

Dignity at Work and Study Formal Complaints Procedure for Students

1. In this document someone who makes a complaint about unacceptable behaviour is referred to as the “complainant”. Someone against whom a complaint has been made is referred to as the “respondent”. There may be cases where more than one person has taken an active part in the unacceptable behaviour and there is more than one respondent.
2. This procedure is the appropriate procedure where the complainant is a student and the respondent is a student or a member of staff. This procedure is also the appropriate procedure where the complainant is a member of staff and the respondent is a student. Where both the complainant and the respondent are members of staff the appropriate procedure is the Dignity at Work and Study Formal Complaints Procedure for Staff.
3. If a student or member of staff believes they are being subjected to unacceptable behaviour an ‘informal approach’ can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. Further information can be found in the Dignity at Work and Study Informal Procedure. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation.
4. Where an informal approach does not resolve the matter,

Investigation

9. The Dignity Complaints Service will notify the respondent that a complaint has been made against

or detriment arising from the alleged incident and/or the associated complaint. In such circumstances the Investigating Officers may recommend to the Campus Dean, where the respondent is a student or to the Director of HR, where the respondent is a member of staff, that they take action to protect the complainant, or others involved in the case, which may include excluding a student respondent or suspending a staff respondent from the campus under paragraph 17 below.

16. A Campus Dean or the Director of HR may only exclude a respondent where he or she has reasonable grounds to determine that such action is necessary to protect the complainant, or any other person involved in the investigation.

Exclusion of Students and Suspension of Staff Members

17. Where the Investigating Officers make a recommendation that a student respondent should be excluded/suspended from the campus the Campus Dean, where the respondent is a student, or the Director of HR, where the respondent is a staff member, may exclude/suspend the respondents access to the campus to such extent and for such periods as he or she deems necessary.

18. The Campus Dean or Director of HR must notify the respondent in writing of the exclusion/suspension and the grounds for it and as soon as practicable provide the respondent with an opportunity

24. The student may be accompanied to the Exclusion Appeal Panel Hearing by a friend, colleague or Student Association representative. A staff member may be accompanied to the Suspension Appeal Panel Hearing by a colleague or Trade Union representative. The person accompanying the student or staff member does so for the purpose of support only and may not make representations on their behalf. Legal representation is not permitted at these meetings. Those attending these meetings must maintain appropriate confidentiality.

25. The Exclusion/Suspension Appeal Panel may uphold, remove

Appeal

30. Where the matter has not progressed to disciplinary action and the complainant or respondent disagrees with the outcome of the investigation they may appeal against the outcome. An appeal can only be made on one or more of the following grounds:

- i. New evidence has come to light which would have materially affected the outcome of the investigation if it had been made available at the time the investigation was carried out
- ii. The formal complaints procedure was not followed correctly, and this had a material impact on the outcome of the investigation
- iii. Despite following the complaints procedure, the decision reached was one that no reasonable body, considering all of the evidence, could have arrived at.

An appeal which simply disagrees with the outcome and does not demonstrate one of the above grounds will not be considered.

31. An appeal must be submitted to dignitycomplaints@law.ac.uk within 5 working days of receiving the investigation report. The appeal must contain

- i. The personal details of the person submitting the appeal (including student reference number)
- ii. The ground(s) for the appeal which must be one or more of those listed in paragraph 30 above
- iii. Details of the basis for the ground (s) for the appeal
- iv. Where relevant, details of any new evidence.

32. Where the appeal complies with paragraph 21 above the Dignity Complaints Service will notify the other party involved in the complaint that an appeal has been submitted and will comply with paragraphs 7 and 8 above.

33. The University will appoint 2 Appeal Officers to investigate the appeal. The Appeal Officers should have had no previous involvement with matter. Where the complainant or respondent is under 18 years of age one of the Appeal Officers will be a member of staff who has been DBS checked.

34. The appeal investigation should normally be completed within 21 working days of the formal complaint being received. On occasions it may not be p Tf1 0 W*nBT/F3 12 Tf1 0 0 1 302.93 194.9 Tm

and may not make representations on their behalf. Legal representation is not permitted at these meetings. Those attending these meetings must maintain appropriate confidentiality.

36. The Appeal Officers will, on completion of the investigation, review the information collected and decide whether the appeal is substantiated. The Appeal Officers may uphold ~~51000085 TQ~~ 0.00000 all of part of the outcome of the original