

# **Student Complaints Procedure**

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| Version | 29 January 2024 |
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## Introduction

Maynooth University is committed to offering students an outstanding university education, an education which challenges and supports all students to achieve their full potential, and prepares students for life, work and citizenship, and for complexity, diversity and change.

Members of Maynooth University, staff and students, undertake to treat each other with dignity and respect and to abide by the rules and regulations of the University. We champion an open, friendly and inclusive learning environment that is welcoming of diversity and the benefits this brings. We are committed to fostering an atmosphere conducive to learning, research and scholarly activity in which students are empowered to strive for academic excellence and to embrace learning as a lifelong pursuit, while also recognising the importance of the social, sporting and cultural aspects of the student experience. We are committed to upholding the highest standards of academic, ethical and professional integrity, and to recognising our social, environmental and civic responsibilities.

For more detail of our standards, see our [Student Charter](#).

We recognise that issues may arise, and students may feel that they are not getting the service they deserve, or being treated fairly by the University. If that arises, the University is committed to providing a clear mechanism to allow students to make complaints, and a fair and impartial mechanism for considering those complaints. This document explains the complaints procedure, and when it should be used.

## When to use this procedure.

In general, when something goes wrong, it should be dealt with at the most local level possible. If you are a student, and you are unhappy with the service in some part of the university, you should express your concern to the person or persons involved. This can be done verbally or in writing, but should be done in a calm a measured manner. Our staff, just like our students, should be treated with respect and dignity in the conduct of their work.

- Most issues can be resolved in this relatively informal manner, by communicating the concern in a reasonable manner to the person or people involved. Where a student, or group of students, has a concern, they should make reasonable efforts to resolve it informally at this individual or local level before escalating to a formal complaint.
- Where there is a significant issue which cannot be resolved at this level, the student or students may decide to escalate the issue by making a formal complaint to the Department/School or Unit responsible.
- If, after consideration at the Department/School or Unit, the matter is not resolved, the student or students may make a complaint through this Student Complaints procedure. This procedure is intended to consider those complaints which cannot be resolved at other levels.

**Scope of the complaints process.**

The general aim of this procedure is to allow students to make a complaint about an action by the university, or a member of staff of the university in the course of their duties. A complaint is an expression of dissatisfaction by one or more students about the University's action or lack of action, or about the standard of service provided by or on behalf of the University. A complaint may concern:

- Academic, administrative, or student support service processes or procedures.<sup>1</sup>
- The standard or quality of services and facilities provided.
- Unfair treatment by the university or its staff.
- An alleged action or inaction by the University or a member of its staff.

Certain types of complaint are excluded from this process, as there are alternative procedures within the university for addressing them. The excluded complaints are:

- Complaints about academic results. There are separate quality assurance processes for academic results, and issues of improper process in the conduct of examinations are considered through the examinations appeal process. The student complaints procedure is not empowered to adjust student results. However, in a case where a complaint may give rise to a real or perceived possibility of unfairness in assessment, the Complaints Committee may recommend that the student work be reviewed by an appropriate person.
- Issues related to academic matters are dealt with in the Teaching & Learning guidelines (2018).
- Complaints relating to the conduct of other students, as these are handled under the student discipline process.
- Complaints about the release or withholding of data under the Freedom of Information or Data Protection policies. There is a separate appeals procedure for FoI and Data Protection matters. Please contact the DPO/FOI Officer at [dataprotection@mu.ie](mailto:dataprotection@mu.ie)/[foi@mu.ie](mailto:foi@mu.ie)
- Complaints about the outcome of other university formal procedures, such as the procedures for research misconduct, student conduct, examination appeals, academic discipline, sexual misconduct, or bullying and harassment.

Feedback on the content and structure of academic programmes should be directed to the academic department responsible, or through student feedback mechanisms.

Those eligible to make complaints under this policy are students who are currently registered as a Maynooth University student or within 3 months of ceasing registration as a student. Those seeking to submit a complaint beyond the time period are required to include an explanation as to why they did not submit a complaint.

Third party complaints on behalf of a student are not normally accepted. However, if a student is unable, because of a registered disability or incapacitation, to raise a complaint on their own, the student may authorise another individual to have access to personal information in order to pursue the

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<sup>1</sup> If a student has an academic issue in relation to a module, they should refer to the Teaching & Learning Guidelines for more information.

complaint on their behalf. In which case the University will consider the complaint on a case by case basis, in compliance with applicable laws.

## **Principles**

The university-level student complaints procedure is based on the following general principles:

1. The purpose of the process is to address genuine grievances and to promote improvements in quality for the benefit of students.
2. A complaint made in good faith by a student or students, regardless of whether the complaint is upheld or not, will not result in a negative consequence for the student or students.
3. All parties have a right to fair and impartial consideration of matters raised.
4. A person named in a complaint will be provided with details of the complaint and will be given an opportunity to respond.
5. If a complaint is upheld, the process will consider (i) appropriate measures, if any, to address the impact on the complainant(s), and (ii) appropriate measures to improve the service for others.
6. The complaints procedure is a mechanism to consider complaints, decide on their merit, and make recommendations about actions. It is not a disciplinary process, and is not empowered to take any disciplinary action relating to staff or students. In instances however the student complaints process may refer matters to the appropriate disciplinary process.

### ***Anonymous complaints***

The university will not normally respond to anonymous complaints, or complaints from unidentifiable email addresses. Nevertheless, where there is sufficient information provided, the university may decide to investigate an anonymous complaint.

### ***Frivolous and vexatious complaints***

Where a complaint is deemed to be frivolous, vexatious, or where false information is submitted, the Student Complaint Officer will reject the complaint. In submitting complaints under this procedure, students are reminded of the expectation outlined in the Rules & Regulations for Students.

### ***Conduct of complainants***

At Maynooth University, we understand that the circumstances leading up to a complaint can cause distress and frustration. The university is committed to listening to all student complaints but expects that they will be raised in a respectful manner and that complainants will be courteous when dealing with staff. The University may take steps to protect members of staff in circumstances where the behaviour of complainants is unacceptable. This may include informing the complainant that a

decision has been taken to restrict their contact and/or refer their conduct to the student discipline process of the university.<sup>2</sup>

### ***Confidentiality***

Complaints will be handled with discretion, and personal information about the people involved will be limited as far as reasonably possible to those involved in examining or responding to the matter.

Students who make complaints are also expected to treat the process as confidential, and to avoid naming or identifying any individual member of staff in a negative or defamatory manner.

### ***Referral to external agencies***

Where appropriate material that is revealed in a complaint may be shared with relevant external authorities, including the Garda and TUSLA.

### ***Data Protection***

Personal Data on students' complaints is normally retained for four years and then deleted. In certain circumstances, such as cases which remain active, the records may be retained for a further period in accordance with University's Data Retention Schedule. The University's Data Protection Policy and Student Data Privacy Notice is available on the website [<https://www.maynoothuniversity.ie/data-protection/policies-privacy-notices>] and includes information on your data subject rights and how to contact the Data Protection Officer for additional information or concerns. Personal data related to student complaints will be processed securely and only accessed by those who require access.

## **How to make a formal complaint to a Department/School or Unit**

If a student or students wish to make a complaint to a Department/School or Unit of the University, they should make the complaint in writing using the following guidelines:

The complaint should state clearly that it is a formal complaint and that it should be considered using the complaints procedure.

The complaint should either use a complaints form, or should be made in writing to the head of the unit concerned, with the following information at a minimum:

1. The name, email, student number, address and contact number of the person or people making the complaint.
2. A clear description of the complaint, including relevant dates and times where applicable.
3. A clear list of the specific issues, starting with the most important issue of concern.
4. A clear statement of what the complainant is seeking to achieve.
5. Where possible, the complaint should also include any relevant evidence, such as copies of emails or relevant documents.

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<sup>2</sup> Adapted from the Office of the Ombudsman: [guidance-for-service-providers/model-complaints-system](#)

## **How to make a formal complaint to the University**

Where resolution cannot be reached at Department/School or Unit level or where a student feels they cannot raise the complaint at the local level, a complaint can be made to the University. Where a student or students wish to make a complaint to the university, the complaint should be made in writing to the complaints officer using the standard university complaint form (**Appendix 1**). All the relevant evidence should be provided with the complaint.

### **Processing a university-level complaint.**

On receipt of a complaint, the complaints officer may, as appropriate:

- a) Seek further clarification of the complaint.
- b) Decide to refer the student to another university process. This may arise, for example, where the complaint refers to one of the exclusions.
- c) Examine the complaint through the student complaints procedure described here.

If the complaint is examined through the student complaints procedure, the university will seek a written response from the person or unit that is a subject of the complaint. Additional information may also be sought from others with relevant knowledge. The complaint will then be summarised and presented, along with the original complaint, to the Complaints Committee for decision.

The Complaints Committee will consider the material provided and make a decision that the complaint is either:

- 1) Upheld wholly or in part, or
- 2) Not upheld
- 3) Insufficient evidence to make a determination.

The Committee will provide a written decision to the student making the complaint, and to others involved, along with the basis for its decision.

In cases where the complaint is upheld in whole or in part, the Complaints Committee may also recommend actions that it considers appropriate, if any, to address disadvantage suffered by the student. The Committee may also recommend actions to reduce the likelihood of future difficulties. The relevant officer of the university, who will typically be the head of the relevant Department/School or Unit, will be asked to respond to notify the Committee of the actions taken to respond to the recommendations.

Where the Complaints Committee considers it appropriate, it may refer a matter to a university disciplinary process, or a relevant authority external to the university.

Where the Complaints Committee considers that a complaint is malicious it may refer it to the student discipline process of the university.

***Complaint not upheld***

If the complaint is not upheld, the student will be informed of this decision, and they will be provided with details of the appeals process and the Office of the Ombudsman.

<https://www.ombudsman.ie/>

The university will cooperate with any investigation by the Ombudsman to the best of its ability, including sharing of the decisions of Complaints Committee.

***Appeal***

Where a student or staff member believes that there was a material breach of the process in the handling of a complaint by the Complaints Officer or the Complaints Committee, the person may appeal the decision in writing to the Registrar. Note that this procedure is for appeals relating to material breaches of process, and is not a review of the judgement of the Complaints Officer or Complaints Committee.

If the appeal is upheld, the Registrar will ask the Complaints Committee to review the matter again.

## Timelines

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| Making a complaint  | A complaint should be made as soon as reasonably possible after the incident. Complaints that have not been made within 3 months after the matter which gave rise to the complaint occurred, or 3 months after the last recurring incident giving rise to the Complaint occurred, will not normally be processed under this Policy. However, the University may in its discretion extend the timescale where there is good reason, supported by evidence, as to why the student could not submit the complaint within the timescale |
| Issue raised at an informal level   | The person to whom the issue is raised should respond within 5 working days. If it is not possible to respond within 5 days, the person should acknowledge the raising of the concern in writing, and explain when a response will be provided.   |
| Response to a complaint to a Department, School of Unit.                        | <p>The complaint will be acknowledged within 5 working days of receipt.</p> <p>A full response will be provided within 30 working days in most cases. In cases where a response cannot be made within 30 days, the Department/School of Unit involved will respond within 30 days to provide an update, and to explain why a full response is not available. Further updates will be provided at intervals of at most 20 working days.</p>  |
| Response to a complaint to the University.                                      | <p>The complaint will be acknowledged within 5 working days of receipt.</p> <p>A full response will be provided within 30 working days in most cases. In cases where a response cannot be made within 30 days, the university will respond within 30 days to provide an update, and to explain why a full response is not available. Further updates will be provided at intervals of at most 20 working days.</p>  |
| Response by a relevant officer to a recommendation by the Complaints Committee. | The response should be made within 20 working days.   |



## The Complaints Committee

The Complaints Committee will be appointed by the President and include:

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| 1 | A Chair of the Committee, who will be a member of staff of the university holding the grade of Associate Professor or higher, or the grade of Senior Administrative officer, or the equivalent grade in other services. |
| 3 | Academic staff of the grade of associate professor or above   |
| 3 | Administrative/professional staff of the grade SAO4 or above or equivalent grades in other services.  |
| 2 | Representatives of students including at least one undergraduate student and at least one postgraduate student.   |

**Legal advisor:** The Committee may, at its discretion, make use of the services of a legal advisor to advise it during its work.

**Quorum:** The Committee will not be quorate unless it has at least 5 members, including at least one student representative, at least one of the academic members, and at least one of the administrative/professional staff. If the Chair is unavailable, the Chair may nominate another member of the Committee to Chair in their place.

In circumstances where it proves difficult to achieve a quorum after reasonable efforts have been made, the Chair may approve proceeding with a smaller Committee provided that at least three members of the Committee participate in the review. Exceptions of this nature will be recorded in the records of the Committee.

Appointments to the Committee should be informed by the objective of achieving gender balance to the greatest extent possible.

**Recusal:** Members of the committee will recuse themselves from cases where they have a personal connection with the complainant, or where the complaint involves a department or unit in which they work or study.

### ***Procedure of the complaints committee***

The Complaints Committee may adapt its process to suit the circumstances of the case in question. However, the normal procedure for the Complaint Committee will be as follows:

1. **Consideration of the material:** The Committee will consider the material presented to it, including the complaint, the response from the relevant person or unit, and any summary or additional material compiled by the Complaints Officer.
2. **Clarification:** The Committee may seek further information or clarification from any of the parties involved.
3. **In-person meetings:** While the process is primarily based on written submissions, the Committee may request an in-person meeting with either or both parties at its discretion. Where a student or staff member is invited to an in-person meeting, they may be accompanied

by another person if they wish. The accompanying person is intended as a companion, but is not expected to participate in the proceedings. A student or staff member present at an in-person meeting will be expected to speak for themselves and present their own evidence. A student or staff member invited to an in-person meeting may decline and instead choose to provide written answers. However, an in-person appearance may assist the Committee in determining the credibility of evidence, and failure to present at an in-person meeting may weaken the credibility of a case.

4. **Attendance of Student Complaints Officer:** The student complaints officer will attend committee meetings in a non-decision making capacity to record minutes and provide clarifications relating to the material being considered if required.
5. **Decision:** Based on the available information, the Committee will make a determination as to whether, on the balance of probability, the complaint should be upheld. The committee will seek to reach its decisions by consensus, but where this is not possible, the decision will be by majority of the members present. Where the Committee is evenly divided, the decision of the Chair will be final.
6. **Inability to determine:** There may be circumstances in which the Committee is unable to make a determination as to the facts, and may determine that there is insufficient evidence to make a determination. In such circumstances the Committee may recommend appropriate next steps.

The Committee may complete its review in person or remotely, at the discretion of the Chair.

#### ***Types of redress which may be recommended***

The Complaints Committee may recommend such follow up actions as it sees fit. These may include:

- 1) Recommending that the relevant person or unit in the university review a decision made about a student.
- 2) Recommending that an apology be issued to a student on behalf of the university.
- 3) Recommending that a process or procedure within the university be reviewed.
- 4) Cautioning a student or a staff member.
- 5) Recommending that a cost falling on the student be waived (for example a late change of registration fee).
- 6) Recommending that a direct cost which was paid by the student be reimbursed.
- 7) Or other such actions as may be appropriate to the case.

In making its recommendations, the Committee will not make an academic judgement or make a decision to adjust a mark. However, in a case where a complaint may give rise to a real or perceived possibility of unfairness in assessment, the Complaints Committee may recommend that the student work be reviewed by an appropriate person.

***Communication of decision***

Following the determination of the Committee:

- a) The student making the complaint will be informed of the outcome.
- b) If the complaint referred to a specific staff member or members, they will be informed of the outcome.
- c) The Head of the relevant unit or department will be informed of the outcome.
- d) The relevant member of the University Executive will be informed of the outcome.

Where actions are recommended, the implementation of these will be the responsibility of the relevant Head of unit within the university. However, the Committee should be informed of the actions taken.