

# Procedure for the Review of Decisions of University Bodies (the Procedure)

## 1. Glossary of key terms

1.1. In this procedure the following terms shall have the meanings set out below:

Case Handler	A member of OSCCA who determines whether a request for Review is eligible to be investigated under the procedure
Complainant	A person who has received a decision listed in the Schedules to this procedure and has chosen to request a review of the decision
Completion of Procedures Letter	A letter that confirms the end of the University's internal proceedings, following which a student may be eligible to raise a complaint with the Office of the Independent Adjudicator
OSCCA	The Office of Student Conduct, Complaints, and Appeals
Reviewer	A trained member of academic staff who decides whether a complaint is upheld or dismissed

## 2. Scope and principles

2.1 This procedure applies where a person who has received a decision listed in the Schedules to this procedure wishes a review of the decision to be undertaken. The Procedure has one stage: Review.

2.2 The Review will not usually consider issues afresh or involve a further investigation. The procedure allows for a decision listed in the Schedules to be reviewed on the following grounds:

- a) procedural irregularities that occurred during the decision-making process, which were material or potentially material to the decision reached; and/or
- b) the decision is unreasonable, in that no reasonable person could have reached the same decision on the available evidence; and/or
- c) the availability of new evidence, which materially impacts on the outcome and which, for valid reasons, could not have been submitted at an earlier stage.

2.3 The General Board shall approve and keep under review explanatory notes, to be read in conjunction with this procedure. Those notes shall include a Policy on the use of personal information under this procedure. Before making a request for Review, Complainants should read the procedure and the explanatory notes on the procedure. All Complainants are encouraged to seek support from a College Tutor, a member of the Students' Unions' Advice Service, or other advisor of the student's choosing.

### *Explanatory note*

*In order to ensure that a Complainant's views are accurately represented it is preferable for the University to correspond directly with the Complainant. However, it is accepted that sometimes this will not be in the best interests of the Complainant, for example, where a Complainant is reluctant to make or receive decisions about their request for Review without support, as a result of an underlying medical condition. Where Complainants would prefer correspondence to be directed through an authorized representative, permission needs to be provided by the Complainant in writing or via a University email account.*

2.4 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 University to be legally represented at any meetings that form part of the procedure except in exceptional circumstances.

- 2.5 This procedure can only be used by the person who has received a decision listed in the Schedules. The request for Review can only be made by the Complainant themselves, although in limited circumstances the University will accept a request from a third party acting as the Complainant's authorized representative. In this circumstance the University will communicate only with the authorized representative and therefore any reference in this procedure about communication to or from a Complainant includes the Complainant's authorized representative.
- 2.6 Complainants will not be disadvantaged for raising a valid complaint. The University will act reasonably in considering requests under this procedure and decisions will be made fairly and transparently. The Case Handler and the Reviewer will have had no material involvement in the matters raised as part of the complaint or in earlier stages of the procedure and will be independent and impartial.
- 2.7 Any reference in this procedure to a University officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.
- 2.8 Complainants are required to raise requests for Review as soon as possible and within 14 calendar days of the decision to be reviewed being communicated. Requests or evidence submitted outside of this timeframe will not be accepted unless there is a valid reason for delay, which will be judged on a case-by-case basis by the Case Handler or Reviewer, as appropriate.

*Explanatory note*

*All Complainants using the procedure will need to comply with the prescribed timescales, which enable effective remedies to be provided (such as amendment to decisions made regarding examination conditions or allowances) without further disadvantage. Requests received outside of the permitted timeframe will only be accepted where there is valid reason for the delay, supported by evidence. Revising, studying or seeking advice will not normally be accepted as sufficient reason for delay.*

- 2.9 The University aims to process any request for Review within 90 calendar days. The 90 calendar day timeframe requires Complainants to comply with any timescales set down in this procedure. There will occasionally be circumstances when, for good reasons, the University will need to extend the timeframe and in these circumstances the Complainant will be notified and kept updated as to the progress of their request.
- 2.10 The University will only share the information and evidence submitted in a request for Review with members of staff where it is strictly necessary in order to process, investigate and consider the request for Review. All information received from a Complainant will be handled sensitively and in accordance with the Policy on the use of personal information under the Review of Decisions of University Bodies procedure.
- 2.11 The Case Handler or the Reviewer may terminate a Review if it is considered to be frivolous or vexatious. If a Review is terminated then the Complainant will be issued with a Completion of Procedures letter.

*Explanatory note*

*Examples of vexatious requests are those which are obsessive, harassing or repetitive; insist on pursuing unrealistic or unreasonable outcomes and/or requests which are designed to cause disruption or annoyance.*

- 2.12 Complainants, their advisors and staff of the University are required to communicate respectfully and to behave reasonably at all times whilst using the procedure. Abusive or threatening behaviour and language will not be tolerated. If, following a warning, a Complainant behaves in an unacceptable manner; a Reviewer may terminate the Complainant's Review without further consideration. If a request is

terminated then the Complainant will be issued with a Completion of Procedures letter.

*Explanatory note*

*Unacceptable behaviour includes unreasonable persistence, unreasonable demands, lack of co-operation or any aggression or threat of aggression.*

- 2.13 When using this procedure, Complainants are encouraged to provide details and evidence of any disability and/or any reasonable adjustments which may be appropriate in light of their disability. Where it may be helpful and following the consent of the Complainant, an appropriately trained University staff member may be asked to provide a decision regarding reasonable adjustments.

*Explanatory note*

*The University has a duty to provide reasonable adjustments for disabled students in certain circumstances. Complainants who require further information about reasonable adjustments should contact the Disability Resource Centre at [www.disability.admin.cam.ac.uk](http://www.disability.admin.cam.ac.uk). When notified of a disability under the procedure, the University will always consider whether reasonable adjustments are required. These will be assessed for each individual and in accordance with the University's 'Code of Practice: reasonable adjustments for disabled students' available at [http://www.educationalpolicy.admin.cam.ac.uk/files/approved\\_17-18\\_version.docx](http://www.educationalpolicy.admin.cam.ac.uk/files/approved_17-18_version.docx).*

### **3. Review**

- 3.1 If a Complainant is dissatisfied following a decision listed within the Schedules to this procedure, the Complainant can submit a Request for Review form within 14 calendar days of the decision being communicated. Alternatively, if the Complainant is dissatisfied with the decision but does not believe the reasons for the dissatisfaction would meet the grounds for a Review, the Complainant can request a Completion of Procedure letter.

*Explanatory note*

*Complainants will be required to provide the following information within the Request for Review form:*

- a) *their name, University Student Number and correspondence details;*
  - b) *the ground(s) under which they are requesting a Review;*
  - c) *the full reasons for requesting a Review;*
  - d) *all new evidence they wish to be considered as part of the Review;*
  - e) *the outcome they are hoping to obtain;*
  - f) *agreement that in order to consider the request under the procedure it will be necessary to share certain personal information about the Complainant in accordance with the Policy on the use of personal information under the Review of Decisions Procedure.*
- 3.2 If the request for Review has been made on the specified grounds and within the timeframe, as determined by the Case Handler, OSCCA will appoint a Reviewer from a panel of Reviewers appointed by the Council to consider the request for Review. Where a request cannot be considered further by the University a Completion of Procedures letter will be issued.
- 3.3 The Reviewer will consider the Complainant's request, the information considered in reaching the decision, the decision itself and any new information. The Reviewer may request further information.
- 3.4 Following consideration of the materials, the Reviewer will have the power to either:
- a) uphold the request for Review in whole or in part, either referring back to the decision-making body for reconsideration or where this would be unsuitable, requiring such remedies as necessary; or
  - b) dismiss the request for Review and confirm the original decision.
- 3.5 The Complainant will receive the Reviewer's decision and the reasons for the decision, in writing, normally within 28 calendar days of submitting the Request for

Review form. This is the final stage of the University's internal process and therefore the Complainant will be issued with a Completion of Procedures letter.

*Explanatory note*

*If a Complainant chooses to raise a complaint with the OIA, the Reviewer's decision will still be enacted unless a review outcome from the OIA recommends otherwise.*

#### 4 Reporting and monitoring

- 4.1 OSCCA will monitor all reviews of decisions made under the procedure and will produce an annual report summarizing anonymised decisions, remedies and recommendations (including the implementation of these) made by Reviewers. Students' Unions' sabbatical officers will be invited to provide feedback on the annual report. The annual report will be submitted to the General Board's Education Committee.

*Explanatory note*

*There is student membership on the General Board's Education Committee.*

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### SCHEDULE

All formal decisions taken in the exercise of the powers of the following University bodies/officeholders which concern individual students or candidates<sup>1</sup>, except decisions concerning admissions and examination results:

- Examination Access and Mitigation Committee
- Board of Graduate Studies
- Faculty Boards
- General Board and all General Board Sub-Committees
- Degree Committees and all Degree Committee Sub-Committees
- Information Services Committee
- Library Syndicate
- Senior Proctor

The following decisions made under the Student Disciplinary Procedure:

- Decisions made under paragraph 2.27 not to share with a student all evidence considered in reaching a decision under that procedure;
- Decisions made by the Student Discipline Officer not to commission an investigation or to limit the scope of an investigation.

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<sup>1</sup> These decisions include (but are not limited to) those concerning progression, reasonable adjustments, the granting of examination allowances and allowances of terms, the granting of additional attempts of certain examinations, the imposition of a fine, and the suspension or revoking of permissions or licences.

## **Appendix: Policy on the use of personal information under the Review of Decisions of University Bodies Procedure**

*A copy is to be provided to the Complainant at the earliest contact and published on the University's website.*

1. In order to deal with a Complainant's request it will be necessary for the University to process a Complainant's personal data in accordance with this policy. The overall purpose of processing personal data in the context of the investigation and resolution of reviews is to decide what steps can appropriately be taken in response to such requests. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Such persons may include:

- staff within OSCCA;
- the Reviewer;
- solicitors in the University's Legal Services Office and/or the University's external legal advisers;
- the University Advocate (or other relevant officer); and
- a Complainant's authorized representative.

Documentation generated in the course of an investigation under the procedure will be disclosed in full to the Complainant except where information relates to an individual who has not consented to the disclosure of personal data.

2. The University will seek the Complainant's written consent before notifying the Complainant's College Tutor or Graduate Tutor that a request for Review has been submitted so that they are aware of the request and able to assist in providing support.
3. The University will seek the Complainant's written consent before liaising with appropriate staff members, including staff of the Disability Resource Centre, regarding support and any reasonable adjustments for disabled students.
4. Following completion of the procedure, the request for review, the documentation generated in the course of the investigation and the decisions made under the procedure, will be retained securely by the Head of OSCCA for six years following the completion of a request for Review. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any request for review is subsequently submitted under this procedure by the same Complainant, this information may be taken into account by the Case Handler, in reaching a decision under paragraph 2.10 of the procedure. The information may also be provided to the University Advocate or other relevant officer, if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 2.10, 3.2 or 3.4 of this procedure.
5. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.
6. Any questions or concerns about this policy should be directed to the Head of OSCCA in the first instance.