

Student Behaviour in Appeals and Complaints: A Code of Practice

(1) We are committed to dealing with complainants fairly and impartially and to providing a high quality service when investigating appeals and complaints. However we do not expect Durham University staff to tolerate unacceptable behaviour. Therefore this Code of practice sets out the University's approach to the relatively few complainants or appellants whose actions or behaviour we consider to be unacceptable. Consequently, this code of practice should be read in conjunction with the University's General Regulation VII Academic Appeals and the University's Complaints Procedure for Students, both of which are to be found in Durham University Calendar Volume 1.

(2) For the purposes of this code a "complainant" is a student who either makes a complaint or submits an appeal in accordance with the University's General Regulations or regulations in other University publications. The term complainant also includes anyone who has signed authorisation from a complainant to act on his or her behalf or anyone who contacts the University in connection with a complaint or appeal.

(3) The principles set out in this code of practice also apply to our dealings with third parties who are not students but who seek to make a complaint against the University or its students.

(4) Whilst complainants may explore their grievances through initial discussion with University staff, they are normally expected to submit their complaint or appeal in writing in accordance with the relevant appeals or complaints procedure to enable an investigation to be undertaken. However the University will always consider alternative means of communication (other than written communication) in appropriate cases on request. Subsequent queries may be raised by Email or telephone but we normally ask complainants to confirm in writing any comments that they have made to us over the telephone so that the information can be recorded on file. We cannot respond to enquiries from anyone who is not named as a representative by the complainant.

(5) Where a complainant submits multiple complaints on substantially the same issue the University reserves its right to treat the matter as a single complaint or appeal and to decline respond to each separate, subsequent appeal or complaint.

(6) Whilst the University understands that bringing a complaint or an academic or other appeal can be a stressful experience we also recognise our duty to ensure the safety and welfare of our staff and students. Consequently the University has zero tolerance towards complainants whose behaviour is unacceptable and we will take action to protect our staff.

(7) The University's definition of "unacceptable behaviour" might include but is not necessarily restricted to cases in which there is clear evidence that the complainant has behaved in the following inappropriate way(s):

(a) communicating with the University in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner;

(b) engaging in communication which is unreasonably persistent or demanding in terms of its frequency or volume;

(c) submitting an appeal or complaint containing materially inaccurate or false information or evidence;

(d) knowingly making clearly unfounded allegations against a member of the University's staff.

(8) When we consider that the behaviour of a complainant is unacceptable, as a first step, the University will normally tell the complainant why we find their behaviour unacceptable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict their contact with the University.

(9) The decision to restrict contact with the University can be taken by one of the following members of staff or their nominees: the Pro-Vice-Chancellor (Education), the Chief Operating Officer (Registrar), Academic Registrar. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example letters only);
- requiring contact to take place with a named officer (complainants should normally write to or telephone only the member of University staff dealing with their complaint or appeal);
- restricting telephone calls or emails to specified days and times;
- asking the complainant to appoint a representative to correspond with us; and/or
- asking the complainant to enter into an agreement about their conduct.

(10) Normally we write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.

(11) Where a complainant behaves unacceptably during a telephone conversation, we may as a last resort terminate the call and we may restrict future contact to email or written correspondence.

(12) Where a complainant continues to behave in a way which we consider to be unacceptable, **we may decide to seek advice from the University Officers listed in 9 above as to whether University discipline proceedings be initiated (as outlined in General Regulation IV Discipline) or whether it is necessary to terminate contact with the complainant.** In exceptional circumstances this may mean that the University is unable to continue with the consideration of the case. Where appropriate, we may issue a completion of procedures letter, advising the complainant of their right to take matters to OIA (if the complainant is a recent student of the University).

(13) **Where the behaviour is so extreme that it threatens the immediate safety and welfare of the University's staff, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.**

(14) This Code of practice and its use will be reviewed by the Student Experience Sub-Committee at least every three years.

[Code of Practice](#) for Durham Students' Union.