



Expected Behaviour Policy in relation to Appeals, Complaints, Student Conduct and related procedures

Purpose of Policy

The policy sets out expectations for behaviour by parties involved in Appeals, Complaints and Student Conduct procedures and specifies how we will manage cases where behavior is problematic.

Overview

The policy recognises that people may act out of character in times of stress. Three steps to addressing unacceptable behaviour are set out: 1) an explanation and a request to modify behaviour; 2) for parties who are students, potential referral under the Code of Student Conduct; and 3) termination of contact.

Scope: Mandatory Policy

The policy covers students and former students, applicants for admission, and other members of the public. The policy is applied by Academic Services.

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Document control

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Approving authority	Senate Academic Policy and Regulations Committee				
Consultation undertaken	APRC, Students' Association				
Section responsible for policy maintenance & review	Academic Services				
Related policies, procedures, guidelines & regulations	Student Appeal Regulations https://www.ed.ac.uk/academic-services/students/appeals ; Complaint Handling Procedure https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure ; Code of Student Conduct https://www.ed.ac.uk/academic-services/students/conduct/code-of-student-conduct				
UK Quality Code	UK Quality Code: Concerns, Complaints and Appeals				
Policies superseded by this policy	None. Consolidation of existing dispersed information				
Alternative format	If you require this document in an alternative format please email Academic.Services@ed.ac.uk or telephone 0131 651 4490.				
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1 Purpose and Scope

1.1 The University is committed to providing fair, consistent and accessible processes for handling appeals, complaints and student conduct cases. It is recognised that people may act out of character in times of stress. We understand that undergoing some of these processes – especially serious conduct cases – can be traumatic for all involved. We also accept that a disability can have a bearing on someone's conduct and we will make reasonable adjustment as necessary. However, we must also provide a safe working environment for our staff, and ensure that our work is undertaken in an effective and efficient manner.

1.2 This policy sets out the behaviour we expect of:

- students, graduates, former students and applicants for admission (in appeals cases)
- students, former students and members of the public (in complaint cases)
- reporting parties, witnesses and respondents (in student conduct cases).

The term 'student' also includes anyone who communicates with the University for or on behalf of one of its students/former students. Throughout this policy the term 'party' is used to refer individuals involved in appeals, complaints or student conduct cases.

1.3 The Expected Behaviour Policy is primarily applicable to, but not limited to, the following policies and procedures:

- Academic Appeals
- Academic Misconduct
- Code of Student Conduct (including any appeal stage*)
- Complaint Handling Procedure
- Fitness to Practise
- Support for Study.

*With regard to cases considered through the Code of Student Conduct, it should be noted that there is no right of appeal *by the reporting party* against the outcome of a conduct investigation or the penalties applied (if any) to the respondent.

2 Expected Behaviour

2.1 We expect parties to behave in a respectful manner at all times, avoiding the use of any offensive language except where necessary, for example when quoting as evidence something one party has allegedly said to another.

2.2 Where parties are going to respond to questions put to them or information requested from them, we expect them to do so within the specified timeframe.



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- 2.3 With regard to cases considered through the Code of Student Conduct it should be noted that none of the parties are technically required to respond to anything sent to them by us; but where parties choose to respond, we expect them to do so promptly in order to avoid undue delay to the consideration of cases.

3 Unacceptable behaviour

- 3.1 The Code of Student Conduct includes an offence of 'Obstructing, or interfering with, the functions, duties or activities of any Person'. In light of this, the University's definition of 'unacceptable behaviour' includes, but is not necessarily restricted to, cases in which we consider there is evidence that the party has behaved in one or more of the following inappropriate ways:
- Bringing a complaint which has the aim or effect of harassing an individual or which is malicious;
 - Making unreasonable demands of case handlers, for example; demanding responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; repeatedly changing the substance of the complaint, or raising unrelated concerns;
 - Communicating with the University in an abusive, offensive, defamatory, aggressive, threatening, coercive or intimidating manner;
 - Repeatedly including multiple staff members in correspondence about the issues when those staff members do not need to be involved in the case;
 - Making false, frivolous, malicious or vexatious statements and/or allegations;
 - Knowingly submitting a case containing materially inaccurate or false information or evidence;
 - Insistence on pursuing frivolous or vexatious complaints, issues which are not covered by the Complaints Handling Procedure, and/or seeking unrealistic or unreasonable outcomes;
 - submitting multiple complaints on substantially the same issue
 - Persistent refusal to accept a decision once the relevant procedure has been exhausted.



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4 What we will do – first and second steps

- 4.1 In the majority of cases our expectations are met, but in the small number of cases where a party demonstrates unacceptable behaviour we reserve the right to take action as necessary.
- 4.2 As a first step when we consider a party's behaviour unacceptable, the University will tell the party why their behaviour is considered to be unacceptable and will ask them to desist. Any decision regarding unacceptable behaviour made in relation to this policy will be communicated to the party in writing by the relevant staff member in Academic Services. The University will try to ensure that any action taken is the minimum required to address the unacceptable actions or behaviour, taking into account any relevant personal circumstances of the party. The options the University is most likely to consider at this stage include but are not limited to:
- Requesting contact in a particular form (taking into account any reasonable adjustment needed)
 - Requiring contact to take place with a named officer of the University
 - Requiring the tone and language of the correspondence to be respectful and moderate
 - Restricting telephone calls or emails to specified days and times
 - Asking a student to appoint a representative, usually from the Students' Association, to correspond with the University; and/or
 - Asking the party to enter into an agreement outlining expectations of their future conduct
 - Where the party is communicating for or on behalf of a student, asking the student to communicate directly with the University instead of through the party
 - Where multiple complaints are submitted on what is essentially the same or a similar issue, the University reserves the right to treat the matter as a single complaint and to decline to respond to any subsequent complaint on the same/similar issue.
- 4.3 For cases already under consideration through the Code of Student Conduct, failure to observe Expected Behaviour may be treated as a potential breach of the Code of Student Conduct and taken into consideration in the ongoing conduct case. Before any such action is taken we will attempt to work with the party by explaining our expectations for their behaviour.
- 4.4 As a second step where we consider an appeal or complaint to be frivolous and/or vexatious, or where a student party continues to behave in a way that we consider to be unacceptable, the Head of Investigations and Student Casework will decide whether the student party should be referred for consideration through the Code of Student Conduct and/or referred to the third step. Referral through the Code of Student Conduct is only applicable where the party is a current student.



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- 5 Termination of contact and/or dismissal of appeal or complaint – third step**
- 5.1 In the rare cases where we consider it would be an unreasonable use of staff, time and resources to consider a case further, we may decide to terminate contact with the party and/or dismiss an appeal or complaint. The Head of Investigations and Student Casework will advise the party of the decision and the reason for the decision.
- 5.2 Should the party wish to object to a decision to terminate contact or to dismiss an appeal or complaint, the party should contest the decision by writing to the Director of Academic Services via complaints@ed.ac.uk within 10 working days of the date of the communication.
- 5.3 The Director, or nominee, will consider the party's representations and, where the Director considers the objection to be reasonable, the Director will write to confirm that the restriction is lifted or to confirm an alternative restriction, if appropriate.
- 5.4 Where the Director considers the restriction to be reasonable in the circumstances, the Director will confirm the decision and issue the party with a Completion of Procedures letter within 28 days; this letter will confirm the party's right to seek review by the Scottish Public Services Ombudsman (SPSO) or the appropriate alternative body.

8 October 2020