

INSTITUTE OF CANCER RESEARCH: ROYAL CANCER HOSPITAL
PROCEDURE

MSC STUDENT COMPLAINTS AND DISCIPLINARY PROCEDURES

1. COMPLAINTS

1.1 The complaints procedure may not be used to pursue any matter where the academic appeals procedure (refer to ICR Examination Regulations) has already been invoked. However a decision may be made, in consultation with the student that it may be more appropriate for a complaint to be dealt with via the appeals procedure if the complaint contains within it an appeal.

1.2 Informal Stage

1.2.1 A student who wishes to make an informal complaint should approach a Joint Course Director or Head of Registry in the first instance, and as soon as possible after the event, who will advise the student as to the best means for the resolution of the complaint.

1.2.2 Upon receipt of an informal complaint the Joint Course Director or Head of Registry should make every effort to resolve the complaint at this stage and document the outcome in the student's personal file with their permission and in any written response made to the student.

1.2.3 If the student is dissatisfied with the informal stage of the procedure they shall then proceed to the formal stage. Prior to moving to the formal stage the student will be offered the option of mediation.

1.3 Formal Complaint – Stage 1

1.3.1 The student should notify the Registrar in writing of their formal complaint. If the complaint concerns the Registrar, the Academic Dean should be notified in writing.

1.3.2 The formal complaint should normally be lodged within 10 working days of completion of the informal stage. Upon receipt of the complaint, the Registrar (or other senior member of The Institute's staff dealing with the case) will:

- [a] acknowledge receipt of the written complaint within 5 working days.
- [b] send a copy of the complaint to the Joint Course Leaders within 5 working days.
- [c] within 10 working days write to any members of staff involved informing them that a complaint has been received and asking for a written response by a given deadline.

[d] consider the evidence, written or otherwise, and if necessary hold discussions with the complainant and other appropriate persons in order to fully investigate the complaint.

[e] if a resolution has not been reached within 28 working days a further letter stating the progress of the investigation should be sent to the student.

1.3.3 Having fully investigated the complaint the Registrar (or other senior member of The Institute's staff dealing with the case) shall decide whether:

[a] there is reasonable justification for upholding the complaint

OR:

[b] there is no reasonable justification for upholding the complaint

1.3.4 The Registrar (or other senior member of The Institute's staff dealing with the case) shall make the decision known in writing to:

[a] the student

[b] any staff members involved

[c] the Joint Course Leaders

A copy of this correspondence shall normally be kept in the student's file in a sealed envelope.

Where the complaint is upheld, the Registrar (or other senior member of The Institute's staff dealing with the case) shall seek to resolve this through recommendations which all parties involved in the complaint shall be invited to accept and which shall be implemented within an agreed time period.

If the student is not satisfied with the outcome they will be offered mediation before moving to stage 2 of the formal complaint's procedure.

1.4. Formal Complaint – Stage 2

1.4.1 Where the student is not satisfied with the outcome of the Formal Complaint – Stage 1, the student may write to the Academic Dean within 10 working days of the receipt of written notification of the outcome of the formal stage of the procedure. If the complaint concerns the Academic Dean the case will be referred to another senior member of The Institute's staff. The Academic Dean (or other senior member of The Institute's staff dealing with the case) will consider all the evidence and write to the complainant within 5 working days with notification of her/his decision. This decision is final.

1.5 Final Redress

Where the student is not satisfied with the outcome of the process followed under the procedures of the Institute of Cancer Research, there may be recourse to review by the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the

review of student complaints about a final decision of a higher education institution's disciplinary or appeal bodies.

Full details of the OIAHE scheme are available from the Registry or on the OIAHE website:

<http://www.oiahe.org.uk>.

The postal address is: Office of the Independent Adjudicator, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB; Telephone: 0118 959 9813.

2. STUDENT DISCIPLINARY PROCEDURES

2.1 In its broadest sense, misconduct is defined as any action or behaviour by an individual, which brings the Institute into disrepute. Misconduct is dealt with by this procedure.

The following circumstances are examples of misconduct, although this list is not exhaustive:

- (i) fraud;
- (ii) theft;
- (iii) breach of confidence, verbal assault or malicious complaint;
- (iv) physical assault or threatening behaviour;
- (v) malicious damage;
- (vi) gross insubordination;
- (vii) incapability as a result of being under the influence of alcohol, or abuse of drugs or toxic substances;
- (viii) negligence which causes unacceptable loss, damage or injury;
- (ix) unauthorised or use of computer records, or disregard of The Institute's IT Acceptable Use Policies;
- (x) intentional or reckless abuse of security and/or health and safety procedures;
- (xi) intentional or reckless misuse of the premises of the Institute or the Royal Marsden NHS Foundation Trust;
- (xii) bullying or harassment or behaviour towards a colleague which is perceived by the Institute as being racially or sexually discriminating or in contravention of the Institute's Equal Opportunities Code of Practice;
or
- (xiii) persistent or prolonged unauthorised absence from study.

2.2 Stage 1 - Initial Allegation

2.2.1 All allegations of misconduct should be made in writing to a Joint Course Leader. Statements made by a third party may also be considered. The Joint Course Leader will then decide in consultation with the Academic Dean whether the matter can be dealt with informally or whether to invoke the formal procedure. If the matter is dealt with informally, a verbal warning may be issued to the student and a record will be kept on the student's file. Allegations of bullying

and harassment will be dealt with under the ICR Bullying and Harassment Policy and Procedure.

- 2.2.2 If the allegation of misconduct cannot be resolved informally or if the Joint Course Leader considers the allegation is more serious, the formal procedure will be invoked by providing a written report to the Academic Dean. This will normally be within 10 working days of the initial allegation. If the matter may result in suspension or expulsion from study, it must be referred directly to the Chief Executive Officer as a Stage 3 action. Where there is evidence that a criminal offence has been committed the Joint Course Leader must refer the matter immediately to the Chief Executive Officer who will report it to the police. All internal action will be suspended pending the outcome of any police investigation although in serious cases suspension may be considered.
- 2.2.3 If the formal procedure is invoked at either Stage 2 or Stage 3, the Joint Course Leader will inform the student concerned in writing and refer the matter as appropriate.
- 2.2.4 The Secretary of the Institute or, in exceptional circumstances, the Chief Executive Officer will nominate substitute senior staff for either the Joint Course Leader, the Academic Dean or the Chief Executive Officer, if any of these officers are involved in the allegation of misconduct.

2.3 Stage 2 Action

- 2.3.1 The Academic Dean will write to the student within 5 working days of the receipt of the Joint Course Leader's report. The Academic Dean will invite the student to attend a formal hearing and inform them that they are permitted to bring a friend or a representative of the students' association and both parties may call witnesses to the hearing. The hearing will normally be held within 10 working days of the report. The Academic Dean will act as chair along with the one of the Joint Course Leaders who was not involved in the initial allegation stage.
- 2.3.2 On conclusion of the hearing, the Academic Dean may decide to reject the original allegation and all records related to it will be destroyed.
- 2.3.3 If the Academic Dean upholds the allegation, he may decide to:
- (i) issue a verbal or written warning;
 - (ii) require the student to make good any damage, by written apology or by imposing the cost of repair or replacement to goods or premises; or
 - (iii) refer the matter to the Chief Executive Officer through a report.

- 2.3.4 Where the Academic Dean upholds the complaint, a written record will be kept on the student's file, which will include the minutes of the hearing and details of subsequent action.
- 2.3.5 The student will normally be notified of the Academic Dean's decision within 48 hours of the hearing.
- 2.3.6 The student may appeal against the Academic Dean's decision and the matter will automatically be referred to the Chief Executive Officer. A report will be written by the Academic Dean. Any appeal must be made within 5 working days after notification of the Academic Dean's decision.

2.4 Stage 3 Action

- 2.4.1 The Chief Executive Officer will write to the student within 5 working days of the receipt of the Academic Dean's report. The Chief Executive Officer will invite the student to attend a formal hearing and inform them that they are permitted to bring a friend or a representative of the student association and both parties may call witnesses to the hearing. The hearing will normally be held within 10 working days of the report being received. The Chief Executive Officer will chair the hearing along with the Secretary of the Institute. The Academic Dean will attend the hearing on an attendance only basis.
- 2.4.2 On conclusion of the hearing, the Chief Executive Officer may decide to reject the original allegation and all records related to it will be destroyed.
- 2.4.3 If the Chief Executive Officer upholds the complaint, he may decide to:
- (i) issue a verbal or written warning;
 - (ii) require the student to make good any damage, by written apology or by imposing the cost of repair or replacement to goods or premises;
 - (iii) suspend the student for up to a year from study and/or from any of The Institute's premises;
 - (iv) expel the student from The Institute.
- 2.4.4 Where the Chief Executive Officer upholds the complaint a written record will be kept on the student's file, which will include the minutes of the hearing and details of subsequent action.
- 2.4.5 The student will normally be notified of the Chief Executive Officer's decision within 48 hours of the hearing.

2.5 Stage 4 - Right of Appeal

- 2.5.1 The student has the right of appeal against the Chief Executive Officer's verdict at Stage 3. The appeal must be submitted to the Chair

of the Board of Trustees within 10 working days of the outcome of Stage 3. The Chair of the Board of Trustees will nominate a lay member of the Board of Trustees as his/her representative to consider the appeal.

2.5.2 The nominated representative may call the student to attend an appeal hearing, accompanied by a friend or a representative. If the appeal is upheld another verdict may be substituted for the Chief Executive Officer's decision. Otherwise the appeal will be rejected. However the decision of the nominated representative is final.

2.5.3 Where an appeal is upheld, no record will be kept on the student's file.

2.6 Final Redress

Where the student is not satisfied with the outcome of the process followed under the procedures of the Institute of Cancer Research, there may be recourse to review by the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a higher education institution's disciplinary or appeal bodies.

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