

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. The potential impact of any strike action is likely to vary considerably across different academic departments and programmes of study. 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's a number of possible steps you can take.

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](#) set out the University's obligation to provide teaching and learning resources, unless prevented from doing so by circumstances outside its control, though these may vary slightly for current students depending on the commencement date of their course. Broadly, students should be able to expect the following from their University or academic department in response to strike action:

- the University is proactive in response to missed teaching e.g. by rescheduling missed teaching, providing teaching in an alternative format/method of delivery
- appropriate changes or adjustments are made to assessments to minimise disruption and potential academic disadvantage to students e.g. by adjusting assessments deadlines, and by ensuring that students aren't assessed on any topics for which they have not received teaching
- students are kept updated about any ongoing disruption to teaching provision e.g. providing students with details of any new teaching arrangements in a timely manner
- any responses to strike action consider the impact on, and needs of, all students e.g. ensuring that replacement/adjusted teaching and assessment remains accessible and does not disadvantage individual students.

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 it does not constitute legal advice. 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 your rights in relation to industrial action. 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.

You can find further guidance on consumer guidance for students at in the [Competition and Markets Authority's 'Higher Education: guide to consumer rights for students'](#) report.

Latest updates and information from the University about industrial action, including FAQs and details of who you can contact for support, are available [here](#).

You can also raise queries about strike action and the University's response at industrial-action-enquiries@york.ac.uk.

Raising issues about the impact of strike action

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, it is advisable to 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 an 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.

In the first instance, if you're unable to receive a response or resolution to issues raised via your department, you can raise these queries/concerns with the University by email to industrial-action-enquiries@york.ac.uk.

You may wish to seek independent and confidential advice on your options at this stage from the [Advice & Support Centre \(ASC\) at YUSU](#). The University has also provided some information, and answers to common questions about the industrial action, on its website [here](#).

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. This would be the recommended step if you have raised concerns initially via staff within your department, or via your course or department rep, but have outstanding or unresolved issues or are otherwise dissatisfied with the response. Complaints can be submitted individually, or collectively when a number of students are affected by the same issue.

If you're not sure whether to submit an appeal or complaint about how the industrial action has affected you, you can find some further guidance on the two processes [here](#).

The first step of the complaints process (informal stage) is to provide a brief description of the issues affecting you, why you are not satisfied with the service you've received or the mitigation against the impact on teaching and assessment, and what outcome you are seeking. The complaint should be submitted to the relevant head of department and/or chair of board of studies.

If your complaint is rejected, or you are not satisfied with the outcome, you can take your complaint to the formal stage, which requires submission of a formal stage complaints form to the University's complaints office.

You can find details about the University's complaints process [here](#), and YUSU's guidance about submitting a complaint can be found [here](#).

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 studies 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 usual exceptional circumstances claim you will need to provide evidence to demonstrate how you, and your ability to study, 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](#). If you are unsure about the process or have any questions, you can also contact the [YUSU Advice & Support Centre](#).

Make an Academic Appeal

You can [appeal](#) an academic decision once you receive your marks or a progression decision about your studies. The academic appeals process is for those students seeking an academic remedy (e.g. this might include the opportunity to take one or more assessments again or to repeat study) rather than raising general concerns about the strike action. You have 28 calendar days to submit an appeal from when your marks are approved by the Board of Examiners, or from when you receive the decision which you wish to appeal against. You can also appeal the outcome of an Exceptional Circumstances claim.

Important information: submitting an academic appeal is not recommended as a first course of action for raising concerns about the effect of industrial action on you and your ability to undertake your studies. It is advisable to raise any such concerns, and to provide your department with the opportunity to resolve/address them, by contacting your department or by raising a complaint at the earliest opportunity in the first instance.

There are normally 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,

The appeal form also now includes an option to appeal on the basis of a procedural irregularity in relation to the industrial action.

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.

Submit a complaint to the OIA

If you have submitted a complaint or academic appeal, been issued with a 'completion of procedures' letter by the University for either process, and remain dissatisfied with the outcome, 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 website includes [FAQs for students on industrial action](#).

Questions to consider when raising concerns

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 the effect on your academic studies.

- **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 issues raised, 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 to mitigate the impact of strike action 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 from any assessment periods impacted by the strike action?**

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?**

Key contact details and links

University of York strike action news, updates and FAQs:

www.york.ac.uk/industrial-action/students/

For general queries about strike action, email industrial-action-enquiries@york.ac.uk

If you have concerns about the impact of strike action on your wellbeing, you can contact the University's Student Hub at student-hub@york.ac.uk or by completing their [online self-referral form](#). Details of the range of support and guidance available at the University can be found at www.york.ac.uk/students/health/help/.

Students can access free, independent, confidential advice and guidance on academic issues, University policies and processes and personal and wellbeing issues from their student union advice services:

YUSU Advice & Support Centre (ASC)

email: asc@yusu.org

phone: 01904 323724 (reception)

website: yusu.org/advice-support

GSA advice service (for postgraduate students)

email: advice@yorkgsa.org

phone: 01904 322718 (reception)

website: www.yorkgsa.org/welfare

Further reading and links

- [Office for Students Guide to Industrial Action](#)
- [OIA Industrial Action FAQ for students](#)
- [University of York complaints webpage](#)
- [University of York academic appeals webpage](#)
- [University of York exceptional circumstances webpage](#)
- [University of York 'terms and conditions relating to your offer, 2021'](#)