

University of Chichester

Academic Regulations

2017/18

SECTION 3

PROCEDURES (ACADEMIC REGULATIONS)

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PROCEDURES FOR DISCIPLINARY ACTION AGAINST STUDENTS

1. Introduction

Under the provisions of Clause 26 of the Articles of Association a student may be suspended or his or her registration on a programme of study terminated for misconduct.

Misconduct is here defined as:

- i. An action militating against the welfare or well-being of the University or its staff or students.
- ii. Obstruction or improper interference with the functions, duties or activities of any student, member of staff or other employee (direct or indirect) of the University or any authorised visitor to the University.
- iii. Conduct which disrupts or is likely to disrupt teaching, study, examining, research or administration in the University, or which obstructs or is likely to obstruct any student in pursuit of his/her studies or the duties of any employee of the University in the performance of his/her duties.
- iv. Conduct considered to be in breach of the accepted standards of the profession for which the student is being prepared.
- v. Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in any University activity.
- vi. Fraud, deceit, deception or dishonesty in relation to the University, its staff, or students whether in connection with holding any office in the University or in relation to being a student of the University.
- vii. Action likely to cause injury or impair the safety of oneself or others on University premises or engaged in any University activity.
- viii. Breach of the provisions of the University's Equality and Diversity Policy or harassment.
- ix. Breach of the provisions of any Code or University rule or regulation which provides for breaches to constitute misconduct under this Code.
- x. Damage to or defacement of University property or of the property of the members of the University community caused intentionally or recklessly; misappropriation of such property.
- xi. Misuse or unauthorised use of University premises or items of property.
- xii. Misuse or unauthorised use of University IT equipment and systems.
- xiii. Conduct which constitutes a criminal offence¹ where that conduct took place on University premises; or affected or concerned other members of the University community; or damages the good name of the University; or itself constitutes misconduct within the terms of this Code; or is an offence of dishonesty where the student holds an office of responsibility within the University.
- xiv. Behaviour which brings the University into disrepute.
- xv. Failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given.
- xvi. Failure to comply with a previously imposed penalty under these procedures.
- xvii. Failure to leave any of the University premises when reasonably requested to do so by an officer or employee of the University or other person duly authorised.

This definition of misconduct applies to University premises and to conduct outside the University

¹ This includes the handling, possession or use of any illegal drug.

which is likely to bring the University into disrepute.

1.1 The definition of misconduct applies to University premises and to conduct outside the University likely to bring the University into disrepute. Misconduct in privately managed accommodation may result in disciplinary action being taken by the Head of Academic Department (or in their absence their line manager) based on the outcome of an investigation carried out under the direction of the Deputy Director of Estate Management. In cases where the alleged perpetrator and victim are students, the Accommodation Office would draw upon the Student Support and Well-Being team to support a satisfactory resolution through informal means, if possible, without the necessity for recourse to the formal stages of this policy.

1.2 In respect of damage, defacement or unauthorised removal of library property, the Director of Learning and Information Services shall have the power, where s/he deems it to be necessary and appropriate, to suspend access to library resources for a specified period.

1.3 Students retain full responsibility for any action involving the consumption of alcohol or the misuse of substances.

1.4 An allegation of misconduct not as above will first be investigated by the Deputy Vice-Chancellor or designate. In cases of major student misconduct, the Vice-Chancellor, the Deputy Vice-Chancellor or Pro Vice-Chancellor shall each have the power, where s/he deems it to be necessary and appropriate, to suspend a student from a programme of study and/or from entering University premises for a maximum of 14 calendar days, whilst the procedures detailed below are operated. This suspension may take immediate effect and precede the application of Stage One or Stage Two of these procedures detailed below.

1.5 In respect of estate, safety and security related matters, the Director/Deputy Director of Estate Management shall have the power, where s/he deems it to be necessary and appropriate, to exclude a student from entering University premises/land or part thereof, other than for academic purposes, for a maximum of 14 calendar days, whilst the procedures detailed below are operated. This exclusion may take immediate effect and precede the application of Stage One or Two of the procedures detailed in Section 4.

1.6 The student has a right to elect for an investigation to be conducted by a Disciplinary Panel.

1.7 Minor offences may be dealt with by the relevant service or the programme by an agreed scale of penalties, for example, library fines for books or resources returned late, withdrawal of access to the Learning Resource facilities for disruptive behaviour or misuse of a computer, mark penalties for late submission of coursework etc.

1.8 Where a resident student is deemed to be acting in breach of the Residential Agreement which they have signed with the University, the matter will normally fall outside the procedures detailed here. In such cases, the Director of Estate Management will decide, on the evidence available, whether or not the student should be allowed to continue in residence or notice be given that they are temporarily or permanently excluded from their residence. Any student excluded temporarily or permanently would be expected to vacate their room as soon as practicable under legislation protecting tenants in rented accommodation. Following their temporary or permanent exclusion, the student(s) involved will be entitled to appeal to the Deputy Vice-Chancellor, as nominee of the Vice-Chancellor, against the decision.

2. Procedures

2.1 This document details the procedures that have been agreed by the Board of Governors to be followed for the investigation and resolution of cases of student misconduct. It is based on the principle that good conduct by students is essential to the maintenance of a high quality learning environment for all. Where appropriate, reasonable adjustments will be made to the procedure to enable all students to participate fully.

2.2 Paragraph 11.7 of the Articles of Association of the University empowers the Board of Governors of the University to make regulations for the conduct of students, including provision for the discipline of students on the grounds of misconduct and for the suspension and expulsion of students for misconduct.

2.3 Paragraph 16.6.8 of the Articles of Association of the University empowers the Vice-Chancellor, reporting to the Board of Governors and within the regulations as published, to be responsible for the maintenance of student discipline, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons. Paragraph 16.7 of Articles of Association of the University empowers the Vice-Chancellor to delegate authority. This Procedure specifies where designated staff may act with the authority of the Vice-Chancellor to maintain student discipline. Only the Vice-Chancellor may expel a student permanently from the University.

2.4 The Disciplinary Code and procedure for students in University residences should be read along with these procedures by students resident in halls. That Disciplinary Code and procedures relate to students in Halls of Residence and are specific to the accommodation provision. They underpin the Academic Regulations, and the Academic Regulations take precedence over the residential disciplinary procedures, where applicable.

2.5 This procedure deals with cases where the University takes disciplinary action against one of its registered students, through an investigation and, where appropriate, a hearing before a Disciplinary Panel. Cases where a student brings an allegation of misconduct against another student are dealt with under the Complaints Procedure. The relevant member of the Chief Executive's Team involved in Stage Two or Stage Three of the Complaints Procedure may however decide that, having investigated a complaint under the Complaints Procedure, disciplinary action should then be taken against a student. Thus, the Complaints Procedures may trigger the Disciplinary Procedures. Similarly, if the Harassment Procedures have been applied, resulting in a substantiated accusation, this may trigger the application of these Disciplinary Procedures.

2.6 Guidance on these procedures is offered by the Head of Student Support and Wellbeing. Students are also able to seek advice offered by the Executive Officers of the Students' Union, who are also able to act as the student's 'friend'.

3. Minor misconduct

3.1 It is expected that cases of minor misconduct will be dealt with informally by the Programme Coordinator. The Residential Services Manager is empowered to deal with minor misconduct in relation to University residences as set out in the Disciplinary Code and Procedure for students in University residences and managed properties. The Deputy Director of Estate Management is empowered to deal with more serious cases of misconduct as set out in the Disciplinary Code and

Procedure for Students in University Residences and Managed Properties. This shall include the recovery of actual costs of damage, where proven.

3.2 The Facilities Manager, and the Director/Deputy Director of Estate Management are empowered to deal with minor misconduct in relation to the University estate and the University's bus. This shall include the recovery of the actual costs of damage where proven.

3.3 The procedure detailed below is intended for use in cases of misconduct where such informal procedures are deemed to be inappropriate. However, any staff member dealing with any disciplinary matter, including the most minor misdemeanour, should keep a written record. This should be placed on the student's file and the student provided with a copy of the record. Normally, minor misdemeanours would not be referred to in references to employers.

4. Misconduct which is, or may be, a criminal offence

4.1 Where a student is the subject of prosecution the University recognises the precedence of such legal processes over the application of this Disciplinary Procedure. In such cases, it is for the Vice-Chancellor or a Deputy Vice-Chancellor to decide whether, and when, action should be taken under these procedures in cases where alleged criminal conduct has been reported to the police and is being investigated, or is being prosecuted or a decision not to prosecute has been taken.

4.2 Where any staff member has reason to believe that any student has committed a criminal offence, the staff member should not attempt to deal with the issue but should refer it immediately to the Deputy Vice-Chancellor (Academic). Such matters will be considered under the University's 'Policy on Referral to Police or other relevant authorities of alleged criminal offences'.

4.3 The following procedures will apply where the alleged misconduct constitutes an offence under the criminal law if proved in a court of law;

4.4 Where the offence under criminal law is considered not to be serious, action under these procedures may continue, but such action may be deferred, at the discretion of the Vice-Chancellor, pending any police investigation or prosecution.

4.5 In the case of serious offences under the criminal law, no action will be taken under these procedures unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time a Deputy Vice-Chancellor shall decide whether disciplinary action under this procedure should continue. A serious offence is deemed to be one in respect of which a custodial sentence could be given in the event that the student is found guilty of the offence.

4.6 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under these procedures.

4.7 If the police or the Crown Prosecution Service decides not to prosecute, the University may, exceptionally, proceed with action under these procedures depending on the reasons for the non-prosecution.

4.8 The University will refer to the police all offences relating to controlled drugs².

² See *Policy on referral to Police* or other relevant authorities of alleged criminal offences.

4.9 The Vice-Chancellor, or in his/her absence a Deputy Vice-Chancellor, may decide to suspend a student where their conduct is under police investigation or the subject of prosecutions, pending the outcome of the matter. This suspension may exceed the 14 days specified above. In such cases, the suspension will be reviewed on a monthly basis and any fresh evidence will be considered at that point. The student involved shall be informed of the review process.

5. Procedures

Stage One

5.1 When an allegation of misconduct is made against a student, the Deputy Vice-Chancellor or designate will come to a judgement on whether investigation is necessary. The Deputy Vice-Chancellor or designate will appoint a member of staff (usually the Head of Department / Institute Director) to carry out a formal investigation and draw up a written report. The investigating officer will interview the complainant and any other interested parties. The investigating officer will produce a written report, summarising the evidence and making a recommendation as to whether or not there is a case to answer. This investigation will be conducted as soon as possible and normally be completed within 21 calendar days of the allegation being made. On completion of the investigation the Deputy Vice-Chancellor or designate will decide whether further action is necessary. The Deputy Vice-Chancellor or designate may decide that:

- there is no case to be answered, the student will be informed that the issue is closed and no record of the allegation will be made in the student's record; or
- disciplinary action is justified and;

(i) the case should be dealt with summarily by means of a verbal reprimand, not recorded on the student's file; or

(ii) the case should be dealt with summarily by means of a verbal reprimand, a record of which will be kept on the student's file for two years (normally such cases will not be referred to in references to employers); or

(iii) the case should be referred to a Disciplinary Panel through the Director of Quality and Standards; the Deputy Vice-Chancellor or designate may also recommend to the Vice-Chancellor that the student be suspended until the Disciplinary Panel meets;

(iv) in clauses (i) and (ii) above, the student can be required to pay for damage caused, make an apology or other form of reparation.

5.2 The student, against whom the allegation has been made, has the right to opt for a hearing before a Disciplinary Panel if dissatisfied with the outcome under (i) or (ii) above.

Stage Two: Disciplinary Panel

5.3 Following the Investigating Officer's recommendation, as a result of Stage One of the procedure, the Deputy Vice-Chancellor or designate will appoint a Disciplinary Panel to hear the case. In cases where the Deputy Vice-Chancellor or designate has been involved in events that have led to a meeting of the Disciplinary Panel, a member (or officer) of the Chief Executive's Team or designate (including the Director of Quality and Standards) with no previous involvement in the case will act to appoint the Panel. This Panel will meet normally within 14 calendar days of receipt of the Investigating Officer's recommendation to the Deputy Vice-Chancellor or designate.

5.4 A Disciplinary Panel will normally comprise:
The Chair of the Panel (drawn from membership of the Chief Executive's Team or Strategy Projects and Risk Group)
Two disinterested members of the Academic Board
President or Vice President of the Students' Union

5.5 No person who has been involved in the events that have led to a meeting of a Disciplinary Panel, or who are deemed by the Chair of the Panel to have an involvement in the case, will be eligible to serve. In appointing a Disciplinary Panel due regard will be given to the balance of the Panel.

Procedure Prior to the Hearing

5.6 Once the decision has been made to refer an allegation of misconduct to a Disciplinary Panel, the Director of Quality and Standards will:

5.7 Receive from the Investigating Officer (the Investigating Officer may be a representative of the Students' Union) a written statement on the case, detailing the specific charges to be answered and the outcome of the investigation at Stage One.

5.8 The Director of Quality and Standards will convene the meeting; and will dispatch to the members of the Panel copies of:

- (i) The notice convening the meeting;
- (ii) The statement of the case that is to be investigated
- (iii) The summary of the evidence;
- (iv) This procedural document;
- (v) A reminder that Panel members should not discuss the case prior to the meeting of the Panel.

5.9 The Director of Quality and Standards will also send copies of the notice of the meeting, the statement of complaint, the summary of the evidence and the procedural document to the student against whom the complaint is made. The Director of Quality and Standards will additionally advise the student that:

(i) He or she is entitled to be present during the hearing, though not for the deliberations of the Panel, accompanied if s/he so wishes by a friend, who may offer moral support and/or ensure that the procedures are followed properly. A 'friend' may include a representative from the Students' Union, other personal friend or family member, but excludes any form of legal representation;

(ii) He or she may question all evidence presented to the Panel, either personally or through his or her friend;

(iii) He or she may present evidence personally, or through his or her friend or by summoning witnesses; and that the Panel may question the evidence offered;

(iv) The names of witnesses to be called by the student must be lodged with the Director of

Quality and Standards at least five calendar days before the meeting of the Panel;

(v) The proceedings of the Disciplinary Panel would not be invalidated if the student failed to appear or be represented at the meeting and the meeting would be deferred only in exceptional circumstances.

5.10 The Director of Quality and Standards will arrange for the attendance at the meeting of witnesses. Witnesses will be informed that attendance at the Disciplinary Panel takes precedence over all other University commitments. Witnesses will be provided with the following:

- (i) the notice convening the meeting;
- (ii) the statement of the allegation of misconduct that is to be investigated;
- (iii) a reminder that witnesses should not discuss the case prior to the hearing.

5.11 Costs of witnesses attending the Disciplinary Panel will be borne by the student involved.

Procedure at the Hearing

5.12 Before the proceedings of the Disciplinary Panel commence, the Chair will:

- i. investigate where necessary the reasons for any absence of the student against whom the complaint is made or his or her representative or any witness; and decide whether the meeting should continue or be deferred;
- ii. ensure that the Panel is satisfied that the student concerned is aware of the extent of his or her rights to represent his or her case to the Committee.

5.13 The Disciplinary Panel will hear the evidence supporting the allegation of misconduct; allow the student concerned (or friend) to question the evidence or witnesses; and ask such questions as they may consider necessary to explore and test the evidence. The student will then be invited to provide a statement or produce evidence or witnesses to refute the complaint. Any such evidence may be questioned by the Panel.

5.14 The Panel will then withdraw to consider the evidence and decide whether the complaint has been substantiated. In reaching its findings, the Panel will be guided by the accepted rules of evidence³ and the relevance of evidence to the specific nature of the complaint; it should make due allowance for any difficulty that the student may have experienced in presenting his or her case, especially in questioning any written evidence. In making its decision on action to be recommended, the Panel will pay regard to the student's previous record of conduct.

5.15 The Disciplinary Panel may impose any of the following penalties:

- (i) no action should be taken against the student.
- (ii) the student should be given a formal warning that further misconduct could result in expulsion; or

³ The standard of proof that will be applied is the 'balance of probabilities' test. The presiding member of staff is required to consider whether, looking at all the evidence objectively, it is possible to say that it is more probable than not that the allegation is correct. In other words, has the party making the allegation satisfied the member of staff overseeing the process that the allegation has substance.

- (ii) the student should be suspended for a period that will vary with the severity of the case;
or
- (iii) the student be excluded; or
- (iv) the student should pay for damage for which he or she has been found responsible; or
- (v) the student be required to pay a fine, appropriate costs (e.g. for damage) or to make appropriate restitution and/or that the student should carry out an appropriate period of service to the University community.

5.16 The Panel may also recommend the expulsion of the student to the Vice-Chancellor.

5.17 The Chair of the Panel will inform the student of the findings and recommendations of the Panel and the reasons for them. The Director of Quality and Standards will confirm the findings and recommendations in writing to the student concerned, the members of the Panel and the Vice-Chancellor. The Director of Quality and Standards will also inform the student that:

- (i) he or she may appeal to the Vice-Chancellor against the Disciplinary Panel's decision;
- (ii) any appeal to the Vice-Chancellor must be submitted in writing to the Director of the Quality and Standards within 14 calendar days of the decision of Disciplinary Panel being announced;
- (iii) a record of the outcome of the case will be kept on the student's file and may, where relevant, be referred to in references to employers.

5.18 If no appeal is received by the due date, the Director of Quality and Standards will issue the student with a Completion of Procedures letter.

Definitions

5.19 'Suspension' refers to a total prohibition on attendance at or access to the University and on any participation in University activities, but it may be subject to qualification, such as permission to attend for the purpose of assessment.

5.20 'Exclusion' involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union for a specified period, the exact details to be specified in writing.

5.21 'Expulsion' involves the permanent withdrawal of the student from all activities concerned with the University.

5.22 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

Appeal to Vice-Chancellor

5.23 On receipt of an appeal against the decision of a Disciplinary Panel, the Vice-Chancellor will decide the action to be taken. An appeal will be considered normally within 14 calendar days of its receipt. In considering the appeal, the Vice-Chancellor will not normally re-examine the evidence but will judge both the application of the procedures detailed above and also the merits of the decision made by the Panel.

5.24 The Vice-Chancellor will inform the student concerned, and the members of the Disciplinary Panel, of the outcome of the appeal (and the reasons behind it).

Independent Adjudicator

5.25 Any further correspondence on the issue would be addressed through the student seeking recourse through the services offered by the Office of the Independent Adjudicator, under the rules and regulations published by that office (www.oiahe.org.uk).

PROCEDURES FOR RESOLVING STUDENT COMPLAINTS

1. Introduction

Students of the University of Chichester may on occasion feel dissatisfied with the quality of a service that is provided. The University seeks to provide a framework for the resolution of these complaints which ensures that complaints are:

- (i) treated seriously and dealt with speedily and fairly;
- (ii) resolved as close as possible to their point of origin with a minimum of formality;
- (iii) progressed through two stages where necessary, an informal and a formal, and resolved at the informal stage wherever possible;
- (iv) dealt with in a way that respects privacy and confidentiality;
- (v) resolved without prejudice to the complainant.

For the purposes of these procedures a complaint is defined as any concern about the provision of a programme of study or a related service by the University.

The complaint must be made within 42 calendar days (six weeks) from its cause.

The University's Admissions Policy provides for complaints about the admissions process or an admissions decision.

The procedures for resolving postgraduate research students' complaints are the same as for other students.

These procedures can be invoked in cases where a student wishes to complain about the actions of another student and where the Harassment Procedures do not apply. In such cases, however, it is expected that the Complaints Procedure, detailed here, will be used for the sole purpose of triggering the Disciplinary Procedures or resolving the matter at the informal stage.

Students cannot use this procedure to pursue matters related to the outcomes of academic assessment. A separate appeals procedure is detailed in the Academic Regulations.

Whenever a student is interviewed in relation to a complaint they are entitled to be accompanied by a friend. 'Friend' may include a representative from the Students' Union, other personal friend or family member, but excludes any form of legal representation.

These procedures are operated without prejudice to a student's right to pursue legal remedies outside the University.

No complaint can be made anonymously, but students who make complaints through this procedure can do so without fear of disadvantage or recrimination.

Redress might include, for example, a letter of apology, or in exceptional cases a fee waiver.

A very few complaints may be found to be vexatious, where a complaint is pursued over time with little prospect of resolution. This may involve making serial complaints about different matters or continuing to raise the same, or similar, matters over again. The University may terminate

complaints that are considered vexatious after a reasonable attempt has been made at resolution (see following paper for the University's definition on 'acceptable behaviour').

It is expected that trivial or frivolous complaints will be dealt with under the Informal, Stage 1 below and will not proceed to the formal stage. A trivial or frivolous complaint which proceeds to the formal Stage 2 may be rejected as not requiring serious investigation.

Procedures

Stage 1 - Informal

Where a student has a complaint about a programme of study or a service provided by the University he or she should discuss the matter with the member of staff associated with the matter in question. Students may seek advice or assistance from the Students' Union particularly if they are unsure how to complain, if they are unsure who to complain to, or need help in making their complaint. It is the aspiration of the University that most complaints will be dealt with to the student's satisfaction at this stage.

Stage 2 - Formal

If action under the informal part (Stage 1) of the procedure does not successfully resolve the difficulty, the complainant should write a clear and concise letter, setting out the grounds for the complaint. This should contain all relevant details including contact details and why the complainant believes the informal stage provided no redress in this case. This should be directed at the relevant person as follows (or an email can be sent to acadvise@chi.ac.uk):

Directors of Institute/Heads of Academic Department – complaints related to a programme of study

Director of Admissions and Academic Registry– complaints about services provided by Academic Registry or Admissions

Director of Quality and Standards– complaints about services provided by AQSS

Director of Student Support and Wellbeing – complaints about services provided by Student Support Services

Director of Learning and Information Services – complaints about IT services, print and imaging, and complaints about learning resources

Director of Estate Management – complaints about maintenance of premises, car parking, cleaning, security or contractors working on University premises; - complaints about residences and catering

Director of HR – complaints about health and safety

Director of Finance and Performance - complaints about finance

President of the Students' Union - complaints about the Students' Union

The Complaints Officer will:

- write to the complainant acknowledging the complaint, within five working days of its receipt;
- inform the relevant member of the Chief Executive's Team (if the recipient is not a member of ChET);

- investigate the complaint, or nominate an appropriate member of Chief Executive's Team or Strategy Risk and Projects Group or an Academic Head of Department to investigate - the complainant and any other interested party will be interviewed, if it is deemed necessary;
- respond to the complainant in writing, normally within 14 calendar days of receipt of the complaint - this letter will detail the outcome of any investigation of the complaint, the conclusion reached and explain the action taken (if any) to redress the position;
- maintain a record of all complaints.

Complaints about the operation of Boards of Examiners will proceed directly to Stage Three.

Stage Three : Appeal against a Stage Two decision

If a student is dissatisfied with the outcome of Stage Two of the procedure he or she may appeal in writing to the appropriate member of the Chief Executive's Team within 14 calendar days of receiving the outcome of Stage Two. That will normally be:

The Deputy Vice-Chancellor

A member of the Strategy Risk and Projects Group who has not previously been involved in the case will be nominated by the ChET member receiving the appeal to chair a panel to hear the case on his/her behalf. The Panel Chair will:

- acknowledge receipt of the appeal, indicating whether it will be heard or not, within five working days - details will be given in writing where the person hearing the case is able to agree alternative action for redress or where an appeal will not be heard;
- where appropriate, convene a Student Complaint Panel as indicated below.

The Student Complaint Panel shall consist of the Panel Chair and three members of the Academic Board, or of the Strategy Risk and Projects Group where the complaint relates principally to a service provided by a manager who is a member of the Strategy Risk and Projects Group. The exact composition of the Panel shall be determined by the Panel Chair but no member shall have previously been involved with the case. The Panel will meet to consider the complaint, drawing on any evidence that is deemed relevant to the case, normally within 21 calendar days of receiving the appeal.

Whenever a student is interviewed in relation to a complaint they are entitled to be accompanied by a friend. 'Friend' may include a representative from the Students' Union, other personal friend or family member, but excludes any form of legal representation.

The Panel will conduct its hearing as follows:

The Panel will invite the complainant (or friend) to provide a statement or produce evidence or witnesses to support the complaint; the manager or person responsible for the service about which the complaint has been made shall not be present. The Panel may ask such questions necessary to explore and test the evidence. The complainant (and friend) will withdraw;

The manager or person responsible for the service about which the complaint has been made will be invited to provide a statement or produce evidence or witnesses to address the complaint. The Panel may ask such questions necessary to explore and test the evidence. The manager or person responsible for the service about which the complaint has been made will withdraw;

The Panel will then consider the evidence and decide whether the complaint has been substantiated. In reaching its findings, the Panel will be guided by the accepted rules of evidence and the relevance of evidence to the specific nature of the complaint. The Panel should make due allowance for any difficulty that the student may have experienced in presenting his or her case;

The Panel Chair will inform the student of the outcome of the Panel's deliberations, including any action for redress to be taken, as soon as possible after the Panel has met;

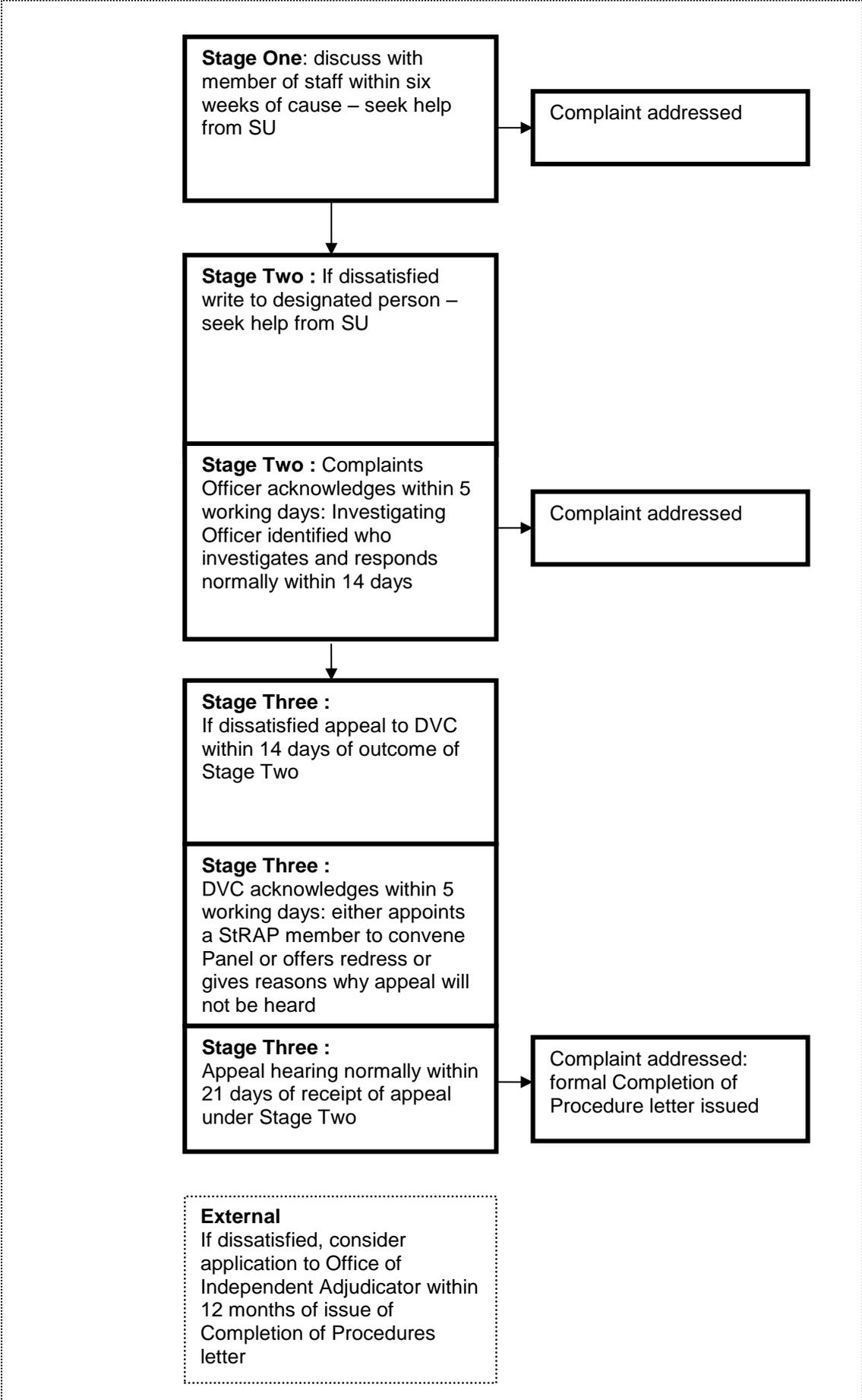
The Panel Chair will ensure that a record is kept.

Complainants who have exhausted the internal complaints procedures will be issued with a formal Completion of Procedures letter and may then consider applying to pursue their cause through the Office of the Independent Adjudicator, within three months of the issue of the Completion of Procedures letter. There shall be no further internal appeal against a decision taken by a properly constituted Student Complaint Panel.

3. Annual Review of Procedures

- 3.1 Each year a report will be made to Academic Board and to the Chief Executive's Team by the Academic Quality and Standards Service on student complaints that have been addressed within the formal stages of these procedures. This report will be based on the records kept by AQSS. A report will also be made to the Equality and Diversity Committee where a formal complaint relates to issues concerning that Committee.
- 3.2 The Academic Board will make any changes necessary to procedures, each year, in the light of this report. The Academic Board will also draw the lessons needed from the successful complaints and ensure that such action as is necessary is taken to prevent a recurrence.

STUDENT COMPLAINTS PROCEDURE: FLOWCHART



Annexe to Procedures for Resolving Student Complaints

1.0 Acceptable behaviour

- 1.1 This policy is intended to alleviate the need for further contact with a complainant on the matter of their complaint, where there is no merit in doing so. It is a last resort after all reasonable efforts have been made to satisfy a complaint, and where it is determined that a complainant's continued persistence is adversely impacting on University resources. It is a policy for ensuring University resources are used efficiently and appropriately.
- 1.2 In handling complainants using these procedures, University staff should make two considerations:
- i) They should ensure the complaints procedure defined in the *Academic Regulations* has been correctly followed and that no material element of a complaint has been overlooked or inadequately addressed. It should be appreciated that complaints may have different aspects needing consideration.
 - ii) They should ensure that due warning is given in a written notice to the complainant that they are being considered as habitual and/or vexatious, before the University makes the decision to dismiss the complaint

2.0 Definition of a habitual or vexatious complainant

- 2.1 Complainants or their representatives may be deemed to be habitual or vexatious where previous or current contact with them demonstrates that they meet two or more of the following criteria:
- 2.2 Where complainants :
1. Attempt to persist in pursuing a matter internally with the University where the University's complaints procedure has been properly followed already, under the *Academic Regulations*
 2. Continually change the substance of a complaint or continually raise new issues or prolong contact by raising further concerns or questions during a complaint investigation. (Care should be taken not to discard new issues that are substantively different from the original complaint. These might need to be addressed as separate complaints.)
 3. Are unwilling to accept documented evidence provided by the University and/or fail to accept where some matters are impossible to verify and therefore cannot reasonably be investigated (e.g. matters out of time or where no documentary evidence exists).
 4. Do not clearly identify the precise issues to be investigated whilst insisting an investigation takes place, despite reasonable and continual efforts on the part of the University to help them specify their concerns.

5. Continually focus on a trivial matter to an extent which is out of proportion to its significance
6. Persist in making unsubstantiated complaints.
7. Continually focus on matters of opinion rather than matters of fact, and provide no documentary evidence.
8. Have been personally abusive or threatened to harm staff on any occasion with physical violence or any other form of retribution.
9. Have harassed or made unreasonable demands on more than one occasion towards staff dealing with their complaint despite warnings (reasonable allowance should be made for out of character behaviour at times of anxiety and distress). No action will be taken regarding undocumented incidents.
10. Making excessive contact with University staff (by any medium, but particularly by e mail)
11. In written communications with the University, using increasing or excessively large or emboldened typeface
12. Record telephone or face to face meetings without the consent of the parties involved.
13. Fail to accept that their behaviour or demands are unreasonable (e.g. insist on responses being provided more urgently than is reasonable).
14. Raise/challenge policy that is not of the University's making such as Government financial support policies where the circumstances of that policy have been explained by University staff.
15. Demand that the University investigate issues which are beyond its remit.