

TRINITY COLLEGE

Policy and Procedures on Harassment

Part A: Policy

Introduction

1. Trinity College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. Trinity College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected.
3. The aims of the College are reflected in this Policy are to:
 - a. Promote a positive environment in which people are treated fairly and with respect;
 - b. Make it clear that harassment is unacceptable and that all members of the College have a role to play in creating an environment free from harassment;
 - c. Provide a framework of support for staff and students who feel they have been subject to harassment; and
 - d. Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
4. Those in positions of authority, such as heads of department and supervisors have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All heads of department and equivalent, and all other supervisors, have a duty to implement and promote this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are investigated promptly and effectively. There should be a zero tolerance approach to any form of harassment at all times.
5. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the College community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
 - a. Treating others with dignity and respect.
 - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable.
 - c. Supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.

Definitions

6. A person subjects another to **harassment** by engaging in unwanted and unwarranted conduct which has the purpose or effect of:

- violating another person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.¹
- The recipient does not need to have explicitly stated that the behaviour was unwanted.

7. Freedom of speech and academic freedom are protected by law though these rights must be exercised within the law. Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.²

8. **Bullying** is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

9. The College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because that person has, in good faith:

- made an allegation of harassment, or
- indicated an intention to make such an allegation, or
- assisted or supported another person in bringing forward such an allegation, or
- participated in an investigation of a complaint, or
- participated in any disciplinary hearing arising from an investigation, or
- taken any other steps in connection with this Policy and Procedure, or
- is suspected of having done so.

Behaviours

10. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

¹ The College adopts the University's definition of harassment which is set out in Statute XI: University Discipline (www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342). This definition includes, but is not limited to, the definition of harassment in Section 26 of the Equality Act 2010, which relates specifically to conduct related to a protected characteristic.

² See the University's 'Code of Practice on Meeting and Events' (*Gazette*, Supplement 1 to no. 5142 vol. 147, 21 Sept. 2016) available at tinyurl.com/ycdu6k97.

11. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.

12. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

13. Harassment can take a variety of forms:

- Through individual behaviour
 - face to face, either verbally or physically
 - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of the College's Regulations Relating to the use of Information Technology Facilities³
 - directly to the person concerned, or to a third party
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic, biphobic, or racist jokes.

14. Examples of behaviour which **may** amount to harassment under this Policy include (but are not limited to) the following:

- unwanted physical contact, ranging from an invasion of space to an assault, examples of which include touching, pinching, pushing, and grabbing
- all forms of sexual harassment, including:
 - i. inappropriate body language
 - ii. sexually explicit remarks or innuendoes or suggestive behaviour
 - iii. unwanted sexual advances and touching
- offensive comments or body language, including insults, jokes or gestures and malicious rumours
- open hostility, verbal or physical threats
- insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- constantly criticising an individual without providing constructive support to address any performance concerns

³ <http://www.admin.ox.ac.uk/statutes/regulations/196-052.shtml>

- persistently overloading an individual with work that s/he cannot reasonably be expected to complete
- posting offensive comments on electronic media, including using mobile communication devices
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- isolation from normal work or study place, conversations, or social events
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or intrusive pictures or other materials (including emails, text messages, video clips, and images sent by mobile phone or posted on the internet) that others may reasonably find offensive
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- racist, sexist, homophobic, transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- mocking, mimicking, or belittling a person's disability.

15. **Stalking** may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material –
 - Relating or purporting to relate to a person, or
 - Purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

Application of the Policy

16. Harassment is a serious offence. Members of the College community who feel they have been subject to harassment can make a complaint via the appropriate Procedure. See:

- Appendix A of this policy for the Procedure in relation to complaints about **College staff or Senior Members**, and
- [Annexe A](#) of the University's harassment policy for Procedure in relation to complaints about **University staff outside the College**; see :
- Appendix B of this policy for the Procedure in relation to complaints about **students within the College**, and
- [Annexe B](#) of the University's harassment policy for Procedure in relation to complaints about **students who are members of another College**.

17. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice, as appropriate, from the Dean, the Welfare Dean, the President, or the Director of Student Welfare and Support Services' office and /or approach the Police directly; staff members can seek advice, as appropriate, from the relevant (or any other) Head of Department, the Domestic Bursar, the President, the University's Director of Human Resources, and/or approach the Police directly. Guidance on dealing with cases of sexual assault or sexual violence is available (for staff) from the University's [Harassment Advisor Network](#), and for students, from the [Sexual Harassment and Violence Support Service](#), to whom individuals should be referred as appropriate.⁴

18. Incidents of harassment that occur within the College environment will normally be dealt with under the College's policy and procedures, which reflect the principles of the University's Policy.

19. In addition to the Junior Deans, Welfare Dean, Dean, and President, members of the College community who feel that they has been subject to harassment can contact the University's [Harassment Advisor Network](#) or departmental harassment advisers directly for support. The Service is also available to those against whom an allegation of harassment has been made. Additional internal and external sources of help and advice are also available.⁵

20. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

21. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear

⁴ <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/guidance/>

⁵ <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/#d.en.31732>

need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.

22. The College's policy reflects that of the University policy and procedures which may be found at www.admin.ox.ac.uk/eop/harassmentadvice and are available in hard copy from the Equality and Diversity Unit: tel. 01865 (2)89825 or email equality@admin.ox.ac.uk. Copies in alternative formats are available on request.

23. This Policy and Procedure will be subject to regular review by the Dean, the Domestic Bursar, and the Equality Committee, and subject to approval by Governing Body.

Policy owner: The Dean (in respect of students), the Domestic Bursar (in respect of staff).

Policy last reviewed: 12/5/19. Approved by GB: 12/6/19. Updated 12/9/19. Next policy review due: 11/5/20.

Part B: Procedures

Appendix A: Complaints of Harassment against Senior Members or Staff of the College

1. This procedure applies in all cases where the person who is the subject of the complaint is a Senior Member of the College or a member of the College's staff. The President or Vice-President (for Senior Members) or the Domestic Bursar (for College Staff) will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.
2. Where the complainant is a student, support during this process will be provided by the Welfare Dean or, as appropriate and in respect of the complainant's wishes, the University's Director of Student Welfare and Support Services' office.
3. Both parties to a complaint should be kept updated by the investigator, the relevant department or College Officer at appropriate intervals throughout the complaint.
4. If a complaint involves matters falling outwith the College's own jurisdiction, e.g. behaviour occurring in a department or otherwise having an impact on a person's work or relationships elsewhere in the University, the College will deal with the matter as flexibly, fairly and proportionately as possible. In particular, if a student's complaint relates to matters which fall within the University's complaints or academic appeals procedures, there should be a discussion between the College and the Proctors' Office regarding the most appropriate way forward, if necessary in consultation with the University's Director of Human Resources. It may be appropriate

for there to be either parallel or sequential investigations to avoid duplication or conflicting decisions. The complainant should be informed of the outcome of this discussion.

Stage 1 - Informal Action, Mediation and Conciliation

5. In some cases, members of College who are being harassed by a Senior Member or a member of staff may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should anyone who is being harassed feel obliged to approach an alleged harasser, however, and the College does not wish to suggest that a member of College who feels harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.

6. Before taking formal action, staff members or Senior Members wishing to seek informal resolution should approach their immediate supervisor, head of department, a staff representative or harassment advisor, or the Domestic Bursar (for staff) or the Senior Tutor or Vice-President (for Senior Members) to ask for help in achieving a resolution of the problem. Students should seek support from the Dean or Welfare Dean, or if preferred, from the University Director of Student Welfare and Support Services' office.

7. If the member of staff does not feel comfortable contacting someone in College they can contact the Harassment Line for details of an external advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk).advice@ousu.org. Harassment advisors will not approach the alleged harasser on behalf of an individual. Details of the role of the harassment advisor can be found at <https://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork>.

8. These sources of support and advice are also available to Senior Members and members of staff who have been accused of harassment.

9. In some situations, it may be appropriate to ask the parties to consider entering into a mediation or conciliation process. Although mediation or conciliation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked. In the case of a complaint by a Senior Member or a member of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Vice-President and/or the Domestic Bursar. In the case of a complaint by a student, the Dean or Welfare Dean will consult the Director of Student Welfare and Support Services. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.

10. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

Stage 2 - Complaints procedure

11. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should contact the relevant College Officer (the Dean or Welfare Dean, for students; the Vice-President, for senior Members; the Domestic Bursar, for members of staff). If any of the parties considers that the relevant College Officer has a conflict of interest in the complaint, the complaint may be referred to the President. Students can also seek support from, and should be referred to, the Director of Student Welfare and Support Services' office when wishing to make a complaint against a Senior Member or a member of staff, and support will be available to them throughout the complaints process. Senior Members and College staff can seek support from a harassment advisor; if they do not feel comfortable contacting a local advisor in the College or in their department, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk). The relevant College Officer may also suggest that the complainant talks to the Welfare Dean or a trained harassment advisor for support. The relevant College Officer and/or the harassment advisor will be available to support complainants throughout the process, including if they decide to move to [stage 3](#) and make a formal complaint, and will also provide support following the outcome of any formal complaint.

12. The relevant College Officer will assess the allegation and in discussion with the complainant agree a course of action. This will be dependent on the nature of the case but will include:

- Giving advice on options for ways to proceed, and helping the complainant make decisions on the action to be taken
- Referring the complainant to appropriate support services
- Facilitating a mediation or conciliation process between the complainant and the alleged harasser, if both parties agree. (See sect. 9 above).
- Referring a case to the University's Director of Human Resources, if it transpires that the alleged harassment crosses College and departmental boundaries.
- Ensuring that relevant members of staff within the collegiate University are informed of the case if appropriate, with the member of staff's consent, and having due regard for obligations of confidentiality owed to others.

13. Support is also available to Senior Members or members of staff against whom complaints of harassment have been made. Action taken will vary depending on the case, but include referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The relevant College Officer will ensure that, where a complainant and a Senior Member or member of staff complained against are both seeking support, they will be dealt with by different members of staff, who will maintain appropriate confidentiality.

14. Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the principles of the General Data Protection Regulation and associated data protection legislation. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

15. Where a complaint involves students or members of staff from different colleges or departments then the complainant will be supported in accessing the University Harassment Procedures.

Stage 3 - Formal Written Complaint

16. If action taken at stages 1 or 2 does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a formal written complaint to the relevant College Officer. In some cases, it will be appropriate to proceed directly to this stage.

17. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any resolution attempts made at stages 1 and 2.

18. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that the complainant is concerned about; (ii) the effect of this behaviour on the complainant; and (iii) where possible, the resolution that the complainant is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties. If the complainant has already made a statement about the behaviour under stage 2, this may be sent as the formal written complaint, with the proviso that the relevant College Officer may request further information.

19. The relevant College Officer will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include informing the person against whom a complaint has been made of the allegations against that person; holding separate meetings with both the complainant and the alleged harasser; speaking to other relevant people on a confidential basis; and/or obtaining further relevant information. At all times both parties will have the right to be accompanied at meetings by a person of their choice. The relevant College Officer may make such enquiries, or commission an investigation, as necessary to determine the complaint. The procedure for an investigation will normally be as follows, but may be adapted by the investigator to meet the needs of the case:

a) The investigator will meet the complainant to confirm the details of the complaint.

- b) The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the investigator has.
- c) The investigator will meet the person complained against to hear that person's response to the complaint and any further evidence that has come to light.
- d) The investigator will interview, where reasonably practicable, individuals identified as having relevant evidence.
- e) Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of their findings, in relation to which the investigator may check relevant sections in draft with the parties before finalising.
- f) The report will be forwarded to the Officers of the College. The Welfare Dean or, where appropriate, the Director of Student Welfare and Support Services will ensure that appropriate support is available to students following an investigation.

20. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.

21. At all times both the complainant and the person complained against will be kept informed of proceedings, and will be referred, as appropriate, to sources of support and advice. Both parties will be informed in writing of the outcome of the investigation of the complaint.

22. In some circumstances, in the interests of the complainant and/or the member of staff complained about, it may be necessary for interim action to be taken, pending the outcome of the investigation. This may include making arrangements to limit contact between the parties concerned.

23. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the relevant College Officer considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the relevant College Officer will consult the President of the College, and in the case of a student complainant, may also consult the Director of Student Welfare and Support Services, and may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

24. At the conclusion of the investigation, the relevant College Officer will inform the complainant in writing:

- (i) whether the complaint has been upheld, partially upheld or not upheld
- (ii) any recommendations they are making in relation to the complainant
- (iii) about any right to appeal the College Officers' decision, and
- (iv), if the complainant is a student and the complaint has been upheld or partially upheld, about their option of taking their complaint to the Proctors (see para. 31 below).

25. The relevant College Officer will inform the person who is the subject of the complaint in writing:

- (i) of the conclusions that have been reached having reviewed the evidence;
- (ii) of the action the College Officers intend to take;
- (iii) of the reasons for any such action; and
- (iv) of any right to appeal the decision under the appropriate grievance procedure (see paragraph below).

The relevant College Officer will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

26. Investigation of a formal written complaint of harassment and consideration of the report of an investigation may result in the relevant College Officer, in consultation with other Officers of the College:

- Deciding that the alleged harasser should face disciplinary procedures.
- Referring either or both parties to appropriate support services.
- Making appropriate arrangements in College to minimise a recurrence of the behaviour that has occasioned the complaint.
- Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties.
- In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.

27. A complainant who is not satisfied with the outcome following the investigation of the formal written complaint may apply in the first instance to the President of the College for a review of the case or to the Director of Human Resources for further support and advice.

28. If the complaint is upheld or partially upheld, the subject of the complaint may invoke the relevant grievance or complaint procedure within the time scales specified in that procedure save that, where the decision is to refer the matter for disciplinary action against the subject of the complaint, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

29. If the complaint is not upheld or only partially upheld, the complainant may invoke the appeal stage of any applicable grievance or complaint procedure within the time scales specified in that procedure (see paragraphs 30 and 31 below) save that, where the decision is to refer the matter for disciplinary action against the complainant, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

30. In the case of a staff complainant, the complainant's route of appeal would be the appeal stage of the appropriate University grievance procedure. For academic related staff see: www.admin.ox.ac.uk/personnel/staffinfo/handbook_acrel. For support staff see: www.admin.ox.ac.uk/personnel/staffinfo/handbook_support.

31. If the outcome of a formal complaint made by a student under this procedure is that the complaint is upheld or partially upheld, and (a) the subject of the complaint does not appeal in accordance with paragraph 28 or (b) that appeal has been concluded and any allegations of harassment have been upheld, then the student may take their complaint to the Proctors who will determine any appropriate redress from the University. A student who wishes to refer a matter to the Proctors may only do so if they

(i) have decided not to appeal the College's initial decision to the President under paragraph 27 above; or

(ii) any appeal by the student to the President has been completed.

Potentially criminal misconduct

32. This procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. The relevant College Officer will, in consultation with the other Officers of the College, decide which procedure is appropriate.

Confidentiality

33. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is

likely to be appropriate and/or necessary for certain information to be provided to others within the University, within certain colleges, or to external bodies.

34. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator (“OIA”) and the civil and criminal courts. The College will not normally report a matter to the police without the complainant’s agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

35. The College and all those involved in this process must comply in accordance with the General Data Protection Regulation and associated data protection legislation. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

36. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

37. The Estates Bursar, as the College Officer having oversight of the College’s legal obligations and administrative record-keeping, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Appendix B: Complaints of Harassment against Junior Members (Students) of the College

1. This procedure is designed to deal with student complaints of harassment by other students who are also Junior Members of the College. Complaints of harassment against students who are members of another College should be dealt with under the procedure laid out in [Annexe B](#) of the University’s harassment policy.

2. Complaints of harassment made by members of staff or Senior Members against a student will normally be dealt with through Statute XI. In the first instance, a Senior Member of member of staff should seek support and guidance from the appropriate head of department or the Domestic Bursar (for college staff), or from the Senior Tutor or the Vice-President (for Senior Members).

3. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

4. This procedure is separate from Statute XI on University Discipline, to which all Junior Members of the College, as matriculated students of the University, are also subject. Complaints of harassment made under stage 3 of this procedure (formal written complaint) may sometimes result, following an investigation, in a decision that the alleged harasser should face disciplinary procedures under Statute XI.

Stage 1 - Informal action

5. In some cases, a student who feels harassed by another student may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time, however, should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that students who feel that they been harassed are themselves responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.

6. Before taking formal action, the student could discuss the situation with a JCR or MCR Welfare Representative or Peer Supporter, or informally with a Junior Dean, the Welfare Dean, the Dean, a Tutor, or the Senior Tutor.

7. If the student does not feel comfortable contacting someone in College they can contact the Harassment Line for details of an external advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk), or OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org). Harassment advisors will not approach the alleged harasser on behalf of an individual. Details of the role of the harassment advisor can be found at <https://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork>

8. These sources of support and advice are also available to students who have been accused of harassment.

Stage 2 - Student welfare and support

9. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Welfare Dean and Dean are available for support and advice to any student. They will refer the student to a trained harassment advisor for support. The Deans and a harassment advisor will be available to support the student throughout the process, including if the student decides to move to stage 3 and make a formal complaint, and will also provide support following the outcome of any formal complaint.

10. The Dean or Welfare Dean will assess the allegation and in discussion with the student agree a course of action. This will be dependent on the nature of the case but may include:

- Giving advice on options for ways to proceed, and helping the student make decisions on the action to be taken
- Referring the student to appropriate support services

- Facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree. An experienced mediator or conciliator acceptable to both parties will normally be nominated by the Welfare Dean. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing. All those involved in the mediation or conciliation process must maintain appropriate confidentiality
- Referring a case to The Director of Student Welfare and Support Services, if it transpires that the alleged harassment did not take place purely within the college community
- Ensuring that relevant members of staff within the collegiate University are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

11. Support from the Deans is also available to students against whom complaints of harassment have been made. Actions taken will vary depending on the case, but the support will be equivalent to that available to a student who feels harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The Deans will ensure that, where a complainant and a student complained against are both seeking support, they will be dealt with by different members of staff, who will maintain appropriate confidentiality.

12. Support from the Deans is also available to students who wish to make or have made a complaint of harassment against a member of staff, under the staff procedure in Appendix A (for complaints within the College) or in Annexe A of the University policy (for complaints against University staff or Senior Members outwith the College).

13. Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the General Data Protection Regulation and associated data protection legislation.⁶ These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Stage 3 - Formal written complaint

14. If action taken at stages 1 or 2 does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the student should make a formal written complaint to the Dean. In some cases, it will be appropriate to proceed directly to this stage.

15. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any resolution attempts made at stages 1 and 2.

⁶ The College adopts for this purpose the University's Data Protection policy which is available at: www.admin.ox.ac.uk/councilsec/compliance/gdpr/universitypolicyondataprotection

16. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that the complainant is concerned about; (ii) the effect of this behaviour on the complainant; and (iii) where possible, the resolution that the complainant is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties. If the complainant has already made a statement about the behaviour under stage 2, this may be sent as their formal written complaint, with the proviso that the Dean may request further information.

17. The Dean will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include holding meetings with both the complainant and the alleged harasser, and speaking to other relevant people on a confidential basis. At all times both parties will have the right to be accompanied at meetings.

18. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of one month. Both the complainant and the student who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.

19. At all times both the complainant and the student complained against will be kept informed of proceedings, and will be referred as appropriate to sources of support and advice. Both parties will be informed in writing (by a 'Completion of Procedures' letter) of the outcome of the investigation of the complaint.

20. In some circumstances, in the interests of the complainant and/or the student complained about, it may be necessary for interim action to be taken, pending the outcome of the investigation. This may include making arrangements to limit contact between the parties concerned.

21. Investigation of a formal written complaint of harassment may result in:

- Deciding that the alleged harasser should face a disciplinary procedure within College, in which case the matter will be referred to a College Disciplinary Panel. The procedure to be followed by a College Disciplinary Panel is laid out in the College's Decanal Policy and Disciplinary Procedures (Appendix A of the College Handbook).
- Referring either or both parties to appropriate support services
- Making appropriate arrangements in College to minimise contact between the parties concerned, and to minimise the risk of a recurrence of the behaviour that has occasioned the complaint
- Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach

will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties

- In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.

22. If the subject of the complaint is referred to face disciplinary procedures, then at the conclusion of such procedures the complainant will be informed whether the outcome of the disciplinary procedure was that their complaint was upheld, partially upheld or not upheld. The complainant will not usually be told what sanctions, if any, were imposed on the subject of the complaint.

23. A complainant who is not satisfied with the outcome following the investigation of the formal written complaint may apply in the first instance to the President of the College for a review of the case, or to the Director of Student Welfare and Support Services for further support and advice. The complainant may also be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. Any such application must be made within one year of the date of the Completion of Procedures letter.

24. The President and Governing Body of the College will be kept informed of the outcomes of all formal written complaints of harassment made to the Dean under stage 3, and will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

Referrals

25. On occasion, complaints of harassment which should be considered under this procedure may be made to staff or Senior Members of College other than the Junior Deans, Welfare Dean or Dean. In this situation, the member of staff or Senior Member should explain the procedure, and ask the complainant if they would like the case referred to the Welfare Dean, so that they can receive support from a trained staff member, or whether they would like it referred to the Dean as a formal written complaint.

26. If a student does not wish to seek support and advice, or to make a complaint, under stages 2 or 3 of this Procedure, or if there are queries about the procedure to be followed, staff can contact the Welfare Dean, or the Director of Student Welfare and Support Services' office, for advice on a confidential basis. Any member of the University can also directly contact the Proctors for advice and information on any matter.

27. There may be occasions where a student does not wish to seek support and advice or to make a complaint under stages 2 or 3 of this procedure, but where the Junior Deans, the Welfare Dean, or the Dean consider that the implications for the individual and/or for others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In such circumstances a Junior Dean or the Welfare Dean may ask the Dean to initiate an investigation and make a decision on further action on the basis of such evidence as is

available, or the Dean may decide to initiate such an investigation. The individual's consent will normally be sought if disclosure is to be made, and a decision on disclosure would be made at a senior management level (i.e. by the Deans in consultation with other College Officers and in light of external professional advice as appropriate).

Potentially criminal misconduct

28. This procedure, or parts of this procedure, may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but would not be limited to, cases of serious assault or threat of serious assault. The Dean, in consultation with the Welfare Dean and with advice from other College Officers and the Director of Student Welfare and Support Services (as appropriate), will decide whether this procedure is applicable, having regard to all relevant circumstances including any actual or potential police involvement. Additional support for any student affected by such an incident may be sought from the office of the Director of Student Welfare and Support Services.

29. In addition, the Deans will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary. Further guidance on cases of sexual assault and sexual violence, including support available, is available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Confidentiality

30. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the University, within certain colleges, or to external bodies.

31. Those to whom disclosure may be made outside the College and the University include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts. The College will not normally report a matter to the police without the complainant's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

32. The College and all those involved in this procedure must comply in accordance with the General Data Protection Regulation and associated data protection legislation. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary. (See also point 13 above, and n.6.)

33. Those interviewed in the course of any investigation by the Dean will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions. All notes will be preserved during the process and until such time as the College's internal processes and any external processes are concluded.

34. The Estates Bursar, as the College Officer having oversight of the College's legal obligations and administrative record-keeping, should be consulted about filing and retaining any notes and documents related to this procedure, all of which must be held in confidence.

Harrassment procedure flowchart for complaints by STUDENTS



Harrassment
flowchart_A4_STUDE

Harrassment procedure flowchart for complaints by STAFF



Harrassment
flowchart_A4_STAFF.

Procedures last revised: 12/5/19. Revision approved at GB: 12/6/19. Next review due: 11/5/20