

Scottish Parliament Region: Glasgow

Case 200601938: University of Glasgow

Summary of Investigation

Category

Scottish Higher Education: Academic appeal; complaint handling

Overview

The complainant (Mr C) was concerned that the University of Glasgow (the University) inappropriately brought their consideration of his appeal and complaints to a halt and inappropriately expelled him.

Specific complaint and conclusion

The complaint which has been investigated is that the University inappropriately brought their consideration of Mr C's appeal and complaints to a halt and inappropriately expelled him, in breach of paragraph 28.2.1 of the University's Code of Appeals and paragraph 31.2.1 of the University's Complaints Procedure (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. On 19 December 2007, the Ombudsman received a complaint from a man, referred to in this report as Mr C, about the University of Glasgow (the University)'s decision to bring their consideration of his academic appeal and complaints to a halt and to expel him.

2. The complaint from Mr C which I have investigated is that the University inappropriately brought their consideration of Mr C's appeal and complaints to a halt and inappropriately expelled him, in breach of paragraph 28.2.1 of the University's Code of Appeals and paragraph 31.2.1 of the University's Complaints Procedure.

3. Mr C also stated, as part of his complaint, that he felt the actions he complained about at paragraph 2 above constituted a breach of his human rights and he asked the Ombudsman to investigate this complaint. I informed Mr C that his complaint about a breach of his human rights was outwith the jurisdiction of the Ombudsman, because determining breaches of the law was a matter for the law courts. Consequently, I informed Mr C and the University that I would not be investigating this issue.

Investigation

4. The investigation of this complaint involved obtaining and reading correspondence between Mr C and the University. I made a formal written enquiry of the University and provided Mr C with an opportunity to provide his comments on the University's response. I also asked the University to provide me with further documentary evidence on two occasions following receipt of their response to the investigation. Mr C also provided me with documentation in the course of the investigation.

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the University were given an opportunity to comment on a draft of this report.

Complaint: The University inappropriately brought their consideration of Mr C's appeal and complaints to a halt and inappropriately expelled him, in breach of paragraph 28.2.1 of the University's Code of Appeals and paragraph 31.2.1 of the University's Complaints Procedure

6. Although Mr C felt aggrieved about a number of matters, he only asked the Ombudsman to consider the complaint set out at paragraph 2 above. In clarifying the basis of his complaint, Mr C told me that when he referred to the University having 'inappropriately expelled him' he did not wish to allege that the University had breached their Code of Discipline (although he said he reserved the right to raise such a complaint in future). Rather, Mr C told me that what he meant was that the University had expelled him before the complaints and appeal procedures were brought to a proper conclusion, that the University had used his expulsion as a false excuse to terminate the complaints and appeal procedures and that this disadvantaged Mr C in breach of the parts of the University's Complaint and Appeal Procedures referred to at paragraph 2 above.

Chronology: Complaints, Appeal and Disciplinary Procedures

7. The chronology provided below is not exhaustive but represents what, in my view, were the key milestones in relation to Mr C's complaints and appeal and the disciplinary action taken against him.

8. On 19 April 2006, Mr C submitted his PhD thesis for examination.

9. On 15 June 2006, Mr C had an oral examination of his thesis. The examiners decided that he should not be awarded a PhD but that he should be allowed to resubmit it.

10. On 27 June 2006, Mr C appealed the University's decision not to award him a PhD to the Faculty Appeals Committee (the FAC).

11. On 28 September 2006, the FAC wrote to Mr C dismissing the appeal and giving him ten working days to appeal their decision.

12. On 20 November 2006, Mr C submitted four complaints to the University about the actions of five members of their staff. The complaints were formally accepted by the University on 14 December 2006.

13. On 6 January 2007, Mr C submitted an appeal to the University's Senate Appeals Committee (SAC) against the FAC's decision not to uphold his appeal.
14. On 24 January 2007, the University wrote to Mr C to inform him that his complaints would be considered before his appeal to SAC because the outcome of his complaints might have an impact on their consideration of the appeal.
15. On 22 February 2007, the University responded to Mr C's complaints under Stage 1 of their complaints procedure and decided that the complaints should not be upheld.
16. On 1 March 2007, Mr C asked for a review of the University's decision not to uphold the complaints.
17. On 12 March 2007, the University wrote to Mr C and confirmed that his complaints would be considered under Stage 2 of their procedure and that the SAC would consider his appeal once the complaints procedure was exhausted.
18. On 28 March 2007, the University wrote to Mr C informing him that disciplinary action was being initiated against him in relation to allegations that he had breached the University's Code of Discipline.
19. On 19 April 2007, the University suspended their consideration of Mr C's complaints and appeal because they considered that he had breached an agreement not to send emails about his grievances to people other than those dealing with his complaints at the University.
20. On 26 June 2007, the University wrote to Mr C stating that the Senate Disciplinary Committee (SDC) had found that Mr C had breached the Code of Discipline.
21. On 2 July 2007, Mr C appealed the SDC's decision.
22. On 14 September 2007, the University's Senate Disciplinary Appeals Committee (SDAC) wrote to Mr C confirming the decision of the SDC.

23. On 2 October 2007, Mr C emailed several versions of an apology to the University, including members of the SDC and the persons to whom the apology was addressed.

24. On 12 October 2007, the University wrote to Mr C expelling him on the grounds that his email dated 2 October 2007 breached the conditions set by the SDC. The University confirmed that Mr C's expulsion terminated their consideration of his complaints and appeal.

Evidence relating to the University's termination of their consideration of Mr C's complaints and appeal

25. On 19 October 2006, Mr C responded to an email (which announced that one of the academics whom he had a grievance against (Academic 1) was giving a lecture) by writing an email criticising him and accusing him of 'forging/misrepresenting' Mr C's Student Progress Report to the FAC.

26. On 21 October 2006, Mr C sent an email to members of the Faculty in which Mr C was a student (the Faculty) in which he set out his grievances against the University and its staff. This email accused Academic 1 of 'doctoring' papers that were submitted to the FAC. It also accused another academic (Academic 2) of 'cooking up' a response to his appeal and asserted that staff in one of the departments in the Faculty were 'petty crooks'.

27. On 23 October 2006, a University officer (Officer 1) wrote to Mr C stating:
'I am writing as a matter of some urgency, following receipt of various messages that you have emailed to staff and students at the University with regard to the circumstances surrounding your PhD examination and subsequent appeal ... I am also aware that you have sent messages of a similar nature to people external to the University.

At present you have had your appeal heard by the Faculty. You will have been informed that if the outcome is unacceptable, you should appeal to [the SAC]. I want to advise you that this should be your next step. It is very important that you follow the prescribed appeals route in order for the University to properly consider your case ...

To return to your sending multiple emails to people within and outwith the University, I must ask that you desist from any further mailings, as this goes against the spirit of the IT Code, acceptance of which you signed as

a registered student of the University, and indeed, you may have breached, thereby rendering yourself liable to a referral to the Senate Assessors for Discipline. I trust that this will service as an adequate warning to you to stop sending unsolicited emails to staff and students, and to those outside the institution.'

28. On 25 October 2006, Mr C sent an email (identical to the one described at paragraph 27 above) to members of an external academic organisation that Mr C said had supported his research on several occasions (Organisation 1).

29. On 19 November 2006, Mr C sent an email reproducing his formal complaint to the University to students in the Faculty. The email accused the FAC of having used Mr C 'as a lavatory pan or a trash bin to dump all their waste on me' and accused members of the University staff of doctoring documents, misrepresenting his thesis and giving false testimony. The email said that if the University did not take his complaint seriously he would contact academics abroad to make his case 'an international story'. It went on to say that the individual members of staff Mr C was complaining against 'shall become celebrities and [the University] shall be deeply ashamed on both sides of the Atlantic, + in Russia and the Middle East, why not'.

30. On 20 November 2006, Mr C sent an email to staff of the Faculty detailing his complaint about another academic (Academic 3). The email called for the University to 'take the action against [Academic 3] that he deserves' and said that he was copying the email to students because 'their destinies greatly depend upon whether they are cheated by dishonest and small-minded individuals like [Academic 3]: partially due to his cheating I was not able to accept a prestigious post-doctoral fellowship'. The email accused Academic 3 of deliberately trying to make Mr C fail his PhD and ended 'I will be very satisfied if [Academic 3] is fired'.

31. On 6 December 2006, Officer 1 emailed Mr C stating:
'When I wrote to you on 23 October [2006], I explained that the content of your emailed messages to staff and students at the University and to people outwith the University was certainly against the spirit of the University's IT Code and probably in contravention of it. I indicated that such behaviour would render you liable to be referred to the Senate Assessor for Discipline. I asked you to stop sending these messages.'

However, you have continued to write to staff and students here, and to external bodies, and your messages contain offensive and potentially libellous material.

In view of this, I am suspending any proceedings with regard to your complaint. If you wish your complaints to be taken seriously and dealt with in accordance with the University's Code of Complaints, then you must:
(a) Stop sending further emails immediately and confirm within 48 hours of this message that you have stopped ...'

32. In the course of an exchange of emails between 7 December 2006 and 14 December 2006, Mr C agreed to the condition set out at paragraph 31 above and the University agreed to proceed with their consideration of his complaints.

33. However, on 29 March 2007, Mr C sent an email to a University officer (Officer 2), which he copied to one of the academics (Academic 4) against whom he had a grievance in which he made reference to his allegations that the External Examiner who examined his thesis was a homosexual and that a sexual motive on his part accounted for what Mr C believed was the unexpected outcome of his examination. The email implied that Academic 4 was not an honourable academic and stated that he intended to contact Organisation 1 and all academics in the related field of study if she did not resign as his internal examiner. In this relation Mr C stated 'this is not clean work, but someone has to be a cleaner'.

34. On 30 March 2007, Officer 1 wrote to Mr C stating:
'[Officer 2] has forwarded your message of 29 March [2006] to me and I have noted that:
a) you have copied the message to [Academic 4], which is in direct contravention of your undertaking not to communicate with people internal or external to the University while the complaints and appeal processes are being pursued; and
b) in the penultimate paragraph you have indicated your intention to write '... [Organisation 1 and all academics in the related field of study] ...' on 6 April. This will also be a contravention of your undertaking not to communicate with people internal or external to the University while the complaints and appeal processes are being pursued.

With regard to (a) above, I would remind you of your undertaking to restrict correspondence and serve notice that this is a final warning. If you breach the undertaking again, I shall instruct colleagues to cease all complaints and appeal processes that the University is undertaking on your behalf.

With regard to (b) above, I would warn you that if you proceed with your intention on or after 6 April, I shall instruct colleagues to cease all complaints and appeal processes that the University is undertaking on your behalf.'

35. On 18 April 2007, Mr C wrote to Officer 1 stating:

'I have received a letter informing me about the disciplinary hearing. I am contacting [another external academic organisation (Organisation 2)] in order to sort out the puzzle about my scholarship reports. I promised you not to contact the external organisations and University members about my complaints and appeals. However, the disciplinary is a different issue, and I do not have any obligations in this respect. The Dean requested [Organisation 2] to edit my scholarship report. [Organisation 2] did this without letting me know. I cannot have my name on a text that has not been agreed upon with me.'

36. Also on 18 April 2007, Mr C wrote an email to [Organisation 2] which made reference to his complaints and appeal and the disciplinary process against him and asked [Organisation 2] to put the original version of his scholarship report back on their website, asking them 'to stay neutral and not help the University trash a lowly foreign student by all incredible means'.

37. On 19 April 2007, Mr C wrote to the External Examiner stating:

'I wish to inform you that [the University] has started a disciplinary process against me for circulating my appeal and complaints and arrangements are being made to call the disciplinary committee.

I note that my complaints of 20 November [2006] and my appeal of 6 January [2007] remain unresolved. Thus it is inappropriate to have the disciplinary process before the completion of the complaints and appeal processes. I note that the disciplinary process is initiated by the Dean's report of 28 March [2007] and the Head of Senate Office's report of 5 March [2007]. Obviously, the University is unwilling to deal with earlier issues first.

It may be of interest to you to note that one of the issues of the disciplinary process is Paragraph 5 of my appeal to Senate of 6 January [2007]. While I believe that this is a very important paragraph of my appeal (because sexual interest on the part of the examiner may be a serious cause of bias), the Head of the Senate Office thinks that Paragraph 5 of my appeal 'includes unacceptable and extremely inappropriate and offensive insinuations' concerning you. I note that the Dean made a reference to my appeal, but she stated that you are unconcerned about my complaints and 'given that [the External Examiner] has not complained to [her] about the student [she] do[es] not think that [she] can base [her] complaint on this evidence'.

However, the Head of the Senate Office initiates the complaint based on Paragraph 5 of my appeal, and the Deputy Head of the Senate Office includes a paragraph on 'discriminating any person on grounds such as sexual orientation' among other issues as an allegation against me. Unbelievable it may seem, but these are the issues I am facing at [the University]. The documents I have received from the Senate office confirm that my so called 'insinuations' are true and they do strengthen my appeal.'

38. Paragraph 5 of Mr C's letter of appeal dated 6 January 2007 stated:
'... I must confess that at [an Organisation 1 conference the External Examiner] produced a very bad impression on me. This self-complacent man gave me several smiles that made me feel uncomfortable. I felt wary about him declaring with satisfaction his prompt departure for vacation in the Philippines following the announcement of his decision on my [examination]. The Philippines attract sexual tourists from Western countries on a massive scale and the Philippino youth is very vulnerable in terms of prostitution. After my examination, I discussed [the External Examiner's] sexuality both with [an academic at the University (Academic 5)] and [another academic at the University (Academic 6)] (who knew [the External Examiner] in person and suggested him as external examiner for my thesis). While [Academic 5] did not know [the External Examiner] well at the personal level, my suspicions about my examiner's homosexuality were partially confirmed by [Academic 6] who characterised him as an 'eccentric man'. A doctoral examination is not a scene for manifestation of eccentricities and sexual frustrations. Before my examination I neither understood nor analysed the nature of [the External

Examiner's] smiles. Now I realise that they left an uneasy feeling because they were sexually motivated and inappropriate. Before the examination I told [Academic 5] that I found [the External Examiner] 'dodgy'. When [Academic 5] suggested [another academic at the University (Academic 7)] as my internal examiner, whom he characterised as [the External Examiner's] friend, I explained to [Academic 5] that [the External Examiner] alone could present difficulties for us even without support of his friends.'

39. On 19 April 2007, Officer 1 wrote to Mr C stating:

'In response to your email below and your message of yesterday addressed to [Organisation 2] ... I am writing to express my profound dismay that you have decided, without prior reference to me, to engage in further correspondence with people other than [Officer 2] and me.'

Furthermore, I have seen your message of earlier today addressed to [the External Examiner], copied to [Officer 2], and whatever your view may be, I regard this as a clear infringement of your undertaking not to communicate with people internal or external to the University, in respect of your appeal and complaint.

Having issued you with a final warning on 30 March [2006], I have no alternative but to suspend all activities related to your appeal and the review of your complaint.

I shall place copies of your latest correspondence in the Discipline file and would inform you that the disciplinary process will proceed as planned.'

40. On 26 June 2006, the Convener of the SDC wrote to Mr C stating: 'The Committee also received a report from [Officer 1] which provided background on your appeal against the outcome of your PhD examination and your formal complaints about five members of [the Faculty]. Members noted ... the sequence of correspondence which culminated in the suspension of procedures relating to your formal complaints and appeal on 19 April 2007.

... the Committee agreed that [Officer 1's] action in suspending the procedures relating to your formal complaints and appeal was entirely appropriate given your continued emails messages regarding your

grievances to parties other than those agreed with [Officer 1], and despite receiving requests and warnings to stop this activity.

Therefore, in accordance with the provisions of the Code of Student Discipline, the decision of the [SDC] is as follows:

1. You should send a written apology to each of the following: [the External Examiner and three of the University's academics]. These must be sent by email and must be copied to me as Convener of [the SDC]. Failure to submit an acceptable (to both the individual and myself) written apology to each of the four individuals named above within the given timescale will result in your permanent expulsion from the University;
2. Additionally, further correspondence of any kind regarding members of the University, or its external examiners which is derogatory or threatening will not be tolerated. You must therefore ensure that you do not circulate any further offensive material to anyone in the University, or externally.

If you agree to comply with the above two conditions, the suspension of procedures relating to your formal complaints and appeal to Senate will be lifted. Full compliance will, of course, also allow you to consider making the necessary revisions and re-submitting your thesis. However, you must be aware that if at any time subsequent to this you breach condition 2, you will be immediately expelled from the University which means that the complaints and appeals procedures will stop and you will not be permitted to re-submit your thesis or re-register as a student at any future date.'

41. A report of the meeting of the SDAC dated 4 September 2007, which considered Mr C's appeal against the SDC's decision, stated:

'... Having considered the appeal ... the Disciplinary Appeal Committee found no basis on which to uphold [Mr C's] appeal and concluded that the original decisions of [the SDC] should be confirmed. It was noted that if [Mr C] met the conditions of [the SDC], his academic appeal and formal complaint review would resume and the outcome of the former was required before the requirements for revision of the thesis could be confirmed.'

42. On 2 October 2007, Mr C emailed the University stating his disagreement with the SDAC's decision and criticising the University's handling of the

complaints, appeal and disciplinary process. This email was sent to 14 members of staff at the University including the four to whom Mr C was required to apologise, but also to the University Principal, the Dean of the Faculty, the Head of the Department in which Mr C was studying, the Clerk to Senate, the members of the SDAC and the Convener of the SDC. The email went on to provide three versions of an apology: one with Mr C's original wording, one showing amendments following advice from the SDAC and one showing amendments following advice from the Convener of the SDC.

43. On 12 October 2007, Officer 1 wrote to Mr C stating:

'This letter provides the University's formal response to your letter dated 2 October 2007 ... The University's response is made following consultation and agreement between the Principal, [the Convener of the SDC], [the Convener of the SDAC] and me.

The University is deeply disappointed by your letter of 2 October [2007] both in terms of its content and its intended recipients. We consider that considerable patience has been exercised in your case, but your activities have frustrated the University's attempts to offer you support ...

The University has rules in place which everyone is required to abide by; it also has procedures for academic appeals and complaints to allow students to pursue grievances concerning academic decisions or other matters and to facilitate these processes. We have strongly encouraged you to follow these procedures; however, you have failed to do so in an acceptable manner.

[The Convener' of the SDC]'s letter of 17 September [2007] provided clear instruction on how to approach revision of your letter of apology and therefore meet the first condition set by the Disciplinary Committee. The letter stated that your first draft was not reasonable and gave guidance on amendment. It also requested that you sent the revised letter to the Senate Office. Regardless of this, and the clear direction to avoid sending offensive material, in your letter of 2 October [2007], you circulated the original unacceptable, version of your apology directly to the individuals concerned. You also copied this same letter to members of the Disciplinary Appeal Committee, despite having been previously instructed not to contact them directly ...

We have therefore concluded that, in sending your letter of 2 October 2007, you breached both conditions set by [the SDC] and, accordingly, you are now expelled from the University. You are advised that in view of this expulsion, the University's consideration of your academic appeal and formal complaints has also been terminated.'

The University's response

44. The University said they did not believe the principles of their Complaints Procedure or Code of Appeal had been breached and did not believe Mr C's expulsion and the halting of his appeal and complaints were inappropriate. They said Mr C was given a full opportunity to raise his appeal and complaints within the University's procedures. They said that the University endeavoured to advise him as fully as possible of their procedures and, in the case of Mr C's appeal, they had allowed him to submit a late appeal to the SAC.

45. The University said they had paid careful consideration to being as fair and supportive as possible to Mr C in the interaction between their complaints and appeals procedures, particularly since Mr C lodged formal complaints after his appeal to the FAC, but before his appeal to SAC. They said the fact that Mr C had submitted an appeal and complaints formally to the University did not influence the disciplinary action taken against him. They said the latter was initiated as a result of what they saw as Mr C's inappropriate conduct in relation to his grievances regarding his PhD submission and assessment. They said the SDC agreed that procedures for Mr C's complaints and appeal should proceed and he was also given the opportunity to resume revision of his PhD thesis. The University said that, in raising his complaints and appeal, Mr C was not disadvantaged and privacy and confidentiality were maintained throughout the process.

46. The University said Mr C's expulsion arose from his refusal to adhere to the conditions of the SDC which were presented to him following consideration of his behaviour under the University's Code of Discipline. They said that in applying the Code of Discipline, they had clearly communicated the conditions to which Mr C was required to adhere and also explained to him what the consequences would be if he did not do so. They said that Mr C's appeal against the SDC's decision was also conducted fully within the terms of the Code of Discipline, and while the disciplinary appeal was in progress, the original decision of the SDC, including the conditions set, was properly held in abeyance.

47. The University said the Code of Discipline required students 'at all times to be of good behaviour'. They said that, unfortunately, Mr C's conduct in regard to his complaint and appeal was, at times, found to be unreasonable and unacceptable. They said the action that would be taken against Mr C, should he not desist, was clearly explained to him.

48. The University said the suspension of their consideration of Mr C's complaints and appeal was due to his breach of an agreement with Officer 1 not to communicate with people outside the Senate Office about his complaints and appeal (see paragraphs 25 to 43 above).

49. The University said that when the SDC considered the allegations of improper conduct against Mr C, they reviewed the suspension of Mr C's complaints and appeal and agreed that if he adhered to the conditions set by the SDC, then the suspension of Mr C's complaints and appeal should be lifted. The University said that, following Mr C's unsuccessful appeal against the decision of the SDC, he failed to adhere to the conditions of the SDC and consequently he was expelled.

Mr C's comments on the University's response

50. Mr C said the University had not been able to justify their decision to suspend their consideration of his complaints and appeal. He said that the University's Code of Appeal and Complaints Procedure did not allow for the suspension of appeal of complaint investigations. As a result, he considered that the University and the SDC were not empowered to suspend consideration of his complaints and appeal or to impose conditions on the lifting of that suspension.

51. Mr C said that, in any case, he had complied with the conditions of the SDC and that it was, therefore, inappropriate for the University to cease considering his complaints and appeal.

52. Mr C said that the Complaints Procedure was clear in stating that even former students could raise a complaint and have it considered. He said that the Code of Appeals allowed former students to have their appeals adjudicated in exceptional circumstances. Mr C, therefore, believed that expulsion was not a justification for terminating the consideration of his complaints and appeal half-way through.

53. Mr C said that the University's real goal in taking disciplinary action against him was to hinder the progress of his complaints and appeal. He said that the University had decided to take disciplinary action against him after he had requested review of his complaints and he considered that in doing so the University had breached the agreement that they should consider his complaints fairly while he would refrain from emailing third parties about his grievances.

54. Mr C said that, given his view that the University had breached his agreement with them, he had no longer felt bound by the obligation to keep silent about his grievances. He said that, in any case, the agreement he had made with the University only related to his not emailing people about his complaints and appeal, and did not extend to the disciplinary process against him. Mr C said that his emails to third parties should not have precluded the University from investigating his complaints and appeal and that, by doing so, he was doing little more than informing the public about his situation.

Conclusion

55. The University's procedures in force at the time were silent on the issue of whether it is appropriate for conditions to be imposed on the progress of complaints and appeals and on whether those procedures can be suspended if conditions are breached. The University's revised procedures (which were not in place at the time of Mr C's complaints and appeal) specifically allow for this to happen (see Annex 2).

56. In the absence of explicit procedural guidance – either allowing or prohibiting – the setting of conditions on the progress of complaints and appeals and the suspension of procedures, my consideration of the University's actions must rest on whether they were reasonable in the circumstances. I have concluded that the University's actions were reasonable and I explain the reasons for this in the paragraphs below.

57. While I appreciate that Mr C was extremely frustrated by what he perceived as the injustices perpetrated against him, it was entirely reasonable for the University to request that he pursue his grievances through the appropriate procedures and in confidence.

58. I note that Mr C wished to seek publicity and support for his case, but the University have established procedures for dealing with grievances and, in my view, it is reasonable for the University to require complainants and appellants to maintain the confidentiality of these processes until they are concluded.

59. I am particularly aware that in this case – notwithstanding the question of whether they were justified or not – Mr C's grievances (and his emails to third parties described above) included serious allegations against the University's staff that had the potential to be offensive and to seriously undermine the professional reputation of the staff concerned. In my view, this made the University's request that Mr C restrict his communications to those dealing with his complaints and appeal at the University all the more reasonable.

60. I also note that Mr C was warned on a number of occasions that his actions were considered to be inappropriate, and was given very clear instructions about the behaviour that was expected of him. Despite these warnings, Mr C exhibited behaviour which was contrary to the requirements the University had imposed on him.

61. Although Mr C has argued that the email which led to the suspension of the appeal and complaints procedures referred to disciplinary action, rather than his complaints and appeal, my view is that the email clearly refers to both. In the circumstances, therefore, I consider that it was appropriate for the University to suspend their consideration of Mr C's appeal and complaints, in line with the clear warnings they had issued him regarding what would happen if he persisted in sending emails to third parties.

62. I note that the University's decision to suspend their procedures was subsequently reviewed by the SDC and that it supported the action that had been taken by the University. The SDC made the resumption of the University's consideration of Mr C's complaints and appeal contingent on his fulfilling the conditions it had set. Notwithstanding the merits of the SDC's decision that Mr C had breached the Code of Discipline, the SDC was clearly empowered to take whatever action they felt was required and this included the imposition of conditions on Mr C.

63. With regard to Mr C's expulsion, he disagrees that he breached the conditions set by the SDC in sending his email dated 2 October 2006. While I note Mr C's view, the University have explained the basis on which they

considered he had breached the conditions set by the SDC. The letter informing Mr C of the SDC's decision (and the SDAC's report confirming the SDC's decision) clearly stated that Mr C would be expelled immediately if he was felt to be in breach of the conditions set. In this case, Mr C's apology was not considered to be appropriate (as he included versions of the apology he had been told were inappropriate) and he sent the apology directly to members of the University other than the four staff who were supposed to receive it.

64. Overall, therefore, I am satisfied that the University acted appropriately in relation to the complaint which I have considered in this report. In summary, it was reasonable and appropriate for the University to:

- require Mr C to maintain confidentiality and desist from sending emails about his grievances to third parties until the University had completed their consideration of his complaints and appeal;
- suspend their consideration of Mr C's complaints and appeal when, despite several warnings, he continued to send emails which related to his grievances to third parties;
- decide to initiate disciplinary proceedings against Mr C given their view that there were grounds for such action (notwithstanding that Mr C disagrees with this view);
- set conditions on the resumption of the consideration of Mr C's complaints and appeals following the disciplinary process against him; and
- consider their procedures at an end following Mr C's expulsion and his failure, in the University's view, to adhere to the conditions attached to the disciplinary action against him.

65. As I have noted above, Mr C was given a number of opportunities to ensure that his complaints and appeal continued to be considered by the University and, while I am aware that Mr C may disagree, he had some responsibility to ensure that he complied with the reasonable requirements the University set in that regard. It was his failure to do so that led to the University suspending their consideration of his complaints and appeal. Although Mr C's status had changed from current student to former student, the principles of the complaints procedure in place at the time in relation to acceptable behaviour, and the University's discretion in that regard, still applied.

66. While Mr C believes the disciplinary action was taken against him as a vindictive response to the fact that he was pursuing his grievance, I am satisfied that the University's objections were to the manner in which Mr C was pursuing

his grievances, rather than the fact he had appealed and complained in the first place. Consequently, I cannot agree with Mr C that the disciplinary process aimed to disadvantage him in relation to his complaints and appeal.

67. Indeed, in my view, Mr C had a full opportunity to raise his complaints and to pursue his appeal but chose not to make full use of the opportunity. In this connection I note that right until the end of the process, the University were willing to continue their consideration of the complaints and appeal procedures and that it was Mr C's refusal to meet the reasonable conditions set by the University which led to them being terminated.

68. In all the circumstances, therefore, I do not uphold this complaint.

Explanation of abbreviations used

Mr C	The complainant
The University	The University of Glasgow
The FAC	The University's Faculties Appeal Committee
The SAC	The University's Senate Appeals Committee
The SDC	The University's Senate Disciplinary Committee
The SDAC	The University's Senate Disciplinary Appeals Committee
Academic 1	An academic against whom Mr C raised a complaint
The Faculty	The Faculty of the University in which Mr C was a student
Academic 2	Another academic against whom Mr C raised a complaint
Officer 1	An officer of the University
Organisation 1	An external academic organisation that Mr C said had supported his research on several occasions
Academic 3	Another academic against whom Mr C raised a complaint

Officer 2	Another University officer
Academic 4	Another academic against whom Mr C had a grievance
The External Examiner	The external examiner who examined Mr C's thesis
Organisation 2	Another external academic organisation
Academic 5	An academic referred to in Mr C's letter of appeal dated 6 January 2007
Academic 6	Another academic referred to in Mr C's letter of appeal dated 6 January 2007
Academic 7	An academic who was suggested to be Mr C's internal examiner

List of legislation and policies considered

The University's Code of Appeal states:

28.1 Introduction

The University has a duty to maintain and enhance the quality of provision for students and to provide an effective system for handling appeals and complaints ...

28.2 Principles

28.2.1 A student shall have a full opportunity to raise an appeal against an academic decision without fear of disadvantage and in the knowledge that confidentiality shall be respected.

28.4.1 The Senate is charged by the Universities (Scotland) Acts with a duty to superintend the teaching of the University. This is understood to include examining. The Senate has authorised the establishment of Faculty Committees to hear appeals in the first instance ...

28.4.2 A student may further appeal against the decision of the relevant Faculty Appeals Committee to the Senate ...

28.4.4 Section 6(2) of the Universities (Scotland) Act, 1889, gives the University Court power to review any decision of the Senate. The University Court has devolved its responsibilities in this respect to an external adjudicator ...'

The University's Complaints Procedure states:

31.2 Principles

31.2.1 Complainants should have a full opportunity to raise individually or collectively, matters of proper concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected.

31.4.1 Any person including a registered student, former student, graduate of the University or applicant may raise a complaint ...

31.8.1 Where a complainant considers that a complaint has not been given proper consideration under ... Stage 1 of the procedure or where the

complainant is not satisfied with the outcome of the consideration of the complaint under Stage 1, the complainant may request a review of the complaint.

31.11 Policy on Unacceptable Actions by Complainants

If a complainant acts in an unacceptable manner, the response of the University will be guided by the policy of the Scottish Public Services Ombudsman.'

The Ombudsman's Policy on Unacceptable Actions by Complainants states:

'1. Introduction

This Policy sets out the Scottish Public Services Ombudsman (SPSO) approach to the relatively few complainants whose actions or behaviour we consider unacceptable ...

2. Policy Aims

... 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that SPSO staff have the same rights.

2.3 To provide a service that is accessible to complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change our service ...

3. Defining Unacceptable Actions

3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading to a complaint coming to our office. We do not view behaviour as unacceptable just because a claimant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards SPSO staff. It is these actions that we consider unacceptable and aim to manage under this Policy ...

4. Managing Unacceptable Actions

4.1 There are relatively few complainants whose actions we consider unacceptable. How we aim to manage these actions depends on their nature

and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict complainant contact with our office in order to manage the unacceptable action. We aim to do this in a way wherever possible, that allows a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact ...

4.3 We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we tell the complainant that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party ...

Deciding to Restrict Complainant Contact

5.1 SPSO staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider to be appropriate to the situation and in line with this Policy.

5.2 With the exception of such immediate decisions taken at the time of the incident, decision to restrict contact with the SPSO are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.'

The University's Code of Discipline states:

'34.1 Under the Universities (Scotland) Acts all students of the University are subject to the jurisdiction of the Senate, in respect both of their studies and conduct ...

34.4. All students of the University are required to be of good behaviour and to observe all regulations which may be made from time to time by the University ...

34.49 ...

- j) if the case [against a student] is established:
- iii) the Disciplinary Committee may impose such penalty as it considers appropriate. Such penalty may include suspension or expulsion.'

The latest version of the University's Code of Appeal (not in force at the time Mr C's complaints and appeal were being considered) states:

'26.2.8 The University reserves the right to suspend procedures for appeal if the student behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the student accordingly. Misconduct may be deemed to be in breach of the Code of Discipline and disciplinary proceedings invoked.'

The latest version of the University's Complaints Procedure (not in force at the time Mr C's complaints and appeal were being considered) states:

'29.2.16 The University reserves the right to suspend procedures of this Code if the complainant behaves inappropriately. In such cases the Clerk of Senate or his/her nominee shall suspend procedures and advise the complainant accordingly. If the complainant is a student, misconduct may be deemed to be in breach of the Code of Discipline and disciplinary proceedings invoked.'