Complaints Procedure: Oxford University Lancers American Football Club (OULAFC)

This document sets out the procedure for complaints ("Complaints") against a member or members of the Lancers American Football Club (the "Club") including for breach of the Club's Code of Conduct or the University of Oxford's Policy and Procedure on Harassment.

1. **Applicability of the procedure**

This procedure applies where a person believes that a Club member or members have failed to act in accordance with the Club's Code of Conduct, or the University of Oxford's Policy and Procedure on Harassment, or have acted in breach of their obligations under the Club Constitution, during or in connection with Club activities.

2. **Definition of the "Committee"**

a. If the person or persons being complained about (the "Subject(s)") is one or more member(s) of the Committee, then the references to the "Committee" in this procedure are to the members of the Committee excluding the Subject(s).

b. If the identity of the Subjects and any conflicts of interest is such that it is impossible for a quorate Committee to consider the Complaint, the Complaint should be referred for consideration to the Senior Member, or, if the Senior Member is conflicted, to the Proctors (casework@proctors.ox.ac.uk).

3. **General**

a. Time limits in this procedure should usually be met by all parties. Time limits may only be extended by the relevant decision-maker(s) where it is necessary to do so in order to ensure a fair outcome (for example, where more time is needed because of a party's illness, the timing of examinations or during the holidays).

b. Complaints will be dealt with confidentially by all parties involved, except where it is necessary to disclose information to carry out a fair investigation.

c. Complaints can be made anonymously and can lead to informal action but the extent to which an investigation can be carried out is likely to be limited where the person making the report does not want to be identifiable because of the need to follow a fair process for all. For example, it is very unlikely that a complaint could remain anonymous if it is likely that penalties will be imposed.

d. The Committee may decline to consider malicious, vexatious or frivolous complaints.

e. If the complaint relates to conduct which could constitute a serious criminal offence the Club should seek advice from the Proctors' Office (casework@proctors.ox.ac.uk).

f. Nobody who has a conflict of interest should be involved in decision-making under this procedure. If there is a doubt as to whether a conflict exists advice should be sought from the Senior Member.

4. **Informal resolution**

a. The person making the complaint should consider taking steps to resolve the matter informally before making a formal complaint. This might include discussing the matter with the Subject, and/or seeking advice from the Welfare Officer, the Senior Member or contacting the Sports Federation. The University's Student Welfare and Support Services provide an informal mediation service which is available to students.

5. **Referring a Complaint**

a. A formal complaint should be made to the Committee by being given to any member of the Committee, in writing, as soon as possible after the conduct complained of (the "Complaint"). To ensure the complaint can be investigated appropriately, this should be within **1 month** of the conduct complained of (the "Complaint"). The committee may accept later complaints if they think it is fair and appropriate to do so, having regard to relevant factors which may include the impact on those involved in the complaint, the interests of the Club and the reasons for the delay.

b. The Complaint should be in writing and should include:

i. A detailed description of the event(s) complained of;

ii. The outcome that is sought;

iii. Statements by any people who witnessed the event(s) or were affected by them; and

iv. Any other documents or evidence relied upon in support of the Complaint.

c. If the Complaint includes an anonymous statement from a witness or refers to an individual without disclosing their identity, it must include the reasons why anonymity is requested in each case.

6. **Interim Measures**

a. If it is necessary to do so to protect either or both parties and/or other club members from a risk of harm and/or distress, the Committee may suspend the Subject's Club membership and/or access to Club activities and/or facilities for up to **2 months** pending proceedings under this procedure.

7. **Response to the Complaint**

a. Within **5 working days** of receipt of the Complaint, the Committee will :-

i. send the person making the Complaint an acknowledgment of receipt; and

ii. write to the Subject attaching the Complaint, all of the accompanying evidence and a copy of this procedure and stating that the Subject has **10 working days** to provide written representations and any evidence in response to the Complaint (the "Response").

b. If the Response includes an anonymous statement from a witness or refers to an individual without disclosing their identity, it must include the reasons why anonymity is requested in each case.

8. **Further Enquiries**

a. Upon receipt of the Response, the Committee may make any further enquiries of any person that they consider necessary or desirable.

b. If the Complaint is likely to result in significant sanctions (such as under 11(a)(iii)-(v) below, the discussions of the Committee must involve consultation with the Senior Member under Paragraph 7 of the Club's constitution (the "Constitution").

9. **Decision: Complaints against Club members who are not Committee members**

a. The Committee shall record its decision and the reasons for it in writing and shall send a copy of the reasoned decision to the parties within **10 working days** of the deadline for the Response.

10. **Decision: Complaints against Committee members**

a. If the Complaint is against one or more Committee members, the Committee shall send:

i. a copy of the Complaint file; and

ii. a list of five club members who are not Committee members and who the Committee members who are not the subject(s) of the complaint consider suitable to consider the matter and determine the appropriate penalty, together with their email addresses,

to the Senior Member within **5 working days o**f the deadline for the Response.

b. The Senior Member shall contact the five club members selected under 10(a)(ii) and ask them to confirm if they have any conflicts of interest and their availability and shall then select three of the five recommended members under 10(a)(iii) to form a disciplinary committee in accordance with paragraph 28 of the Constitution (the "Disciplinary Committee") within **3 working days** of receipt of the complaint file. If it is not possible to identify three members able to form a Disciplinary Committee (for example, because of conflicts or lack of availability) the Senior Member may appoint other members of the Club and/or ask the Committee members who are not the subject(s) of the complaint for further suggestions.

c. The Disciplinary Committee shall consider the matter in consultation with the Senior Member and determine the appropriate outcome. When arriving at its decision the Disciplinary Committee shall have full discretion to arrive at any decision they deem appropriate and to make any further enquiries of any person that they consider necessary or desirable.

d. If the identity of the Subject(s) and/or any conflicts of interest are such that it is not possible for a quorate Committee to consider the matter under paragraphs 5-8 above, the Committee shall, on receipt of a Complaint under paragraph 5, send it to the Senior Member and the Senior Member shall select a Disciplinary Committee to consider the matter in place of the Committee in accordance with this procedure and without input from the Committee and without receipt of Recommendations from them.

e. If the Senior Member is the Subject, or the Senior Member is otherwise conflicted, the role of the Senior Member in paragraphs 10(a)-(d) shall be replaced by a staff member of the Sports Federation.

f. The Disciplinary Committee shall record its decision and the reasons for it in writing and shall send a copy of the reasoned decision to the parties within **10 working days** of formation of the Disciplinary Committee under 10 (b).

11. **Sanctions**

a. The sanctions that may be imposed under this procedure include:

i. Suspension of, access to or use of all or some of the Club's activities or facilities for a fixed period (for example, sports competitions, Club socials, equipment or kit);

ii. Suspension of membership of the Club for a fixed period;

iii. Removal from office;

iv. A permanent or time-limited ban from standing for any Club Committee position;

v. Removal of membership of the Club.

12. **Review**

a. An Oxford University student, including any student who has a contract for study with the University, whose membership of the Club is removed under this procedure has a right to ask the Proctors to review the Committee's decision, under Paragraph 7 of the Constitution. The Proctors'

review will consider whether the appropriate procedure has been followed and whether there has been any procedural irregularity or error. Such a review request should be made within **10 working days** of notification of the decision of the Committee or Disciplinary Committee.

13. **Promoting good practice**

a. The Committee will keep a record of all Complaints received and prepare an annual report that, in anonymised form, will set out:

i. the category of such Complaints (e.g. harassment, funding disputes or service issues);

ii. an overview of how Complaints were resolved; and

iii. any Committee recommendations arising from them (for example, what further steps, including training, the Club may wish to consider to deal with incidents of harassment).

b. Non-anonymised records should be held securely and destroyed when they are no longer needed, in accordance with data protection legislation