or will appoint another Fellow to do so, or will refer it to the Dean (if it relates to potential misconduct by a Student Member) or to the relevant RCO with responsibility for the Department to which the complaint relates or, if the Responsible College Officer was involved at the informal stage, the Junior Bursar. The person thus dealing with the complaint is hereafter referred to as the “Responsible Person”.

Meeting to discuss the complaint

- 6.3 The Responsible Person will invite the complainant to a meeting to discuss the complaint. The complainant will be allowed to explain the complaint and the resolution sought.

Investigation

- 6.4 More complex complaints may require investigation beyond a meeting with the complainant. The nature and extent of the investigation will depend on the seriousness of the matter: the more serious it is, the more thorough the investigation will be. The Responsible Person may delegate the investigation to another Fellow, a senior member of staff or an independent investigator external to the College as appropriate. The Responsible Person will keep an open mind and look for evidence which supports the complainant's case, as well as evidence against it. At the conclusion of the investigation, the Responsible Person will produce a report outlining the process followed, the information gathered, the findings made and the conclusions reached.

Outcome

- 6.5 Following the meeting or meetings with the complainant, and any investigation of the complaint, the Responsible Person will decide what action, if any, to take. Any action recommended against a member of staff should be determined in consultation with the Junior Bursar. Decisions will be communicated to the complainant and the person complained about in writing, without unreasonable delay and, normally within ten working days of the meeting, and where appropriate, will be supported by reasons and a statement of the action the College intends to take to resolve the complaint. The complainant and/or the person complained about will also be informed of the right to review the determination in accordance with section 7 if the complainant and/or the person complained about is not content with the action taken. If it is not possible to respond to the complainant and/or the person complained about within a reasonable period, an explanation for the delay will be provided and the complainant / the person complained about will be told when a response can be expected.
- 6.6 Where a complaint results in the commencement of disciplinary proceedings against a member of the College, the complainant may be requested to keep confidential any information provided to him or her about those proceedings and the outcome of those proceedings. It may not be appropriate, given the right to privacy entailed by the disciplinary proceedings, for detailed information to be provided to the complainant about the disciplinary proceedings or their conclusion, particularly if the complainant is not willing to keep it confidential.

7. REVIEW

Grounds of review

- 7.1 If the formal procedure does not result in an outcome which is satisfactory to the complainant, or to the person complained about, then either party may, within five days of receipt of the written decision on the outcome of the complaint, request a review. A request must be made in writing to the Council (via its Secretary) on one or more of the following grounds, viz:
 - Procedural irregularities occurred during the formal procedure which were material or potentially material to the decision reached;
 - The Responsible Person reached a decision outside the range of decisions that could reasonably have been reached on the available evidence;
 - There is new material evidence that could not, for valid reasons, be provided before the decision was made;
 - The Responsible Person did not act, or could reasonably be perceived not to have acted, without partiality or bias in the course of the proceedings.
- 7.2 In addition to the specifications in section 7.1, a request for review should also include a copy of the relevant decision and all evidence which the person requesting a review wishes to be considered.
- 7.3 The Council may decide that there are no grounds for review and, if so, the Secretary of the Council will issue a formal Completion of Procedures letter to the person requesting the review, in accordance with section 8 below.

Process

- 7.4 If it is decided that there are grounds for a review to be heard, the Council will establish a Review Committee of three Fellows, excluding any person who has been involved with the complaint at an earlier stage. Where the complaint relates to a member of staff, the Review Committee will (except where they have been involved in resolving the formal or informal complaint procedures) normally include the Responsible College Officer dealing with the member of staff's Department or the Junior Bursar.
- 7.5 The Review Committee will consider the complainant's written request for a review, the information considered during formal resolution, the decision, and any new information. The Review Committee may request further information, including an oral hearing if it deems necessary.
- 7.6 The Review Committee will not usually consider issues afresh or carry out a further investigation. The Committee will consider all the material to which it has regard to determine whether any of the Responsible Person's decision is vitiated on any of the grounds in 7.1

- 7.7 The Review Committee may uphold the request for a review in whole or in part, or dismiss the request for a review, and confirm the Responsible Person's decision.
- 7.8 If the Review Committee upholds the request for a review in whole or in part, it shall recommend to Council such remedies as necessary including, where appropriate, referring the case back to the Responsible Person or to another Responsible Person for a redetermination of the complaint.
- 7.9 No member of the Council who investigated, made any decision or carried out any other function under this Code in relation to the complaint at an earlier stage should be present at or otherwise participate in the review of the decision.
- 7.10 The decision of the Review Committee and the Council's decision on remedy, if any, will be communicated in writing, normally within 28 days of the request for review being submitted in accordance with section 7.1, and a formal Completion of Procedures letter will be issued in accordance with section 8 below.

8. OFFICE OF THE INDEPENDENT ADJUDICATOR/ COUNCIL

- 8.1 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints which have already been considered in full under the College's internal procedures. When communicating the final decisions under section 7.3 or section 7.10, the Secretary of the Council will issue a formal Completion of Procedures letter to the complainant and to the person complained against. The Completion of Procedures letter will contain details of the OIA Student Complaints Scheme.
- 8.2 If the complainant is dissatisfied with the outcome of the complaints procedure within the College, or subsequent review, the complainant may bring the complaint to the OIA, if it is admissible under the rules of the OIA scheme. Further information may be viewed at www.oiahe.org.uk.
- 8.3 If the person complained against is dissatisfied with the review process then he or she can bring the matter to be considered by the Council as a whole. A request must be made in writing, to the Secretary of the College Council, raising one or more of the grounds listed in section 7.1.
- 8.4 If the person complained against is dissatisfied with the outcome of the complaints procedure within the College, or subsequent review,

the persons complained against may bring the complaint to the OIA, if it is admissible under the rules of the OIA scheme. Further information may be viewed at www.oiahe.org.uk.

9. REPORTING AND MONITORING OF PROCEDURES

- 9.1 The Senior Tutor's Office and the Junior Bursar's Office will maintain records of the nature and number of complaints dealt with under these procedures, preserving the confidentiality of the complainants.
- 9.2 The Council will review this Code of Practice annually, in consultation with the Liaison Committee.
- 9.3 Copies of this Code of Practice shall be made available on the College website.

Appendix 1 – Persons within College from whom help and advice may be sought:

- Tutor (for any matter)
- Director of Studies (in matters relating to supervision or other academic provision)
- Senior Tutor
- Deputy Senior Tutor
- Fellow for Trinity Women
- Fellow for LGBT+
- Fellow for Ethnic Diversity
- Chaplains
- Mental Health Advisor
- College Nurse
- TCSU or BA Society Officers (who will be able to advise which of the persons above may be appropriate to approach)