

## OPEN UNIVERSITY STUDENTS ASSOCIATION

### Central Executive Committee (CEC)

8 - 10 October 2021

## BEHAVIOURAL GOVERNANCE REVIEW CHANGES

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The CEC is asked to:-

- i) **Discuss** proposed policy and procedure changes
- ii) **Approve** changes to the current bye-laws
- iii) **Recommend** policy and procedure to the Board of Trustees for approval
- iv) **Recommend** the addition of 'kindness' to our organisational values

### Background

The recent Governance review recommended a review of all behaviour related policies and of our complaints process to ensure we have a secure base from which to start work to improve our culture.

*"we should be looking to nurture an ethos of compassion, inclusion and kindness in every level of society, in every aspect of our economy, and in every layer of government"... "We cannot expect to resolve complicated problems such as pandemics, climate breakdown and inequality if we fight among ourselves"*

Jackie Weaver (2021), Ambassador for Compassion in Politics Campaign

Behavioural Governance and Culture are some of the hardest things to change, but can have the biggest impact on the environment in which we make decisions. It is important for us to ensure we are all championing and committed to a positive culture in order to support the potential structural and procedural changes coming up.

We sought a range of external and internal feedback on both our behavioural policies (which were spread across a number of documents) and complaints process, as well as applying best practise in the creation of accessible documents for students with neurodiversity and ensuring we ran the policy through MS accessibility checker.

Stakeholder engagement and professional advice included:

- Seeking feedback from students who have been through the complaints process to identify improvements and challenges
- Culture working group workshop around expected behaviours
- Engagement with volunteers and staff focused on our values

- Reflecting on recent complaints, including analysing the process
- Seeking professional input from a specialist in organisational development
- Feedback from neurodiverse students regarding the presentation of formal documents
- Work with relevant CEC members and Trustees

Special mentions: A hug thank you to the Volunteers and staff who have contributed, this has been a large undertaking with a lot of support and input from many across our large team of engaged students. This would not have been possible in the timescales without input from all of you or our external consultants.

## **Scope**

### Creation of an all-encompassing Values and Behaviour Policy (Appendix 1 – Values and Behaviour Policy)

Exploration into how we manage behaviour uncovered a range of different policies, guidelines, commitments, pledges and codes of conduct all mentioning behaviour. Bringing these expectations of values and behaviours into one place to portray our expectations of those engaging with us, state our commitments to anti-discriminatory behaviour and highlight how we live our values ensures we are sharing a consistent message. By ensuring everything is in one place, we can ensure we are using one policy and approach, and sharing it regularly, as well as ensuring version control. Engagement with document owners has begun to make all relevant changes following approvals.

### Remove the Complaints process detail from the bye-laws

By removing the detail and process from the bye-laws, the complaints process becomes more accessible and easier to share. It reduces confusion to students and we can ensure that it is placed in a clear position on the website, along with information in other formats to ensure everyone understands how to report poor behaviour.

Current bye-laws can be found [here](#).

Proposed changes:

- Replace section 12.1-12.3 with: Our Complaints and Misconduct process can be found within our Resolving and Settling Differences Procedure (link). Our initial approach to reported issues will be to seek resolution an informal and personal approach, before escalating issues to an official complaint if required.
- Make changes to any other reference to section 12.1-3 within the document
- Remove the Bullying and Harassment Policy from the appendices of the Bye-laws.

### Improve the process based on feedback (Appendix 2 – new Resolutions and Settling Differences Procedure)

Review and improve the Complaints process in line with feedback from stakeholders, recommendations from the culture review and from the governance review and in response to requests from the Trustee to improve the support offered to those who are subject to complaints.

Introduce informal process to deal with issues between individuals and make recommendations for the best way of doing this.

Alongside this, minor changes to how panels are selected will be introduced to allow for those who have volunteered to engage in training in investigating complaints. Student facing staff teams will also receive mediation training to support our informal approach.

#### Increase usability and accessibility

Feedback received was that the process was confusing, academic and not accessible to those who struggle to read walls of text.

Specific consulting with a student advocate for Neurodiverse students recommended portraying information in a number of mediums. Including visual representations where possible and breaking up the text. We have also ensured we used plain English to make the document more accessible to a range of students.

Behaviour Policy once approved, will also be made more visually appealing as well as a summary version being included in all induction materials.

#### Carry out an Equality Impact Assessment on the policy and procedure

This supports us in ensuring our policies do not discriminate or disadvantage any groups of students.

#### Ensure our Values and Behaviour Policy applies to every member

Previously our behaviour policies have only applied to volunteers, it is important that every member is aware and acting within our organisational values

### **Policies and documents which will need updating as a result of these changes**

We request that we can make the necessary changes to remove aspects already covered in the Values and Behaviour Policy and Resolving and Settling Differences procedure.

The existing Bullying and Harassment Policy will no longer be in use and is replaced by the Values and Behaviour Policy.

- Comprehensive guide to the Association Forums
- Social media policy
- Volunteer policy (included within October agenda for discussion and agreement) and Agreement
- Codes of conduct for specific roles
- Volunteer Handbook
- Event Code of Conduct

- Society and club guidelines
- Group guidelines

### **Discussion points and Actions needed**

All policy and procedure will be proof-read by our professional service, please keep any comments about grammar/spelling/punctuation to the forums to allow time for important discussion at the synchronous meeting.

1. Is anything relevant not covered by these policies?
2. Do these changes impact any other policies or procedures not mentioned in the list above?
3. What ideas do you have for sharing our values and reporting process with all students and volunteers in a way which encourages a positive and inclusive culture?
4. Do you approve the CEC recommending the changes to the Bye-laws to the BoT?
5. Do the CEC approve recommending the BoT adopt these new policies and procedures?
6. Do the CEC agree with the inclusion of 'kindness' in our organisational values, as recommended by the Culture review 2019 (definition produced as a result of stakeholder engagement workshops and activities).
7. Do the CEC approve changes to other policies and guides mentioned above to ensure consistency and simplicity of our policies and processes?

**Ian Cheyne**  
**Deputy President**

**Beth Metcalf**  
**Director of Membership Services**

**Appendix 1.**

**Values and Behaviour Policy**

At the OU Students Association our mission is:

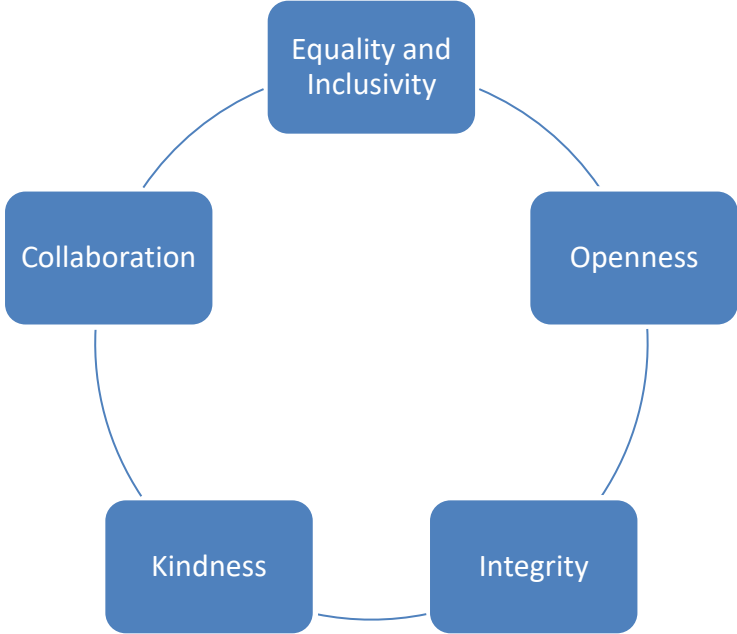
***‘to make a positive difference for all OU Students’.***

Our vision is that we will achieve this by supporting, encouraging and empowering students by:

- Offering students the support services that they need.
- Creating opportunities for students to engage in a vibrant and inclusive student community.
- Being a strong, effective and accountable representative body.
- Working in partnership with the OU to enhance all aspects of the student experience.

The Students Association want every member including volunteers, staff, and those elected, selected, or appointed to positions of responsibility, to feel valued and respected. This includes our partners who we work with from other organisations.

This policy document is therefore designed to support the way all Association members, volunteers and staff work together and represent the organisation. It aims to promote an environment where we are living our values and in which everyone feels happy, safe, and secure.



We are a dedicated and compassionate community whose values are built on integrity, equality and inclusion, openness, collaboration and, **kindness.**

Therefore, we are responsible for ensuring our behaviour models and champions these underpinning values in everything we do and each decision we make.

### Integrity

We will stay true to our vision, we will uphold the founding mission of the Open University and we will maintain an independent and fair representation of the student voice.

**What does this look like?** This means we stay true to our vision and are honest and respectful in all our interactions. We will hold ourselves and each other to account, whilst assuming the best intentions.

### Equality and inclusivity

We are committed to equality of opportunity for all in an inclusive and diverse student community that values, respects and celebrates difference.

**What does this look like?** Be self-aware, seeking to understand our differences. Take time to learn, building and nurturing personal connections.

### Openness

We believe in open, transparent, and accessible democratic structures that are led by students and welcome new people and new ideas.

**What does this look like?** We work together to proactively share information and celebrate each other's successes. Make it easy to engage with one another, especially with regards to new voices.

### Collaboration

We seek to build inspirational relationships and partnerships based on mutual trust, respect and shared goals.

**What does this look like?** Seek contributions from others, recognising the impact collaboration can have and valuing their input. Be open minded, empower new voices and practise active listening.

### Kindness

We nurture a culture of compassion, support and inclusion. Practising positive intent and seeking to identify the best in each other.

**What does this look like?** We take time to consider others, and role model kindness through all our interactions. This includes being kind to ourselves by being mindful of our wellbeing and encouraging others to do the same for themselves.

It is important that the Association treats all members fairly and applies this behaviours policy in a consistent way. We are responsible to each other for creating the positive culture which will support us in achieving our mission and we must be committed to feeding back and reporting issues in a timely manner to allow issues to be addressed. **Please use our Resolving and Settling Differences procedure to report concerns.**

## Zero tolerance to bullying and discrimination

The Association has a zero-tolerance approach to bullying and discriminatory behaviour (direct, indirect, harassment, victimisation and microaggressions) relating to a person's protected characteristics. This includes age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, political beliefs, race, religion or belief, sex, and sexual orientation.

This zero-tolerance approach extends to all places and online platforms Association members may be found, including but not limited to in person, social media groups, the volunteer Slack channel and via person-to-person messaging and email.

According to the Equality Act 2010, bullying is a form of harassment, which can be defined as behaviour that is meant to or has the effect of either:

- violating an individual's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment

Examples of unacceptable behaviour may include persistent and aggressive questioning of individuals; private messaging or emailing of another member in a manner that is unkind, unhelpful, and upsetting to the recipient; making comments which are made to undermine an individual based on a protected characteristic; belittling the contribution of a volunteer; using discriminatory language and excessive swearing.

The OU's [Bullying and Harassment Policy](#) poses the question 'Would a reasonable person think that the behaviour amounted to bullying or harassment?' and answers it 'In most cases people know, or should know, that remarks, or actions are causing offence, and that this is unacceptable.' We abide by that and all associated OU policies.

To report inappropriate behaviour, please refer to our [Resolving and Settling Difference procedure](#). If your issue occurs within a forum, please report this to the moderators using the 'talk to your moderators' thread in the first instance. To escalate anything which happens on the OU Students Association forums, please refer to section D of the 'Comprehensive guide to the Association Forums' (complaints and disciplinary procedures).

## Volunteer Behaviour

Our expectations of volunteer behaviour (either elected, selected or appointed) is no different to that of any other member or of staff, however, there are potentially more areas where volunteers could encounter conflict and so we commit to supporting volunteers to understand what behaviour is expected of them and how to report poor behaviour as part of their inductions.

If a volunteer is reported via the [Resolving and Settling Difference procedure](#), they could be suspended or removed from their role as a result.

## Reporting issues which occur outside of Association spaces

Any incidences which occur during Open University events, should be reported using the [OU dignity and respect policy](#).

Regardless of the platform used, if a members' behaviour is such that it brings the Association into disrepute, disciplinary action may still be taken. For instances occurring on unofficial social media groups, pages or accounts, the Association encourages its members to follow the appropriate complaints procedure as indicated by the provider or as defined in Open University Policy.



**OU Students Association: Resolving and settling differences procedure**

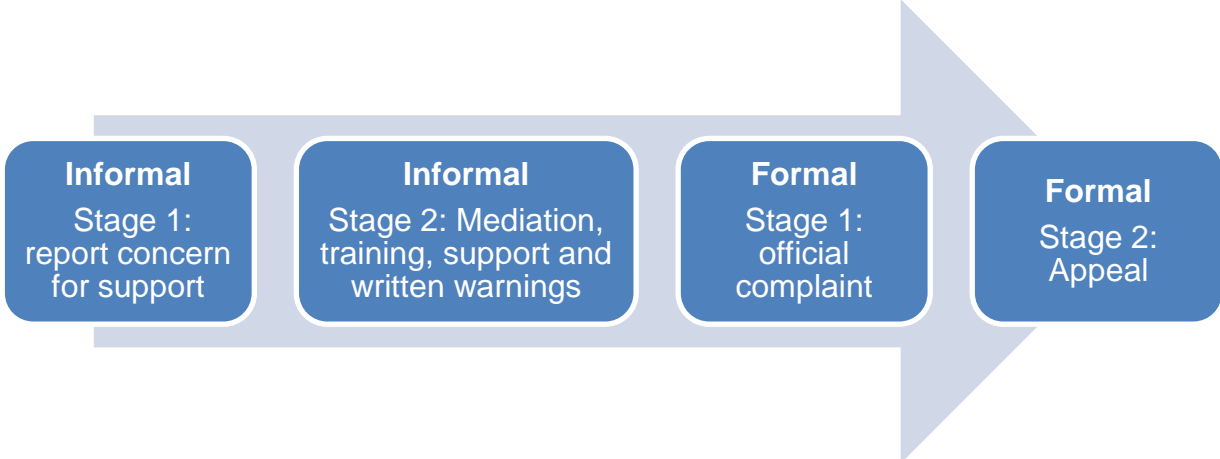
The Association aims to treat everyone fairly, objectively, and consistently. It seeks to ensure that members' views are heard, noted, and acted upon promptly and aims for a positive and amicable solution.

We separate issues into two main categories:

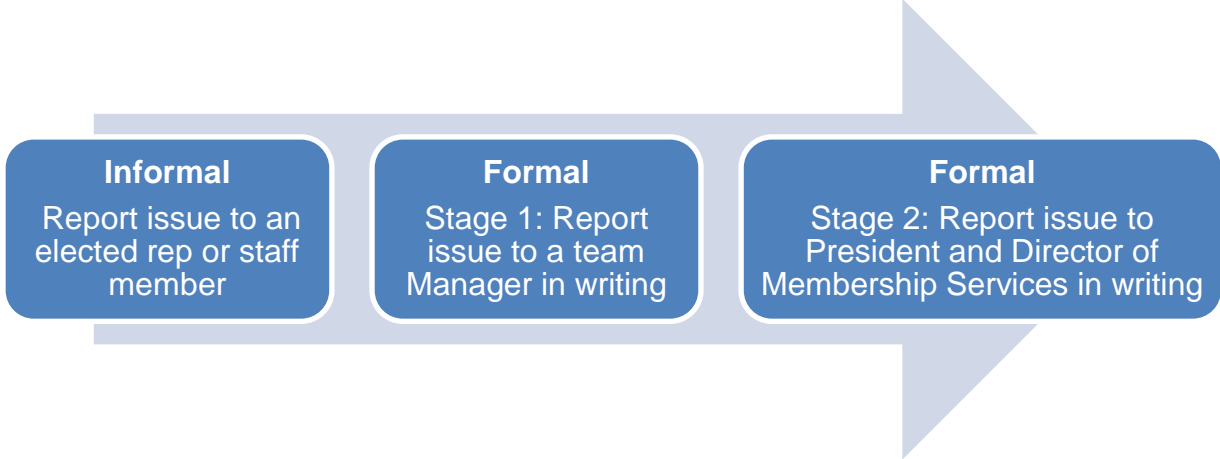
- 1. Issues with individuals (e.g. inappropriate behaviour)
- 2. Issues with the Association (e.g. systems and procedures)

Each category has a separate process detailed in this document which will attempt to resolve your issue informally in the first instance, however, if you are unsatisfied with the resolutions offered, you can follow a formal complaints procedure.

Issues with Individuals



Issues with the Association



### Who can raise an Issue?

This procedure can be used by any OU student or alumni, Association member, staff or guests of the Association who feels 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

Receipt of reports, feedback or complaints at any stage will be acknowledged within five working days, excluding over the winter-break, when the office may be closed for up to seven working 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](mailto: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 offer support and in some cases, a panel will be put together. Panels will always consist of three or five students, consisting of relevant members of the Central Executive Committee, Board of Trustees, student members of the Central Disciplinary Committee or other relevant members as needed.

### Support Available

Being the subject of a complaint is never easy. Any individual, even in circumstances where a suspension is issued, who is subject to a complaint will be provided with an individual point of contact, a staff member who will check in with you, answer questions about the process and signpost to relevant services to support your wellbeing. They can clarify information attend meetings with you. You can also contact us if you would like support in reporting an issue.

### 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 the well-being 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:

- a) Failure to follow any live Association Policy, including but not limited to:
  - The Association Values and Behaviour Policy
  - Safeguarding Policy
  - Election Rules
- b) Any other wilful behaviour likely to bring the Association into disrepute
- c) Making vexatious 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. We seek to manage issues informally in the first instances, as these are often miscommunications or misunderstandings. We practise positive intent, but 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 have not meant 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.

At this stage an individual will be advised that their behaviour has been reported, they will be asked to engage with us to ensure that this does not happen again.

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 which 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 for 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 1:1.

At this stage, a written warning 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)

The President, Deputy President or Director of Membership Services may also escalate any report to a formal complaint, if an individual has already had a formal written warning about their behaviour within the last 12 months.

To submit your complaint, write to the President and Director of Membership Services using the [OUSA-complaints@open.ac.uk](mailto: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, names of witnesses and the outcomes of any previous resolutions or mediation.

An initial assessment as to whether there is a case to answer will be carried out by two of the following: President, Deputy President, Director of Membership Services. Where applicable, the Chief Executive Officer or Chair of Trustees may be involved. In cases of alleged discrimination, an investigative panel will always be formed.

Should they find that there is no case to answer, the Director of Membership Services will work with the you to reach a satisfactory solution.

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 or have a personal relationship with yourself or the subject of the complaint.

The panel will be supported by the Director of Membership Services or other delegated Manager, providing a private online discussion space, collating evidence and administering the complaint.

The individual who is subject to the complaint will have the right to reply, and will be given 10 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. All complaints will be anonymous.

The panel will aim to meet within 15 days of the acknowledgement email, allowing them to discuss all evidence provided to them and either uphold, partially uphold or not uphold your complaint. Decisions will be based on the majority view within the group. 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 10 working days to submit an appeal to [OUSA-complaints@open.ac.uk](mailto:OUSA-complaints@open.ac.uk).

You may only appeal if:

- You feel the decision or sanction was disproportionate to the offence and evidence provided
- New evidence has come to light since the original decision
- The process 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 of 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 e.g. we are using a platform which is not accessible or you are unhappy with one of our processes (such as elections or volunteer recruitment). We want to solve your problem as quickly as possible. The best way to do this is for you to talk to an elected student representative 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 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.

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

If this does not resolve the issue, or the 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 Manager did not respond, you should do the following:

Write to the President and Director of Membership Services using the [OUSA-complaints@open.ac.uk](mailto:OUSA-complaints@open.ac.uk) email. Include in your letter all relevant details about your complaint, why (if relevant) you are dissatisfied with the Manager's findings, your name and how you may be contacted. Where appropriate include evidence and copies of any previous letters about the problem.

An initial assessment as to whether there is a case to answer will be carried out by two of the following: President, Deputy President, Director of Membership Services. Where applicable, the Chief Executive Officer or Chair of Trustees may be involved.

If they find that there is no case to answer, the Director of Membership Services will attempt to reach a satisfactory compromise and outcome with you.

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, providing a private online discussion space, collating evidence and administering 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 at this time, an update and explanation will be provided, with an estimated timescale.

The decision of this Panel is final.