

## **Oxford SU Complaints Procedure – Updated May 2019**

### **Introduction and confidentiality**

1. Trustees have formal responsibilities under this procedure and are expected to familiarise themselves with the procedure on appointment. In particular, the Student Trustee (Complaints) and External Trustee (Complaints), appointed by the Trustee Board, have responsibilities under this procedure. The Trustee Board has a duty to implement the procedure and to ensure that all complaints are dealt with promptly and fairly.

2. All students can contact Oxford SU Student Advice ([advice@oxfordsu.ox.ac.uk](mailto:advice@oxfordsu.ox.ac.uk)) for professional and confidential advice and support throughout the procedure (and at all times). All parties to the complaint have the right to be accompanied and supported by a member of staff from Oxford SU Student Advice or another person of their choice. These people must maintain appropriate confidentiality.

3. Throughout the process, all parties to a complaint or appeal and all Trustees involved should maintain appropriate confidentiality. Nevertheless,

- A party may agree to information being provided to others,
- there may be circumstances when Oxford SU is legally obliged to provide information to others without a party's agreement, and
- in the interests of fairness, Oxford SU may need to provide information to others while considering a complaint or appeal.

### **Scope**

4. This procedure deals with complaints from students who are dissatisfied in their dealings with Oxford SU, for example complaints that relate to Oxford SU Officers acting in relation to Oxford SU. Students who are not Oxford SU members also have the right to complain that they are unfairly disadvantaged by reason of their having exercised the right not to be a member of Oxford SU.

5. Oxford SU Officers are individual members of Oxford SU who are elected or otherwise appointed to a position within Oxford SU. An Oxford SU Officer can be complained about under this procedure only when they are acting as an Oxford SU Officer and are acting in relation to Oxford SU. Complaints which concern an individual non-elected Oxford SU staff member must be addressed to Oxford SU's Chief Executive Officer (CEO), and not to the individual.

6. All Oxford University students have the right to complain using this procedure, including students who are not Oxford SU members. Oxford SU Associate Members also have the right to complain using this procedure.

7. Complaints may be brought by individual students or a group of students. In the case of a group complaint, references such as 'individual' and 'student' in this procedure shall be construed accordingly.

8. This procedure does not cover complaints in respect of elections, Student Advice, or Student Media.

- a. For complaints in respect of elections, see Oxford SU Regulations<sup>1</sup>.
- b. For complaints about Student Advice, see the Student Advice Complaints Policy and Procedure<sup>2</sup>.
- c. For complaints about Student Media, see the Oxford SU Student Media Complaints Procedure and Form<sup>3</sup>.

9. This procedure does not cover complaints about Oxford SU Officers failing to fulfil a democratic mandate, election pledge or other similarly political parts of their role. Complaints of this kind should come as a question, or a motion of censure or of no confidence to Oxford SU's Student Council. For more information about how to ask a question or submit a motion to Student Council, contact [chair@oxfordsu.ox.ac.uk](mailto:chair@oxfordsu.ox.ac.uk) or [dso@oxfordsu.ox.ac.uk](mailto:dso@oxfordsu.ox.ac.uk).

10. This procedure does not cover complaints of harassment. Complaints of harassment should be considered under the Oxford SU Harassment Policy and Procedure, which can be found on the Oxford SU website<sup>4</sup> or requested from [enquiries@oxfordsu.ox.ac.uk](mailto:enquiries@oxfordsu.ox.ac.uk) or 01865 288 452. If a complaint is made using this procedure that is held by the Student Trustee (Complaints) or the panel (see paragraph 16 below) to involve harassment, then it will be dealt with using the Harassment Policy and Procedure instead, and the complainant will be informed.

### **Initial action**

11. The procedure below assumes that the individual has not been able to first resolve the issue through an informal approach. If a student wishes and feels able to seek informal resolution, they should approach the Student Trustee (Complaints) or the Chief Executive ([chiefexecutive@oxfordsu.ox.ac.uk](mailto:chiefexecutive@oxfordsu.ox.ac.uk)) to ask for help in achieving a resolution of the problem. At no time should any student feel obliged to seek informal resolution.

### **Making a complaint**

12. If informal action does not succeed in resolving the situation, or the student does not wish to attempt an informal resolution, the student should make a formal complaint.

13. To submit a formal complaint, the student must fill in the Oxford SU Complaints Form and submit it to the Oxford SU office for onward transmission to the Student Trustee (Complaints) in one of two ways:

- a. emailing the form to [complaints@oxfordsu.ox.ac.uk](mailto:complaints@oxfordsu.ox.ac.uk), putting 'Formal Complaint' as the subject line.
- b. delivering the form by hand or sending it by post to 'Student Trustee (Complaints), Oxford University Student Union, 4 Worcester Street, Oxford OX1 2BX'.

The Oxford SU Complaints Form is at the end of this document, or is available on the Oxford SU website<sup>5</sup> or from [complaints@oxfordsu.ox.ac.uk](mailto:complaints@oxfordsu.ox.ac.uk) or 01865 288 452.

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<sup>1</sup> <https://www.oxfordsu.org/your-union/governing-documents>

<sup>2</sup> <https://www.oxfordsu.org/wellbeing/student-advice/>

<sup>3</sup> [https://www.oxfordsu.org/pageassets/your-union/governing-documents/Student-Media-Complaints-Procedureand-form\(3\).docx](https://www.oxfordsu.org/pageassets/your-union/governing-documents/Student-Media-Complaints-Procedureand-form(3).docx)

<sup>4</sup> <https://www.oxfordsu.org/pageassets/your-union/governing-documents/Harassment-Policy-and-Procedure.docx>

<sup>5</sup> <https://www.oxfordsu.org/your-union/governing-documents/>

14. If the complainant feels it is not appropriate to approach the Student Trustee (Complaints), or wishes to make a complaint against the Student Trustee (Complaints), a complaint may be made instead to the Oxford SU office for onward transmission to the Chair of Trustees. Contact enquiries@oxfordsu.ox.ac.uk or 01865 288 452 for how to contact the Chair. In the case that the complaint is made to the Chair of Trustees, they should follow the procedure outlined for the Student Trustee (Complaints).

15. Every effort will be made to achieve a prompt and fair resolution to the complaint. The aim will always be to conclude the complaint within a period of no more than **fifteen** working days during term time, and twenty working days outside of term time, of receiving a completed Oxford SU Complaints Form. If this is not possible then all parties to the complaint will be informed of the likely time frame, and the Student Trustee (Complaints) or the panel (see 17, below) will contact all parties involved in the complaint to notify them of progress no less than once a fortnight.

### **Dealing with a complaint**

16. On receipt of the complaint, **the Student Trustee (Complaints) will appoint a panel of 3 Trustees to deal with the complaint.** This panel may include the Student Trustee (Complaints). **The panel should include at least two of the three types of Trustee (Student, External, and Sabbatical).** Normally, this panel should not include the External Trustee (Complaints). **The Board will be informed of the composition of the panel before it proceeds to deal with a complaint, with the opportunity for Trustees to object if they feel the chosen panel will not best carry out the Board's duty to implement the procedure and to ensure that all complaints are dealt with promptly and fairly.** If a prospective panel member has any conflict of interest in the matter, they should either step down or ask the Student Trustee (Complaints) to seek agreement of all parties (including the complainant and the person who is the subject to the complaint) to waive the conflict.

17. The panel will take such steps as they think necessary or appropriate to reach a decision on the outcome of the complaint, including (where appropriate):

- a. meeting separately with the complainant and the person who is the subject of a complaint;
- b. interviewing individuals identified by any parties to the complaint as having relevant evidence;
- c. speaking to other relevant people on a confidential basis;
- d. considering whether to request the taking of immediate interim action;
- e. obtaining further relevant information.

18. If the complaint made is against a person, the panel will inform that person (or the CEO in the case a non-elected Oxford SU staff member) of the allegations against them, and provide them with the opportunity to provide any relevant evidence and make representations in their defence.

19. The panel will inform the Student Trustee (Complaints), the CEO, the complainant and any Oxford SU Officers who are the subject of the complaint in writing of:

a. the conclusions they have reached having reviewed the evidence and whether the complaint

- is upheld (in whole or in part), or
- is rejected (including, if appropriate, that the complaint is unfounded and not made in good faith);

- b. any action that they recommend by way of effective remedy;
- c. the reasons for any such recommendation.

### **Action and remedies**

20. Depending on the nature of the complaint and the conclusions reached by the panel, the Student Trustee (Complaints) and the CEO, and in consultation with any relevant Oxford SU Officers and staff, will either:-

- a. Take no further action, other than, where applicable and appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between any relevant parties. or
- b. Initiate resolution of the issues. Examples of what this may involve include making practical alterations, requiring that certain individuals undergo specific training, or requiring an apology. In rare cases this may involve requirements made of the complainant, in cases in which the panel is satisfied that the complaint is unfounded and not made in good faith.

If any action is taken, all parties to the complaint will be informed of this action in writing. A written record will be kept of all decisions and recommendations.

The CEO may delegate their authority to make decisions under this paragraph to a non-elected staff member. The CEO remains responsible and accountable for decisions made and actions taken by the delegate.

21. If any legal proceedings in connection with the complaint begin before the complaint has been fully dealt with, the panel will normally decide that the proceedings should be suspended. If this is the case, all parties to the complaint will be informed of this in writing.

### **Appealing a decision**

22. If any involved party does not accept the decision of the panel, they may appeal the decision on either or both of the following grounds. The person appealing must have evidence that the panel:

- a) conducted the investigation process in a way that was procedurally irregular;
- b) was not able to consider evidence that has now become available.

23. To submit an appeal, the person appealing must fill in the Oxford SU Complaints Appeals Form and submit it to the Oxford SU office for onward transmission to the External Trustee (Complaints) within **ten** working days of being informed of the decision in one of two ways:

- a. emailing the form to [complaints@oxfordsu.ox.ac.uk](mailto:complaints@oxfordsu.ox.ac.uk), putting 'Complaints Appeal' in the subject line.
- b. delivering the form by hand or sending it by post to 'External Trustee (Complaints), Oxford University Student Union, 4 Worcester Street, Oxford OX1 2BX'

The Oxford SU Complaints Appeals Form is at the end of this document, or is available on the Oxford SU website<sup>6</sup> or from [complaints@oxfordsu.ox.ac.uk](mailto:complaints@oxfordsu.ox.ac.uk) or 01865 288 452.

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<sup>6</sup> <https://www.oxfordsu.org/your-union/governing-documents/>

If the person appealing requires more time, they should contact the External Trustee (Complaints).

24. If the complainant feels it is not appropriate to approach the External Trustee (Complaints), an appeal may be made instead to the Chair of Trustees (including where, exceptionally, the External Trustee (Complaints) has been an initial panel member). Contact enquiries@oxfordsu.ox.ac.uk or 01865 288 452 for how to contact the Chair. In the case that the appeal is made to the Chair of Trustees, they should follow the Procedure outlined for the External Trustee (Complaints).

25. Every effort will be made to achieve a fair and prompt resolution to the appeal. The aim will always be to conclude the appeal within a period of no more than **fifteen** working days during term time, and twenty working days outside of term time, of receiving a completed Oxford SU Complaints Appeals Form. If this is not possible, then all parties to the appeal will be informed of the likely time frame, and the External Trustee (Complaints) or the panel will contact all parties involved in the appeal to notify them of progress no less than once a fortnight.

### **Dealing with an appeal**

26. On receipt of the appeal, the External Trustee (Complaints) **will appoint a panel of 3 Trustees to deal with the appeal**. This panel may include the External Trustee (Complaints). This panel must not include any Trustees who were on the panel that considered the original complaint. If a prospective panel member has any conflict of interest in the matter, they should either step down or ask the External Trustee (Complaints) to seek agreement of all parties to waive the conflict.

27. The panel will take such steps as they think necessary or appropriate to reach a decision on the outcome of the appeal, including (where appropriate):

- a. informing the person who made the initial complaint, and providing them with the opportunity to provide additional evidence;
- b. meeting with the person who is appealing the complaint;
- c. interviewing individuals identified by any parties to the appeal as having relevant evidence;
- d. speaking to other relevant people on a confidential basis;
- e. considering whether to request the taking of immediate interim action;
- f. obtaining further relevant information.

28. The panel will inform the External Trustee (Complaints), the CEO, and all parties to the appeal in writing of: a. the conclusions they have reached having considered the grounds of appeal and any new evidence and whether the appeal is upheld (in whole or in part); and b. any action they recommend by way of effective remedy; and c. the reasons for any such recommendation.

### **Action and remedies**

29. Depending on the nature of the complaint and the conclusions reached by the panel, the External Trustee (Complaints) and the CEO, and in consultation with any relevant Oxford SU Officers and staff, will either:-

- a. Overturn the decision, and take no further action, other than, where applicable and appropriate, to recommend implementing or suggesting steps that would help to restore reasonable working relationships between any relevant parties.
- b. Overturn the decision, and initiate resolution of the issues through the CEO, Chair of Trustees, or other appropriate person. Examples of what this may involve include making practical alterations, requiring that certain individuals undergo specific training, or requiring an apology.
- c. Uphold the decision.

If any action is taken, all parties to the appeal will be informed of this action in writing. A written record will be kept of all decisions and recommendations.

### **Referring to the University**

30. If, having completed the procedures above, any party does not accept the outcome of a complaint, they may refer the issue to the University.
31. The University Council will appoint an independent person to investigate the complaint. Any parties who wish to refer the issue to the University should, **within fourteen days of the conclusion of the above procedures,** contact the secretary to the Joint Subcommittee of the Education Committee with Student Members (JSECSM): [jscecsm@admin.ox.ac.uk](mailto:jscecsm@admin.ox.ac.uk).

### **Records**

32. Oxford SU and all those involved in this process must comply with the principles of the Data Protection Act 1998. For further information, please refer to Oxford SU's Privacy Policy<sup>7</sup>.
33. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the panel as soon as is reasonably possible in order to comment on any inaccuracies or omissions.
34. All documents (including notes of interviews or discussions) must be passed to the CEO at the conclusion of a complaint (or appeal).
35. Records of complaints shall be retained by the CEO for 3 years.

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<sup>7</sup> <https://oxfordsu.org/privacypolicy>