

# Oxford University Athletic Club

## COMPLAINTS PROCEDURE

This document sets out the procedure for complaints (“Complaints”) against a member or members of the Oxford University Athletic Club (including Oxford University Athletic Club and Oxford University Cross Country Club) (the “Club”) including for breach of the Club’s Code of Conduct, the University of Oxford’s Policy and Procedure on Harassment and England Athletics Safeguarding Policy and Procedures.

### **1. APPLICABILITY OF THE PROCEDURE**

- a)** This procedure applies where a person believes that a Club member(s), life member(s), life vice-president(s), coach(es) or volunteer(s) have failed to act in accordance with the Club’s Code of Conduct, the University of Oxford’s Policy and Procedure on Harassment, England Athletics Safeguarding Policy and Procedures or have acted in breach of their obligations under the Club Constitution, during or in connection with Club activities which might reasonably be considered as bringing or having the potential to bring the Club into disrepute.

### **2. 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 Secretary may decline to consider malicious, vexatious, or frivolous complaints.
- e)** The Club may refer a complaint to the Proctors’ Office if judged as beyond the Club’s ability to resolve.
- 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.

### **3. 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.

#### **4. REFERRING A COMPLAINT**

- a)** All formal complaints regarding the misconduct of club members should be submitted in writing to the Club Secretary, or where the matter relates to the Club Secretary, submit the complaint to the Club Welfare Officer, as soon as possible and at the latest within one month of the conduct complained of (the “Complaint”).
- 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.

#### **5. 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 Secretary 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.

#### **6. RESPONSE TO THE COMPLAINT**

- a)** Upon receipt of a formal complaint, the Secretary shall, having taken and subject to such advice as he or she considers it prudent to take in the circumstances, ideally within 5 working days of receipt of the Complaint:
  - i) write to the person or persons making the Complaint an acknowledgment of receipt; and
  - ii) write to the Member or Members attaching the Complaint, all of the accompanying evidence and a copy of this procedure and stating that the Member or Members have 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.

#### **7. FURTHER ENQUIRIES**

- a)** Upon receipt of the Response, the Secretary may make any further enquiries of any person that they consider necessary or desirable.
- b)** The Secretary will then determine if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided and will dismiss any frivolous complaints at this stage.
- c)** If the matter is sufficiently evidenced a process will be pursued. The Club Secretary will appoint three (3) Committee Members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
- d)** If the Complaint is likely to result in significant sanctions (such as under 9(a)(iii)-(viii) below, the discussions of the Disciplinary Panel must involve consultation with the Senior Member, although the Senior Member does not have to be a member of the Disciplinary Panel.

#### **8. DECISION**

- a) The Club Disciplinary Panel will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved. The Club Disciplinary Panel will have the power to suspend temporarily from membership any Member accused of an offence or misconduct, pending further investigations or enquiries. This suspension shall be to facilitate the investigation and be without prejudice to the outcome of the investigation.
- b) The Disciplinary Panel will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned, who may be accompanied by a supporter, if so desired, to meet with it and answer the allegations and the Disciplinary Panel will hear such witnesses as are reasonably produced. The Disciplinary Panel will make such procedural provisions as necessary for the just and efficient disposal of the case.
- c) The Disciplinary Panel 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 formation of the Disciplinary Panel.

## **9. SANCTIONS**

- a) If the Disciplinary Panel is satisfied that an offence of misconduct has been committed by a Member, then it may impose one or more of the following actions:
  - i) note the offence or misconduct but take no further action;
  - ii) formally warn the Member(s) concerned as to future conduct;
  - iii) suspend or disqualify the Member from club athletic competition, club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period (for example, sports competitions, Club socials, equipment or kit);
  - iv) suspension of membership of the Club for a fixed period;
  - v) removal from office;
  - vi) a permanent or time-limited ban from standing for any Club Committee position;
  - vii) recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period and/or;
  - viii) terminate the membership or such other penalty as the Disciplinary Panel considers appropriate.

## **10. REVIEW**

- a) The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. The accused and/or the complainant, may appeal against the decision of the Disciplinary Panel, by serving a Notice of Appeal on the Club Secretary within seven calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged.
- b) The Club Secretary shall acknowledge a Notice of Appeal within seven calendar days of its receipt and will cast a decision in regard to 'the grounds on which the verdict is challenged', if there are sufficient grounds/evidence provided to support the challenge, the Appeal Panel process will commence, if there are insufficient grounds, the appeal will be dismissed.

## **11. APPEAL PANEL**

- a) The Club Secretary shall appoint an Appeal Panel of three (3) members who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself.
- b) The Club Secretary shall inform all parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the

Club Secretary of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel.

- c) If the accused or complainant involved is an Oxford University student, including any student who has a contract for study with the University, and whose membership of the Club is removed under this procedure, they have a right to ask for the Proctors to sit on the Appeals Panel. The Proctors will help the Appeals Panel consider whether the appropriate procedure has been followed and whether there has been any procedural irregularity or error.
- d) The Club Secretary, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that either:
  - i) the composition of the Panel has changed, in which case the Club Secretary shall provide details of the new Appeal Panel; or
  - ii) the composition of the Panel has not changed, in which case the Club Secretary shall give reasons why it has not accepted the Objection.
- e) Within fourteen calendar days from the date the Club Secretary responds to the Objection above (as appropriate), the Club Secretary shall give such directions to all parties that include:
  - i) the date and place at which the Appeal Panel will meet to determine the Appeal.
  - ii) whether the appeal will proceed by way of written submissions or an oral hearing; and
  - iii) whether the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

## **12. POWER OF THE APPEAL PANEL**

- a) The Appeal Panel shall meet on the date fixed by the Club Secretary. The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.
- b) Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal
- c) Panel directs. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
  - i) Quash the original decision;
  - ii) Confirm the original findings;
  - iii) Request that the case be reheard (re-trial);
  - iv) Increase the original sanction;
  - v) Abate the original sanction;
- d) The Appeal Panel shall inform all parties of its decision within fourteen calendar days together with written reasons for its decision. The decision of the Appeal Panel shall be final. The Appeal Panel shall decide on any issue by majority.
- e) A supporter can be a legal representative, who must be named, and may accompany the Complainant/Accused throughout the appeal process.

## **13. PROMOTING GOOD PRACTICE**

- a) The decision of a Disciplinary Panel, including Appeal Panel, shall be recorded and retained in confidential records for a period of six years by the Club. Supporting documentation shall also be retained in the same fashion.
- b) 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).
- c) Non-anonymised records should be held securely and destroyed when they are no longer needed, in accordance with data protection legislation.

#### **14. NOTIFICATION TO UK ATHLETICS (UKA) AND ENGLAND ATHLETICS (EA)**

- a) Where appropriate the Panel Chair, once the Appeal notice has expired, will inform EA/UKA;
- i) Disciplinary Hearing – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may decide to publish details on their websites.
  - ii) Appeal Panel – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may decide to publish details on their websites.

#### **15. COOPERATION OF ALL PARTIES**

- a) The procedures described in these Discipline Procedures assume that all parties will cooperate in the interest of resolving the issue in question. In the absence of such cooperation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it is able to obtain.
- b) When dealing with a complaint, the Club Secretary or nominated Club representative shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Club Secretary reasonably believes is competent to provide such advice and/or EA's legal representative service for affiliated members.

*Last updated: 15/10/2023*