

COMPLAINTS PROCEDURE FOR STUDENTS AND STAFF

Introduction

1. This document sets out the College's procedures for dealing with complaints about the College made either by members of the College (including students, staff, etc) or by external parties (including members of the public, prospective students, visitors, etc).
2. Any member of the College who intends to make a complaint is encouraged to seek advice and support at the earliest possible opportunity from the relevant College Officer or Head of Department. Students should contact the [Senior Tutor](#) or their College supervisor in the first instance, and staff should contact their line-manager.

Scope

3. This procedure applies in cases of dissatisfaction about:
 - a. The College's standards of service
 - b. Actions or lack of action by the College or its staff
 - c. Provision of services by the College affecting students, academic and non-academic staff, visitors, or clients of any group.
4. This procedure applies when the matter under complaint occurs in the context of Nuffield College, which means either (i) on College or College-owned premises; or (ii) in the course of College activity within or outside Oxford, whether academic, sporting, social, cultural or other.
5. Where the matter under complaint occurs purely within the University context, concerns a member of University staff, or is an issue which falls under the jurisdiction of the University, it should be referred to the University and dealt with under the relevant University procedures.¹
6. Where a complainant alleges a violation of the law, the matter shall normally be referred to the Police immediately. Where the individual in question is subject to criminal proceedings arising in connection with the complaint, the College shall not normally continue with the procedures set out below other than, if appropriate, taking steps to temporarily suspend or ban that person from College premises and/or activities pending the outcome of the criminal proceedings. If the matter under complaint is not proceeded with as a criminal matter by the prosecuting authorities, it will be dealt with by the College as though it had not been referred to the Police.

¹ For further details about University complaints procedures, including academic appeals, please refer to <http://www.admin.ox.ac.uk/proctors/complaints/>.

7. If the complaint concerns a grievance relating to an individual's employment by the College, it will normally be dealt with under the College's Grievance Procedures, as set out in the [Staff Handbook](#) (in the case of College staff) or the [Statutes and By-Laws](#) (in the case of fellows).
8. If the complaint relates to activity which falls within the College's Policy and Procedure on Harassment, it will be dealt with under the relevant parts of the [College's Policy and Procedure on Harassment](#).
9. Complaints concerning alleged breaches of College discipline by a member of staff, a student, or a Fellow, will normally be dealt with as appropriate under the relevant College disciplinary procedure, as set out in the Student Disciplinary Procedures included in the Student Handbook (for students), the Staff Handbook (for staff), or the Statutes and By-Laws (for fellows).

Reporting complaints

10. In the first instance, complainants should contact (or be referred to) the College officer or head of the College department which is most relevant to the subject of their complaint. The complainant can be accompanied at any stage by an officer of the JCR or the Oxford University Student Union for students or by a member of the University or a representative of a trade union for staff/Fellows. A list of College officers and heads of department is available on the College's website and the Student Handbook.

Stage 1: Taking Informal Action

11. This stage is intended to encourage informal discussion and understanding of the problem. It is anticipated that it will be possible for the majority of complaints to be settled through informal resolution or mediation, and the head of the relevant College department or College officer will normally be responsible for dealing informally with complaints which come to their attention.
12. There are no rigidly prescribed methods for the informal resolution of complaints, but in each case the responsible individual (e.g. Head of Department) should ensure (i) that the matter is treated with appropriate seriousness; (ii) that suitable steps are taken to establish the necessary facts; (iii) that the matter is reported to, and advice sought from, other relevant officers as required (and in such a way which does not compromise the identity of the complainant); (iv) that the complainant is given information about sources of support available to him or her, as appropriate; (v) that strict confidentiality is maintained throughout the process (in the case of students, in line with the College's [Guidelines on Confidentiality in Student Health and Welfare](#)); and (vi) that appropriate records are kept, in line with the College's [Data Protection Policy](#).
13. Where the relevant head of department considers that the implications for the complainant and/or for others actually or potentially affected are sufficiently serious, he or she may refer the matter to the Senior Tutor or the Bursar so that it can be treated as a formal complaint, as set out in the next section. The complainant's consent will be sought if a referral is to be made. In these rare cases, information would be disclosed on

a strictly need-to-know basis, and in line with the relevant College guidelines on confidentiality.

Stage 2: Making a Formal Complaint

14. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should, depending on the nature of the complaint, formally submit a complaint in writing to either the Senior Tutor (for academic matters) or the Bursar (for non-academic matters). Complaints about the Senior Tutor or the Bursar (or complaints in which the Senior Tutor or the Bursar have had some previous involvement) must be referred to another member of the College's Governing Body (who must have no previous involvement with the case) appointed by the Warden. The complaint should normally be made as soon as possible after the event(s) to which it refers, or within one month of the completion of any informal resolution attempts. The receipt of a written complaint will be acknowledged as soon as possible.
15. The complainant should set out as clearly and succinctly as possible (i) the nature of his or her complaint; (ii) its effect on her/him; and (iii) where possible, the resolution s/he is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain, where appropriate, any previous attempts that have been made to resolve the complaint.
16. The Senior Tutor or Bursar (or other member of the College's Governing Body appointed to act in their place) will investigate the complaint to establish the relevant factual evidence and decide on any actions which should be taken. This may include holding meetings with the complainant (and, where appropriate, separately with any third party), and speaking to other relevant people on a confidential basis. At all times both parties will have the right to be accompanied at meetings. This could be an officer of the JCR or the Oxford University Student Union for students or by a member of the University or a representative of a trade union for staff/Fellows.
17. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of one month. The complainant (and any third parties) will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, all relevant parties will be kept informed.
18. The complainant (and any third parties) should be kept informed of proceedings by the relevant officer, be referred as appropriate to sources of support and advice, and be informed in writing of the outcome of the investigation of the complaint.
19. Actions taken at this stage by the Bursar or Senior Tutor (or other member of Governing Body acting in their place) may include (but are not limited to):
 - a. Recommending actions to be taken by the College to address the subject of the complaint and minimize the chances of similar complaints occurring in the future. The Senior Tutor, Bursar, or relevant head of department, will normally have responsibility for implementing and monitoring any actions.

- b. Recommending, where appropriate, that the matter be pursued under a different set of College procedures (as set out in the section on scope above).
 - c. Where more than one party is involved, facilitating a mediation or conciliation process between the complainant and the other party. An experienced mediator or conciliator acceptable to both parties will normally be nominated by the responsible individual; the mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution.
 - d. Referring a case to the relevant University department or office, if it transpires that the matter in question did in fact take place purely within the University environment.
 - e. Referring the matter to the Police.
 - f. Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the complainant and the College.
 - g. Rejecting the complaint, if it can be shown to be unfounded.
20. Brief records should be kept of all meetings held and actions taken in relation to the complaint at this stage. These records will be managed in accordance with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Appeals

21. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, s/he may appeal to the College's Governing Body which will appoint three of its members, who were not previously involved in the case, to act on its behalf and hear the appeal (the "Appeals Panel"). The Appeals Panel shall have the authority to adjudicate on behalf of the Governing Body. Any notification of appeal should be made to the Warden within fourteen days of receiving a written outcome of the formal complaint procedures described in the preceding section, and should include:
- a. a copy of the decision being challenged;
 - b. a brief statement of the facts;
 - c. a statement of the arguments on which the application for an appeal is based;
 - d. the appellant's request for a remedy.
22. The complainant may not introduce new evidence at this appeal stage unless s/he can show that s/he could not reasonably have obtained the evidence at an earlier stage of the process.
23. On receipt of the notification of appeal the Warden will request Governing Body to appoint three members to act on its behalf and hear the appeal. The Appeals Panel shall consider the complainant's appeal at a meeting. The complainant shall be given at least fourteen days' notice of the meeting in writing, and shall have the right to attend the meeting (and to be accompanied by an officer of the JCR or the Oxford University Student Union for students or by a member of the University or a representative of a trade union for staff/Fellows.).
24. The Senior Tutor or Bursar (or other member of Governing Body appointed to act on their behalf) shall be invited to present the rationale for the outcome of the formal complaint, but shall not be permitted to vote on the outcome of the appeal.

25. At the conclusion of the meeting, the Appeals Panel shall determine by the vote of a majority, whether the outcome of the formal complaint should be confirmed or referred back to the Senior Tutor or Bursar for review. In the case of a referral, the Appeals Panel shall be entitled to recommend an alternative course or courses of action.
26. The Appeals Panel shall provide in writing to the complainant and the Senior Tutor or Bursar (or other member of Governing Body acting in their place) a detailed description of its decision and the reasons underlying it. The Appeals Panel's decision will be final in the College.
27. Brief records should be kept of all meetings held and actions taken in relation to the complaint at this stage. These records will be managed in accordance with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Office of the Independent Adjudicator for Higher Education

28. If the complainant is not satisfied with the outcome following the appeals process, s/he may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. S/he must do so within three months of the date of the Completion of Procedures letter issued on behalf of Governing Body. Student members of the College may have the right to appeal to the Conference of Colleges Appeal Tribunal before requesting a review of the case by the OIA.

Malicious or vexatious complaints

29. All complaints will be given full consideration and complainants will not be disadvantaged for making a genuine complaint. The College expects that complainants will not engage in malicious or vexatious complaints. If malicious or vexatious allegations are made, disciplinary action against the individual(s) concerned may be considered. Where a complainant fails to provide reasonable evidence to substantiate their allegations or to identify themselves, the College reserves the right not to take the complaint further.

Confidentiality

30. All those concerned in implementing these procedures shall respect the need for appropriate levels of confidentiality, and should familiarize themselves with and take care to follow the principles and procedures set out in the College's guidelines on confidentiality. For a formal complaint to be investigated fully, however, and action taken, it will be necessary to disclose the identity of the person making the complaint to the person or body who is the subject of the complaint and to others directly involved.

Conflict of Interest

31. No one involved in investigating a complaint shall have had any prior involvement in the matter in hand, conflict of interest in dealing with the complaint, or vested interest in the outcome.

Record keeping

32. The College will keep a register of formal complaints made in an academic year and a summary of numbers and outcomes will be presented to the College's Equality Committee and Governing Body in an anonymized way.

This procedure will be subject to regular review.

Last updated 25 November 2016