



## CHRIST CHURCH

### JUNIOR MEMBERS COMPLAINTS PROCEDURE

Approved by Academic Committee: 08.08.19

To be formally approved by Governing Body in Michaelmas Term 2019

#### 1. Introduction

- 1.1. This Junior Member Complaints Procedure exists to enable Junior Members (throughout this procedure, the term 'Junior Members' includes all undergraduate, graduate and visiting students; if there are different requirements for any particular group these are specified) of Christ Church to bring matters of concern about the College to its attention, and to enable those matters to be investigated and responded to, with the aim of reaching a resolution satisfactory to all within a reasonable timescale and having due regard to the principles of procedural fairness.
- 1.2. Christ Church welcomes feedback and takes complaints seriously. Junior Members will not suffer any disadvantage as a result of making a complaint in good faith. However, making a complaint which is frivolous, vexatious or malicious is likely to be a breach of a Junior Member's obligations to the College and may result in disciplinary action being taken against that Junior Member under the College's Disciplinary Procedures as set out in the Blue Book.
- 1.3. Christ Church will endeavour to resolve complaints informally and quickly between the relevant parties and this Complaints Procedure will only take effect if that approach fails. Where such a good faith attempt has been made to deal with the matter outside this Complaints Procedure, and that attempt has failed, stage one of the Procedure may be waived by agreement between the Junior Member and the College.
- 1.4. Christ Church aims to deal with complaints promptly so that delay does not hinder fair resolution. Accordingly, this Complaints Procedure includes various deadlines with which the College and any Junior Member making a complaint must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time. In cases where a complaint relates to an ongoing exclusion from College premises or facilities, the College recognises that it will be particularly important to deal with the matter as promptly as fair resolution permits.
- 1.5. Christ Church will collect and use information about you in accordance with the principles set out in the College Privacy Notice: <https://www.chch.ox.ac.uk/privacy-policy>. This

includes ensuring that data will only be used in a way which is fair, lawful and secure. In addition, the University has its own privacy notice at <https://compliance.admin.ox.ac.uk/student-privacy-policy>.

## **2. When does the Junior Member Complaints Procedure apply?**

- 2.1. Christ Church makes a distinction between Complaints and Appeals, and there are separate procedures for dealing with each.
- 2.2. A Complaint is an objection to Christ Church's academic, pastoral, or domestic provision, the behaviour of its senior members or other employees, or any other aspect of College life, where what is objected to is alleged to have had an individual impact upon the Junior Member making the Complaint. The procedures set out in this document are those that apply to Complaints.
- 2.3. An Appeal is an application by a Junior Member for reconsideration of a disciplinary decision made against that Junior Member by an officer or committee of Christ Church under the Disciplinary Procedures in the Blue Book. Where a Junior Member wishes to object to a disciplinary decision under the Disciplinary Procedures, this Complaints Procedure is not applicable. Instead, the Junior Member should consult the Disciplinary Procedures which make specific provision for Appeals.
- 2.4. In addition, this Complaints Procedure does not apply to:
  - (a) complaints about another Junior Member of Christ Church. Christ Church would normally deal with such matters by invoking its Disciplinary Procedures against the other Junior Member, where there is cause to do so.
  - (b) complaints that a member or employee of Christ Church has committed an act of bullying or harassment (including sexual or racial harassment). These matters are covered by the Christ Church Code of Practice on Harassment.
  - (c) complaints falling within the reach of any other more specific procedures that may be established from time to time by Christ Church.
  - (d) private disputes between Junior Members and members or employees of Christ Church, meaning those that do not arise out of the conduct of those members or employees acting or purporting to act in their capacity as members or employees of Christ Church.
  - (e) complaints about people who are not members or employees of Christ Church.
  - (f) complaints of matters affecting a wider circle of Junior Members, where there is no individual impact upon the Junior Member making the complaint. These should instead be raised through Christ Church consultative mechanisms, which include Junior Member representation in the governance of the College.

### **3. Who may make a Complaint?**

- 3.1 Those eligible to make a Complaint under this Complaints Procedure are current Junior Members of Christ Church, Junior Members temporarily suspended from Christ Church for disciplinary, medical or pastoral reasons (whether or not a condition attaches to their return), and former Junior Members of Christ Church whose Complaint relates to a matter that arose while they were current or temporarily suspended Junior Members.
- 3.2 A Complaint may be made and pursued by another person ('a Nominee') on behalf of a Junior Member eligible to make a Complaint under 3.1 but only in exceptional circumstances of illness or other severe difficulty. In such a case the Nominee must be authorised in writing by the Junior Member to make and pursue the Complaint, and an explanation must be given for why the Junior Member is unable to pursue it personally. Christ Church will not be in communication with more than one person at a time in connection with any Complaint under this Complaints Procedure, so the appointment of a Nominee to make and pursue such a Complaint is also, until revoked in writing, the surrender of the Junior Member's own right to make and pursue the same Complaint. Christ Church will not entertain a Complaint under this Complaints Procedure made or pursued on the Junior Member's behalf by the Junior Member's legal or other professional representatives. In what follows 'Junior Member' refers to Junior Member complainants and their Nominees alike.

### **4. Summary of Procedure**

- 4.1 Before making a Complaint, a Junior Member can seek the advice of any senior member of Christ Church who seems appropriate and is prepared to be consulted, and discuss confidentially whether there is a Complaint to be addressed and, if so, how to proceed.
- 4.2 There are three internal stages to follow when making a Complaint. Subject to the exception in 6.1 below, the Junior Member should start at Stage One and follow the stages only in the sequence set out below:
  - (a) Stage One: Informal Stage
  - (b) Stage Two: Formal Stage
  - (c) Stage Three: Application for Review of the Handling of Stage Two

A Junior Member who is dissatisfied with the outcome of the internal procedures for hearing his or her Complaint may complain to the Office of the Independent Adjudicator under the national Student Complaints Scheme. Information about this is available in 8 below.

### **5. Stage One: Informal Stage**

- 5.1 The Junior Member should raise the Complaint informally as soon as possible after the problem arises. If there has been a delay, the Junior Member should explain why. The College

will not normally consider Complaints which are made more than three months after the problem originally arose or (in the case of a gradually emerging problem) more than three months after the actions or events that, according to the Junior Member, brought the problem to a head.

- 5.2 The Complaint should initially be made, in person or in writing, to the College Officer who seems most appropriate to deal with it. A list of College Officers is to be found on the College's website. A Junior Member making a Complaint in person may be accompanied in doing so by another Junior Member of the College. A College Officer who feels that he or she is not the most appropriate to deal with the Complaint may, in consultation with the Junior Member, make inquiries to identify the most appropriate College Officer, to whom the handling of the Complaint may then be transferred.
- 5.3 The College Officer handling the Complaint will investigate and attempt to resolve the Complaint expeditiously by informal means. In doing so, he or she may seek further information from the Junior Member or from any others involved, subject to the consent of the Junior Member. The Junior Member should give full and prompt assistance if asked to provide further details.
- 5.4 If the Complaint is about a particular person, the College Officer handling the Complaint will normally expect to be at liberty to inform that person that the Complaint has been made, and may decline to proceed further with Stage One of this Complaints Procedure if the Junior Member's consent to inform that person is not given.
- 5.5 The College Officer handling the Complaint will advise the Junior Member either orally or in writing of the results of the investigation, and any suggested resolution of the Complaint, within 7 days of the completion of the investigation.
- 5.6 If the Junior Member is dissatisfied with the results or the suggested resolution, he or she may proceed to Stage Two of this Complaints Procedure.

## **6. Stage Two: Formal Stage**

- 6.1 The Junior Member must exhaust Stage One above before registering the Complaint formally, or give a good reason for not doing so. A good reason might be that the problem is particularly grave, or that when the Junior Member raised the matter informally there was a refusal to deal with it (under 5.4 above or otherwise). The College and the Junior Member may also agree to waive Stage One where there have already been efforts to resolve the problem outside this Complaints Procedure (1.3 above).
- 6.2 If it appears that the informal procedure under Stage One has not been exhausted, and the Junior Member has not given a good reason under 6.1 above, a Complaint taken to Stage Two may be referred back by the College Officer concerned under 6.4 below for informal resolution under Stage One.
- 6.3 If the Junior Member decides to pursue the Complaint to Stage Two, he or she must do so within 14 days of hearing the outcome of Stage One.

6.4 At Stage Two, the Complaint should be addressed to the appropriate College Officer according to the following criteria:

- Complaints about academic provision and support: the Senior Censor;
- Complaints about provision for disabled Junior Members: the Disability Lead (Senior Censor);
- Complaints about welfare and pastoral support: the Junior Censor;
- Complaints about non-academic staff and non-academic facilities, and related financial matters: the Steward;
- Complaints about other financial matters: the Treasurer;
- Complaints about the Development Office: the Development Director;
- Complaints about one of the above College Officers and Complaints not assigned on the list above: the Dean;
- Complaints about the Dean: the senior Official Student (i.e., Tutorial Fellow);
- Complaints about the Censor Theologiae: the senior Official Student.

6.5 At Stage Two, the Complaint must be made in writing and identified by the heading 'Formal Complaint' and should include at least the following:

- (a) a description of what has happened to give rise to the Complaint, including dates, times, and all other relevant details;
- (b) if applicable, the name of the person or body within the College about whom or which the Complaint is made (although a Complaint need not necessarily be against a specific person or body);
- (c) details of the steps which have been taken so far to resolve the Complaint;
- (d) an explanation of why the Junior Member is dissatisfied with the outcome of the informal procedure at Stage One.

6.6 Within 14 days of its delivery, the College Officer to whom the Complaint is addressed at Stage Two will:

- (a) consider the matters set out in the Complaint and determine whether it is covered by this Complaints Procedure and whether he or she is the appropriate College Officer to consider it further;
- (b) acknowledge receipt of the Junior Member's Formal Complaint and either confirm that more detailed investigation will follow under Stage Two of this Complaints Procedure, or notify the Junior Member that the Complaint falls outside the Complaints Procedure (with an explanation of the reasons) or should be sent to a different College Officer (with an explanation of the reasons).

6.7 If the Complaint is to proceed under this Complaints Procedure, the College Officer handling the Complaint will appoint an Investigator, usually another senior member of

the College with no previous involvement in the Complaint or the matter complained about, who will investigate the Complaint in an independent and impartial manner. The Junior Member will be informed of the identity of any proposed Investigator before that Investigator is appointed, and will be given a reasonable opportunity to object to the appointment, stating the grounds for doing so. The College Officer handling the Complaint will appoint an alternative Investigator if, in that College Officer's opinion, the Junior Member's grounds for objecting are reasonable ones.

- 6.8 The Investigator may make such inquiries as he or she thinks fit, and the taking of a Complaint to Stage Two implies consent by the Junior Member to all such inquiries. In particular the Investigator may request additional information and documents from the Junior Member or any other person, and may hold interviews with or seek written statements from the Junior Member, any witnesses named by the Junior Member, and any other person. Notes will be taken of all interviews. Although there is no time limit for the completion of the investigation, it will be conducted as expeditiously as the subject matter allows.
- 6.9 Within 14 days of the completion of the investigation, the Investigator will produce a report setting out details of the investigation together with copies or notes of any evidence relied upon, and will provide copies of the report (complete with the supporting documentation) to the Junior Member and to any person or body who or which is the subject of the Complaint (as identified in 6.5.b above), inviting both parties to submit written comments or objections within a further 14 days.
- 6.10 Upon receipt of the response or (if no response is provided within the time allowed) after the expiry of 7 days, the Investigator will provide to the College Officer handling the Complaint at Stage Two copies of the report and any accompanying documents and any written response received from the Junior Member or the person who is directly the subject of the Complaint.
- 6.11 The College Officer handling the Complaint at Stage Two will consider the Junior Member's Complaint and the Investigator's report, and make a decision about the remedies, if any, to be implemented or any other action to be taken. In making this decision the College Officer will not (without the agreement of those concerned) take account of information or documents which are not available to the Junior Member or any person who is the subject of the Complaint.
- 6.12 Within 14 days of receiving the Investigator's Report the College Officer will write to the Junior Member to notify him or her of the outcome of the Stage Two Complaint and the action which the College Officer proposes to take, including recommendations, if any, to the Governing Body.

## **7. Stage Three: Application for Review of the Handling of Stage Two**

- 7.1 If the Junior Member is dissatisfied with the response to the Complaint at Stage Two, and wishes to take it further, he or she should pursue the Complaint to Stage Three. This must be

done within 14 days of the date of the letter from the College Officer setting out the outcome of the Stage Two Complaint.

7.2 The Complaint at Stage Three should be addressed to the Dean, or (if the Complaint is against the Dean, or the Dean was the College Officer handling the Complaint at Stage Two) to the senior Official Student (i.e., Tutorial Fellow).

7.3 A Stage Three application must be made in writing, marked 'Application for Review of Handling of Formal Complaint' and should set out:

- (a) an explanation of why the Junior Member is dissatisfied with the response to the Complaint at Stage Two; and
- (b) an outline of what action the Junior Member would like to be taken instead of that proposed by the College Officer handling the Complaint at Stage Two.

7.4 The Dean or the senior Official Student (i.e., Tutorial Fellow) (as the case may be), together with one other senior member of the College chosen by the Dean or the senior Official Student (as the case may be), will together review the Stage Three application and the Stage Two response within 14 days of receipt to determine whether there is a prima facie case for enlisting a Complaint Panel. If in their shared view there is no prima facie case the Complaint will not be pursued further by the College, and the Junior Member will be issued with a Completion of Procedures letter. The letter will contain the final decision and the reasons for it, which allows the Junior Member to proceed to a Complaint to the Office of the Independent Adjudicator if desired (see 8 below).

7.5 If the view of either person reviewing the matter under 7.4 above is that the Complaint, or any part of it, should be heard by a Complaint Panel, the matter must be put before a Complaint Panel. In that case the Dean or the senior Official Student (i.e., Tutorial Fellow) (as the case may be) will:

- (a) inform the Junior Member of the decision to enlist a Complaint Panel within 7 days of receipt of the Stage Three application; and
- (b) enlist a Complaint Panel to hear the Complaint.

7.6 A Complaint Panel will comprise:

- (a) Two Governing Body members (Governing Body members are listed on the College website), the most senior of whom will act as Panel Chair;
- (b) one Junior Member of the College nominated by the JCR President (for a Complaint by an undergraduate) or by the GCR President (for a Complaint by a postgraduate). If the Complaint has been raised by the JCR President or GCR President, the nomination may be made by the JCR Vice-President or GCR Vice-President respectively.

7.7 The members of the Complaint Panel must have no previous involvement in the Complaint or the matter complained about, and must act in an independent and impartial manner. If

Panel members meeting these conditions cannot be identified from within the College then the Dean or the senior Official Student (i.e., Tutorial Fellow) (as the case may be) will have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of Christ Church) fall under the descriptions in 7.6 above.

7.8 The Complaint Panel will be assisted by the Dean's PA (or another administrative employee of the College enlisted by the Dean or the senior Official Student (i.e., Tutorial Fellow), as the case may be) who will act as Secretary to the Panel. The Secretary to the Panel will fix a date for the hearing which should take place no later than 14 days after the appointment of the Panel. Subject to that limit of 14 days, the date should be fixed in consultation with the Junior Member and the members of the Panel as well as any person who or body which is identified as the subject of the Complaint under 6.5.b above ('the Subject').

7.9 At least 7 days before the hearing, the Secretary to the Panel will:

(a) write to the Junior Member and the Subject to inform them of the date, time and location of the hearing; b) provide the Panel Members with a bundle containing copies of:

- the Complaint as received at Stage Two;
- the Investigator's Report from Stage Two;
- any written comments on the Investigator's Report made by the Junior Member or a person who is the subject of the Complaint;
- the letter from the College Officer handling the Complaint at Stage Two to the Junior Member setting out the Stage Two response;
- the Complaint as received at Stage Three;
- any other relevant documents; and

(b) ensure that the Junior Member and the Subject have copies of all of the documents which are before the Panel.

7.10 The Junior Member and the Subject will also be informed that they are each entitled to be represented or accompanied at the hearing by a Friend. This Friend will normally be a member or employee of the College. A Panel will not allow legal or other professional representation for the Junior Member or the Subject. The Junior Member and the Subject will inform the Secretary to the Panel of the identity of their respective Friends, indicating whether they will be representing or merely accompanying Friends, at least 72 hours before the hearing. It is the responsibility of the Junior Member and the Subject to inform their Friends, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of any person that person will surrender the right to speak on his or her own behalf, except as a witness. Unless the Panel agrees that exceptional circumstances prevent it, the Junior Member must attend the hearing for the Complaint to be heard, and must be ready to appear as a witness at the Panel's request. This is so even if the Junior Member has asked a Friend to speak on his or her behalf. The attendance of the Subject or a Friend of the Subject is not compulsory.

- 7.11 If the Junior Member or the Subject wishes the Panel to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least 72 hours before the hearing. Any documentation submitted after this date will not be considered by the Panel unless the Panel decides that exceptional circumstances warrant its inclusion. The Secretary will then ensure that it is circulated to the Panel and the other party as soon as possible.
- 7.12 At least 7 days before the hearing, the Junior Member and the Subject will inform the Secretary of any witnesses they wish to appear at the hearing. The Secretary will in advance of the hearing provide a list of witnesses to the Junior Member, the Subject, and the Panel. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from the Panel and from either party as allowed under 7.13 and 7.14 below. It is the responsibility of the person desiring the appearance of the witness to ensure that he or she attends. The Panel Chair may also request the attendance of witnesses not nominated by the parties, in which case it will be for the Secretary to ensure attendance and to notify the parties of the additional witnesses being called by the Panel.
- 7.13 Where the Junior Member and the Subject agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the Panel it would not be appropriate for a witness to attend, the Panel may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least 72 hours before the hearing. The Secretary to the Panel will then circulate them to the other parties and the Disciplinary Panel as soon as possible.
- 7.14 The Junior Member and the Subject will have the opportunity to address the Panel at the hearing, either in person or through their respective Friends. The Panel may also hear witnesses in any order and in any manner that it deems appropriate, having regard to the principles of procedural fairness. Questions will be asked of witnesses in the first instance by the members of the Panel. At the discretion of the Chair, the Junior Member and the Subject may also (personally or through their Friends as the case may be) ask questions of any witnesses.
- 7.15 Subject to the above, the Panel has the power (having regard to the principles of procedural fairness) to regulate the procedures governing preparations for the hearing, and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as appropriate, informal and flexible.
- 7.16 When the Panel members consider their findings and recommendations, each will be given the opportunity to present and discuss his or her impressions and conclusions regarding the Complaint and the hearing. The Panel will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any Panel member other than the Chair. The success or failure of any motion will be determined by majority vote. The Panel will not take account of any information or documents which were not available to the Junior Member or which were not available to the Subject (if there is one) at or before the hearing.

- 7.17 The decision of the Panel will not be announced until at least 24 hours after the hearing. The Panel may take up to 7 days after the hearing to reach a decision. Within 14 days of the hearing, the Panel will produce a written report setting out their findings and recommendations, and the reasons for them. In the case of a majority decision, the decision and the reasons will be those of the majority. No dissenting opinion will be presented.
- 7.18 The decision of the Complaint Panel is final. Within 7 days of the Panel's reaching a decision, the College will issue a Completion of Procedures letter to the Junior Member, which allows the Junior Member to make a Complaint to the Office of the Independent Adjudicator. The letter will contain or append the decision of the Panel and the reasons for it.

## **8. Complaint to the Office of the Independent Adjudicator under the national Student Complaints Scheme**

- 8.1 A Junior Member who is dissatisfied with the outcome of the internal procedures for hearing their Complaint may have their case reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).
- 8.2 If the Junior Member wishes to pursue the Complaint, he or she must apply to the OIA within 3 months of the issue of the Completion of Procedures letter.
- 8.3 The application form and guidance notes may be downloaded from the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk).