

Resolving and Settling Differences procedure

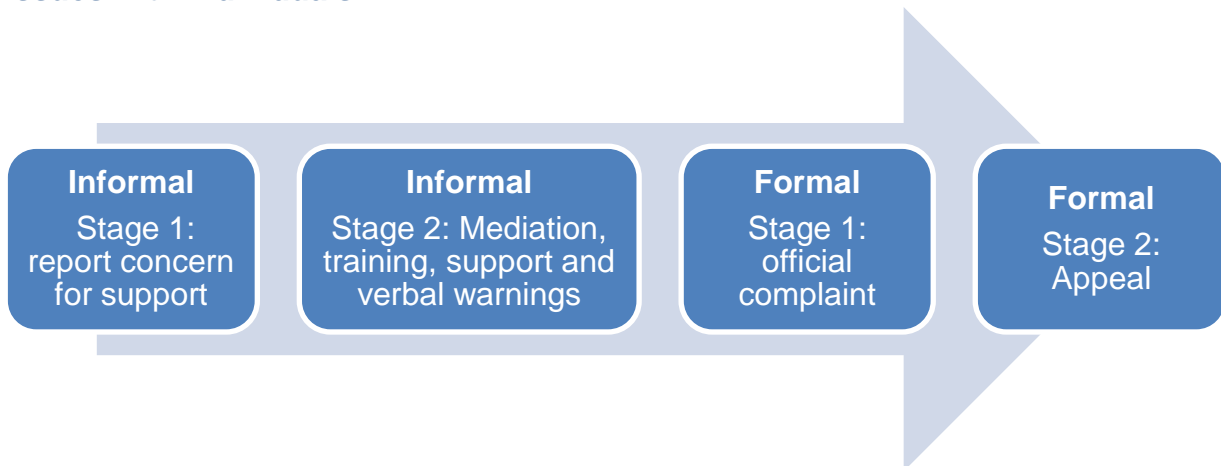
The Association aims to treat everyone fairly, objectively and consistently. We seek to ensure that members' views are heard, noted and responded to promptly and aim for a positive and amicable solution.

We separate issues into two main categories:

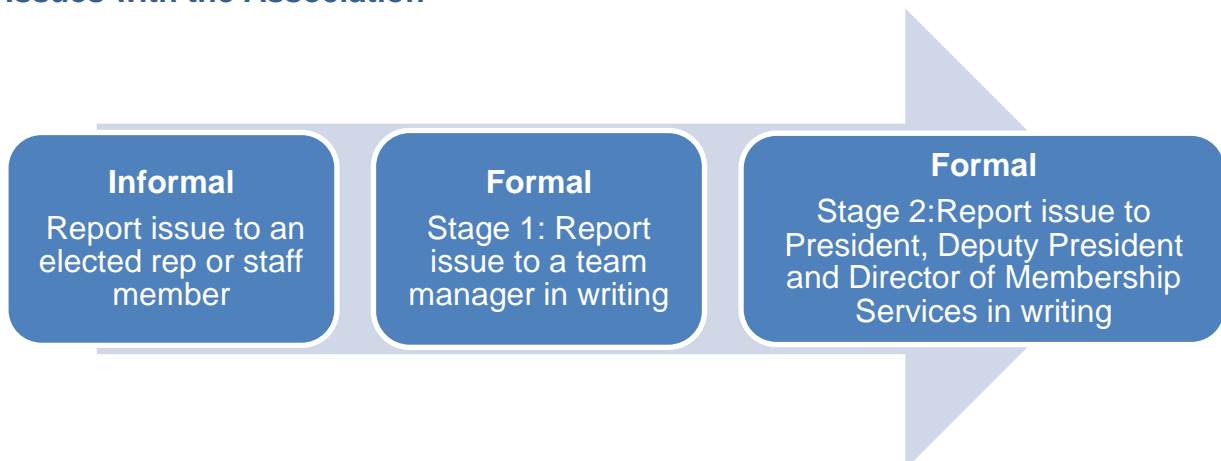
1. Issues with individuals (e.g. inappropriate behaviour).
2. Issues with the Association (e.g. systems and procedures).

Each category has a separate procedure detailed in this document. These procedures will attempt to resolve your issue informally in the first instance. However, if you are unsatisfied with the resolutions offered, you can continue and follow the formal part of the procedures. If your issue is related to behaviour in an Association forum, please refer to section D of the 'Comprehensive guide to the Association Forums' (complaints and disciplinary procedures) found within our bye-laws.

Issues with individuals



Issues with the Association



Who can raise an issue?

This procedure can be used by all OU students or recent alumni, Association members, Association staff, OU staff, donors or guests of the Association who feel it is necessary to report an issue or concern. At any stage, we may refer the issue to the University if relevant.

Acknowledgement of your issue/complaint

We will acknowledge receipt of reports, feedback or complaints at any stage within five working days (working days do not include weekends, bank holidays or university closure days). Please be aware that if you get an out-of-office response to your email, the timeline will begin from the date of return to the office. If you are raising an urgent concern and receive an out-of-office response or you do not know who to contact, please email OUSA-complaints@open.ac.uk with a summary of the issue so that someone can be allocated to support you.

Who will be involved?

At the informal stages, you will be offered support by members of the staff team who have been trained in mediation and who will be happy to help you resolve issues.

If your issue is escalated to a formal complaint, the President, Deputy President and Director of Membership Services will review the complaint to decide if an investigation is needed and, in these cases, a panel will be assembled. Panels will always consist of five students, made up of relevant members of the Central Executive Committee, Board of Trustees and student members of the Central Disciplinary Committee.

Support available

Being the subject of a complaint is never easy. Any individual, even when a suspension is issued, will be provided with an individual point of contact – a staff member who will check in with you, answer questions about the process and point you to relevant services to support your wellbeing. They can attend meetings with you and clarify information for you.

Malicious complaints

Unfortunately, malicious complaints (those based on lies, or with an ulterior motive) do occur. We do our best to avoid these from escalating to the formal stages of this process, but it is not always possible to discover the truth until there is an investigation. We will take action against anyone making malicious complaints.

What information do we share with the University?

The University will be told if any student is:

- temporarily or permanently removed from the Association.
- deemed a threat to the reputation of the University or to the safety of others.

The sharing of this information is covered by our data-sharing agreement with the University.

Personal data collection and retention

As part of this process, confidential, accurate records will be kept in line with our Retention Policy and Data Protection Policy. These records will be used internally to administer this process.

Issues with individuals

This procedure should be used for individuals* who engage in one or more of the following:

1. Failure to follow any live Association Policy, including but not limited to:
 - The Association Values and Behaviour Policy.
 - Safeguarding Policy.
 - Election rules.
2. Any other wilful behaviour likely to bring the Association into disrepute.
3. Making vexatious, malicious or persistent complaints.

**Any complaint about Association staff will be dealt with under our staffing policy.*

Informal procedure

Stage 1: Reporting issues

Working alongside others, particularly remotely, mean differences of opinion and working styles can cause conflict. The best approach is to sort things out informally in the first instance, as in the majority of cases it is simply a miscommunication or misunderstanding with no bad intent on either side. Practise positive intent, but be aware that sometimes there is a need to intervene to prevent issues from escalating, or to provide opportunities for learning to support a cohesive environment.

The best way to resolve issues is to address them as soon as possible after an incident. If you feel confident speaking to the individual concerned, please do so from a place of good intent and kindness, recognising that they may not have had any malicious intent. If you would like support with an individual's behaviour, please report any concerns to an appropriate staff member, who will seek to understand what has happened and work with you to identify an appropriate resolution. This may include support for you to have your own conversation, as involving a third party can often affect the working relationship you have with the other person.

If staff members need to intervene, individuals will be advised that their behaviour has been reported; they will be asked to engage with us to explore what has happened and seek reasonable resolution for both parties.

It is important for creating a safe and supportive culture that all members recognise their responsibility to challenge or report anything that they deem to be inappropriate, or which goes against our Values and Behaviours Policy.

Stage 2: Mediation

At the Association we have trained mediators to resolve issues between members. When issues are raised that cannot be easily resolved, we will seek to engage all those involved in mediation to give everyone a chance to be heard and to allow actions and ways forward to be agreed and recorded.

Mediation allows us an opportunity to better understand others and can be effective in resolving conflicts when individuals have felt uncomfortable addressing the issues

directly themselves with the other party.

At this stage, informal warnings may be issued, and further training or support from staff or other experienced volunteers may also be recommended. It is important to agree timescales for change so that everyone understands the plan.

If mediation has taken place, but the issues have continued, or if one party has refused to engage with mediation, you can escalate your case to a formal complaint.

Formal complaint procedure

Stage 1

You can submit a formal complaint if:

- you have already attempted to resolve your issue through the informal process.
- your concern relates to discrimination or harassment related to a protected characteristic (refer to our [Values and Behaviour Policy](#) for more information).

Any report about an individual who has already had a formal written warning about similar behaviour within the last 12 months will automatically be escalated to a formal complaint.

Where complaints are about elected members, the panel will not include members from the same committee as the person who is either the subject of or the initiator of the complaint. For example, CEC members will not sit on a panel that is investigating a complaint from or against a CEC member.

To submit your complaint, write to the President and Director of Membership Services using the OUSA-complaints@open.ac.uk. Include in your letter all relevant details about your complaint, who it is about and what happened, your name and how you may be contacted. Where appropriate, include evidence, e.g. screen shots or emails, names of witnesses and the outcomes of any previous resolutions or mediation.

An initial assessment of whether there is a case to answer will be carried out by two of the following: President, Deputy President, Director of Membership Services. In cases of alleged discrimination, an investigative panel will **always** be formed.

In cases where a complaint is about or involves the President, Deputy President, or Director of Membership Services, then the Chief Executive Officer, Chair of Trustees or other delegated member of staff may be involved to ensure fairness and remove bias.

Should they find that there is no case to answer, the Director of Membership Services will work with you to find ways to help move things forward.

Should they find that there **is** a case to answer, a Student Panel will be appointed to investigate your complaint. None of the panel members should have prior involvement with the complaint or have a close personal relationship with you or the subject of the complaint.

The panel will be supported by the Director of Membership Services or other delegated member of staff, who will provide a private online discussion space, collate evidence and administer the complaint.

The individual who is the subject of the complaint will have the right to reply, and will be given ten working days to submit their response and any evidence to the panel. They will be given the full text of the complaint against them to allow them the chance to respond. Details of the complainant and the person complained about are confidential to the panel.

The panel will aim to meet within 15 days of the acknowledgement email, so they can discuss all evidence provided to them. They will either uphold, partially uphold or not uphold your complaint. Decisions will be based on the majority view within the group based on evidence available. Within their response, the panel will also make recommendations for resolutions and sanctions along with a suggested timeline for these to be actioned. You will receive a full report in response to your complaint within 28 working days.

The panel can impose sanctions up to and including temporary removal from the Association. Any permanent removal must be approved by the Board of Trustees.

Stage 2: Appeal

You will have ten working days to submit an appeal to OUSA-complaints@open.ac.uk.

You may only appeal if:

- the decision or sanction are disproportionate to the offence and evidence provided.
- new evidence has come to light since the original decision.
- the procedure was not applied correctly.

A new panel with no previous involvement in the original complaint will be formed.

They will have 28 working days to make their decision, and you will have the opportunity to meet with them if you want to. You may bring someone to support you in this meeting. If a decision cannot be made within the 28 working days, you will be given an update and explanation for this, with a new estimated timeline.

The Appeal panel has the power to overturn decisions, reduce sanctions and offer other suitable adjustments as necessary. It may not increase sanctions. The decision of the Appeal panel is final.

Issues with the Association

Informal procedure

This procedure should be used if you are unhappy about any aspect of the Students Association services – for example, we are using a platform that is not accessible, or you are unhappy with one of our processes (such as elections, recruitment or fundraising). We want to solve your problem as quickly as possible. The best way to do this is for you to talk to a member of the CEC or a member of staff, explaining what is wrong and what they can do to correct it.

They, or the appropriate team member, will endeavour to put it right immediately and will check that you are happy. If this is not possible, they will tell you what they are going to do to address the issue you have raised.

If you are still not happy and want to take the complaint further, you will need to raise a formal complaint following the procedure below.

Formal complaint procedure

Stage 1

Write to the Team Manager (you can [find the staff chart here](#)) who looks after the area you are concerned about, saying that you are making a formal complaint. Say what your complaint is, with all relevant details including what the situation is and what outcome you would expect from us. Include your name and how you can be contacted.

If you are unsure who the Team Manager is, please send your complaint to the OUSA-complaints@open.ac.uk inbox and we will be able to forward this to the correct staff member for you.

They will look into your complaint and decide the best way of solving the problem. Hopefully you will be able to accept the Team Manager's guidance and work together to come to a resolution.

If this does not resolve the issue, or the Team Manager has not offered a way forward within 15 working days of you writing to them, you should use Stage 2 of the procedure.

Stage 2

If either Stage 1 of the complaints procedure did not solve the problem or the Team Manager did not respond, write to the President and Director of Membership Services using the OUSA-complaints@open.ac.uk email. Include in your letter all relevant details about your complaint; why (if relevant) you are dissatisfied with the Team Manager's findings; your name and how you may be contacted. Where appropriate include evidence and copies of any previous communication about the problem.

In cases where a complaint is about, or involves the President, Deputy President, or Director of Membership Services, then the Chief Executive Officer, Chair of Trustees or other delegated member of staff may be involved to ensure fairness and remove bias.

Should they find that there is no case to answer, the Director of Membership Services will work with you to find ways to help move things forward.

Should they find that there **is** a case to answer, a Student Panel will be appointed to investigate your complaint, none of whom should have prior involvement with the complaint. An external observer may be asked to support the panel in their decision making to ensure a fair process.

The panel will be supported by the Director of Membership Services or other delegated manager, who will provide a private online discussion space, collate evidence and administer the complaint.

You should receive a full response to your complaint within 28 working days of receipt of the complaint. If no conclusion has been reached by this time, you will be given an update and explanation for this, with a new estimated timeline.

The decision of this Panel is final. If you are still not happy with the outcome, you can escalate your concerns to the University through their complaints process.