



PROCEDURE FOR HANDLING STUDENT COMPLAINTS WHICH RELATE TO THE CONDUCT OF UNIVERSITY STAFF

The following is intended as a **high level summary** of the procedure which the University **will** follow in the event of a **formal** complaint by a current student about the conduct of a current member of University staff. Appendix I provides a visual overview of the procedure.

More detailed information will be made available throughout the process to ensure both the student and the staff member against whom the complaint is made are clear what to expect, of whom and by when.

The procedure reflects the University's duty of care to both parties and has been developed in collaboration with Edinburgh University's Student Association (EUSA) and agreed with the joint unions. It will be regularly reviewed by Academic Services and HR to ensure it reflects any changes in internal practices and/or procedures.

A. UNDERPINNING PRINCIPLES

Irrespective of the nature of the alleged inappropriate behaviour, the following principles apply:

- complaints will be handled in a timely manner and without unreasonable delay
- complaints will be investigated with sensitivity and objectivity
- both parties will be treated fairly, consistently and with respect
- information disclosed by either party will be treated as confidential and, so far as the University is able, will only be shared on a limited basis
- both parties will be advised with whom information needs to be shared, and why
- appropriate support will be put in place to ensure the wellbeing of both parties
- if necessary, appropriate, risk based precautionary action will be taken to protect both parties during and post complaint investigation
- both parties have the right to be accompanied to meetings relating to the complaint
- both parties will be told the outcome of the investigation, i.e. whether or not the complaint is upheld.

B. PRELIMINARY STEPS

A student wishing to make a formal complaint should normally do so by submitting a complaint to the University (see <https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure>).

The University's Investigation Manager will:

- acknowledge receipt of the student's complaint, sensitively and timeously, and
- make contact with the Head of HR for the College/Professional Service in which the staff member works.

The Head of HR will agree with the Head of School/Professional Service in which the staff member works who will be responsible for managing the complaint (the "Responsible Manager"). When

determining who this will be, the Head of School/Professional Service will need to bear in mind that the Responsible Manager will be involved in, and may chair, any staff disciplinary hearing.

The Head of HR will also appoint an HR Advisor to provide procedural support to the Responsible Manager.

Complaints alleging harassment or assault

Should the student's complaint allege harassment or assault by the staff member, the Responsible Manager will, with urgency, engage relevant parties to assess the interaction between the parties and agree appropriate action. Wherever possible, account will be taken of requests made by the student to limit or restrict interaction with the staff member.

Alleged criminal offence

Where the alleged misconduct by the staff member constitutes a criminal offence, the Responsible Manager will engage relevant parties to agree whether or not to suspend investigation of the student's complaint and await the outcome of any criminal proceedings. If the investigation is to be suspended, the parties will agree how best to communicate this outcome, and related action, to the student and the staff member.

The Responsible Manager should also consider continuing to take precautionary action to limit or restrict interaction between student and staff member while awaiting the outcome of any criminal proceedings.

C. CASE CONFERENCE

The Responsible Manager, supported by the HR Advisor will organise a case conference bringing together relevant parties to agree:

- who will be appointed to investigate the student's complaint (the Investigating Officer)
- how the investigation should be conducted, particularly if the complaint is multi-faceted, for example involves matters of both an academic and personal nature
- who will be appointed as the student's primary point of contact and support during the investigation (the Student Liaison Officer)
- who will be appointed to support the staff member during the investigation (the Staff Liaison Officer)
- who will undertake an assessment of risk and decide, what, if any, precautionary action, or additional action is required to protect both parties while the investigation is ongoing.

In bringing together 'relevant parties', for example staff from Academic Services or Student Support, the Responsible Manager will bear in mind the need to do so on a strict need to know basis to protect the privacy of both the student and staff member.

All reasonable efforts will be made to ensure the case conference and risk assessment take place within two calendar weeks of receipt of the student's complaint.

Appointment of Investigating Officer

The Investigating Officer will normally be senior to the member of staff against whom the complaint has been made. To ensure impartiality, they will have no direct involvement in the study or work of either the student or the staff member. Should the student's complaint allege harassment or assault by the staff member, the Investigating Officer will be drawn from a pool of staff specifically trained to investigate such sensitive matters.

D. PRE-INVESTIGATION

Communication with student

Following the case conference and risk assessment, the Responsible Manager will write to the student to confirm:

- who will investigate their complaint
- the name and contact details of the person appointed to support them during the investigation (the Student Liaison Officer)
- what to expect during the investigation process, and indicative timescales. Note: should the complaint be multi-faceted, the Responsible Manager will make it clear how each aspect will be investigated
- their right to be accompanied at the investigation meetings, and by whom
- what, if any, precautionary measures are to be put in place to protect both parties
- when the staff member will be made aware of the complaint against them, and
- who else has been made aware of their complaint, and why. Note: Every effort will be made to discuss this with the student in advance, and to ensure that others are only made aware of the complaint on a strictly need to know basis, e.g. where precautionary measures need to be put in place.

A copy of this letter will also be provided to the Student Liaison Officer.

Where the complaint is of a highly personal nature, e.g. of harassment or assault, the Responsible Manager will agree with the Student Liaison Officer whether this information would best be relayed to the student in person and by whom.

All reasonable efforts will be made to ensure this information is relayed to the student within three calendar weeks of receipt of the student's complaint.

Communication with staff member

Following the case conference, the Responsible Manager will arrange to meet with the staff member, and, where appropriate, their line manager, to advise them:

- of the nature of the complaint against them and by whom
- what, if any, precautionary measures are to be put in place to protect both parties
- who has been appointed to investigate the complaint
- who has been appointed to support them during the investigation (the Staff Liaison Officer)
- what to expect during the investigation process, and indicative timescales
- their right to be accompanied at the investigation meetings, and by whom, and
- who else has been made aware of the complaint against them, and why.

All of the above will be confirmed in writing to the staff member, and the member of staff appointed as their Staff Liaison Officer.

E. INVESTIGATION

Initial meeting

All reasonable efforts will be made by the Investigating Officer to structure the investigation such that they need only meet with the student once and that the student is not put in the position of

having to repeat the nature and circumstances surrounding their complaint, particularly if the complaint alleges harassment or assault by a staff member.

Separate meetings may be more appropriate if the student's complaint is multi-faceted.

All reasonable efforts will be made to ensure the Investigating Officer meets with the student within four calendar weeks of receipt of the student's complaint.

Follow-up meeting(s)

Should follow-up meetings be required to clarify matters arising from the Investigating Officer's meetings with witnesses and the staff member themselves, or documentation provided by either party, the Investigating Officer will make all reasonable efforts to avoid the need for the student to repeatedly describe events of a highly personal nature.

However, to ensure the investigation is fair to both parties, the Investigating Officer may need to meet with the student to ask supplementary questions and the student will have the right to respond to any points raised by the staff member and/or witnesses for either party.

Right to be accompanied

The student may be accompanied to all meetings by an Advice Place Advisor or a member of the University community, for example by another student or a member of staff.

The student should contact the Investigating Officer in advance of the meeting if they wish to bring an additional companion from within the University community, for example because English is not their first language or they need some other practical support. Such requests will not be unreasonably refused. The student is free to identify someone who can translate for them, or to ask the Investigating Officer to source this service for them.

The staff member has the right to be accompanied by a trade union representative or work place colleague.

The Investigating Officer will normally be accompanied by an HR Advisor and a note-taker.

Summary notes of meetings

Based on the notes taken during the meeting, the Investigating Officer will produce a summary note which will be sent to the student, for return back to the Investigating Officer.

The summary note will not be a verbatim record of the interview. However, depending on the nature of the complaint, the summary note may be in the form of a personalised statement.

If the complaint is multi-faceted, a summary note will be produced covering each aspect of the complaint.

The student will be asked to review the summary note and confirm it accurately reflects what they said during the meeting. The student may annotate any section of the statement that they do not agree with. Changes made by the student will normally be accepted, provided they reflect the content of their meeting with the Investigating Officer.

The Investigating Officer will also meet with the responding staff member and any witnesses (for either the student or staff member). Notes taken during these meetings will be used to produce a summary interview note. The summary note will not be a verbatim record of the interview. However, depending on the nature of the complaint, the summary note may be in the form of a personalised statement.

The summary notes will be issued to the staff member, and any witnesses, for review and confirmation of accuracy, and return to the Investigating Officer. The staff member may annotate any section of the statement that they do not agree with. Changes made by the staff member will normally be accepted, provided they reflect the content of their meeting with the Investigating Officer.

Confidentiality

The content of all meetings and the statements which result from them will be treated with the utmost confidentiality by all who take part in the investigation and all information will be protected as far as the University is able to do so.

Indicative timescale(s)

All reasonable efforts will be made by the Investigating Officer to conclude the interview stage of the investigation process within one calendar month of having first met with the student. If the nature and or complexity of the complaint is such that this will not be feasible, the Investigating Officer will advise both parties, and their Liaison Officers, of the revised timescale and will do so in advance of the original dates given.

The Investigating Officer will write to both parties, and their Liaison Officers to confirm they have concluded this stage of the investigation. They will also provide an indication of the date by which they will have completed and presented their report to the Responsible Manager.

The Investigating Officer will advise both parties, and their Liaison Officers, in advance, if this date will not be met and provide a revised timescale.

F. INVESTIGATION REPORT AND OUTCOME

Possible outcomes

Having met with all relevant parties, the Investigating Officer will produce a confidential report for the Responsible Manager.

Based on their interviews with the student, the responding staff member and any witnesses, and consideration of any supporting documentation, the Investigating Officer will conclude whether there is:

- sufficient evidence to conclude that there is a case to answer by the staff member at a disciplinary hearing; or
- insufficient evidence to uphold the student's complaint and therefore there is no case to answer by the staff member.

Communication with student

The Investigating Officer will notify the Student Liaison Officer of the outcome of the investigation and discuss with them the best way to convey the outcome to the student.

In deciding how best to communicate the outcome to the student, the Investigating Officer and Student Liaison Officer will need to take into account:

- the nature of the complaint
- the investigation outcome
- what, if any ongoing support needs to be provided to the student

- what, if any precautionary measures need to remain or be put in place to ensure their wellbeing and
- whether or not it is practically possible to meet with the student.

If it is possible to meet with the student, the Investigating Officer will arrange to do so, along with the Student Liaison Officer.

The Investigating Officer will share the outcome of the investigation with the student. If they have decided that there is no evidence of a case to answer by the staff member, they will explain why.

If they have decided there is a case to answer, they will, with support from the Student Liaison Officer, explain, what, if any, precautionary action needs to be put in place to minimise contact with the staff member during the disciplinary process.

Communication with staff member

The Investigating Officer will notify the Staff Liaison Officer of the outcome of the investigation.

The Investigating Officer will write to the staff member to confirm they have concluded their investigation and to convey the outcome. If they have concluded that there is a case to answer, they will explain what if any precautionary action needs to be put in place to minimise contact with the student during the disciplinary process.

G. OUTCOME OF STAFF DISCIPLINARY PROCEDURE

If the Investigating Officer determines there is a case to answer, the Responsible Manager will arrange for a disciplinary panel to consider the conduct of the staff member. The Panel and staff member will receive the Investigating Officer's report in advance of the Hearing. During the Hearing, Panel members will ask questions of the Investigating Officer and the staff member to inform their decision-making. Neither the student nor any witnesses will attend the Hearing.

Once the Panel has reached a decision, it will also consider what information, if any, should be shared with the student regarding the action taken and the likelihood of future interaction on campus with the staff member.

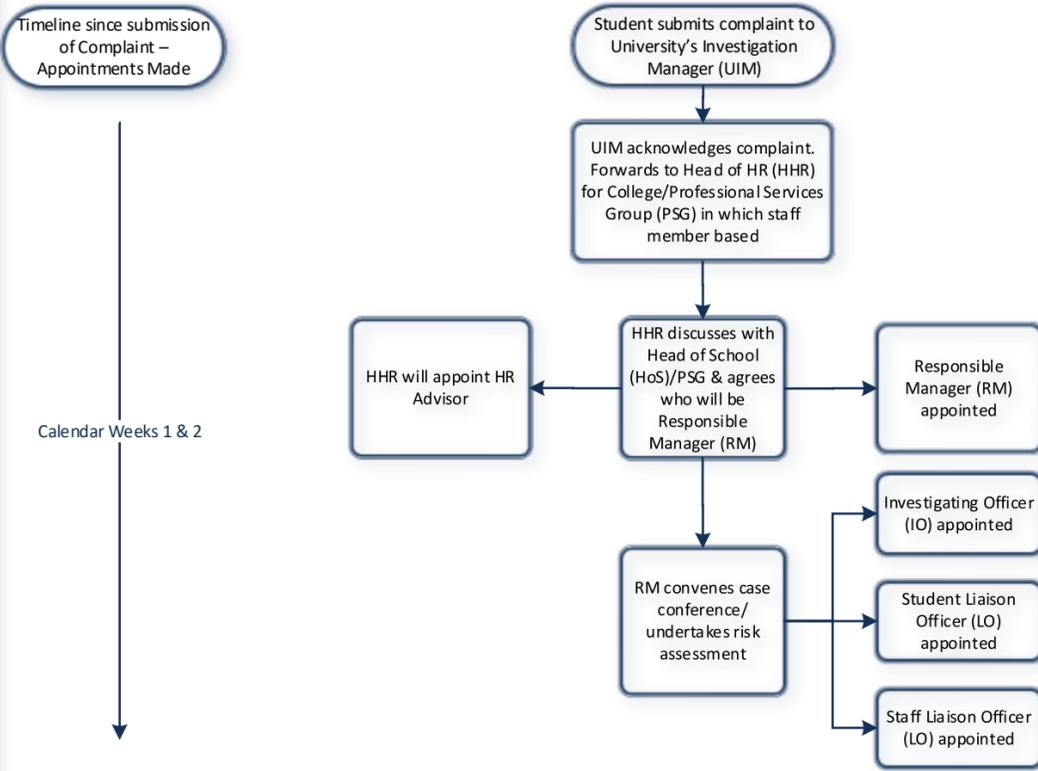
The Responsible Manager will discuss with the Student Liaison Officer how best to convey the Panel's decision to the student.

H. STUDENT'S RIGHT OF APPEAL

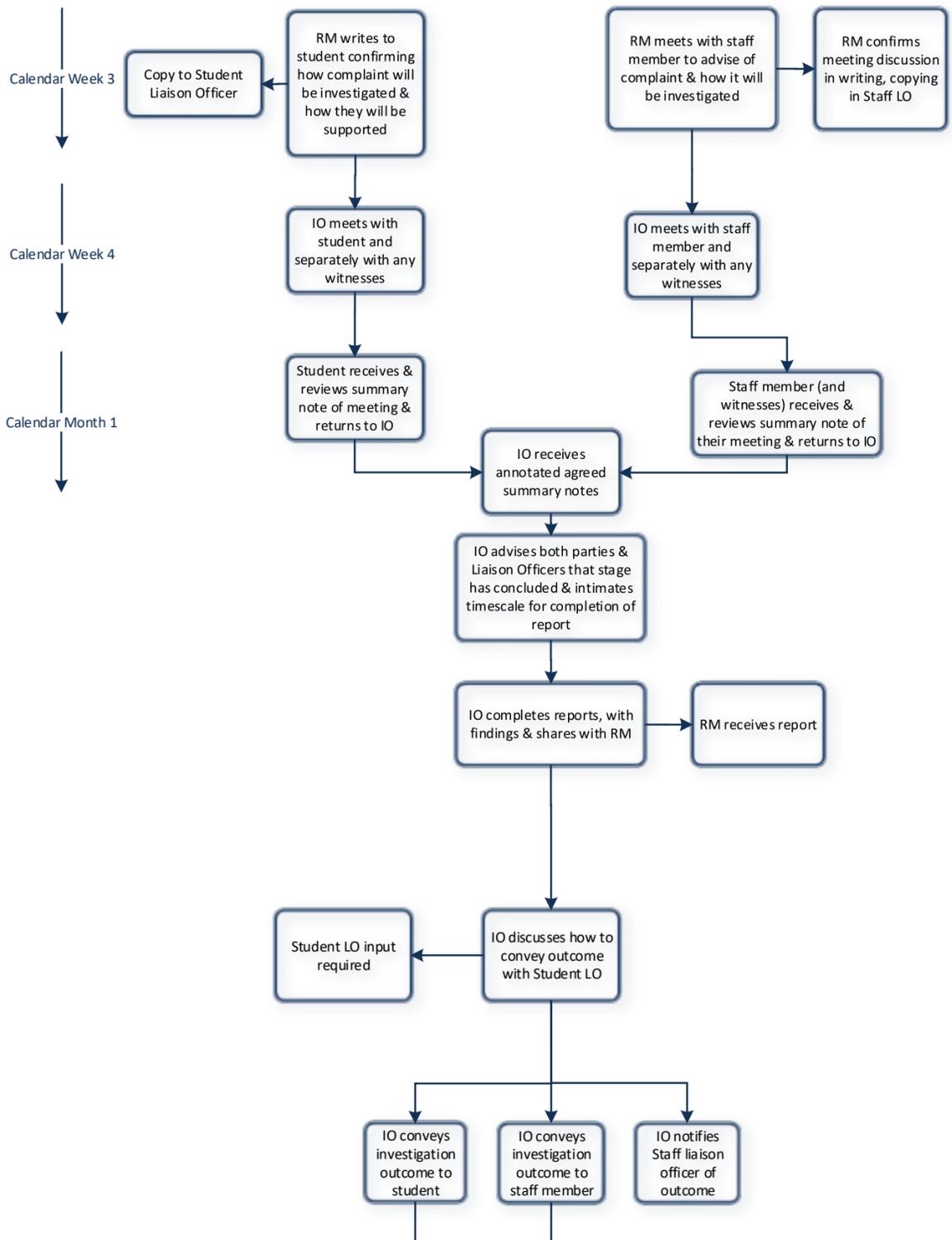
Should a student be dissatisfied with the University's procedural handling of their complaint, they have the right to request a review by the Scottish Public Services Ombudsman, and can access support from the Advice Place to do so.

Process for Handling Student Complaints which relate to the Conduct of University Staff

Preliminary Stage



Investigation Stage



Disciplinary Stage

