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## STUDENT COMPLAINTS PROCEDURE

### A. General Principles

- 1 Xi'an Jiaotong-Liverpool University is committed to ensuring that we provide, for our students, a high quality educational experience, supported by appropriate academic, administrative and welfare services and facilities. We recognise, however, that there may be occasions when students will feel that they have cause for complaint. In this context, a complaint is defined as an expression of dissatisfaction either about the programmes, modules, departments or services provided by the University or about actions or lack of actions by the University or its staff. Complaints may be made by individuals or by groups of students. This Student Complaints Procedure sets out how students may seek to have complaints addressed. It should be recognised that the vast majority of student complaints can be handled fairly, amicably and to the satisfaction of all concerned on an informal basis. Only when informal means have been exhausted should a formal complaint be pursued.

This procedure does not cover the following matters for which separate procedures exist:

- (i) Appeals against academic assessment and progress decisions
  - (ii) Disciplinary issues
  - (iii) Complaints relating to the Students' Union
- 2 Information about academic appeals and disciplinary issues may be sought from the Vice President, Academic Affairs.
- 3 The Student Charter sets out the general entitlements and responsibilities of students. If a student believes that s/he has a legitimate complaint, s/he should refer in the first instance to the Student Charter to clarify what it is reasonable for him/her to expect from the University in the relevant area and whether s/he has discharged his/her corresponding responsibilities, if applicable. If, having consulted the Student Charter, the student wishes to proceed with his/her complaint, s/he may invoke the Complaints Procedure set out in this document.
- 4 The University will seek to ensure that all complaints from students are treated seriously, positively and constructively. It will also seek to ensure that complaints are dealt with promptly, with fairness and consistency and with due regard to the University's Diversity and Equality of Opportunities Policy. If a complaint is found to be justified, the University will take such action or provide such remedy as may be appropriate and will do so promptly. If a complaint is not upheld, the reasons for the decision will be communicated to the complainant.
- 5 Complainants will not suffer any disadvantage or recrimination as the result of making a complaint in good faith. However, if a complaint is judged to have been made frivolously, vexatiously or with malice, disciplinary action may be taken against the complainant.
- 6 Complainants and any individual against whom complaints might be made may expect complaints to be dealt with confidentially and that his/her privacy will be respected. However, it may be necessary to disclose information to others in order to deal with the complaint and in these circumstances the parties concerned will be informed of such disclosure. Whenever, in the course of a complaint being dealt with, a complainant or any person against whom a complaint is made is invited to discuss the complaint orally or to attend a hearing, s/he shall be entitled to be accompanied by a friend or colleague or other member of the University, who may speak on his/her behalf.

- 7 Anonymous or third party complaints will not be dealt with under this procedure. If a member of staff receives an anonymous complaint, s/he will be expected to seek advice from his/her line manager as to how the complaint should be dealt with.
- 8 The University believes that complaints should be resolved as near to their source as possible. For this reason, this Complaints Procedure provides for there to be a number of stages, both informal and formal, in the handling of a complaint. Complaints will not be rejected solely on the grounds of minor procedural deficiencies on the part of the complainant. At each stage of the process, the person to whom a complaint has been referred shall, if it is upheld, apply such appropriate remedies as are within his/her powers. If s/he considers that the remedy is outside his/her powers s/he shall refer the matter to the appropriate authority.
- 9 Heads of Departments and relevant Professional Services offices will monitor, on an annual basis, complaints which have been referred to them and will be responsible for implementing, or recommending to the appropriate authority, changes to systems or procedures suggested by the nature and pattern of the complaints received. The outcome of such monitoring may also be used to inform other processes or activities. Formal complaints submitted to the Vice President, Academic Affairs will also be monitored. The University Student Experience Committee shall receive on an annual basis a report on the outcome of the monitoring processes and from time to time shall consider, in the light of such reports, whether changes to the University's systems and to the Complaints Procedure itself would be appropriate.
- 10 This Complaints Procedure may be invoked by students registered for programmes of study of the University.
- 11 Advice about the Complaints Procedure may be obtained from the Vice President, Academic Affairs.
- 12 This Complaints Procedure forms part of the University's overall Quality Assurance Framework. It will also be available on the University's web site and periodically will be brought to the attention of all staff and students.

## **B. Informal Resolution of Complaints**

- 13 The majority of complaints can be resolved satisfactorily on an informal basis. If the complaint is against an individual, the complainant should, if possible, first raise their complaint either orally or in writing with that individual, stating the remedy they are seeking. If the complaint is about programmes, courses, facilities or services provided by the University, the complainant should raise the complaint with the person who has responsibility for the area concerned, again stating the remedy being sought. The complaint must normally be made within one month of the actions (or lack of actions) which prompted the complaint. The person to whom the complaint has been made shall respond to the complaint, normally within ten working days of the complaint being made. If it proves impossible to respond fully within ten working days, the complainant shall be informed of the timescale for the receipt of a full response. If making or responding to the complaint involves face to face contact between the complainant and a person against whom the complaint has been made, both shall be entitled to be accompanied by a friend or colleague or other member of the University. If the person to whom a complaint has been made rejects the complaint, s/he must state his/her reasons for doing so.
- 14 If a complaint is of a general rather than specific nature, it may be more appropriate to ask the relevant student representative to raise it at the Student-Staff Liaison Committee or other appropriate committee or group.
- 15 If the complainant is dissatisfied with the response s/he receives from the person to whom a complaint has been made, or if s/he feels unable to approach directly the person against whom s/he has a complaint, s/he should submit a written complaint to the Head of

Department (if it relates to an academic matter) or to the line manager for the service concerned. If the head of an academic department is the subject of the complaint, then the written complaint should be made to the Vice President, Academic Affairs. If the complainant is unsure whom to approach at this stage, s/he may seek advice from the Student Affairs Office. The written complaint should set out briefly: the nature of the complaint and the remedy sought; the informal steps already taken (if any); details of the response received; a statement as to why the complainant remains dissatisfied; and, without prejudice to any formal remedy which might be determined, the remedy s/he is seeking. The Head of the Department or line manager for the service shall investigate the complaint and shall submit a written response to the complainant normally within fifteen working days of the receipt of the complaint. If it should prove impossible to respond fully within fifteen working days, the complainant shall be informed in writing of the timescale for the receipt of a full response. If the investigation involves a face to face meeting between the Head of Department/line manager for the service and the complainant and/or person against whom a complaint has been made, the latter two shall both be entitled to be accompanied by a friend or colleague or other member of the University. If the complaint is not upheld, the reasons for this decision must be stated in writing to the complainant and to any person against whom a complaint has been made.

### **C. The Formal Complaints Process**

- 16 The process described in paragraphs 13-15 represents the informal stage in seeking to resolve complaints. If, having pursued the matter informally, the complainant remains dissatisfied with the written response s/he should refer the matter formally in writing to the Vice President, Academic Affairs and should enclose copies of the correspondence exchanged during the informal procedure and any other relevant papers.
- 17 The Vice President, Academic Affairs shall acknowledge receipt of a formal complaint in writing within five working days. Subject to his/her being satisfied that the complainant has taken all reasonable steps to resolve the matter informally using the procedures detailed in paragraphs 13-15 above, the Vice President, Academic Affairs shall appoint a person or persons within the University, having no material interest in the complaint, to carry out an investigation. The investigator(s) may seek to resolve the issue on the basis of documentation, after having sought further information from the members of staff involved in the informal investigation of the complaint, or may, at the discretion of the investigator(s), call a hearing at which the complainant and any other persons involved may submit their respective cases. The complainant and any person who is the subject of a complaint may each be accompanied at any such hearing by a friend or colleague or other member of the University, who may speak on his/her behalf, if appropriate. In the unavoidable absence of any parties in the hearing, the hearing may be postponed, but the voluntary absence of one of the parties shall not prevent the hearing proceeding.
- 18 After investigation of the complaint the investigator(s) shall decide whether the complaint is justified or not and shall submit a report in writing to the Vice President, Academic Affairs, containing such recommendations as may be appropriate. The Vice President, Academic Affairs shall determine what action, if any, shall be taken and shall communicate this in writing to the complainant and all other relevant parties within 30 working days of the date of acknowledging receipt of the formal complaint.
- 19 Following formal investigation of a student complaint, there shall be no right of appeal as to the merits of the case. Dissatisfaction as to the outcome of the complaint itself shall not in itself constitute an acceptable reason for appeal. However, if a complainant believes that his/her complaint has not been handled properly or fairly in accordance with the procedures set out in paragraphs 17 and 18, then s/he may submit a letter of appeal to the Executive President requesting a review. The letter must set out the reasons for requesting the review, should normally be submitted within ten days of notification of the decision on the complaint

by the Vice President, Academic Affairs and should include copies of all previous correspondence and relevant papers.

- 20 Appeals will be considered by the Executive President or his/her nominee. The President will acknowledge receipt of an appeal within five working days. The President or his/her nominee shall consider the circumstances of the case on the basis of the documentation and, having taken such advice as s/he deems necessary, shall determine whether there is *prima facie* evidence to support the complainant's appeal that the case had not been handled properly or fairly. If s/he determines that no *prima facie* evidence exists, then the appeal shall be dismissed. If, however, the President or his/her nominee is satisfied that there is *prima facie* evidence to support the appeal, then s/he shall review the case. S/he shall inform the complainant, normally within 30 working days of receipt of the appeal, either that there is no *prima facie* evidence to support the appeal and therefore that the appeal has been dismissed, or that the case is to be reviewed.
- 21 Reviews will normally be conducted by means of scrutiny of written documentation. Following completion of a review, the President shall ensure that any appropriate action arising from the report and its recommendations is taken and shall inform the complainant accordingly.
- 22 In normal circumstances any hearing which a complainant is invited to attend in connection with the investigation of a complaint will be held during semester time. If, in exceptional circumstances, the investigation of a complaint requires a complainant's attendance in the University outside of semester time, reasonable travel and subsistence expenses incurred by the complainant in attending the University will be reimbursed by the University.

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#### Approval and Revision Log

Date	Approved by	Description
27 November 2013	Academic Board	'Academic Dean' and 'Head of Registry' replaced with 'Vice President, Academic Affairs', 'The President' replaced with 'The Executive President', and to remove paragraph 23.
1 <sup>st</sup> June 2016	Administrative change	Clause 9: 'ULTC' replaced with "Student Experience Committee" and 'administrative services' replaced with 'relevant professional services offices'

## ASSESSMENT APPEALS PROCEDURE FOR UNDERGRADUATE AND POSTGRADUATE PROGRAMMES

### INTRODUCTION

This Assessment Appeals Procedure applies to students registered on undergraduate and postgraduate programmes at Xi'an Jiaotong-Liverpool University. XJTLU students registered at the University of Liverpool (2+2 students) will be subject to procedures in place at the UoL. Nevertheless, where a 2+2 student lodges an appeal against the award/non-award of XJTLU degree, a further XJTLU appeals procedure is detailed in the last section of this document.

Every student within this scope has the right to appeal against a progression decision, an award/non-award, or classification if she/he finds a procedural error or irregularity has occurred, or if there are mitigating (extenuating) circumstances which, for good reason, could not be presented in a timely fashion to the Mitigating Circumstances Committee.

The Assessment Appeals Procedure sets out the grounds whereon and procedures through which students can appeal against decisions taken by the Board of Examiners or the Degree Evaluation Board in relation to their progression, award/non-award, or classification. This includes an appeal against a penalty awarded following a breach of the University's Academic Integrity Policy.

Any questions about module marks or component marks should be addressed to the Module Leader for feedback provision in the first instance which is not covered by this procedure. This procedure does not either cover the following matters, for which separate procedures are in place:

- a) Student complaints
- b) Disciplinary issues
- c) Complaints relating to the Students' Union

### DEFINITIONS

- a) The **appellant** is the student who is making the appeal.
- b) A **Completion of Procedure Letter (COP)** is a letter issued by the Registry to indicate the completion of assessment appeals procedure within XJTLU.
- c) A **material irregularity** is a departure from standard policy, regulations or rules which has a significant impact on the assessment of a student's work.
- d) A **material error** arises as the result of the improper execution of administrative procedure and has a significant impact on the assessment of a student's work.
- e) **The University** is Xi'an Jiaotong-Liverpool University (XJTLU).

## ASSESSMENT APPEALS PROCEDURES FOR STUDENTS REGISTERED AT XJTLU

### Section 1: Grounds and Procedures for Lodging an Assessment Appeal

1. A student may appeal against a decision of the Board of Examiners or the Degree Evaluation Board on one or more of the following grounds:
  - a) That there has been a material administrative error or other material irregularity;
  - b) That assessments were not conducted in accordance with the current regulations governing the course of study;
  - c) That there was a procedural error in a ruling of the breach of the XJTLU Academic Integrity Policy;
  - d) That performance in the assessment was adversely affected by illness or other significant factors which, **for good reason**, the student was unable to present to the Mitigating Circumstances Committee.
2. A student may not appeal on grounds:
  - a) Which have already been considered by the Board of Examiners or the Degree Evaluation Board;
  - b) Which could have been considered prior to the meeting of the Board of Examiners or Degree Evaluation Board, but the student has **no good reason** for having failed to present them;
  - c) Which dispute the academic judgement of the Board of Examiners or the Degree Evaluation Board or the Module Examiner.
3. Before submitting an appeal, the student should consult with the Chair of their home School Board of Examiners, or his/her nominated representative (e.g. the Examinations Officer), in order to clarify any possible misunderstanding about the way in which the decision has been made.
4. Any appeal against a progression, award/non-award or classification decision must be made **no more than 7 calendar days** after the formal release to the students of the relevant decisions by the Board of Examiners or Degree Evaluation Board respectively.
5. The appeal should be made to the Registry, using an Assessment Appeals Form which is available from the Registry. The appeal will include a written statement and will be accompanied by supporting evidence. If supporting evidence cannot be gathered within 7 calendar days, an appropriate deadline, normally no more than a further 7 calendar days, will be agreed between the Registry Office and the appellant. Appeals on the grounds of illness must include full documentary evidence and state the reasons why this information was not presented in advance to the Mitigating Circumstances Committee. Appeals on the grounds of material irregularity or material error must include a detailed description of the irregularity or error which is alleged to have occurred.
6. **Appellants should be aware that there is a strong possibility that the University will be unable to resolve appeals in time for the next scheduled graduation ceremony, or resolve appeals following resit examinations right before the start**

of the next academic session.

## **Section 2: Procedure of Paper-based Review**

7. The Registry Office will review and determine whether or not the information presented by the appellant constitutes a prima facie case for appeal.

### **A prima facie case is not established**

8. Where the appeal is declined on the grounds that a prima facie case has **not** been established, the Registry will inform the appellant in writing of the decision.

The appellant has no further right of appeal to the University unless additional information or evidence is gathered within 7 calendar days following the receipt of the letter.

9. A COP letter will be issued by the Registry if no additional information or evidence is received from the appellant in 7 calendar days.

### **A prima facie case is established**

10. Where a prima facie case for appeal has been established, it will be referred to the Deputy CAA Director and CAA Director who will investigate the case and make collective decisions as to whether to uphold or reject the case.

#### **The appeal is upheld**

11. Where the appeal is upheld, action recommendations will be made to the Board of Examiners.
12. The Registry will inform the appellant in writing of the outcome with the actions being made. The appellant has the right to request a review of this decision (see next Section).

#### **The appeal is rejected**

13. The Registry will inform the appellant in writing of the outcome of the appeal. The appellant has the right to request a review of this decision (see next Section).
14. If a review of the decision is not requested within 7 calendar days following the receipt of the outcome letter regardless whether the appeal is upheld or rejected, a COP letter will be issued by the Registry, and the appellant has no further right of appeal to the University.

## **Section 3: Procedure of the Assessment Appeals Panel Review**

15. The appellant may request a review of the decision from Paper-based review no more than 7 calendar days after the receipt of the written decision sent from the Registry. A review may be requested on one or more of the following grounds:
  - a) The outcome did not take account of all the circumstances;
  - b) There was a procedural error in determining the outcome;
  - c) There is new material evidence which, **for good reason**, the student was unable to

provide earlier in the process.

16. If a review of the decision is requested, the review request will be considered by the Assessment Appeals Panel on the basis of paperwork, unless a Hearing meeting is requested by the student and/or deemed necessary by the Chair of the Panel. The terms of reference of the Assessment Appeals Panel and Hearing procedures are detailed in Appendix A.

**The appeal is upheld**

17. The Assessment Appeals Panel will make action recommendations to the Board of Examiners (progression) or the Degree Evaluation Board (award/non-award, or classification) as applicable.
18. The Registry will inform the appellant in writing of the outcome with the actions being made. The appellant has the right to request for a review of this decision (see next Section).

**The appeal is rejected**

19. The Registry will inform the appellant in writing of the outcome of the review by the Panel. The appellant has the right to request a further review of this decision (see next Section).
20. If a review of the decision is not requested within 7 calendar days following the receipt of the outcome letter regardless whether the appeal is upheld or rejected, a COP letter will be issued by the Registry, and the appellant has no further right of appeal to the University.

**Section 4: Further Review Procedure**

21. The appellant may request a review of the decision by the Assessment Appeals Panel by writing to the Vice-President for Academic Affairs **no more than 7 calendar days after the receipt of the letter from the Registry on behalf of the Assessment Appeals Panel advising the outcome of the appeal.** All supporting evidence must also be provided.
22. A review may only be requested on one or more of the following grounds:
  - a) The outcome did not take account of all the circumstances;
  - b) There was a procedural error in determining the outcome;
  - c) There is new material evidence which, **for good reason**, the student was unable to provide earlier in the process.
23. The decision will normally be reviewed by the Executive President together with the Vice-President for Academic Affairs, purely on the basis of written evidence, and in private. The decision will be **affirmed** or **overturned**.

**The panel's decision is affirmed**

24. Where the Executive President and the Vice-President for Academic Affairs affirm the decision of the Assessment Appeals Panel, and determine that there are no grounds



for further appeal, the Registry will issue a COP letter to the appellant. The appellant has no further right of appeal to the University.

**The panel's decision is overturned**

25. Where the Executive President and the Vice-President for Academic Affairs overturn the decision of the Assessment Appeals Panel, and determine that there are grounds for the appeal to be re-heard, then a new Assessment Appeal Panel will be convened, with new membership.
26. The new Assessment Appeals Panel will either uphold the appeal, and make appropriate recommendations to the relevant Board of Examiners or Degree Evaluation Board, or reject the appeal.
27. A COP letter with the outcome of the appeal will be issued to the appellant by the Registry. The appellant has no further right of appeal to the University.
28. Should the appellant remain dissatisfied with the outcome of these procedures, then further appeal may be made in writing, with all supporting evidence, to the Deputy Vice Chancellor of the University of Liverpool **but only with respect to the award of the University of Liverpool degree and only on the grounds that, at the meeting of the Assessment Appeals Panel, the appellant did not have a fair hearing as a consequence of some procedural irregularity.**

**FURTHER APPEAL PROCEDURES FOR XJTLU STUDENTS REGISTERED AT UoL**

29. The University will consider an appeal against a decision related to the award, non-award or classification of a degree from a student enrolled on a degree programme at the University of Liverpool, **but only with respect to the XJTLU degree and only when all UoL internal appeals procedures have been exhausted.**
30. If an appeal is dismissed at the final stage by UoL, then a student may appeal in writing to the Vice-President for Academic Affairs of XJTLU. All supporting evidence must be provided.
31. Under normal circumstances, an appeal will only be accepted if valid evidence is submitted that the appellant did not receive a fair hearing as a consequence of a material procedural error or irregularity during the UoL appeals process.
32. The decision will normally be reviewed by the Executive President together with the Vice-President for Academic Affairs, purely on the basis of written evidence, and in private. The decision will be **affirmed** or **overturned**.

**UoL's decision is affirmed**

33. Where the Executive President and the Vice-President for Academic Affairs affirm the decision of the University of Liverpool, and determine that there are no grounds for further appeal, the Registry will issue a COP letter to the appellant. The appellant has no further right of appeal to the University.

**UoL's decision is overturned**

34. Where the Executive President and the Vice-President for Academic Affairs overturn the decision of the Assessment Appeals Panel, and determine that there are grounds for the appeal to be re-heard, then an Assessment Appeal Panel will be convened, **but only in respect to the XJTLU award.**
35. The Assessment Appeals Panel will either uphold the appeal, and make appropriate recommendations to the relevant Board of Examiners or Degree Evaluation Board, or reject the appeal.
36. A COP letter with the outcome of the appeal will be issued to the appellant by the Registry. The appellant has no further right of appeal to the University.

## **APPENDIX A---TERMS OF REFERENCES OF THE ASSESSMENT APPEALS PANEL**

1. An **Assessment Appeals Panel** will normally be convened by the Dean of Learning and Teaching. It will normally consist of the Dean of Learning and Teaching (Chair), and two members who are the Chair(s) of School Learning and Teaching Committee(s) and/or Examinations Officer(s) not from the appellant's home school. A senior member of Registry will act as Secretary to the Assessment Appeals Panel.
2. The **Assessment Appeals Hearing** is an opportunity for the appellant to present their case in person to the Assessment Appeals Panel if the appellant feels needed and the Chair of the Panel deems it necessary.
3. Under normal circumstances, the Appeal will be considered by the Panel on the basis of paperwork, and the Panel will receive the following documentation for decision making:
  - a) The appellant's completed form and any supporting evidence;
  - b) Copies of the relevant regulations;
  - c) Copies of any other relevant information or statements, including the meeting minutes of the relevant Board of Examiners or Degree Evaluation Board, and the appellant's profile based on which the progression or award result is made.
4. Where upon request by the appellant, the Secretary, in consultation with the Chair of the Panel, may assist to convene an Assessment Appeals Hearing, which will be conducted as follows:
  - 1) All papers presented to the Assessment Appeals Panel will also be provided to the appellant and the Chair of the relevant Board of Examiners or Degree Evaluation Board or their nominated representatives.
  - 2) The appellant has the right to be heard at the meeting, accompanied if s/he wishes by a friend, but s/he may not be represented at the meeting by a lawyer or anyone acting in a legal capacity. The appellant should inform the Registry of the names of the friend and any witnesses who may be called, and is responsible for ensuring that witnesses can attend.
  - 3) The Chair of the Assessment Appeals Panel should inform the Registry of the names of any additional witnesses who may be called, and is responsible for ensuring that these witnesses can attend.
  - 4) Evidence will be taken in the following order:
    - a) The appellant
    - b) Witness/es in support of the appellant.
    - c) The Chair of the Board of Examiners or Degree Evaluation Board or nominee
    - d) Witness/es in support of the Chair of the Board of Examiners or Degree Evaluation Board
    - e) Final statement of the appellant.
  - 5) Members of the Assessment Appeals Panel may question any person attending the appeal hearing. The appellant and the support person have the right to be present

during the taking of evidence. The appellant and the Chair of the Board of Examiners have the right to question witnesses and each other as judged appropriate by the Chair of the Assessment Appeals Panel.

- 6) The Assessment Appeals Panel will sit in private to consider its decision. Whenever possible, the appellant will be informed of the Panel's decision at the end of the hearing. In any case, the Registry will notify the appellant of the outcome of the appeal no more than **7 calendar days** after the date of the hearing.

### Approval and Revision Log

Date	Approved by	Description
8 March, 2017	Assessment Sub-committee	Endorsed all the revisions, to be submitted to LTC for approval
15 March, 2017	Learning and Teaching Committee	Changes approved, to take effect in 2017/18
21 May, 2020	HoD Committee	Endorsed all the revisions including but not limited to the removal of appeal against module marks, simplified and clearer procedures for dealing with appeals against progression and awards results, etc.
26 May, 2020	SMT	Changes approved, to take effect in 2020/21