

Complaint Procedures Manual

**For students enrolled at
educational institutions under
the authority of Ministry for
Higher Education and Science**

July 2017

Complaint Procedures Manual

Who can file a complaint?

You may send a complaint to Danish Agency for Science and Higher Education if you are enrolled as a student at a Danish educational institution for higher education or if you apply for enrolment at an educational institution under the authority of the Ministry for Higher Education and Science.

Before you can file a complaint with the agency, it is a prerequisite that the educational institution has completed its processing of your case and made a final decision.

Complaint Issues?

You can complain to the agency about legal matters related to a final decision that your educational institution has made. When we review your case, we examine whether your educational institution has observed applicable law. This include whether the educational institution has respected the rules that apply specifically to your education and whether it has observed general legislation (e.g. the Danish Public Administration Act, and the Act on Equal Treatment of Women and Men) and general public administration principles.

The agency's reviewing does not include decisions that form part of the daily administrative routines. Examples hereof could be the appointment of a thesis supervisor, the formation of classes, the allocation of rooms for teaching, the scheduling of the exam period, and the grading of exam papers or oral exams.

EXAMPLES OF DECISIONS:

- Rejection of an application for enrolment
- Rejection for an application for an exemption
- Imposition of disciplinary sanctions
- Rejection of credit transfer
- Rejection of a complaint for procedural reasons

The processing of a case sometimes involves discretionary decisions. This means that the facts of the case will be assessed in accordance with a practice usually determined by the educational institution. The

agency may overrule such decisions only if the exercise of the educational institutions' discretion exceeded the framework determined by law. Consequently, the agency's reviewing does not include whether such decisions are suitable or appropriate.

How do you file a complaint?

If you wish to complain about legal questions related to your educational institution's final decision you must follow the complaints procedure, which is stated in the decision. This will normally imply that you send your complaint to your educational institution, which forwards your complaint to the agency. Before sending your complaint to the agency, your educational institution will make a statement. This statement will be sent to you, and you will be given the chance to comment on the statement within a time frame of at least a week. Your complaint, the statement, your possible comments, and other relevant documentation will be sent to the agency.

The deadline for filing your complaint will appear from the complaints procedure in the decision. It is very important that you respect the deadline. As a main rule, complaints submitted after the deadline will be rejected as inadmissible, since formalities were not observed.

What happens after your complaint has been sent to the agency?

When the agency has received your complaint, we first check whether the decision made by the educational institution is final, and whether you have respected the deadline for filing your complaint. Having clarified these aspects, we will send you a letter acknowledging that we have received your complaint. Furthermore, this letter will let you know when you can expect to receive the agency's final decision in your case.

The reviewing of a complaint implies that the agency investigates whether the educational institution has observed applicable law in its handling of your case. In other words, the agency carries out a legal reviewing of the decision made by the educational institution.

Having completed the reviewing of your case, the agency may respond in either of the following ways:

Rejection: If e.g. you have not respected the deadline for filing a complaint, as a general rule the agency will reject your complaint as inadmissible.

Upholding: The agency will uphold the educational institution's decision, if the decision does not conflict with applicable law. This also applies if the legal deficiency found is less severe or if the legal deficiency did not have any impact on the outcome of the case. However, even though the agency upholds the educational institution's decision, we may criticize the educational institution's processing and handling of your case.

Remission: if the agency finds that the educational institution's decision suffers from legal deficiencies, the agency may remit the decision to the institution. This means that we ask the institution to reconsider your case and make a new decision.

Rescission: if the legal deficiencies are severe, the agency may rescind the educational institution's decision, which means that the educational institution's decision no longer has any legal power. This may happen if e.g. we find that the conditions for imposing a disciplinary sanction are insufficient.

Change: The agency may make a new decision that replaces the first decision made by the educational institution. This option may be used if the educational institution has made an illegal decision.

The agency's decisions are final and cannot be referred to another administrative authority.

Processing of Personal Data

If your complaint contains personal data about other people, the agency calls your attention to the fact that as a main rule the agency will inform the people mentioned that your complaint contains some personal data about them. An example of personal data could be names.

Questions?

If you have any questions about the Agency's reviewing process of complaints from students, including questions about your own case, please do not hesitate to contact the agency at studenterklager@ufm.dk.