

Case 200502864: University of Strathclyde

Summary of Investigation

Category

Higher education: Complaints handling

Overview

The complainant raised concerns about the complaints procedure and the way in which his complaint was investigated.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Mr C's complaint was not properly investigated (*not upheld*); and
- (b) the University's complaints procedure is inadequate (*not upheld*).

Redress and recommendation

The Ombudsman has no recommendation to make.

Main Investigation Report

Introduction

1. Mr C was enrolled on a course at the University of Strathclyde (the University) for the 2002-2003 academic year. In January 2003, he requested to move to a different tutorial group as he found his tutor (Academic 1) unapproachable. A meeting was held and his request was turned down as all of the other tutorial groups were full. Mr C withdrew from the course on 29 March 2003.

2. Mr C complained to the University on 13 December 2004 about the fact that he felt that he had been bullied by Academic 1. Additionally, he stated that he should not have been placed in her tutorial group as there had been prior contact between Academic 1 and himself.

3. An investigation was carried out by the University and they wrote to Mr C on 16 February 2005 to inform him that they could find no basis for his complaint. Mr C appealed this decision to the Dean of Faculty (the Dean) on 4 April 2005. He additionally complained that he was dissatisfied with the investigation which had been carried out into his complaint and claimed that the staff who had carried out the investigation were biased. The Dean rejected Mr C's complaint on 30 August 2005. Mr C complained to this office on 10 February 2006.

4. The University's complaints process states that a complaint should initially be addressed to the Head of the Academic Department in question. Should the complainant remain dissatisfied, they can pursue the matter further by writing to the Dean of the Faculty concerned.

5. The complaints from Mr C which I have investigated are that:

- (a) Mr C's complaint was not properly investigated; and
- (b) the University's complaints procedure is inadequate.

Investigation

6. In the course of this investigation I have examined correspondence between Mr C and the University as well as the University's complaints file on the matter. I have also reviewed the University's complaints procedure.

7. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the University were given an opportunity to comment on a draft of this report.

(a) Mr C's complaint was not properly investigated

8. Mr C complained to the University on 13 December 2004 in a letter addressed to the Head of Department (Academic 2). He complained that he should not have been placed in Academic 1's tutorial group as there had been contact between them prior to the start of his course at the University. He stated that a lecturer in the department (Academic 3), was aware of the situation and would be able to provide further information on the matter.

9. Academic 2 passed the complaint to the Director of Mr C's course (Academic 4), for investigation. Academic 4 replied to Mr C on 16 February 2005. In her response, Academic 4 stated that she was unable to establish what the nature of the prior contact between Mr C and Academic 1 was. She stated that Academic 1 had informed her that the first contact she had had with Mr C had been at the beginning of the course. Academic 4 had also asked Academic 3 about the matter. Academic 3 stated that although he could recall Mr C making vague allusions to having had prior contact with Academic 1, these were never clarified or substantiated when Mr C was invited to do so. Academic 4 concluded that she was unable to understand the basis of Mr C's complaint as she could find no evidence of prior contact or unfair treatment during his time on the course. She invited Mr C to provide her with additional and more specific information and stated that she was prepared to explore the matter further if this was forthcoming.

10. Mr C wrote to the Secretary to the University (the Secretary), on 17 March 2005 and expressed his dissatisfaction with the way the investigation had been carried out. He stated that it was inappropriate that his complaint had been investigated by a close colleague of the person against whom his complaint had been made. The Secretary replied to Mr C on 4 April 2005. He informed him that student complaints are initially dealt with at departmental level and that the second stage is consideration by the Dean of Faculty. He informed Mr C that his complaint had been passed to the Dean for consideration.

11. The Dean responded on 11 April 2005. He asked Mr C for further information about his complaint. He requested details on why Mr C believed he had been treated unfairly in his request to be moved from Academic 1's tutorial group and why Mr C was of the opinion that his complaint had not been adequately dealt with, other than the fact that the person conducting the investigation was part of the same department as the person against whom the complaint had been directed.

12. Mr C replied on 3 May 2005 and referred the Dean back to his original letter of complaint. On the subject of the inadequate investigation of the complaint, Mr C stated that 'the roles of staff involved were unclear and not favourable to a scrupulous investigation'.

13. The Dean responded on 30 August 2005. He said that he could find no substantive basis for Mr C's complaint. He accepted that when a complaint was investigated at departmental level, the staff investigating would know the member of staff against whom the complaint was being made. He did not accept that this led to bias and could find no evidence of bias in Mr C's case.

(a) Conclusion

14. Mr C complained that he was treated unfairly and bullied during his course as he had had 'prior contact' with Academic 1. In investigating Mr C's complaint, Academic 4 obtained information from Academic 1 and from Academic 3 who Mr C said had knowledge of the matter. Neither member of staff was aware of the basis of Mr C's allegations. Mr C was asked by both Academic 4 and the Dean to provide further information and evidence to support his allegations but failed to do so. The investigation was inconclusive due to Mr C's unwillingness to provide the information requested during the course of the investigation.

15. I can find no evidence of bias in the way the investigation was conducted as, although Academic 4 had knowledge of the matter and knew Mr C before conducting the investigation, the matter was later appealed to the Dean, who did not have prior knowledge of the case before he investigated this complaint. The University carried out the investigation of Mr C's complaint in accordance with their complaints procedure and took reasonable action to investigate the matter. I, therefore, do not uphold this complaint.

(b) The University's complaints procedure is inadequate.

16. Mr C stated that he believed that the University's complaints procedure was inadequate because it was conducted by close colleagues of Academic 1's. I have reviewed the full University complaints procedure and it is summarised at paragraph 4.

(b) Conclusion

17. It is good practice for a complaint to be resolved at local level. I, therefore, consider it reasonable for the University to have carried out the initial investigation of a complaint at departmental level. Mr C was then able to appeal this decision to a member of staff who did not have prior knowledge of the circumstances and was not a close colleague of the member of staff complained against. This allows for an appeal against the original decision as well as a level of impartiality. In these circumstances, I do not consider that the University's complaints procedure is inadequate and, therefore, do not uphold this complaint.

31 October 2006

Annex 1

Explanation of abbreviations used

Mr C	The Complainant
The University	The University of Strathclyde
Academic 1	Mr C's tutor about whom the original complaint was made
The Dean	The Dean of Faculty
Academic 2	The Head of Department
Academic 3	A lecturer within the Department
Academic 4	The Director of Mr C's course
The Secretary	The Secretary of the University