For the Academic Policy & Regulations Committee
23 November 2012

APRC.12.11.03

Request for Amendment to the Code of Practice on Primary Appeals Procedures, Code of Practice on Senate Review, Student Concerns and Complaints Procedure and the Guidance Note on Consideration of Grievances submitted to Council by Registered Students of the University

Purpose of Paper

1. APRC is asked to ***consider*** and, if thought appropriate, ***approve*** amendments to the above procedures, ***with immediate effect.***

Proposal

2. That the following paragraphs are inserted into the Code of Practice on Primary Appeals (insertions underlined):

3.2 Student Submission

…

3.2.9 Data Processing

(a) Submissions, along with any evidence and/or additional information, will be made available to relevant School(s) in order that a response to the appeal can be prepared. The named contact within the School(s) should gather information in order to prepare the response to the appeal, and in doing so, may disclose and discuss the submission with such individuals from whom information is required in order to prepare a complete and accurate response.

(b) Section Four of the Primary Appeal Submission Form 'Summaries for the Prima Facie Panel' will be provided to members of the Prima Facie Panel, who may also request copies of any evidence or additional information referred to in the submission or the School's response. Once the Prima Facie Panel has concluded its business all copies of paperwork which were circulated to the Panel members will be collected by the secretary to the Panel and securely destroyed.

(c) If the case is referred to a hearing of a Primary Appeals Committee, the submission and any accompanying evidence and additional information will be provided to the members of the Committee, the secretary to the Committee and the School's representative. Once the Committee has reached its decision all copies of the papers which were circulated to the Committee members will be collected by the secretary to the Committee and securely destroyed.

(d) In the case of appeals against the outcome of a research degree examination, the submission and any evidence and/or additional information will be provided to the internal and external examiners and the Chair of the oral examination panel (if one took place), and their comments forwarded to the School in order for the School response to be prepared.

(e) Submissions and related information will be sent to recipients either in hard-copy via the University's internal postal system in a sealed envelope addressed to the recipient and marked "Confidential", or in electronic copy within the University's email system. Submissions will be sent to persons outside the University in either hard-

copy via courier in a sealed envelope addressed to the recipient marked "Confidential" or by password-protected electronic copy (for example, to external examiners). Where a recipient does not have reasonable need to retain the documents, the University will require confirmation by a specified date that the documents have been securely destroyed.

(f) Submissions and any accompanying documentation, and other related documentation (such as the School response, notes of meetings and copies correspondence) will be retained by the University for a period of 7 years from the date of the final letter to the appellant regarding the case. After this date the file and all contents will be securely destroyed.

(g) The outcome of a Primary Appeal will be communicated to the relevant School(s) and any other parties that require details around the outcome, which, in the case of appeals against the outcome of research degree examinations, will include the internal and external examiner and Chair of the oral examination panel.

3. That the following paragraphs are inserted into the Code of Practice on Senate Review (insertions underlined):

4. Application for Review

…

4.4 Submissions, along with any evidence and/or additional information, will be provided to the relevant School(s) in order that comments can be prepared. The named contact with the School(s) should prepare the response to the submission, and in doing so, may disclose and discuss the submission with such individuals from whom information is required in order to prepare a complete and accurate response to the submission.

4.5 The student's submission, along with any evidence and/or additional information, will be provided to the members of the Senate Review Panel and the secretary to the Panel. Once the Panel has reached its decision all copies of the papers which were circulated to the Panel members will be collected by the secretary to the Panel and securely destroyed.

4.6 Submissions and related information will be sent to recipients either in hard-copy via the University's internal postal system in a sealed envelope addressed to the recipient and marked "Confidential", or in electronic copy within the University's email system; communications with the student seeking a Senate Review will usually be conducted by the student's preferred method. Submissions will be sent to persons outside the University, where necessary, in either hard-copy via courier in a sealed envelope addressed to the recipient marked "Confidential" or by password-protected electronic copy. Where a recipient does not have reasonable need to retain the documents, the University will require confirmation by a specified date that the documents have been securely destroyed.

4.7 Submissions and any accompanying documentation and other related documentation (such as the School response, notes of meetings and copies correspondence) will be retained by the University for a period of 7 years from the date of the final letter regarding the case to the person seeking a Senate Review. After this date the file and all contents will be securely destroyed.

4.8 The outcome of a Senate Review will be communicated to the relevant School(s) and any other parties that require details around the outcome.

4. That the following paragraphs are amended and inserted into the Student Concerns and Complaints Procedure (deletions ~~struck through~~, insertions underlined):

Appendix 1: Operation of the Procedure

…

A1.3 All information received as a result of an investigation into a concern or a formal complaint will remain confidential to those involved in the process. However, it should be noted that normally, in the interests of natural justice, key individuals referred to in the complaint will be informed of the outcome.
~~individuals/Schools/Colleges/Corporate Services who/which are named in a concern or a formal complaint have the right to know will be made aware of the full details of the matter and will, therefore, including receiveing a copy of the relevant documentation, and will be informed of the outcome~~.

A.1.4 If a formal complaint proceeds to the Complaints Review Panel, the student and School/Corporate Service will be given the opportunity to review and comment upon all documentation which will be provided to the Panel. The Student Complaints Officer will prepare the documentation for the Panel. The documentation will normally have been agreed by both student and School/Corporate Service. At the close of proceedings the secretary to the Complaints Review Panel will retain and securely destroy all copies of papers which were circulated to the Panel members.

A.1.5 Documentation related to concerns and complaints will be sent either in hard-copy via the University's internal postal system in a sealed envelope addressed to the recipient marked "Confidential", or via electronic copy within the University's email system; communication with the complainant will usually be conducted by the complainant's preferred method. Documentation will be sent to persons outside the University, where relevant, in either hard-copy by courier in a sealed envelope addressed to the recipient marked "Confidential" or by password-protected electronic copy. Where a recipient does not have reasonable need to retain the documents, the University will require confirmation by a specified date that the documents have been securely destroyed.

A.1.6 Documentation received and produced as part of a concern or formal complaint will be retained by the University for 7 years from the date of the final letter to the student regarding the case.
(Subsequent renumbering will be required)

5. That the following paragraphs are amended and inserted into the Guidance Note on Consideration of Grievances submitted to Council by Registered Students of the University (deletions ~~struck through~~, insertions underlined):

Presentation of the Grievance

…

3.3 The Registrar and Secretary will consider the grievance and determine whether it raises matters of University governance, and whether all other internal dispute resolution procedures have been exhausted. The Registrar and Secretary will reach a decision based on the information contained in the grievance and will not request or consider any additional evidence or representations before coming to a decision.

…

3.5 If the Registrar and Secretary refers the case to a Grievance Committee, ~~T~~the University will submit a succinct written response to the Complainant's case for consideration by the Grievance Committee.

3.6 Where a case is referred to a Grievance Committee, the University should gather such information as is necessary in order to prepare the response to the grievance, and in doing so, may disclose and discuss the grievance with such individuals from whom information is required in order to prepare a complete and accurate response for the Grievance Committee.

3.7 Documentation related to grievances will be sent either in hard-copy via the University's internal postal system in a sealed envelope addressed to the recipient marked "Confidential", or via electronic copy within the University's email system; communication with complainants will usually be conducted by the complainant's preferred method. Documentation will be sent to persons outside the University, where relevant, in either hard-copy by courier in a sealed envelope addressed to the recipient marked "Confidential" or by password-protected electronic copy. Where a recipient does not have reasonable need to retain the documents, the University will require confirmation by a specified date that the documents have been securely destroyed.

3.8 Where a case is referred to a Grievance Committee, the submission and any evidence and additional information submitted or required will be made available to the members of the Committee and the secretary to the Committee. If the Grievance Committee meets to consider the grievance, all copies of papers circulated to those in attendance at the Committee, except the Registered Student and their representative, will be collected by the secretary to the Committee at the close of proceedings and securely destroyed.

3.9 Submissions and other related documentation (such as the University's response, notes of meetings and copies correspondence) will be retained by the University for a period of 7 years from the date of the final letter to the complainant regarding the case.

3.10 The outcome of a Grievance to the Council may be communicated to the relevant School(s) and any other parties that require details around the outcome.

Consultation and Background

6. As a result of a student concern submitted to the Registry, it was noted that there was a lack of clarity around how student submissions and related information would be managed, and who would have access to the documentation.

7. The proposals reflect current practice for each process; the amendments are intended to make this information available to students.

8. The University's Legal Services has reviewed and approved the amendments contained within this paper.

Argument to Support Proposal

9. As the proposals in this paper relate to compliance with the Data Protection Act, it is necessary to approve the changes with immediate effect.

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October 2012