Grievance to Council Procedure for Student Appeals

1. According to the University's Ordinances, the University Council's functions include “to entertain, adjudicate upon and, if thought fit, redress any grievances of the Officers of the University, the Professors and academic staff, the Graduates or the Students who for any reason feel aggrieved”.

2. A student who remains dissatisfied following an appeal to the Faculty and subsequent consideration by the Senate Academic Review Committee (SARC) may contact the Secretary of the Council in writing to seek a review of their appeal by the University Council, provided that the Faculty and SARC procedures have been completed and that the grievance to Council has been submitted within three months of notification of the outcome of the SARC consideration.

3. Although each student has the right to present a grievance to Council should they so wish and if the appropriate procedures have been followed, it should be noted that the Council would not normally intervene to change decisions by University Officers or formal bodies which had been properly exercised or determined unless procedural fault, bias, irregularity or other inadequacy was found. A student cannot appeal against academic judgement.

4. The procedure adopted by the Council for the consideration of a grievance from a student or former student is as follows:

   a) the grievance is considered by the Senior Deputy Vice-Chancellor who determines whether it establishes a case for further consideration by a sub-committee of Council or if it should be remitted for re-consideration following the procedures below;

   b) if the Senior Deputy Vice-Chancellor determines that the grievance does not establish a case for consideration or for remittance there is no further internal avenue for consideration of the grievance and the Secretary of the Council will send the student a Completion of Procedures letter.

   Note: If the Senior Deputy Vice-Chancellor is unable to consider the grievance to Council due to absence or prior involvement with the grievance, the grievance will be considered by a Deputy Vice-Chancellor or Pro-Vice-Chancellor as determined by the Secretary of the Council.

5. Following receipt of a grievance, the Secretary of the Council will make a request for the documentation considered by SARC and, if necessary, the Faculty. Once this has been received, the Secretary of the Council will write to the student listing the documentation that will be considered by the Senior Deputy Vice-Chancellor. The student will be asked to confirm this list of documentation within 14 days of the date of the letter and copies will be made available to the student upon request. When the student has agreed the list of documentation, the grievance will be put to the Senior Deputy Vice-Chancellor. The intention would be for the case to be dealt with as quickly as possible, normally within 25 working days, however the involvement of Council may cause delays. Should this occur, the student will be advised of the delay at the earliest possible opportunity in order to manage expectations.

6. Following consideration of the grievance the Senior Deputy Vice-Chancellor may;

   a) ask the Secretary of the Council to establish a sub-committee of Council to consider the student's case in detail;
b) remit the case for re-consideration to the appropriate Board of Examiners, the Faculty or to SARC, particularly in cases where it is clear that the procedures followed have been irregularly or unfairly operated, or there is new evidence that demonstrates to the Senior Deputy Vice-Chancellor that the decision was unreasonable or unduly harsh and can be easily rectified;

c) consider that the grievance does not establish a case for further consideration or remittance (as in 4b) above) and thus end the internal appeals process;

d) make general recommendations to the Board of Examiners or the Faculty, and to the Senate as to how to proceed in future cases.

**Consideration by a sub-committee of Council**

7. If the Senior Deputy Vice-Chancellor determines that the appeal establishes a case for consideration by a sub-committee of Council, the Secretary of the Council will arrange for Council to appoint a sub-committee, comprising a lay member of Council acting as the Chair, a second lay member of Council and a member of the academic staff of the University. The Panel members should not have had any previous involvement with the original decision/recommendation or have any particular interest in the student (e.g. the student is a relative). The Secretary of the Council will also appoint a Secretary and, where the Secretary of the Council deems appropriate, an advisor to the sub-committee, for example the Head of Quality Assurance.

The student will be informed of the Senior Deputy Vice-Chancellor’s decision to request a sub-committee and will be entitled to attend the meeting of the sub-committee to present their case. They may also call witnesses to attend the hearing to make their contribution. Adequate notice of the date of the sub-committee, normally 10 working days, should be given.

The student will be advised of his/her right to be accompanied to the hearing of the sub-committee by a member of staff or a student of the University or a member of staff from the Students’ Union (e.g. Sabbatical Officer or Student Adviser) or a relative. A Council grievance sub-committee is not a legal proceeding and a student may not be accompanied by a legal representative even if the legal representative is a member of staff or student of the University, a member of staff from the Students’ Union or a relative. Individual members of academic staff may accompany a student to a hearing, but, they should not take on a formal role of representing or advocating the interests of the student. Where the student wishes to be represented, representation should be conducted by the Students’ Union or other non-legal body.

The University’s case will be presented by an officer of the University.

The sub-committee will consider the documentation reviewed by the Senior Deputy Vice-Chancellor. Each party will be provided with copies of the written evidence submitted by the other and they will both be permitted to hear the other’s verbal evidence.

In brief, the procedures for the hearing shall be as follows:

a) The student will present their appeal followed by questions from the sub-committee and the University.

b) The University will present its case followed by questions from the sub-committee and the student.
c) Each side will be allowed a final summary.

When the hearing is over the sub-committee will report to Council with a recommendation as to how to proceed.

Outcomes

8. The sub-committee may recommend to Council the following outcomes:

i) to remit the case for re-consideration by SARC;
ii) to determine whether the award of compensation would be appropriate;
iii) to make general recommendations to the Board of Examiners or the Faculty, and to the Senate as to procedure in future cases.

It is not the sub-committee’s role to make any recommendation regarding decisions of academic judgement.

The outcome of the sub-committee will be circulated to Council at the next appropriate point so that Council is able to make a decision. The sub-committee will only make recommendations for the re-consideration of a decision where it considers the procedures followed have been irregularly or unfairly operated, or where it is satisfied that in the light of the evidence the decision is in the view of the sub-committee unreasonable or unduly harsh and therefore unfair.

Council’s decision will be circulated to the student as soon as possible following the hearing. If Council confirms the sub-committee’s decision, the Council Secretariat will make the appropriate arrangements. If Council rejects the student’s appeal the Council Secretariat will send the student a Completion of Procedures letter as there is no further internal avenue for consideration of the grievance.

Falsified Evidence

9. Where there are grounds to consider that documentary evidence submitted in support of an appeal or grievance has been falsified, the Chair of the sub-committee will disregard such evidence and the grievance will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration by the Master of the student’s College under the Regulations on Student Discipline in Relation to Non-Academic Matters.

Completion of Procedures letters and the OIA

10. Receipt of a Completion of Procedures letter means that a student has exhausted all possible avenues for consideration of their case within the University and may only take matters further if they wish to do so by submitting a complaint to the OIA (Office of the Independent Adjudicator for Higher Education), an independent review body established under the Higher Education Act 2004.

If a student decides to make a complaint to the OIA, their OIA Complaint Form must be received by the OIA within 12 months of the date of the Completion of Procedures letter.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can be found on the OIA’s website:

KJL/JLP 1/9/17