

Resolving and Settling Differences Procedure

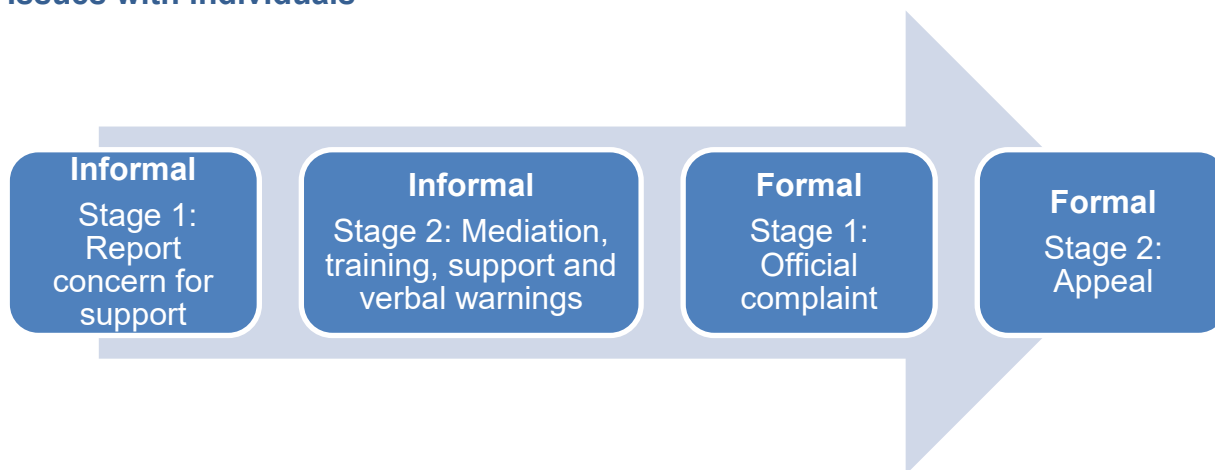
The Open SU aims to treat everyone fairly, objectively, and consistently. We seek to ensure that members' views are heard, noted, and responded to promptly and aim for a positive and amicable solution.

We separate issues into two main categories:

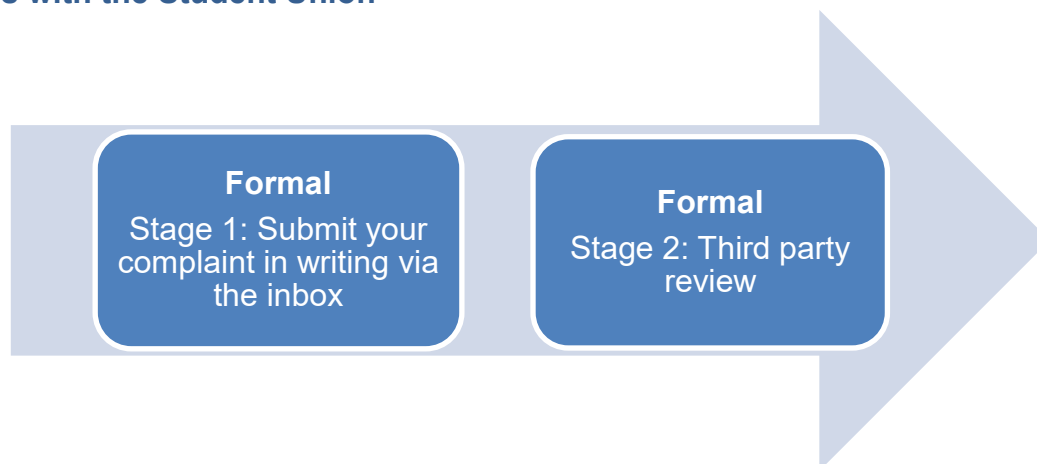
1. Issues with individuals (e.g. inappropriate behaviour).
2. Issues with the Open SU (e.g. systems and procedures).

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.

Issues with individuals



Issues with the Student Union



Who can raise an issue?

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

This procedure is open to the above groups where they believe there has been a breach of Open SU policy or a failure of process, or where there is clear evidence of unfair treatment or discrimination by the Open SU or a member of the organisation. It is not intended for expressions of general dissatisfaction, disagreements with decisions where due process has been followed, or for raising malicious or vexatious complaints.

Acknowledgement of your issue/complaint

You will receive an acknowledgment or receipt of reports, feedback, or complaints at any stage within 5 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 oustudents-people@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 will work with you to try to resolve your issues without further escalation.

If your issue is escalated to a formal complaint, a review will be carried out to decide whether an investigation is required. Where a complaint proceeds formally, a panel will be assembled, consisting of three to five people, made up of relevant members of the Student Leadership Team (SLT), Board of Trustees (BoT) and student members of the Central Disciplinary Committee or a similar body.

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.

What information do we share with the University?

The University will be told if any student is:

- temporarily or permanently removed from the Open SU.
- 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 Open SU Policy, including but not limited to:
 - The SU Values and Behaviour Policy.
 - Safeguarding Policy.
 - Election rules.
2. Any other wilful behaviour likely to bring the SU into disrepute.
3. Making vexatious, malicious, or persistent complaints.

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

Informal procedure

Stage 1: Reporting issues

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. At the same time, our preference is always to resolve issues amicably wherever possible, by encouraging open and respectful conversations, bringing people together to talk, and seeking mutual understanding before matters escalate further.

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

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. In some cases, mediation will be carried out externally.

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).

To submit your complaint, write to oustudents-people@open.ac.uk, stating in the subject line 'Complaint.' Include in your email 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.

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.

A review of whether there is a case to answer will be carried out involving either the President or Deputy President and either Head of People or a Senior Manager. Where it is necessary to avoid conflicts of interest, the Chair of Trustees or other delegated member of staff or trustee may be involved to ensure fairness and remove bias. External advice will be sought where it is deemed necessary.

In cases of alleged discrimination, with relevant supporting evidence, an investigative panel will **always** be formed.

Should they find that there is **no** case to answer, the Head of People or a member of the Senior Management Team will work with you to find ways to help move things forward.

Should the review conclude there **is** a case to answer, a Complaints Panel will be appointed to investigate your complaint. We will avoid conflicts of interest when considering the composition of the complaints panel and none of the panel members should have prior involvement with the complaint or the subject of the complaint.

The panel will be supported by the Head of People or an externally appointed investigator, who will provide an online discussion space, collate the evidence, administer the complaint, and deliver the complaint outcomes.

The subject of the complaint will be sent the full text of the complaint against them and have 10 working days to submit their response and any evidence to the panel.

Details of the complainant and the person complained about are confidential to the panel and Head of People or whomever is conducting the investigation.

In some cases, it may be necessary to ask witnesses to provide information to support the investigation of a complaint. To ensure fairness, witnesses may be provided with a summary of the relevant parts of the complaint so they can understand the context of their evidence.

Both the complainant and subject of the complaint will be able to provide names and contact details of their selected witnesses. They will have 3 working days to provide these names.

When information is shared with witnesses:

- Only the minimum information necessary will be disclosed.
- Information that is irrelevant to the witness's evidence will not be shared.
- Special category data (e.g. health information, trade union membership, religious belief) will only be shared if it is strictly necessary for the investigation.
- Witnesses will be informed that the information is confidential and may only be used for the purposes of the complaint process and cannot discuss the complaint with anyone else, including the individual they are providing a witness statement for
- They will have one week to provide their witness statement.

All parties involved in the process are expected to respect confidentiality. Unauthorised disclosure of information may be treated as a disciplinary matter.

In exceptional cases, where it is necessary for reasons of fairness or accuracy, a witness may be provided with a full copy of the complaint. Any such disclosure will be limited to what is strictly necessary and may involve redacting sensitive or irrelevant information.

The panel will aim to meet within 21 working days to consider the complaint. They will either uphold, partially uphold, or not uphold each element of the complaint. Decisions will be based on the majority view within the group based on evidence available. Within their response, the panel may also make recommendations for resolutions and sanctions along with a suggested timeline for these to be actioned. Both the complainant and the subject of the complaint will receive a full report within 28 working days (working days do not include weekends, bank holidays or University closure days).

There may be circumstances where additional time is required, for example where further evidence needs to be gathered or clarification sought from legal or HR advisors. Every effort will be made to keep within the stated timelines. Where this is not possible, both parties will be informed, provided with revised timescales, and given clear reasons for the delay.

Whilst we recognise that waiting for the outcome to be delivered can have an emotional impact on the subject and complainant, we are unable to provide any indication of the outcome, prior to the report being delivered.

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

Stage 2: Appeal

Both the subject of the complaint and complainant will have 10 working days to submit an appeal to oustudents-people@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.

Appeals will not be considered where the reason is simply disagreement with the outcome, dissatisfaction with the sanctions applied, or a desire to re-argue the original complaint without presenting new evidence. The appeal process is intended to ensure fairness and correct procedure, not to provide a second hearing of the same issues.

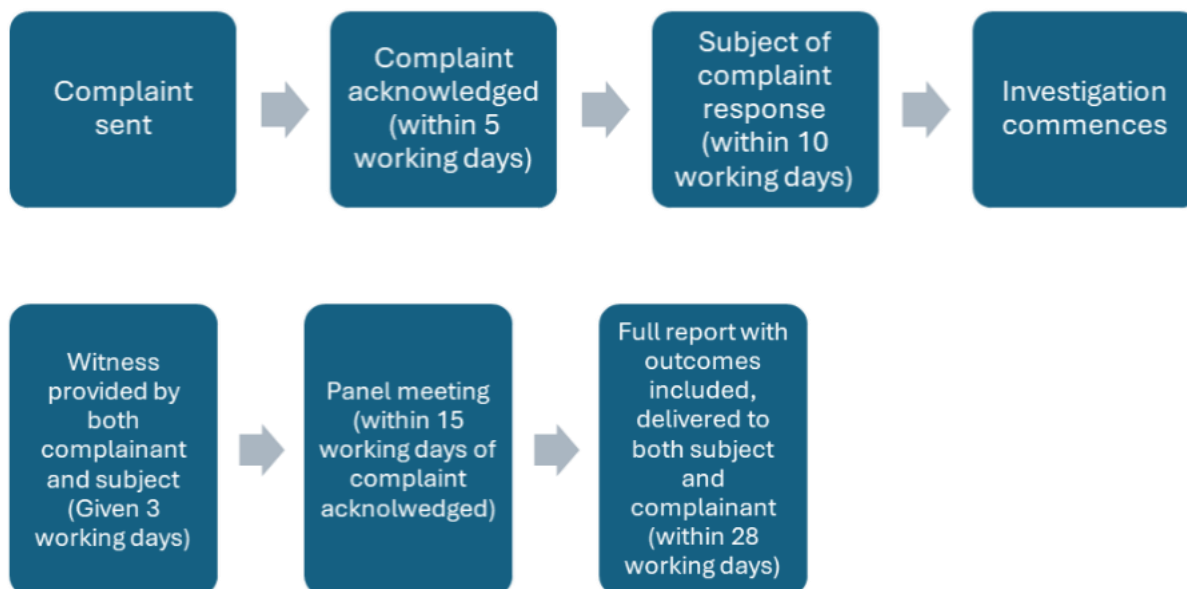
The appeal will be reviewed by someone who has not been involved in the stage 1 complaint to determine whether it meets the grounds set out above. If it does, where possible, a new panel with no previous involvement in the original complaint will be formed. However, if an additional panel can not be sourced, it will be outsourced to an external person independent of the complaint. If it does not, you will be informed in writing that your appeal has not been upheld, with reasons provided.

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/external advisor 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. Further correspondence after the appeal decision has been made will not be responded to.

If you are still not happy with the outcome, you can escalate your concerns to the University through their complaints process.

Please note, you cannot escalate your appeal to the Open University Casework Office until you have completed the Open SU's complaints and appeal process.



Issues with Open SU

This procedure should be used if you are unhappy about any aspect of the Open SU's services, systems, or processes – for example, if a platform we use is not accessible, or if you are concerned about one of our procedures (such as elections administration, recruitment processes, or fundraising).

This procedure does **not** apply to:

- disagreements with the outcome of democratic processes (e.g. elections, referenda, policy votes) unless there is evidence of discrimination, bias, or a procedural error.
- dissatisfaction with recruitment outcomes unless there is evidence of discrimination, bias, or a procedural error.
- policy decisions made by the Board of Trustees, unless there is evidence that due process was not followed.

Complaints should normally be raised within 20 working days of the issue arising. We will not consider complaints that are malicious, vexatious, or persistent without grounds.

We want to solve problems as quickly as possible. The best way to do this is for you to talk to a member of the Student Leadership Team or a member of staff, explaining what is wrong and what can be done 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 can raise a formal complaint following the procedure below.

Formal complaint procedure

Stage 1

To begin the complaints process, please send your complaint to the dedicated inbox at oustudents-people@open.ac.uk. In your email, please include all relevant details about the complaint, including what the issue is and how it affects you with evidence if possible, and what outcome you are seeking.

Once your complaint is received, an initial review will be held to ensure that the complaint meets the criteria outlined above. This review will determine if the complaint falls within the scope of the procedure and meets the necessary criteria.

If the complaint is found to be valid and within scope, an investigation will be carried out by a member of staff, with a view to achieving a resolution within 21 working days of receipt of your complaint.

You will receive a formal written response following the completion of the investigation. This response will confirm whether your complaint has been upheld, partially upheld, or not upheld. It will include a summary of the findings, the reasons for the decision, and any actions or changes the Open SU will take as a result. For example, updates to procedures, systems, or practices. The response will also outline any next steps, including how and when any agreed actions will be implemented. Where appropriate, information about further routes for feedback or escalation will also be provided.

If the complaint does not meet the criteria, you will be informed and provided with guidance on any alternative channels or next steps.

Stage 2

If your complaint was not resolved to your satisfaction at Stage 1, you may escalate it to Stage 2. However, it is important to note that Stage 2 is intended for complaints that meet specific criteria. These include:

- **Procedural Errors:** If you believe that the complaint handling at Stage 1 did not follow the correct procedure.
- **New Evidence:** If you have new and relevant evidence that was not available at Stage 1 and that could significantly impact the outcome.
- **Unfair Treatment:** If you believe there was bias or discrimination that affected the Stage 1 decision.

A basic disagreement with the outcome of a Stage 1 complaint or wanting to re-argue the original points without new evidence or procedural concerns will not qualify for Stage 2 escalation.

To escalate your complaint to Stage 2 you must write to the oustudents-people@open.ac.uk email address including your basis for escalation and any new evidence. Please include your name and how you may be contacted.

Your appeal will be reviewed, and external advice may be sought where it is deemed necessary or helpful, or where there may be a conflict of interest.

Should they find that there is no case to answer, you will receive a formal response outlining the reasons why.

For the purposes of objectivity, an external provider may be asked to investigate any Stage 2 complaints about the Open SU.

Should the review conclude there is a case **is** a case to answer, for the purposes of objectivity, an external provider may be asked to investigate.

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 Investigation is final. If you are still not happy with the outcome, you can escalate your concerns to the University through their complaints process.

Please note, you cannot escalate your appeal to the Open University Casework Office until you have completed the Open SU's complaints and appeal process.