

Questionnaire

This Questionnaire forms part of the research to be undertaken for the HEFCE's Leadership, Governance and Management Funded project involving the use of dispute resolution processes and procedures within HEIs.

If you are willing to help with our initial survey of current practice, we should very much appreciate your help in completing answers to as many of the questions as possible. The Questionnaire may be completed on-line, with the assistance of one of the project team visiting your institution, or a mixture of both.

For the convenience of those with particular areas of responsibility we suggest below routes through short sections of the Questionnaire.

Interested individuals completing it online may also wish to use the shortcuts.

If there are any questions that you cannot answer in a section you complete, please put **'DON'T KNOW'** in the box rather than leave it blank.

Please indicate with an 'X' in the appropriate box whether you are responding from a:

Chartered university	
Post-1992 Statutory Corporation	
Civil Corporation (Oxford or Cambridge)	
Oxford or Cambridge College	
FE College providing HE in FE	

If you are willing to identify your institution please do so below. No attributable information will be used without consent except for statistical purposes and in anonymised form.

--

Sections of the Questionnaire

SECTION I **YOUR CURRENT DISPUTE RESOLUTION SYSTEM**

SECTION II **CATEGORIES OF DISPUTE**

SECTION III REPRESENTATION

SECTION IV COSTS

SECTION V PATTERN OF DISPUTES AT INSTITUTION

**SECTION VI STAFF DEVELOPMENT TRAINING IN DISPUTE
RESOLUTION**

Please indicate with an 'X' in the appropriate box whether you are responding:

In a personal capacity	
On behalf of your institution	

Please indicate with an 'X' in the box whether you are answering with:

Knowledge of the institution as a whole	
Knowledge restricted to a particular area or kind of dispute	

Please indicate with an 'X' in the appropriate box whether how are responding:

Are you a member of the HEI's Senior Management, or Executive? If YES please answer the following: Section 1 Section 2 Part C, E Section 3 Section 4 Section 5 Section 6	
--	--

Are you a member of a Personnel or HR Department or equivalent? If YES please answer the following: Section 1 Section 2 B Section 3 Section 4 Section 5 Section 6	
---	--

Are you a senior member of Academic Staff, eg Dean, Head of School, or with significant line-management responsibility? If YES please answer the following: Section 1 Section 2 Part A Section 3 Section 4	
--	--

Are you a member of Academic Staff? If yes please answer the following: Section 2 Part A Section 3	
--	--

Are you a member of Non-Academic, Academic-related, Computing, Laboratory Assistant or Support Staff ?	
---	--

If YES please answer the following: Section 2 Part B Section 3	
--	--

Are you a Student Union Representative, Sabbatical Officer, Registrar, or other dealing with student matters? If YES please answer the following: Section 2 - Part C Section 3	

Are you a Trade Union Representative? If YES please answer the following: Section 1 Section 2 - Part D Section 3 Section 4	
--	--

Are you linked with an HEI in a collaborative venture or responsible within your HEI for setting up or running collaborative courses or projects with other bodies or institutions? If YES please answer the following: Section 2 - Part E Section 4 Section 5 Section 6	
--	--

SECTION I YOUR CURRENT DISPUTE RESOLUTION SYSTEM

Question I.1

Do you refer to and/or make use of the ARMED* guidelines in designing your dispute resolution Procedures?

Yes No

* Active Risk Management in Higher Education (<http://armed.ilrt.bris.ac.uk/>)

Question I.2

What principles underlie the design of your complaint, grievance and disciplinary procedures and any other dispute resolution procedures you have created?

Question I.3

How frequently are your dispute resolution, complaint, grievance, disciplinary and any other resolution procedures revised?

- i) Regularly State interval _____
- ii) Reactively
 - a) In response to changes in the law
 - b) When you have had a dispute

Question I.4

Who or which department is responsible in your institution for coordinating revision of dispute resolution procedures?

Question I.5

If you are a chartered university or an ancient university, have you adopted the revised Model Statute

- Yes No N/A

Question I.6

Are your dispute, complaint, grievance, disciplinary and any other 'dispute resolution' procedures available or accessible on the internet?

Yes If Yes please provide URL: _____

No If No, how are students and staff made aware of them?

Question I.7

Does your institution make the current dispute, complaint, grievance, disciplinary and other procedures available on request?

Yes If Yes may we have a copy?

No

Question I.8

How would an enquirer find out how to make a request to see your procedures and know which 'procedures' to ask for?

Question I.9

How may the current dispute, complaint, grievance, disciplinary and other procedures be accessed by:

i) Members of staff

ii) External enquirers interested in entering into partnership with your institution or funding research in your institution

SECTION II CATEGORIES OF DISPUTE

PART A ACADEMIC STAFF

Question II.A.1

Do you believe that disputes, complaints, grievances and disciplinary procedures are identified at an early stage?

Yes No

If yes, how?

Question II.A.2

Are you encouraged to report concerns relating to minor issues involving disputes and complaints to line managers?

Yes No

If yes, how is this done and how is confidentiality protected?

Question II.A.3

Are all relevant sections/departments/divisions/faculties of your institution made aware of disputes which may be relevant to them?

Yes No

If yes, how is this done and how is confidentiality protected?

Question II.A.4

Is any staff development training in the handling of disputes, complaints, grievances and disciplinary matters available for staff?

Yes No

If yes, please give brief details.

Question II.A.5

Is it a condition of holding a line-management position that training in all the dispute resolution procedures available in the institution should be undertaken?

Yes No

If yes, is it a requirement that the training is kept up to date?

Yes No

SECTION II CATEGORIES OF DISPUTE

**PART B NON-ACADEMIC, ACADEMIC-RELATED, COMPUTING,
LABORATORY, ASSISTANT AND SUPPORT STAFF**

Question II.B.1

Do you believe that disputes, complaints, grievances and disciplinary procedures are identified at an early stage?

Yes No

If yes, how?

Question II.B.2

Are you encouraged to report concerns relating to minor issues involving disputes and complaints to line managers?

Yes No

If yes, how is this done and how is confidentiality protected?

Question II.B.3

Are all relevant sections/departments/divisions/faculties of your institution made aware of disputes which may be relevant to them?

Yes No

If yes, how is this done and how is confidentiality protected?

Question II.B.4

Is any staff development training relating to the handling of disputes, complaints, grievances and disciplinary matters made available for staff?

Yes No

If yes, please give brief details.

Question II.B.5

Is it a condition of holding a line-management position that training in all the dispute resolution procedures available in the institution should be undertaken?

Yes No

If yes is it a requirement that the training is kept up to date

Yes No

SECTION II CATEGORIES OF DISPUTE

**PART C STUDENTS' REPRESENTATIVES, SABBATICAL OFFICERS,
REGISTRAR OR OTHER, DEALING WITH STUDENT MATTERS**

Question II.C.1

How may the current dispute, complaint, grievance, disciplinary and other procedures be accessed by:

i) Prospective Students

ii) Current Students

iii) Students on courses elsewhere which may ultimately be counted towards qualifications awarded by your institution

Question II.C.2

How are student disputes brought to the attention of the Institution?

Question II.C.3

Are you aware of the student complaints procedures available in your institution?

Yes No

If yes, do you consider them to be effective?

Yes No

If no, briefly explain why not?

Question II.C.4

Does your institution tell students that they may approach the Office of the Independent Adjudicator (OIA) if internal procedures are exhausted and they are not satisfied?

Yes No

If yes, please give brief details.

Question II.C.5

Do you know of any student complaints which have been taken to the OIA to date?

Yes No Don't know

If yes, please indicate how many.

Less than 2 Between 2 and 4 More than 4

Question II.C.6

Are you aware of any complaints against your institution being upheld by the OIA?

Yes No Don't know

If yes, to which area(s) did the complaint (s) relate

Question II.C.7

Does your institution tend to instruct solicitors or barristers to defend the institution or members of staff in connection with student complaints?

Yes No

Does your institution provide equivalent legal support for students at its own expense?

Yes No Don't know

Question II.C.8

What do you estimate has been the percentage of your time spent as a student union representative in dealing with disputes, complaints, grievances and disciplinary matters etc.,

Question II.C.9

Please indicate by putting 'X' in the appropriate box, how many disputes arising in the last two years that you are aware of have been concerned with:

Dispute relating to:	0	1 to 5	6 to 10	11 to 15	16 +
Admissions					
Award of Bursaries					
The Student Contract					
Student accommodation					
Unpaid fees					
Part Time students					
Overseas students					
Mature students					
Students who are single parents					

Assessment and award levels and other academic judgment matters					
Disability issues					
Cultural and religious issues					
Discrimination					
Students who are also employees					
Student complaints relating to employees of your HEI					
Student counselling					
Quality of teaching					
Qualifications of staff					
Staff availability to see students					
Timetabling issues/rooming					
Library/Learning Resource Issues					
Communication/accuracy of award results					

SECTION II CATEGORIES OF DISPUTE

PART D TRADE UNIONS

Question II.D.1

Which employee unions are recognized at your institution? Please list the names in full.

--

Question II.D.2

Do you have union representatives on your institutional committees?

Yes No

Please list these committees

--

Question II.D.3

Is amendment to your employment dispute procedures a matter which is undertaken in consultation/negotiation between unions and representatives of the institution?

Yes No

If no, please state (as far as you know) who is involved in such drafting and/or amendments of the dispute resolution procedures.

--

Question II.D.4

Is mediation used/made available in your institution as a means of settling disputes?

Yes No

If No, you will not be able to answer Questions 5, 6 and 7.

Question II.D.5

Has there been any use of mediation involving union accompaniment of member(s) of staff?

Yes No

If yes, which unions have provided such accompaniment?

--

Question II.D.6

Has such accompaniment of union members in a mediated dispute been provided at any of the following levels:

- None
- As a lay representative
- As a full-time official
- As a lawyer
- Other

If 'other', please explain the capacity.

Question II.D.7

Are there any differences in your institution's approach to mediation or other forms of alternative dispute resolution undertaken in the case of:

- i) an employee with access to union representation
- ii) an employee with other representation
- iii) an employee attending unrepresented?

Yes No

If yes, please provide brief details.

SECTION II CATEGORIES OF DISPUTE

PART E COLLABORATIVE COURSES AND OTHER COLLABORATIVE VENTURES

Question II.E.1

Do you have a Memorandum of Understanding (MOU) or some other contractual document which sets out procedures for the resolution of any disputes, complaints, grievances and disciplinary matters concerning your own students or employees or those of your partner arising within your own HEI, and identifies the jurisdiction within which any dispute would be subject to litigation?

Yes No

Question II.E.2

If yes, are students and employees informed of the existence of these procedures and given copies as soon as they begin a course, research project or other venture involving your partner?

--

Question II.E.3

Are there circumstances in which the partner body or institution's procedures for dealing with disputes, complaints, grievances etc, would apply to your students or employees rather than your own procedures?

Yes No

If yes, please describe the circumstances and the way in which students and employees are made aware which procedures apply at any given time when they are working on a joint course, research project or in a collaborative venture.

If no, please indicate how your own procedures have been adapted to cover students and employees involved in collaborative ventures

Question II.E.4

Are all your responsible staff in relevant sections/departments/divisions made aware of the Quality Assurance Agency's revised Code of Practice, Section 5 on academic appeals and student complaints on academic matters'?

Yes No

Question II.E.5

Do you ensure that all responsible staff in relevant sections/departments/divisions of the partner body or institution are made aware of disputes arising within or in connection with the collaborative venture?

Question II.E.6

What staff development training and information relating to procedures for the handling of disputes, complaints, grievances and disciplinary matters arising in collaborative ventures is available for your staff?

Question II.E.7

What procedures exist in your institution to ensure that these issues are raised with prospective partners when a joint course, research project or other venture is proposed?

SECTION III REPRESENTATION

Question III.1

Are people usually represented during disputes by:

- | | | |
|----------------------|--------------------------|--------------------------|
| Lawyer | <input type="checkbox"/> | <input type="checkbox"/> |
| Union Representative | <input type="checkbox"/> | <input type="checkbox"/> |
| Colleague | | <input type="checkbox"/> |
| 'Friend' | | <input type="checkbox"/> |
| Themselves | | <input type="checkbox"/> |
| Member of Personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| Other | | <input type="checkbox"/> |

If 'other', please specify:

Question III.2

Do you have a campus Ombudsman? Yes No

If Yes, do they represent staff, students or both? _____

Question III.3

Do you have a Counselling Service? Yes No

If Yes, please explain briefly how they work within the dispute resolution system?

Question III.4

Is there a process/procedure for ensuring that confidentiality is maintained when resolving disputes at your institution?

Yes No

If yes, please explain briefly how.

SECTION IV COSTS

Question IV.1

Who is authorized to approve expenditure of legal fees on resolution/settlement of disputes in your institution?

Question IV.2

Is there a limit at which further approval must be sought before further expenditure is authorized

Yes No

If yes, what is the limit: £ _____

Question IV.3

Does the institution have in-house lawyers/legal department?

Yes No

qualified individuals? _____

If yes, how many salaried legally-

Are they specialists in particular areas of law relating to your institution's affairs eg, estates, employment?

Yes No

Question IV.4

Does the institution instruct external lawyers to represent the institution?

Yes No

Question IV.5

If you use an external law firm for disputes how do they bill:

- Monthly by hours recorded
- At the conclusion of the matter by hours recorded
- By fixed fee
- Otherwise/a mixture of the above (please give details)

Question IV.6

How is legal expenditure divided between any in-house lawyers and solicitors or barristers instructed by the institution?

Question IV.7

What is the range of typical legal costs to the institution at the date of settlement of an employment dispute

£ _____

Question IV.8

What is the range of typical legal costs to the institution at the date of settlement of a student dispute?

£ _____

Question IV.9

Does your HEI attempt to quantify the costs of disputes in administrative time?

Yes No

Question IV.10

Does your HEI's indemnity Insurance cover senior staff ?

Yes No

In what circumstances would legal costs be paid for senior staff by your HEI?

SECTION V PATTERN OF DISPUTES AT INSTITUTION

Question V.1

How many disputes arising in the last two years have been concerned with the following:-

Please complete all boxes

Type of dispute	0	1 to 5	6 to 10	11+
Equal opportunities				
Sexual discrimination				
Racial discrimination				
Disability discrimination				
Health & Safety				
Disputes between staff				
Disputes relating to staff and students				
Disputes between students				
Disputes relating to external bodies				

Employees who are also students				
Research funding and income generation				
Intellectual Property Rights				
Complaints from students studying abroad				
Complaints from EU students				
Complaints from International students				
Estate matters				
Parking				
Disputes arising in connection with innovative international collaborative ventures eg overseas campus arrangements, transnational and partnership agreements				
Multi-party disputes				
Multi-jurisdictional disputes				

Question V.2

Did your institution instruct lawyers, solicitors or barristers in connection to any of these disputes/complaints?

Yes No

Question V.3

How many employment disputes have gone to an Employment Tribunal in each of the last two academic years across the whole institution? Please indicate by putting 'X' in the box.

2004 to 2005

Less than 5	
Between 6 and 15	
Between 16 and 25	
Between 26 and 35	
More than 35	

2005 to 2006

Less than 5	
Between 6 and 15	
Between 16 and 25	
Between 26 and 35	
More than 35	

Question V.4

How many employment disputes have been settled before they were taken to an Employment Tribunal?

2004 to 2005

Less than 5	
Between 6 and 15	
Between 16 and 25	
Between 26 and 35	
More than 35	

2005 to 2006

Less than 5	
Between 6 and 15	
Between 16 and 25	
Between 26 and 35	
More than 35	

Question V.5

How long, on average did the disputes last from the first notification of the complaint/dispute arising to settlement or conclusion?

--

Question V.6

Are you seeing an increase in particular types of employment dispute?

Yes No

If yes in which?

--

Question V.7

How often are the following included in the resolution of a dispute:-

- (i) Continuation of employment, student or contractual relationship on agreed terms

Sometimes Always Never

(ii) Amending a process which is agreed to have caused a dispute

Sometimes Always Never

(iii) Financial compensation for loss

Sometimes Always Never

(iv) Apologies

Sometimes Always Never

(v) Reform and improvement in the way the institution deals with disputes

Sometimes Always Never

(vi) Provision of feedback to the institution designed to assist it to avoid similar disputes in the future

Sometimes Always Never

SECTION VI TRAINING

Question VI.1

Is there training for University staff in dispute resolution?

Yes No

Question VI.2

If the University does provide training for staff in dispute resolution:

a. Who is this training for e.g. academic staff, HR staff, senior management?

b. Who is the training provided by?

c. For whom (if anybody) is this training compulsory and are up-dating sessions held?

d. What does this training consist of? e.g. how long is it, what subjects does it cover, is this training generic or is it related to any particular field or fields of dispute within Universities?

Question VI.3

Irrespective of whether the University currently provides training in dispute resolution do you think such training is likely to be useful and if so who should be trained and what should the training consist of?