

APPENDIX THREE: UNACCEPTABLE COMPLAINANT BEHAVIOUR, AND MALICIOUS, VEXATIOUS OR FRIVOLOUS COMPLAINTS

UCL understands that bringing a complaint can be a stressful experience for students. We are committed to dealing with complainants fairly and impartially and to providing a high-quality service, but we do not expect staff to have to tolerate behaviour which we consider to be unacceptable. This includes, for example, any communication which is:

- abusive, offensive, defamatory or distressing;
- aggressive, threatening, coercive or intimidating;
- unreasonably persistent or demanding.

We will take action to protect staff from such behaviour. In rare circumstances this may include taking action under UCL's Student Disciplinary Procedure.

When we consider that the behaviour of a complainant is unacceptable we will explain why we find their behaviour unacceptable and we will ask them to change it. If the unacceptable behaviour continues, we may take action to restrict their contact in connection with the complaint. This may include:

- asking the complainant to enter into an agreement about their conduct;
- requiring that contact be made in a particular form (for example in writing only);
- requiring contact to take place with a named person;
- restricting telephone calls to specified days and times;
- asking the complainant to appoint a representative to correspond with us;
- in exceptional circumstances, deeming the complaint malicious or vexatious as outlined below.

We will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which we consider to be unacceptable, we may decide to terminate contact with them. This may mean that we will not continue with the handling of their complaint.

Where the behaviour is deemed to threaten the immediate safety and welfare of UCL staff and or students, we will consider other options, for example action under the UCL Student Disciplinary Procedure (including suspension from UCL), reporting the matter to the police, or taking other legal action. In such cases, we may not give the complainant prior warning of that action.

This Policy and its use will be reviewed on a regular basis.

Vexatious Complaints

A complaint may be deemed to be vexatious when it may or may not be the latest in a series of requests and it:

- clearly does not have any serious purpose or value
- is designed to cause disruption or annoyance
- has the effect of harassing UCL or any of UCL's staff, or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable

The decision to deem a complaint vexatious must always be given in writing together with the reasons upon which the decision was based. Complaints deemed vexatious will not be progressed.

Frivolous Complaints

A complaint may be deemed to be frivolous where:

- it is clear that it is not serious or sensible in content, attitude or behaviour
- there is an absence of a clear desire for redress or a sensible and realistic form of redress indicating a lack of seriousness
- it is reasonable to assume that there was no intention that the complaint be seen as serious or sensible or that redress was sought, but not to the extent that it can be considered vexatious or malicious

A complaint will not be deemed frivolous simply because it is inconvenient to the recipient.

The decision to deem a complaint frivolous must always be given in writing together with the reasons upon which the decision was based. Complaints deemed frivolous will not be progressed.

Malicious Complaints

A complaint may be deemed malicious when:

- there is evidence of intention to do harm or mischief. This intention may be express - the complainant makes clear the intention to do harm - or implied
- in the absence of any clear evidence, it is reasonable to assume the complainant intended to do harm or mischief
- since the essence of a genuine complaint is the seeking of redress, malice may be implied where, for example, it is clear that no redress is sought.

Malice may be directed either against individual members of staff or UCL as an institution.

A complaint should not be deemed malicious simply because:

- the complainant threatens harm or mischief (eg to bring UCL into disrepute) if demands for redress remain unsatisfied.
- addressing complaints through the Complaints Procedure could lead to outcomes which might be embarrassing to UCL or bring UCL into disrepute
- no obvious request for redress is stated

A decision to deem a complaint malicious must always be given in writing together with the reasons upon which the decision was based. Complaints deemed malicious will not be progressed.