

# Special Cases and Complaints Behaviour and Communications Policy

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## 1. Introduction

- 1.1. This policy describes how University of York staff will address issues relating to communication with students or their representatives, when dealing with student academic appeals, progress cases or complaints. It sets out the approach we will take where the actions or behaviour of an individual are considered to be unacceptable, persistent or vexatious and our position in relation to communicating with people other than the student concerned (e.g. family members, other representatives etc.).
- 1.2. The University is committed to providing a fair, consistent and accessible service for all students. We believe that everyone who contacts us has the right to be heard, understood and respected. We believe that our staff have the same rights, and we must provide a safe working environment for our staff.
- 1.3. We recognise that some people may have difficulties in expressing themselves or communicating clearly, especially when anxious or upset. We also understand that some people may find it difficult to identify what impact their behaviour might have on other people. We will always consider making reasonable adjustments for a disabled person if we are asked to do so - but we may still use the policy if there are actions or behaviours which are having a negative effect on our staff or our work.

## 2. Communication with third parties

- 2.1. We believe that it is the responsibility of the student to communicate directly with the University, rather than through third parties, to ensure fairness and parity of treatment. Moreover, complaints and appeals often involve highly sensitive and confidential issues. Therefore, unless in exceptional circumstances (see below), University staff will not enter into communication or correspondence with third parties in relation to the specifics of any individual appeal, progress case or complaint. This means that family members or other representatives who wish to communicate in place of, or on behalf of, the student will not normally be permitted to do so, even if the student has given consent.
- 2.2. It is permissible for third parties to enquire, in general terms, about process and procedure, but not to make representation in specific cases.
- 2.3. Students are encouraged to approach the Students Union for guidance and support with appeals, progress cases and complaints, however the Students Union will not usually make representations on a student's behalf.
- 2.4. In exceptional circumstances, where a student is prevented from being able to communicate directly for themselves, or where they cannot do so due to a disability or serious illness, communication with a nominated third party will be allowed, as long as evidence is provided to demonstrate that the student is not able to act on

their own behalf at the time and in the near future.

- 2.5. A decision as to whether or not the evidence provided demonstrates that the student is not able to act on their own behalf will be taken by the Special Cases Manager in relation to appeals and progress cases and by the Complaints Manager in relation to complaints.
- 2.6. In such cases, the person making the decision will not review the details of the appeal, progress case or complaint, only the evidence regarding the student's ability to communicate. This is in order to avoid any conflict of interest should they later need to consider the appeal or complaint itself.
- 2.7. In the rare cases where it is agreed that a third party may communicate on behalf of a student, the University has the right to apply the procedures outlined in Sections 3 and 4 of this document to the third party.
- 2.8. Communication from multiple individuals acting on the student's behalf will not be permitted.

### **3. Unacceptable behaviour in communications with our staff**

#### *Aggressive, offensive or abusive actions or behaviour*

- 3.1. All our staff have the right not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances.
- 3.2. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, inappropriate conduct or rudeness – whether made to the member of staff directly or elsewhere. Deliberately provocative or inflammatory statements and unsubstantiated allegations can also amount to abusive actions or behaviour. Any behaviour that makes a member of staff feel threatened or uncomfortable is considered inappropriate.
- 3.3. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.

#### *Unreasonable demands or persistence*

- 3.4. If someone makes unreasonable demands on us or our staff, or is unreasonably persistent, that may have an impact on our ability to review the person's appeal, progress case or complaint.
- 3.5. Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on speaking to or corresponding with a particular member of staff, frequent phone calls, emails, or letters; repeatedly changing the substance of the complaint or raising unrelated concerns; or attending our offices without an agreed appointment.
- 3.6. Examples of unreasonable persistence include: continual refusal to accept that a decision has been made in relation to an appeal, progress case or complaint; insisting that we answer questions when we have done so or explained why we will

not; persistent refusal to accept explanations relating to what we can or can't do; sending emails to multiple members of staff; or repeatedly trying to revisit a case through our internal processes, once those processes have come to an end.

#### **4. Our approach to handling unacceptable communications**

- 4.1. In the rare circumstance that we consider that the actions or behaviour of a student is unacceptable we will tell them why we find it unacceptable and we will give the student the opportunity to modify their behaviour. If the issue continues, we will take appropriate measures, as follows:
  - 4.1.1. To restrict or block future contact from a person. For example, we may:
    - 4.1.1.1. Limit the communications a person can making telephone calls on a specified day and time per week;
    - 4.1.1.2. Require that contact is with a specified member of staff only;
    - 4.1.1.3. Not accept any further telephone or video calls from the person – we will keep at least one other form of contact.
  - 4.1.2. Require the person to communicate with us through a representative - or a different representative where it is the representative whose behaviour is causing concern.
  - 4.1.3. Read and file future correspondence but acknowledge or respond to it only if the person is raising new information or making a new complaint.
  - 4.1.4. Limit the number of responses a person will receive from University of York Staff, i.e. specify that we will only respond to them once per month, and only in respect of valid queries or new issues raised.
  - 4.1.5. We may report the matter to the University Conduct and Respect Team under the Student Disciplinary Procedures, the Police or appropriate governing body, or take legal action. In such cases, we may not give the person prior warning of taking that action.
- 4.2. If any of the above measures are enacted, we will write to tell the student why we believe their behaviour is unacceptable and what action we are taking. In addition, the student will be given the contact details of a senior member of staff (e.g. such as the head of section or service) who the student may contact if they are unhappy with the way in which this policy has been implemented.

#### Version Control

- *Initial version created - September 2016*
- *Updated following dissolution of Special Cases Committee and brought in-line with OIA policy on communications - March 2024*