



Vexatious and Malicious Complaints Policy

RESPONSIBLE COMMITTEE: Governance Committee

RESPONSIBLE OFFICER: Academic Director

LAST REVIEW DATE: MT 2023

NEXT REVIEW DATE: MT 2025

1. **Presumption of good faith.** All complaints made under various College disciplinary procedures should be presumed to have been made in good faith. However, if the College Officer dealing with a complaint or chair of an investigating committee (herein after both referred to as the College Officer) becomes aware that a complaint was made with vexatious or malicious intent, they may make a recommendation for further action on this basis.
2. **Each complaint to be dealt with on its own merits.** Every complaint must be considered on its merits and, even if someone has made a vexatious or malicious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious or malicious. The mere fact that a previous complaint has been made, even if it has been judged vexatious or malicious, is not sufficient evidence in itself that a complaint is vexatious or malicious.
3. **Distinguishing genuine concerns.** College Officers taking action under College disciplinary procedures must ensure that they are careful to identify where genuine concerns are being raised. They must recognize that complainants may often feel aggrieved, aggravated, or frustrated, and the focus of any investigation must always remain on careful consideration of substance of the complaint and not the attitude of the complainant.
4. **Vexatious complaints.** A vexatious complaint is one that is pursued, regardless of its merits, solely or principally to harass, annoy or subdue somebody; it is one that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
 - a. **Identifying vexatious complaints.** Officers taking action under College disciplinary procedures may conclude that a complaint is vexatious if a member of college, employee, or other complainant:
 - i. Persists in pursuing a complaint which has already been investigated by another or the same manager and provides no new or material information;
 - ii. Seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed;

- iii. Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the College Officer assist them;
 - iv. Complains solely about trivial matters to an extent which is out of proportion to their significance; **or**
 - v. makes excessive contact with the College Officer or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.
5. **Malicious Complaints.** A malicious complaint is one that is made with the intention of causing harm.
- a. **Definition.** A malicious complaint is one:
 - i. which investigation has shown to be without foundation;
 - ii. in which investigation of the evidence presented suggests that the complainant has knowingly lied to or misled the investigating officers, or has taken action to impede or misdirect the investigation; **and**
 - iii. where there is evidence to demonstrate this on the balance of probabilities.
 - b. **Examples** of malicious complaints include:
 - i. deliberately seeking to defame a colleague or member of College and raising a complaint with this intent;
 - ii. lying about an issue or incident in the knowledge that this will cause harm;
 - iii. knowingly basing a complaint on rumour and gossip with the intention of causing harm.
6. **Procedures to be followed.**
- a. Vexatious and malicious complaints can be very difficult to identify. Largely, this must be a matter of professional judgement for the College Officer. However, once identified, such complaints should be tackled as soon as possible.
 - b. Any complaint under the College's processes should be fully conducted notwithstanding the suspicion of the College Officer that a complaint may be in whole or part vexatious or malicious.
 - c. However, the report completed by the College Officer should include identification of those aspects of a complaint that are, on the balance of probabilities, vexatious or malicious.
 - d. Vexatious or malicious use of the College's disciplinary procedures will be referred by the Vicegerent, Bursar, Dean, or Academic Director to the relevant welfare or disciplinary procedure if they believe on receipt of a report that there is likely to be sufficient evidence to sustain such a judgement on the balance of probabilities. The referral shall not be made by the same officer who wrote the initial report, but shall, if necessary, be passed to another officer for review.