Student Complaints, Disciplinary and Fitness to Practise Cases- Advice for Staff

1. **Introduction**
   1. Staff may become involved in student complaints or student disciplinary cases in a number of ways.
2. they may believe that they have personally been the victim of discrimination, bullying, harassment or victimisation or by a student
3. they may be the subject of a complaint by a student against them
4. they may bring a disciplinary or fitness to practise cased against a student for an issue that has been reported to them but is unrelated to them personally
   1. BU recognises that involvement in any of the three scenarios above can be very difficult and distressing for those involved. The following information is intended for any member of staff who is involved in any of these scenarios.
5. **Sources of Support**
   1. Staff who are involved in complaints, disciplinary or Fitness to Practise investigations can seek support from a number of sources. These are:

* Your line manager – they will offer you advice and support. If you don’t feel your issues are being taken seriously by your line manager you can contact your Dean or Head of Service or any member of the HR team.
* The Head of Health, Safety and Wellbeing
* The EAP – <http://wellness.rightmanagement.co.uk/login?returnURL=/workplacewellness-home>
* Chaplaincy –Room T135 in Talbot House, [chaplaincy@bournmeouth.ac.uk](mailto:chaplaincy@bournmeouth.ac.uk), 01202 965383 or 07894 598915
* Dignity and Wellbeing Advisers – when appointed
* Head of Student Services (for procedural advice)
* Equality and Diversity Adviser

1. **Scenarios**
   1. Scenario A: Allegations of Discrimination, Bullying, Harassment or Victimisation

3.1.1 The Dignity and Respect (Harassment) Policy and Procedures lay out BU’s definition of harassment, bullying and victimisation. BU will not tolerate any discrimination, bullying, harassment or victimisation and any member of staff who feels that they have been the subject of any of these by a student should raise the matter as soon as possible with their line manager. If they feel unable to approach their line manager they can instead contact their Dean, Director of Operations, Dignity and Wellbeing Advisor or Equality and Diversity Advisor. It is possible that the outcome of raising a potential case of discrimination, harassment, bullying or victimisation may be disciplinary investigations against a student. If the case proceeds to full investigation or hearing, you may be required to provide a witness statement or to attend (or your representative to attend) a hearing to ensure that your views are properly represented. HR are able to offer support leading up to the hearing as well as following the hearing and, if you are attending as a witness you may wish to be accompanied by a friend or representative (including a Trade Union representative if desired). Please note that we do not allow legal representation from any party in internal hearings.

* 1. Scenario B: Subject of Complaint

3.2.1 Students are entitled to raise a complaint about any aspect of the university including the behaviour, action or omissions of a member of staff. However, the university expects that any complaints are lodged in the appropriate manner – i.e. initially informally with an appropriate member of staff in the Faculty/Service or via the course rep system if more appropriate. If the student remains dissatisfied they should follow the formal complaints procedure which allows for central review and ultimately an independent internal complaints hearing. At all times during the process students (and staff) are expected to act with courtesy, dignity and respect to all others. At no time will rude or abusive behaviour be tolerated from any member of the university community. As noted above, BU will not tolerate any bullying and victimisation towards a member of staff and the University will take action against anyone believed to have raised a complaint maliciously.

* + 1. In dealing with a complaint the University will consider the rights of responsibilities of all parties and will offer the appropriate forum for all views to be aired and considered objectively. This can mean that a complaint may progress to a hearing. If the case does proceeds to a hearing, you may be required to provide a witness statement or to attend (or your representative to attend) a hearing to ensure that your views are properly represented. HR are able to offer support leading up to the hearing as well as following the hearing and, if you are attending as a witness you may wish to be accompanied by a friend or representative (including a Trade Union representative if desired). If you are attending as a witness you may wish to be accompanied by a friend or representative (including a Trade Union representative if desired). Please note that we do not allow legal representation from any party in internal hearings
    2. It is important to understand that even if a complaint has progressed to a hearing, no judgement has been made about the substance of that complaint. That decision will be down to the panel hearing which includes staff and student representation in accordance with the principles of natural justice. If you are required to attend a complaint hearing as a witness or to present the case, the Complaint Secretary can brief you about the hearing process.
    3. In some circumstances, the student’s approach to bringing a complaint may not be acceptable. The University is committed to a working and learning environment that is free from unlawful discrimination, bullying, harassment or victimisation and treats staff and students with dignity and respect. As noted previously no harassment, bullying and victimisation will be tolerated and all allegations will be dealt with in accordance with the Dignity and Respect (Harassment) procedures. In these circumstances the University may wish to instigate the student disciplinary procedures. As with a complaints hearing, it may be necessary for you (or your representative) to attend the disciplinary hearing to ensure that your views are appropriately presented. Again, HR are also able to offer support leading up to the hearing as well as following the hearing and, if you are attending as a witness you may wish to be accompanied by a friend or representative (including a Trade Union representative if desired).

3.3 Scenario C: Instigating a Disciplinary or Fitness to Practice case against a student

3.3.1 On occasion, a member of staff may be made aware of allegations that a student has breached university, rules or regulations or that they are potentially not fit to practise. In this case the matter should be reported to the Head of Student Services (Fitness to Practise issues should be reported to the relevant faculty lead) who will consider whether the allegations need further investigation. It is possible that the case may proceed to a formal investigation or hearing. Should this occur you may be required to provide a witness statement or attend a hearing in person, and very occasionally, to present the case against the student. HR and the Head of Student services are able to offer support leading up to the hearing as well as following the hearing and, if you are attending as a witness you may wish to be accompanied by a friend or representative (including a Trade Union representative if desired).

1. **Keeping you informed**
   1. If BU is investigating a complaint raised by a student against you, or bringing a disciplinary or fitness to practise case against a student whose behaviour towards you has been inappropriate, we will ensure that you are kept up to date with the progress of the case as follows.
   2. For complaints we will make you aware of the allegations from the outset and allow you the opportunity to respond to these at the appropriate stage(s) of the Student Complaints Procedures. This may be through a local stage investigation carried out by the Faculty, at a formal Review stage carried out by Student Services or Academic Services (depending on the nature of the complaint) or at a formal Complaint Hearing should the matter progress that far.
   3. We will ensure that you are kept aware of the progress of the complaint (ie which stage it is at, any relevant proposed dates for hearings etc). The Faculty Director of Operations is the normal point of contact for complaints and they should keep you appraised of progress.
   4. We will also provide you with the name of the person dealing with your complaint and you are welcome to contact them at any point during the process to find out how the case is progressing. Please note that they may not be able to provide you with any specific details relating to the content of the case but will be able to inform you of the procedure.
   5. For disciplinary cases we will make you aware of the grounds of the case and any immediate action we are taking against the student such as suspension. We will also ensure that you are kept up to date with the different stages of the disciplinary procedure – eg the initial interview, intended further action (if there is any), whether the case is likely to proceed to a hearing and the likely dates of any hearing.
   6. We will also provide you with the name of the person managing the disciplinary process and you are welcome to contact them at any point during the procedures to find out how the case is progressing. Please note that they may not be able to provide you with any specific details relating to the content of the case but will be able to inform you of the procedure.
   7. If the case does not reach the hearing stage, we will let you know that the case has been concluded and the general outcome, mindful of any matters of confidentiality.
   8. If you are required to attend a complaint or disciplinary hearing, the hearing secretary will provide you with a briefing before the panel meeting. You will be invited to meet with the case handler and are welcome to bring your friend or representative (including Trade Union if desired). We will also invite an HR representative unless you request that they do not attend. Likewise we will invite your line manager or another appropriate senior manager from the Faculty/Service unless you ask that they do not attend.
2. **Timescales**

5.1 Complaints. It is expected that normally all complaints will be brought by a student within one month of the incident occurring. Complaints which could have been submitted within that timescale, but weren’t, may be rejected by the university. There is a 10 working day deadline for response at the Local Stage, a further 20 day deadline for consideration at review stage and then the student has a further 10 working days to request a hearing. All attendees at a hearing are entitled to 10 working days’ notice unless they agree otherwise.

5.2 Disciplinary: Any student who is alleged to have committed a disciplinary offence, including bullying and harassment, will be invited to an initial review meeting with the Head of Student Services (or her representative) within 5 working days of the offence allegations being raised. The Head of Student Services may suspend a student pending further investigation depending on the nature of the allegations. Students are entitled to 10 working days’ notice of a disciplinary hearing unless they agree otherwise.

5.3 At all times, the University will try to bring proceedings to a conclusion as soon as possible however sometimes delays occur due to ill health of panel attendees or the availability of panel members. The Hearing Secretary will keep staff informed of any delay and the reasons for it.

1. **Hearing Panel Membership** 
   1. Membership of Complaints, Disciplinary and Fitness to Practise Panels are comprised as follows:

* Member of the University Leadership Team (Chair) (Member of Faculty Executive for Fitness to Practise)
* An academic from a Faculty other than the student’s
* A member of the Student’s Union
* A member of the student’s profession (Fitness to Practise only)

The Panel Secretary will be a member of EDQ or Student Services and their role is to advise on process. There is also likely to be a minute taker in attendance.

1. **Appeals against the decision of a Hearing Panel**

7.1 Students are entitled to submit an appeal against the decision of a Complaints, Disciplinary or Fitness to Practise Panel. If an appeal is received an appeals hearing will be convened. The Chair of the Complaints, Disciplinary or Fitness to Practise Panel will attend the appeals hearing to present the case. It is possible that you may be called to attend but only as a witness. If you are required to attend an appeal hearing the Chair of the original Complaints, Disciplinary or Fitness to Practise Panel will contact you to let you know and to outline what they would like you to contribute. At this point you may request a further briefing meeting composed as outlined in 8.

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* A member of the Student’s Union
* A member of the student’s profession (Fitness to Practise only)

The Panel Secretary will be a member of EDQ or Student Services and their role is to advise on process. There is also likely to be a minute taker in attendance.

1. **Outcome**

8.1 At the end of the procedures, regardless of whether the case proceeds to a hearing, or appeal we will let you know the outcome and any further actions. We will provide a copy of the outcome letter to the Faculty Director of Operations/Head of Professional Service. However we will not provide you with a copy of the outcome letter unless the complaint was directly about you or your actions.

* 1. Once the procedures are concluded you will be offered a meeting with HR to discuss any further support that you may wish to access.

1. **Office of the Independent Adjudicator for Higher Education (OIA)**
   1. You should be aware that students have the right to complain to the Office of the Independent Adjudicator for Higher Education (OIA) following the closure of any formal university process including complaints and discipline. Students now have up to one year from the date of issue of the Completion of Procedures letter to complain to the OIA. Should this occur, we will make you aware that we have received a complaint from the OIA. OIA complaints are generally a consideration of the proceeds and fairness of the decision making and so it is unlikely that you will need to be involved at that point. However we may need to ask you to provide further information or clarification if requested by the OIA. At any point you can contact HR or utilise any of the other available support methods.
   2. Once the OIA has reached their decision there is no further action that the student can take.