

CANTERBURY CHRIST CHURCH UNIVERSITY

FRAMEWORK FOR STUDENT PROCEDURES

What is the Framework for Student Procedures?

- 1 The Framework for Student Procedures sets out the common arrangements that apply to the procedures listed in paragraph 4. The Framework applies from 1 August 2018. The next scheduled review is July 2021.
- 2 The Framework is to be read in conjunction with the individual student procedures. It sets out the approach we adopt to the procedures.
- 3 The special arrangements in the specific procedures have precedence over the Framework.

How does the University classify the Student Procedures within the Framework?

- 4 The Student Procedures within the Framework are divided into two categories:
 - (a) Disciplinary Procedures initiated by the University included in the Framework
 - (i) Student Discipline
 - (ii) Code of Student Professional Conduct
 - (iii) Academic Misconduct
 - (b) Complaints initiated by the Student
 - (iv) Appeals
 - (v) Complaints
 - (vi) Complaints from Students at Partner Institutions

What are the Stages in the Procedures?

- 5 There is a staged approach in the application of the student procedures within the Framework. The following are the stages in the procedures:
 - (a) Early Resolution Stage: This stage would usually involve the student and the member of staff with whom the student has been dealing, or alternatively the programme director or service supervisor. The intention is to seek an early resolution to the issue.
 - (b) Formal Investigation Stage: If the matter is subject to Formal Investigation, an Investigator would be appointed from within the University.
 - (c) Review Stage: If the student has reason to believe the Formal Investigation was not conducted properly, the student may make Representation to the Vice-Chancellor.
- 6 A specific variation may be included to take account of a particular requirement of a particular procedure.

- 7 At the completion of each stage involving written communication, the student will be advised of the means by which the matter may be taken further. Where appropriate to do so, the outcome should be communicated to the student in writing.

Are there Time Limits for Students Requesting a Formal Investigation?

- 8 Out of fairness for all students, there are time limits for requesting a formal investigation under the Student Complaints and the Appeals Procedures. These are set out in the relevant procedures.

In what ways and under what circumstances do the Various Procedures Integrate?

- 9 Where the use of more than one procedure by either the University and/or the student relates to the same or a related matter, it will be regarded as the same “instance” and subject to a single investigation that addresses all aspects.
- 10 Where the University initiates a disciplinary proceeding under 4(a) and the student initiates a complaint under 4(b) related to the disciplinary proceedings under 4(a), both matters will be subject to a single investigation and a single determination of the outcomes if regarded as the same instance.
- 11 Where a student initiates under 4(b) both an Appeal and a complaint about the same instance, both processes will be addressed through one investigation, taking account of the requirements of both procedures.
- 12 The Investigator will determine whether the procedures are to be integrated at the Formal Investigation stage; the Vice-Chancellor, or nominee, will determine whether the procedures are to be integrated at the Review Stage. Where this happens, it will be explained to the student which specific issues are being considered under which procedure. The student will be informed of the implications, if any, of following more than one procedure at once, particularly if one procedure may need to be suspended pending the completion of another.
- 13 When after an investigation is commenced the student raises an additional related matter, the Investigator will consider the matter. The time for completion of the investigation will be extended proportionately to take account of this additional related matter.

What is the Scope of the Procedures in relation to Academic and Professional Judgment?

- 14 There is no appeal or complaint against matters concerned with academic or professional judgment.
- 15 Any appeal must be against the decision-making process.

What Role does Early Resolution play in the Procedures?

- 16 The University is committed to the early resolution of complaints and disciplinary actions where appropriate.
- 17 Where possible, an issue should be dealt with through early resolution. When proceeding to a formal stage, there is to be a statement made of the means used to attempt an early resolution. This includes complaints made by a student and disciplinary actions initiated by the University.
- 18 Even where a matter becomes formalised, alternatives to the use of a Formal Investigation may be considered in consultation with the student to seek a resolution.

What happens if Early Resolution is not possible?

- 19 When Early Resolution is not possible, the University will move to the Formal Investigation stage.
- 20 It may be necessary to move to the Formal Investigation stage when the issues raised are complex and require detailed investigation including a complaint relating to the conduct of staff members or a case that covers a number of different incidents. Where there is a case of serious misconduct the University may escalate the matter to a formal stage; this includes Fitness to Practice or Professional Suitability matters.
- 21 Where Early Resolution did not lead to a resolution, the member of staff who took the lead at the Early Resolution stage should inform the student in writing of the arrangement for a Formal Investigation including:
 - a. the next stage in the process, including how a Formal Investigation is to be initiated and by whom
 - b. the relevant time limitations
 - c. the appropriate procedure to be followed
 - d. where and how to access advice and support through Student Support, Health and Wellbeing and/or the Students' Union
- 22 In these circumstances, the member of staff should where proportionate record the actions taken at the Early Resolution Stage (such as meeting the student and the focus of the discussions), any decision, and what was communicated to the student in a way that can be referred to by an Investigator.

What are the Arrangements for the Notification and Recording of Formal Proceedings?

- 23 In all cases, the Academic Support Office is to be notified of the commencement of any formal proceedings to ensure consistency.
- 24 For Schools, the responsibility to notify the Academic Support Office of the need for a formal disciplinary action normally rests at the level of programme director, who is also to inform the Head of School, making clear whether or not the formal disciplinary action is to be undertaken within the Faculty. For professional support departments, the responsibility to notify the Academic Support Office of the need for a formal disciplinary action rests with the head of service.
- 25 The student should make a written request for a Formal Investigation or an Appeal to the Academic Support Office.

- 26 Where a student makes a formal complaint to a department, School or Faculty, it is to be forwarded to the Academic Support Office and the student informed. The student will not be prejudiced by notifying a department, School or Faculty of a complaint rather than the Academic Support Office.
- 27 Receipt of the notification should be acknowledged in writing, usually by email, within five working days. The Academic Support Office will confirm in writing if the request has been accepted within ten working days.
- 28 The Academic Support Office will maintain a register of all formal proceedings. Therefore the Academic Support Office is to be informed of the outcome of all formal proceedings.

Who undertakes Formal Investigations?

- 29 Matters of student discipline and complaint will be addressed within the Faculty, except for those set out in the paragraph 30.
- 30 For matters of student discipline and complaint relating to student debt, student accommodation, library services or student discipline outside the control of a Faculty, the procedures will be undertaken centrally. Where appropriate, an Investigator from a Faculty may be asked to undertake an investigation on behalf of the central department.
- 31 An individual Investigator will undertake a Formal Investigation, and will usually be supported by an administrator familiar with the procedures. The decision following a Formal Investigation is to be that of the Investigator alone.

How an Investigator is nominated, appointed and allocated.

- 32 The Deans of Faculties nominate suitable individuals to be Investigators.
- 33 The senior managers responsible for central services will appoint Investigators for matters of student discipline and complaint relating to student debt, student accommodation or student discipline outside the control of a faculty.
- 34 Investigators are to be of sufficient experience to undertake investigations, and will be provided with appropriate training.
- 35 In conjunction with the relevant Faculty or professional service department, the Academic Support Office will maintain a list of Investigators, which will be updated termly.
- 36 The appointment of an Investigator to undertake a Formal Investigation will be undertaken by the relevant Faculty or professional service department in consultation with the Academic Support Office. Where more than one student is involved, normally the same Investigator will undertake the Formal Investigation of the case, irrespective of the Faculty or professional service department.
- 37 Where a student is studying in more than one Faculty, an Investigator from one Faculty will assume responsibility. The Faculty of the Investigator will be determined by the Academic Support Office through a preponderance of interest in the matter of discipline or complaint following consultation with the interested Faculties. Where appropriate, a central department

may be asked by the Academic Support Office to undertake an investigation on behalf of the Faculty, following consultation with the Head of School.

- 38 No person who has previously had any involvement with the case may serve as an Investigator. Where deemed necessary in the interests of enabling independence, an Investigator from another Faculty may be appointed.

When will an Investigation be undertaken by a Panel?

- 39 Only where the Academic Board determines a panel is to be established as part of its approved procedures is the investigation undertaken by a panel.

How is the Student's Perspective considered?

- 40 The Investigator must ensure the student has adequate opportunity to be heard.
- 41 The student has the right to request support in the preparation of the case from the University's Department of Student Support, Health and Wellbeing or from the Students' Union.
- 42 The student is to be given a copy of the evidence requested by and presented to the Investigator.
- 43 The student has the right to make a personal statement in writing. The Investigator must consider all such statements presented by, or on the specific written authorisation of, the student. The Investigator is to be satisfied that any written statements made on behalf of the student have been made available to the student.
- 44 Where an Investigator upholds the position of the student based on a reading of the written case, and the student agrees the outcome, there is no requirement that the student is invited to talk with the Investigator.
- 45 Where a case requires further investigation, the Investigator must give the student the opportunity to be heard either in a face to face meeting or at a distance by making use of any appropriate means of telecommunication, including telephone and Skype.
- 46 When attending in person, the student has the right to be accompanied by a friend, defined as a registered student of Canterbury Christ Church University, a member from the same cohort as the student, a member of the Students' Union Council, an officer of the Students' Union or a current member of staff of the University. In all cases, the friend may speak on behalf of the student. In the case of complaints and appeals (but not disciplinary cases) the friend may with the written authorisation of the student attend in the student's place.
- 47 When a student declines to meet with the Investigator, the Formal Investigation will be concluded based on the evidence collected. The right to Representation to the Vice-Chancellor will be unaffected by non-attendance at a meeting.

What is the Role of Mediation in the Procedures?

- 48 Where appropriate, mediation may be offered or requested as a means of resolving a dispute at any stage in the internal proceedings within the University: Early Resolution, Formal

Investigation, and Representation. Where the matter has completed the internal proceedings, the University would also consider proposals for mediation.

- 49 With mediation, an independent mediator from outside the University, works with the student and the University to reach an agreement. However, it is the people in dispute, not the mediator, who decide whether they can resolve the dispute and reach an agreement.
- 50 For mediation to be used, both the student and the University agree to decide to seek mediation and the choice of mediator. Any agreement to seek mediation is subject to a mediator agreeing that the matter is capable of resolution. The mediator will determine the way in which the mediation is conducted.
- 51 The student will be encouraged to be accompanied to the mediation, and the person accompanying the student may speak on behalf of the student.
- 52 The procedures will be suspended whilst the mediation is being actively pursued, without prejudice to the student or the University.
- 53 Where formal mediation leads to an agreement, the parties will record the terms of the agreement in writing. This will include a statement that the agreement represents the final determination of the matter and the end of the complaint.
- 54 Where the parties do not reach an agreement, the relevant procedures will be recommenced at the point at which they were suspended.

What are the Arrangements for Representation to the Vice-Chancellor?

- 55 Where a student is not satisfied with the process in relation to the conduct of a Formal Investigation, the student may make Representation to the Vice-Chancellor.
- 56 The Vice-Chancellor will nominate a suitable individual to review the Representation. Normally, this will be the Deputy Vice-Chancellor or a Pro Vice-Chancellor. The arrangements for delegation may include arrangements to cover any period of absence from the University.
- 57 The Vice-Chancellor's nominee is not limited in the means of seeking a resolution. The nominee may, for example, propose a particular course of action, recommend mediation be undertaken subject to the agreement of the student or determine that a further investigation is to be undertaken.
- 58 The outcome of the Review Stage may be a confirmation that the procedures were followed, the outcome was reasonable and there was no further action that the University should take.
- 59 The decision of the Vice-Chancellor's nominee represents the completion of the internal procedures of the University.

What are the Arrangements for the Quality Assurance of Investigation Findings?

- 60 Before the final response is given, whether by an individual or a panel, there is a quality assurance stage at the end of Stage 2. The purpose is to check the procedures have been followed and the recommendations are compatible with the relevant University regulations.

- 61 The person undertaking the quality assurance role will usually be an Investigator or a person appointed specifically to check the investigation findings.
- 62 The person undertaking the quality assurance role will not be a decision-maker nor have the authority to influence decision-makers. Where there is a deviation from the procedures, this will be reported to the individual or a panel for a revision to be made.

What are the Time Limits on Making Representation to the Vice-Chancellor?

- 63 A student may make Representation to the Vice-Chancellor within twenty working days of the date of the formal response being issued by the Investigator.
- 64 The Vice-Chancellor may extend the time allowed for submission of a Representation if satisfied there were valid reasons why the request was not submitted within twenty working days. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons or the student making initial enquiries about the process of, and then lodging, a Representation.
- 65 The Vice-Chancellor will refuse to accept any request submitted by the student more than forty working days after the date of issue of the formal response being issued by the Investigator.

What are the Time Scales on the Operation of the Stages?

- 66 The University will seek to complete the procedures as quickly as possible. Particular attention will be given to identifying complaints and Appeals that may require speedy resolution because of time-sensitivity and issues relating to a student's well-being.
- 67 It is aimed to complete the Formal Investigation stage within twenty working days of the appointment of the Investigator. The general exception is where notification is received outside the published term dates for the programme, when the aim is to complete the Formal Investigation stage within forty working days of the appointment of the Investigator.
- 68 It is aimed to complete the Review Stage within twenty working days of the Vice-Chancellor acknowledging the notification. The general exception is where the notification is received outside the published term dates, when the aim is to complete the Review Stage within forty working days of the notification being acknowledged.
- 69 The time scale for any stage may be extended on the request of, or with the agreement of, the student, particularly where it is agreed there should be any form of alternative dispute resolution.
- 70 Where necessary, the Investigator or the nominee of the Vice-Chancellor has the authority to extend a stage for good cause, but must inform the student in writing of the reason for, and the length of time of, the extension.

What happens when a Complaint or Appeal is upheld?

- 71 When the Investigator upholds a student complaint or Appeal in whole or in part, the programme manager(s) concerned will draw up an action plan to address the issues that were

upheld. This is to demonstrate how the decision of the Investigator is to be addressed. In the case of an Appeal, the Investigator will refer the matter to the programme manager(s) or the decision making body for reconsideration.

- 72 The action plan is to be agreed with the student concerned, and a copy provided to the Investigator. The action plan is to be drawn up within twenty working days of the Investigator writing to the student and programme managers, and to be agreed with the student within forty working days of the notification. In the event of disagreement, the Investigator is to act as a Reconciliator and, should the need arise, issue a binding action plan.
- 73 The Investigator may extend the period for the completion of an Action Plan with the agreement of both the programme manager(s) and the student.

When can a student complain to the Office of the Independent Adjudicator for Higher Education (OIA)?

- 74 The Office of the Independent Adjudicator for Higher Education (OIA) operates an independent student complaints scheme. The service is free to students.
- 75 A student must first exhaust the internal complaints procedures of the University. Once the student completes the internal procedures of the University but believes the issue has not been appropriately addressed, the student may complain to the OIA.

What are the Arrangements for the Issue of a Completion of Procedures Letter?

- 76 On exhausting the University's internal procedures the OIA Point of Contact will issue to the student a 'Completion of Procedures' Letter within twenty-eight days of the completion of the University's internal procedures. The Point of Contact may delegate the responsibility for providing the Completion of Procedures Letter.
- 77 The Letter will advise the student of the means by which a complaint may be made to the OIA and the timescale for submitting the application.

How does the University deal with frivolous or vexatious complaints and Appeals?

- 78 The University accepts that any formal complaint or Appeal made by a student must be a matter of concern to it, even where the student is repeatedly raising the same or similar issues despite receiving a full response. There are times when the University has to determine that, taking into account all the circumstances of the case, the complaint or Appeal is, on balance, frivolous or vexatious. The central consideration will be the issues raised in the complaint and not the behaviour of the student making the complaint or Appeal.
- 79 Examples of frivolous or vexatious complaints include, but are not limited to :
- complaints or Appeals which are obsessive, harassing, or repetitive
 - insistence on pursuing unreasonable complaints or Appeals and/or unrealistic, unreasonable outcomes
 - insistence on pursuing reasonable complaints or Appeals in an unreasonable manner

- complaints or Appeals which are designed to cause disruption or annoyance or demands for redress which lack any serious purpose or value.
- 80 If the University decides a student's complaint or Appeal is frivolous or vexatious, an Investigator will write to the student explaining why the University is terminating consideration of the complaint or Appeal. The Investigator will give reasons for the decision.
- 81 If the student is not satisfied, Representation may be made to the Vice-Chancellor in line with this Framework. The nominee of the Vice-Chancellor will consider the information on the file, including any written statement the student has made, and decide whether to confirm the decision that the complaint is frivolous or vexatious, or recommend the appointment of an Investigator to undertake a Formal Investigation

How are Complaints and Appeals from Students at Partner Institutions handled?

- 82 Where a student is registered at a partner institution on a programme leading to a University award, the complaints and disciplinary procedures of the partner institution apply. For the purpose of these procedures, 'partner institution' refers to another institution delivering, supporting, or assessing educational provision which lead or contribute to academic credit or a qualification of the University.
- 83 If a student is unable to complain directly to the OIA, the University can investigate a complaint when the student has completed the internal procedures of the partner institution. These arrangements are set out in the Procedure for Dealing with Complaints by University Registered Students at Partner Institutions.
- 84 An Appeal is defined as a request for a review of the decision-making of an academic body (for example, a Board of Examiners, an Extenuating Circumstances Request Review Panel or a Panel established to investigate Plagiarism) which has a responsibility for making academic decisions on progression, assessment, extenuating circumstances, academic conduct or awards. The appeal is to be made to the University, and will follow the University Appeals Procedure.