

Complaints, Appeals and Discipline at UEA Improving resolution and building confidence

Introduction

This short paper proposes an integrated campus ombudsperson service at UEA to boost confidence to complainants, improve the speed and quality of dispute resolution and improve institutional learning from complaints and incidents.

Background

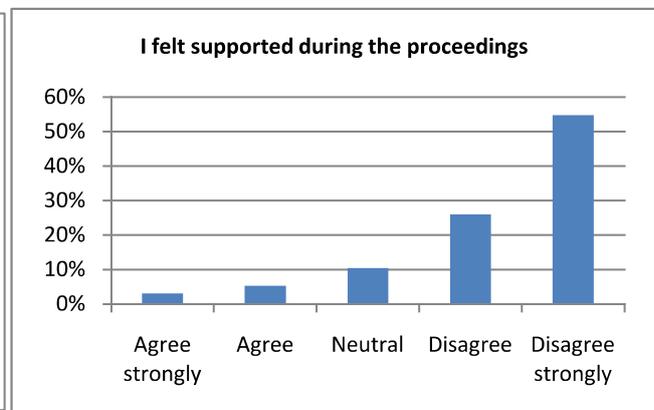
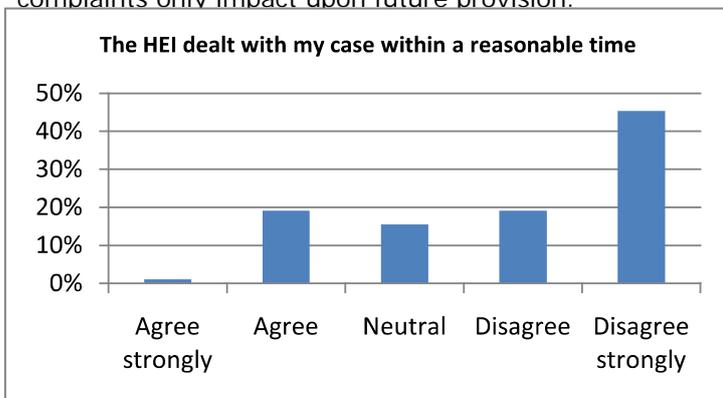
For some time the Students' Union has been concerned by several elements of the complaints, harassment and student conduct processes at UEA. The reorganisation of the Dean of Students Office into the Learning and Teaching service provides an opportunity to look afresh at the issues to determine if improvements could be made through revised structures. Given that the reorganisation also further integrates the role of the department that issues disciplinary action and the department charged with offer student support it is particularly pertinent to ensure the correct structures are in place. To inform this we have reviewed casework notes dating back three years to determine if there are any trends in feedback on the processes at UEA.

Academic Complaints

There is an Appeals and Complaints Procedure (one procedure for both appeals and complaints, the word is just interchanged) A student has 10 working days to submit a complaint after experiencing the 'issue'. Students will receive an acknowledgement letter from the hub within 5 working days of submission and this will detail the date of the FACP which it will be heard at, which will be no more than 20 working days from the date of submission. There can then be up to 10 working days to receive the final decision. Working days is an issue – this could be made clearer for students.

The most common form of feedback from students is that the process takes a long time, that information on the process is hard to find and understand, and that students feel a lack of support through the process. This feedback mirrors national findings from the OIA.

There is also a clear sense that appropriate redress is only possible once a students' case reaches the OIA- and that complaints only impact upon future provision.



Non Academic Complaints

This is problematic. The current procedure is written so that it sits within DOS, with the DOS being the investigator, but for some time the Head of Learning and Teaching Services (Quality) has been dealing with these, loosely following the procedure. As far as we are aware, it has not been re-written to explain what happens to the complainant when Jon Sharp receives it.

Under the current procedure, we have had some good outcomes where the complaint concerns things outside of DOS i.e. library and excessive library fines when there is no proof that a student hasn't returned a book, but we can't remember a successful case against a DOS service i.e. accommodation fines/evictions etc.

Harassment

At present harassment complaints have been formally handled by DOS although may manifest with advisors in schools. Following research on understanding and confidence amongst the student body, over the past two years the Students' Union has been working with DOS on improving processes around sexual violence and harassment at UEA, including making it easier to report and providing support in the form of harassment advisors. Little formal progress has been made and there is arguably more to be done in this area.

Student Conduct

Conduct issues (including harassment) have been handled by DOS. The central concern expressed by students is the dual role that DOS plays in receiving and investigating complaints, and then carrying out disciplinary procedures-

even if carried out fairly and effectively the perception is one of conflict of interest. This is especially true in on-campus accommodation complaints/issues where the DOS office has also acted as landlord.

We have seen cases where the disciplinary officer gives a fine for bad behaviour in accommodation and then due to breach of license are given notice to quit. This is separate to the disciplinary officer's action. We have raised this with UEA. There is a vague commitment to take fines out of the disciplinary process, it is not clear what they would be replaced with. The overall perception is of an informal benevolent paternalism that is inappropriate in 2016, which should be focussed on rights and redress.

FOI

Despite lobbying from UUK and the Russel Group, the University is and will continue to be subject to the Freedom of Information Act. Processing of requests is carried out by a small office within ISD. Whilst we do not have feedback from students on confidence or effectiveness, the Students' Union's interactions with the office indicate that it operates in a robust and independent way, highly conscious of the rights of the University and the requester.

General Issues

- The **role of students** in processes is not clear and inconsistent. The system(s) overall have a lack of student voice and there is confusion on the role students should play in cases (ie not allowed on Faculty Panels currently, students on non-academic discipline panels but not academic ones, complaints vs appeals etc)- a new system could reform the whole process so that students are at the heart of it as partners.
- Beyond surface level statistical reporting, the Union is not able to detect any **institutional learning** from any of the above processes. We don't think that precedent is set from one case to the next and we don't think FACP's share actual decisions beyond upheld or rejected. There is a member of another faculty on each FACP to try and ensure consistency between them all but this is as far as it goes.
- It is crucial that the wide range of cases within complaint processes are considered in the round as **feedback** by the University- analysed by the BIU with planning, and reporting against that planning, embedded into leadership practice and committee processes across the University.
- **Independent advocacy** for students going through these processes is provided by the SU. Feedback indicates that this is effective although there is a lack of awareness about the existence of the support amongst some students.
- Processes are generally regarded to as **intimidatingly complex**. Due to this reason and the growing pressure on students to succeed there is a growing tendency amongst the student body to involve trained legal professions early on in the process.

Summary

We would therefore argue that there is a need to:

- Bring together expertise from across UEA and further develop through systems the sharing of information across key stakeholders
- Take steps to boost confidence amongst students that complaint resolution will be fair and independent
- Take steps to improve institutional analysis of and learning from complaints processes
- Separate some of the processes of harassment/conduct to improve confidence
- Simplify the process of making and resolving complaints and improve support for those making complaints

A campus ombuds?

The idea of a campus ombudsman was created in the United States in the 1960s and 1970s and has wide resonance and history in continental Europe and North America. The key elements in an Ombudsman scheme include:

- Independence;
- Ease of Access;
- Free to complainants;
- Openness and Transparency;
- Wide Jurisdiction; and
- Proportionate and Effective Measures for Resolving Disputes.

As such whilst there are a variety of models, they seem relevant to the analysis above.

We would therefore propose for discussion that a **Campus Ombudsperson office** be formed within the University with the following functions:

- The overall management and monitoring of **academic, non academic** and **harassment complaints** handling within the University;
- Providing **independent** and **impartial** and **information** to complainants about the procedure for dealing with complaints;
- Conducting internal **reviews** of **complaints** in both process and content;
- Identifying **systemic issues** arising from **complaints** and making recommendations to the University Community.
- Acting as the University's **Freedom of Information** Office.
- Holding formal internal power to **direct** University departments and functions to act to **redress** in the event of failure.

The work of the Campus Ombudsperson office would be governed by a board including University members, lay members and SU members.

The **Students' Union** would be **formally** charged with the following functions:

- Supporting complainants, including listening to the issues and helping the person clarify the facts
- Advocating for complainants at hearings or appeals

The wider SSS would be formally charged with the following functions:

- Operating a network of harassment advisors to support students experiencing harassment

It is suggested as an initial step to open discussions about the feasibility and practicalities of an ombudsperson during the early stages of the re-design of the current Dean of Students with a view to the discussions being settled by 2017, should the information support the development of this office.

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