

Industrial Action Guidance



Concerned about the potential impact of industrial action on your academic studies? Here's what you can do.

The purpose of this guidance is to provide information on steps you can take if you feel your studies have been, or might be, adversely affected by the University and College Union (UCU) strike action.

It is expected that each academic department at York will be introducing measures to minimise the impact of industrial action on students and making adjustments to teaching, provision of study materials and/or assessments where necessary and appropriate

If you feel that your department has not taken the necessary steps to mitigate against the impact of the industrial action on your studies and/or if your ability to undertake your studies has been adversely affected, there are a number of possible steps you can take.

Raise Concerns with your Department

We recommend this as the first course of action.

If you have concerns about the impact of the industrial action on any learning and or assessments, raise this with your department initially. You can do this by contacting your supervisor, module leader or Chair of the Board of Studies. You can also contact your course or department representative as they can raise these with the department too, particularly where issues have affected multiple students. A list of course and department reps can be found [here](#).

Give details of the particular issues you have, how they are affecting your ability to study and what resolution you are seeking (e.g. extension to assessment deadline). It may be possible for issues to be resolved informally by your department when it is clear that additional or alternative steps can be put in place to mitigate against the impact of strike action.

If you are unable to resolve issues by raising them with your department, or are not satisfied with the response or proposed resolution, there are other options for you to consider.

You may wish to seek independent and confidential advice on your options at this stage from the [Advice and Support Centre](#) at YUSU.

Apply for Exceptional Circumstances

'Exceptional Circumstances' refer to things that go beyond the ordinary difficulties experienced in life. It is important to note that strike action may not in itself be considered an 'exceptional circumstance'. However, if you can demonstrate that the strike action has affected your study or put you at a disadvantage compared to other students, that you have taken reasonable steps to raise this with your department, and that your department has failed to take sufficient steps to respond to your concerns, then you can submit an **exceptional circumstances claim**.

As with any such claim you will need to provide evidence to demonstrate how you were affected (e.g. a letter from an independent professional, such as a GP or counsellor).

If your claim is upheld, then you may be granted an extension or the chance to sit an exam at the next assessment period. Please be aware that this may affect the completion date of your studies, or when you can progress to the next Stage.

If your exceptional circumstances claim is rejected, then you have the right to **appeal** this decision.

You can find out more about the exceptional circumstances process [here](#). YUSU has also produced a handy guide to **exceptional circumstances**. If you are unsure about the process or have any questions, you can also contact the **YUSU Advice and Support Centre**.

Submit a Complaint

You can submit a complaint via the **University's complaints process**, about the University's response to the strike action, the provision of teaching or, as consumers, any perceived breach of **contract** between you and the University. Complaints can be submitted individually, or collectively when a number of students are affected by the same issue.

The first step (Informal Stage) is to provide a brief description of the issues affecting you, why you are not satisfied with the service you've received, and what outcome you are seeking. The complaint should be submitted to the relevant head of department.

If your complaint is rejected, or you are not satisfied with the outcome, you can take your complaint to the Formal Stage.

Make an Academic Appeal

You can **appeal** an academic decision once you receive your marks or a progression decision about your studies. It's important that you understand the impact of industrial action on your results before taking this step. The academic appeals process is for those students seeking an academic remedy (e.g. this might include the opportunity to repeat study) rather than raising general concerns about the strike action. You have 28 calendar days to submit an appeal from when the marks are approved by the Board of Examiners, or from when you receive your decision. You can also appeal the outcome of an Exceptional Circumstances claim.

There are two possible grounds for appeal:

- **Procedural irregularity** - where the department or university has failed to follow its own policies and procedures; and/or
- **Exceptional circumstances** - where unforeseen circumstances have affected your ability to study, or to complete your assessments, and you weren't able to raise this at the time.

In either case, it is important to provide specific details of how your studies have been affected and supporting evidence e.g. email communications with your department about the strike action, and/or professional third party evidence confirming your exceptional circumstances.

Contact Details

If you have any questions about the information in this guidance document please contact the Advice and Support Centre for confidential and independent advice.

YUSU

Web: <https://yusu.org/advice-support>
Email: asc@yusu.org
Phone: 01904 323724

Advice and Support Centre

University of York Students' Union
The Student Centre, James College
Office hours: 10am-4pm, Monday-Friday

GSA (for postgraduate students)

Web: www.yorkgsa.org
Email: advice@yorkgsa.org
Phone: 01904 322718

Go to the OIA

If you are unsatisfied with the outcome of a complaint or academic appeal, and have received a 'completion of procedures' letter from the University then you can submit a complaint to the **Office of the Independent Adjudicator for Higher Education** (OIA), an independent body set up to review student complaints. Complaints to the OIA need to be submitted within 12 months of the completion of the appeals or complaints process. The OIA's briefing on complaints arising from strike action can be found [here](#).

Your Rights

Your rights as students are governed by your contract with the University, and the University's policies and procedures (including those related to appeals and complaints).

The University's current terms and conditions can be found [here](#) though these may vary slightly for current students depending on the commencement date of their course. These terms and conditions set out the University's obligation to provide teaching and learning resources, unless prevented from doing so by circumstances outside its control.

While this YUSU guidance document outlines options available to students for raising concerns or following University processes to challenge the impact of strike action on their studies, students are also able to pursue legal action, and seek independent legal advice, if they feel that the University has been in breach of contract.

The Office for Students has produced a **helpful guide for students** regarding the position under the Consumer Rights Act 2015. It is advised that, given the variation between contractual arrangements and individual experiences of the strike action, students wishing to explore legal options seek further legal advice about their individual circumstances.

Raising Concerns

Questions to consider

Whether seeking resolution to concerns via your academic department or pursuing an academic complaint or appeal, it may be helpful to look through some of the questions below to help you consider the impact of industrial action and how to set out information about how your academic studies may have been affected by this.

Have you raised the concerns with your department in the first instance?

If so, and from this point onwards, ensure that you keep a record of any email communications and responses that you receive.

What teaching has been cancelled as a result of the strike action?

This may include lectures, seminars, tutorials or supervision meetings

Has teaching that was cancelled been rescheduled or have teaching resources been otherwise provided (e.g. via the VLE)?

If teaching has been rescheduled have you been able to attend the rescheduled teaching or otherwise access the relevant resources?

Students would ordinarily be required to attend any term time teaching, including rescheduled teaching but if you are a part time student or have specific personal circumstances, such as caring responsibilities then this question may be relevant.

Have you been kept informed by your academic department of changes in teaching provision as a result of the strike action?

If teaching has not been rescheduled or other arrangements not been put in place, has your department adjusted your assessments accordingly?

If you feel that adjustments made by your department have not been sufficient are you able to explain why, and how your ability to successfully undertake your assessments has been affected?

Have you been, or are you due to be, assessed on any teaching that you have not received?

Are there particular assessments for which access to teaching or supervision has had an impact?

E.g. specialist support/supervision for dissertations or other project work

What proportion of your final degree mark comes from this year, or this assessment period?

E.g. if you are a final year student, the results from your current assessments may have a greater bearing on your degree classification

What proportion of your usual teaching time have you missed as a result of the strike action?

Students with high levels of contact hours may be more affected by missing teaching.

Are there any personal/individual circumstances which have resulted in the strike action affecting you or your studies in ways it may not have for other students?