

Sotheby's INSTITUTE OF ART

STUDENT COMPLAINTS PROCEDURE – LONDON

(This procedure is applicable to all SIA - London students registered with the University of Manchester)

Introduction and Principles

1. For the purposes of this document a student complaint is 'an expression of dissatisfaction by one or more students about a university's action or lack of action, or about the service provided by or on behalf of the university.' (Office of Independent Adjudicator definition.)
2. Sotheby's Institute of Art - London is committed to the delivery of a high quality educational experience and encourages feedback from students when there is a case for improvement or where there is a cause for concern. Students are defined as those enrolled with Sotheby's Institute of Art – London and the University of Manchester in both award bearing and non-award bearing programmes and courses.
3. There are several informal channels by which it is hoped that most problems can be resolved. These are described in paragraph 10, below. If, however, a student or students wish to pursue a complaint formally, the relevant procedures are described in paragraph 11, below. It is expected that in raising possible issues of complaint, students themselves will have observed their obligations as members of the Institute.
4. Students considering making a complaint may seek advice from a number of sources, for example, from a Personal Tutor, a Programme Director or Course Leader.

Definition and Scope of the Procedure

5. The Procedure is designed for complaints in respect of the student's experience at the Institute related to:
 - (a) The provision of programmes or courses, or parts of programmes or courses of study, services or facilities by the Institute;
 - (b) The actions or lack of actions by the Institute or its staff.
6. The Student Complaints Procedure does not cover the following, for which separate procedures exist:
 - (a) Appeals relating to academic progress or against expulsion or exclusion on academic grounds;
 - (b) Complaints involving an allegation of misconduct by a student.

7. The Student Complaints Procedure can be used by students for both individual and collective complaints. Complaints by a group of students are often of a general nature where it may be more appropriate for the students to raise the matter with a Student Representative on the relevant Programme or Course committee in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if this is not thought by the students to be an appropriate route.

Sotheby's Institute of Art - London will treat all complaints seriously and will deal with them without recrimination.

8. Students should pursue their own complaints; complaints submitted by a third party will not be accepted. The Institute will not usually investigate complaints by students who do not identify themselves.
9. The Institute will treat all documentation associated with a complaint from a student or group of students confidentially to the extent possible. Students need to recognise that the effectiveness of any complaints procedure depends on the Institute being able to collect appropriate information from the parties involved in order to investigate a matter properly. For example, if there is a complaint made about a member of staff, the Institute will inform that member about the substance of the complaint, so that s/he may respond.
10. A student, or group of students, may only use this Student Complaints Procedure if they currently are registered at Sotheby's Institute of Art - London, or if they are within six (6) months of ceasing their registration.

Informal Stage: Local Resolution

11. Complaints of a minor nature should be raised immediately with a member of staff, with the aim of resolving the problem directly and informally. Where the complaint is of a general nature, but programme or course specific, it might be more appropriate for the student to raise the matter at the student/staff liaison committee via his/her Student Representative.

Formal Procedure

12. Where it has not been possible to resolve matters to the student's, or group of students', satisfaction under paragraph 10, or when the issue is not appropriate to be raised informally in the opinion of the student or students, the student(s) should complete the Complaints Form and submit it to the Institute's Registrar (access to this document is via Canvas).
13. Students are encouraged to make a complaint as soon as possible after the events or actions (or lack of actions) which prompted the complaint, ideally within eight (8) weeks.
14. The Registrar will convene a meeting of the **Complaints Committee** as soon as possible to review the complaint and supporting documentation, and will inform the student, or group of students, at least two (2) weeks before the meeting of the date of the meeting and the members of the **Committee**. The student, or group of students, may if s/he/they wish appear before the **Committee** in person and may be

accompanied by a friend who is also a registered student of the Institute, acting as an observer only. Attendance by the student(s) is not required.

15. If the student or group of students has any objection to (a) the time or date of the meeting, and/or (b) the membership of any person or persons participating on the **Complaints Committee**, the student(s) may by written request to the Registrar, to be received no later than one week before the date that the meeting is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Complaints Committee**, giving the reason(s) for the request. The Registrar shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Complaints Committee**.
16. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the meeting of the **Complaints Committee**. The **Complaints Committee** shall give the student(s) opportunity to present his/her/their case at the meeting.
17. The **Complaints Committee** will include the Institute's Deputy Director (Chair) or Nominee, two members of staff and/or academic faculty not associated with the case, and a Student Representative from a different cohort to the complainant(s). No staff or faculty member to whom the complaint is directed or who may be involved in the actions or inactions related to the complaint will serve on this **Committee**. The Registrar will attend as secretary, but shall not vote.
18. The **Complaints Committee** will reach its conclusions and recommendations by a majority of its members. The Chair may vote and shall have, in addition, a casting vote.
19. The **Complaints Committee** will notify the student(s) in writing within ten (10) working days of the meeting of its conclusions and recommendations, which will set forth the reasons for its conclusions and recommendations. If there is a delay in reaching a conclusion because of, for example, the need for clarification of matters with the complainant(s) or other relevant persons or for further information, the **Complaints Committee** will so notify the student(s) in writing. In such event, the **Complaints Committee** will reconvene within thirty (30) working days of the original meeting date. The student(s) may attend the reconvened meeting. The **Complaints Committee** will notify the students(s) in writing within ten (10) working days of the reconvened meeting of the outcome.
20. The possible conclusions of the **Complaints Committee** include:
 - a. The **Complaints Committee** decides that the complaint is without substance, the Chair will write to the student informing them that the complaint has been dismissed. The student will be informed of their right to appeal under the Appeals Stage of the Complaints Procedure and the time limit for doing so. If it is concluded that the complaint is trivial, vexatious or malicious, they may recommend that disciplinary action should be taken against the complainant.
 - b. If the **Complaints Committee** upholds or partially upholds the complaint, the Chair will write to the student notifying them that the complaint has been upheld in whole or in part. The Chair will inform the student of the recommended remedy and timescales for this which have been agreed by the Institute. The recommendations of the **Complaints Committee** may also

include any re-payments or compensation, which the committee deems appropriate, if the criteria in the Institute's Refunds and Compensation Policy are met, and may also indicate whether an apology is required. The student will be informed of their right to appeal and time limit for doing so if they remain dissatisfied. If the student does not take the complaint to the Appeals Stage within the given time scale then the Institute will close the case.

Appeals

21. If the student or group of students is dissatisfied with the response set forth in the written correspondence, the student, or group of students, shall have the right of appeal. Appeals will only be taken against the conclusions and recommendations, on one or both of the following grounds:
 - (a) procedural irregularity; and/or
 - (b) availability of new evidence which could not reasonably have been expected to be presented at the original **Complaints Committee** meeting.
22. The student(s) may submit a request for an appeal, including a statement of the grounds on which the appeal is being made, in writing to the Registrar to be received within three (3) weeks of the date of the conclusions and recommendations letter sent to the student(s). A request for an appeal received after this time with good cause shown for its late submission shall only be granted at the discretion of the Registrar.
23. The Registrar shall convene an **Appeals Panel** to hear the appeal of the student(s). The **Appeals Panel** shall not re-hear the case afresh, but shall consider whether the initial conclusions and recommendations were fair by:
 - (a) reviewing the procedures followed; and
 - (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented at the original **Complaints Committee** meeting and whether this evidence is material and substantial to the conclusions and recommendations.
24. The following Institute officers shall serve on the **Appeals Panel**:
 - (a) One nominated member drawn from the Academic Board (Chair); and
 - (b) Two members of the academic staff, drawn from the Institute.

The **Appeals Panel** shall have a quorum of three members. The Registrar shall attend as secretary, but shall not vote.
25. No person shall be a member of the **Appeals Panel**:
 - (a) who served on the **Complaints Committee** which dealt with the matter(s) under review, or was otherwise involved in the proceedings; or
 - (b) who is party to or is a potential witness at a hearing before the **Appeals Panel**; or
 - (c) who has taught the student(s) or assessed the student's or group of students' work; or

- (d) who has been in any manner closely connected with the case; or
- (e) in respect of whom a conflict of interest would arise or is likely to arise if he/she were to be a member of the **Appeals Panel**.
26. The Registrar shall inform the student(s) in writing at least two (2) weeks in advance of the hearing of the date, time and place of the hearing, and the names of the members of the **Appeals Panel**.
27. If the student or group of students has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Appeals Panel**, the student(s) may by written request to the Registrar, to be received no later than one week before the date that the hearing is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Appeals Panel**, giving the reason(s) for the request. The Registrar shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Appeals Panel**.
28. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the hearing of the **Appeals Panel**. The **Appeals Panel** shall give the student(s) the opportunity to present his/her/their case at the hearing.
29. The student(s) may be accompanied at the hearing of the **Appeals Panel** by a friend or Student Representative if s/he is a registered student at the Institute, acting as an observer only.
30. Attendance by the student(s) at the **Appeals Panel** is not required.
31. Conclusions and recommendations may be made by a majority of the **Appeals Panel**. The Chair may vote and shall have, in addition, a casting vote. The **Appeals Panel** may elect an alternate Chair.
32. The **Appeals Panel** shall conduct its business in accordance with the rules of natural justice. The **Appeals Panel** shall have the authority, if the student presents new evidence that is material and substantial to the **Appeals Panel**, to refer the case back for consideration by a newly constituted **Complaints Committee**. In such event the student(s) will have another opportunity to appeal the conclusions and recommendations of the newly constituted **Complaints Committee**.
33. The **Appeals Panel** shall inform the student in writing within two weeks of the hearing of the **Panel's** decision on the appeal, together with reasons for the decision.
34. The **Appeals Panel** shall send a copy of the decision of the appeal to the Institute's Director at the same time as it sends the decision to the student.
35. The **Appeals Panel** has the power to adjourn a hearing to another date, as it thinks fit.
36. Following receipt of the decision of (a) the initial **Appeals Panel** or (b) a subsequently constituted **Appeals Panel** should the initial **Appeals Panel** have referred the case back to a newly constituted **Complaints Committee** the student(s) shall have the right of appeal to the Institute's validating organisation, the University of Manchester, subject to the regulations and policies of the University. The student should refer to

the University of Manchester's Teaching and Learning Support Office for details of procedures for appeal, and for the relevant staff contacts, which are set forth at:

<http://www.staffnet.manchester.ac.uk/tlso/>

Director's Powers

37. In the event that it proves impracticable to convene the **Complaints Committee** or the **Appeals Panel** because of the unavailability of a sufficient number of individuals who are eligible to serve on such a **Committee** or **Panel**, the Institute's Director may appoint such other person or persons to serve on such **Committee** or **Panel** as she sees fit.