

Disciplinary Policy and Procedure

Introduction

The Oxford Mindfulness Foundation (OMF) is committed to providing the best possible service to trainees and course participants. The OMF is committed to upholding the highest ethical standards and to carrying out its activities fairly, honestly, openly and in compliance with all applicable laws. When dealing with any trainee or course participant suspected of misconduct, the OMF recognises that it has a duty to act fairly. All who work at the OMF are committed to adhering to Guiding Ethical Principles, and it is hoped that these procedures will not be used except in exceptional circumstances.

This Disciplinary Policy and Procedure is intended to provide a clear and impartial process for dealing with issues relating to trainee or course participant misconduct within a reasonable timescale. Any misconduct issues will be overseen by the OMF Board of Trustees (OMF Board) and dealt with under the procedure below.

If a minor incident (as determined by the OMF under the guidance of the CEO) occurs with a trainee or course participant, it will initially be discussed informally with all involved. The intention of this discussion is to conclude the matter in a satisfactory and timely manner (as agreed by all parties) without the need for a formal disciplinary procedure.

Scope and Applicability

The Disciplinary Policy applies to all trainees or course participants of the OMF. This includes when they may be reasonably regarded as being under the jurisdiction of the OMF, such as in a public place within the vicinity of the OMF, or in an online space provided and mediated by the OMF.

Under the OMF's Articles of Association, the OMF Board has the relevant powers to suspend or discontinue training or participation within any of the OMF programmes and events on disciplinary grounds. The OMF Board may delegate this responsibility to the CEO. Trainee or course participants may not be eligible to apply for any type of certification while a matter of alleged misconduct is in the process of being dealt with under the Disciplinary Procedure.

Where the relevant conduct creates concerns about welfare and the ability to teach/practice mindfulness, the Fitness to Practice Procedure may be used as an alternative to the Disciplinary Policy and Procedure.

Misconduct

Improper interference with the teaching and learning environments at the OMF forms the essence of misconduct under this procedure. This includes improper interference with those who work or study at the OMF, and those enrolled in OMF programmes. It applies to all online platforms and all physical OMF premises.

Examples include:

- Disorderly, threatening, aggressive or offensive behaviour or language.
- Fraud, deceit, or dishonest conduct.
- Disrupting/interfering with teaching, learning, administrative or other activities.
- Bringing the OMF into disrepute by action, verbally or in writing, including online through posting and commenting on social media and forums. See the OMF Social Media Policy for more information.
- Harassment of any student or any employee of the OMF on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, or sexual orientation.
- Misuse of any of the OMF's communications platforms.
- Providing erroneous or misleading personal information to the OMF in circumstances where that information is reasonably expected to be relied on.

This list is not intended to be exhaustive, and it is for the OMF Board and/or CEO to decide to investigate if misconduct falls outside the categories listed above.

Where alleged misconduct also constitutes an offence under the criminal law, the OMF's own disciplinary investigations or proceedings will be delayed until the police and/or courts have completed their investigations and proceedings. If a criminal charge is pending, or where there is an active police investigation, the OMF process will be suspended until the outcome of that investigation or trial is known. As a matter of course, the OMF Board will report any suspected criminal offence to the Police.

Mitigating Circumstances

If the OMF Board and/or CEO suspects that a trainee may be experiencing social, emotional, or behavioural issues that make it inappropriate to take disciplinary action, they will:

- First discuss the issue(s) with the trainee or course participant involved.
- Encourage them to seek support.
- Offer signposts and advise where to access possible support.

Should the trainee or course participant choose not to receive or follow advice, or access specialist support, the disciplinary procedure may continue as described.

Good Faith

Reporting misconduct will be handled with an appropriate level of confidentiality. There is an expectation that all those involved will treat both the disciplinary processes and individuals concerned with respect.

Those who report misconduct will not be treated less favourably or suffer any detriment or disadvantage if the report is made in good faith, regardless of whether the misconduct allegation is upheld or not. Equally, individuals mentioned in a misconduct allegation will not be treated less favourably than if the allegation had not been brought. If the allegation is upheld, however, that individual may be subject to disciplinary action.

The OMF may reject a misconduct allegation report at any time on the basis that it has not been made in good faith and is “frivolous or vexatious”. Making this decision is at the discretion of the OMF Board and is a balancing exercise that needs to consider all the circumstances of the case. The following are examples that will be dismissed:

- Allegations which are designed to cause disruption or annoyance.
- Allegations that include obsessive, persistent, harassing, and repetitious language.
- Allegations that demand redress and which lack any serious purpose or value.
- When there is an insistence on pursuing an unmeritorious allegation.
- When there is an insistence on pursuing a meritorious allegation in an unreasonable manner.
- When the remedy sought is unrealistic.

If the OMF Board and/or the CEO decides that an allegation is frivolous or vexatious, they will confirm this in writing in an email detailing the reasons, and the allegation/reporting process will be terminated without further investigation. In addition, any allegations that are found to be harassing, malicious, or vexatious, may lead to further action under the OMF’s Disciplinary Policy and the Fitness to Study/Practice Policy.

Stage 1 (Informal) - Preliminary Enquiries

To consider whether to report misconduct, the OMF encourages preliminary enquiries be made by email addressed to the OMF’s Chief Operating Officer via admin@oxfordmindfulness.org to see whether the concerns can be quickly and informally met. The OMF hopes that most incidents can be dealt with successfully at this informal stage.

If it is believed that an allegation raised has not been dealt with satisfactorily at the informal stage or if the allegation is of a more serious nature, then the formal procedures described below apply. At this stage, the allegation(s) reported will only be seen by those considering the misconduct. Nevertheless, at this stage and during the investigation, others may be approached to gain information from all involved.

If it is not possible to deal with the issue satisfactorily at the informal stage or if the problem is of a more serious nature, then the formal procedures described below apply. During any stage of this process, the CEO and/or OMF Board is empowered to suspend a participant, student/trainee with immediate effect, provided that the matter is reviewed expeditiously. Written reasons for this suspension decision will be recorded and provided to all concerned.

Stage 2 (Formal) – Formally Reporting Misconduct

The second stage is to formally report the misconduct in an email to the CEO of the OMF to consider the concerns. A member of the OMF team from Stage 1 may also decide to escalate the matter to this level.

A report should be made as near as possible to the incident(s) concerned, usually within a month, and in exceptional circumstances (for example, if there was an incidence of serious illness/hospitalisation) no later than within 6 months.

In an email marked 'Reporting Misconduct – Confidential' to ceo@oxfordmindfulness.org, it is imperative to provide as much detail and explain as clearly as possible:

- The nature of the concerns and details of what occurred.
- Dates the relevant incident(s) occurred.
- Names of all the individual(s) involved.
- Date(s) and outcome(s) of any action(s) already taken to raise and resolve the matter directly (if appropriate).
- An indication of the desired outcome(s).

At this stage, where other individuals are involved, they will be notified of the report made.

On receipt of the email above (as long as all the required information has been provided), the CEO will consider the reported concerns and will determine a fair and equitable response. A judgement within 30 working days will be made and if the allegations are considered valid, the judgment may include:

- A full report detailing the review into the allegations raised.
- An apology (which is not necessarily an admission of liability).
- How the matter was rectified, and details of any action(s) deemed necessary that were taken by the OMF.

If the allegations are not upheld and found to have no grounds, the judgement may include:

- A full report detailing the review into the complaint.
- Challenges to the allegations made, with details where there might be conflicting evidence, if appropriate.
- Details of next steps if the allegation was found not to be made in good faith.

Stage 3 (Formal) - Appealing the Outcome

To appeal the outcome / judgment of the misconduct allegation, the CEO must be contacted within 30 working days of the date of the judgement/ response, clearly setting out the grounds of the appeal.

An Appeal Panel will be convened by the Chair of the Board of OMF Trustees (usually with two other Trustees of the OMF Board). The Panel will review the original allegation report and the CEO's response. The Panel may also ask for additional information from all involved and will provide, a full written report within 30 working days covering:

- The circumstances leading to the misconduct report and appeal.
- The steps taken to investigate.
- Reasons for the decisions made in Stage 2.
- Agreed response to the appeal.

When these internal procedures have been concluded a Completion of Procedures letter will be sent via email.

To appeal the Board of Trustees' response and Completion of Procedure outcome, a statement in writing must be sent to the CEO within 5 working days following written receipt of the Completion of Procedures letter. The appeal should include reasons for appealing, and the outcomes desired from an appeal process. An independent person or organisation will review the original allegation report, their findings will be final in respect of the disciplinary procedure.

Appeals at this level require a £5,000 advance escrow payment to the OMF legal team. If the appeal is dismissed, the allegor (via the escrow payment) will bear all costs involved in this process. If the appeal is upheld the full escrow payment will be returned with OMF bearing associated costs.