

# Linacre College

## Policy and Procedure on Harassment

### Introduction

1. Linacre 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. The 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 as 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 within the College, such as the Principal, Senior Tutor and Welfare and Equalities Officer, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedure on appointment. All members of the College have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas for which they are responsible and that, if they do occur, any concerns are investigated promptly and effectively.
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; and
  - 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.
6. This Policy and Procedure are designed to deal with harassment which occurs primarily within Linacre College. Incidents of harassment that occur within the University but outside the College environment will normally be dealt with under the appropriate University procedure.<sup>1</sup> If there is

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<sup>1</sup> University Harassment Procedure [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/)

doubt as to whether the college or University procedure applies, members are advised to seek advice from the Senior Tutor, the Director of Student Welfare and Support Services<sup>2</sup> or the University's Harassment Advisor Network<sup>3</sup>.

7. This Policy and Procedure should be read alongside other college by laws, policies and procedures. These can be found at: <http://www.linacre.ox.ac.uk/about-linacre/policies-bylaws>

8. Any member of the College community who feels they have been subject to harassment can also contact the University Harassment Advisory Service (where there are advisors who have been specially trained for advising on sexual violence, domestic/relationship abuse, BME issues, LGB issues., or their local Harassment Advisor for support. The Service is also available to those against whom an allegation of harassment has been made. These and other sources of help and advice can be found at: [www.admin.ox.ac.uk/eop/harassmentadvice.shtml](http://www.admin.ox.ac.uk/eop/harassmentadvice.shtml)

## Definitions

9. A person subjects another to **harassment** when they engage 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.<sup>4</sup>

The recipient does not need to have explicitly stated that the behaviour was unwanted.

10. Freedom of speech and academic freedom<sup>5</sup> 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.

11. **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.

12. 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 they have, in good faith:

- a) made an allegation of harassment, or
- b) indicated an intention to make such an allegation, or
- c) assisted or supported another person in bringing forward such an allegation, or
- d) participated in an investigation of a complaint, or

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<sup>2</sup> Director of Student Welfare confidential email: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk) telephone: (01865) (2)80444

<sup>3</sup> Harassment Advisor Network: <http://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/>

<sup>4</sup> Statute XI: University Discipline ([www.admin.ox.ac.uk/statutes/352-051a.shtml#\\_Toc28142342](http://www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342))

<sup>5</sup> [http://www.linacre.ox.ac.uk/sites/default/files/freedom\\_of\\_speech.pdf](http://www.linacre.ox.ac.uk/sites/default/files/freedom_of_speech.pdf) .

- e) participated in any disciplinary hearing arising from an investigation, or
- f) taken any other steps in connection with this Policy and Procedure.

Equally the college will regard as victimisation any detrimental treatment of anyone who is suspected of having done these things.

## Behaviours

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

14. 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.

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

16. Harassment can take a variety of forms:

- a) 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 Facilities<sup>6</sup>
  - directly to the person concerned, or to a third party
- b) Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

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

- a) Unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
  - inappropriate body language;
  - sexually explicit remarks or innuendoes;
  - unwanted sexual advances and touching.
- b) Offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of age, disability, race, sexual orientation, gender reassignment, religion/belief, or gender.
- c) Insulting, abusive, embarrassing or patronising behaviour or comments.
- d) Humiliating, intimidating, and/or demeaning criticism.
- e) Persistently shouting at, insulting, threatening, disparaging or intimidating an individual.
- f) Constantly criticising an individual without providing constructive support to address any performance concerns.

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<sup>6</sup> Linacre College IT regulations: <http://www.linacre.ox.ac.uk/facilities/it/it-regulations>

- g) Persistently overloading an individual with work that they cannot reasonably be expected to complete.
- h) Posting offensive comments on electronic media, including using mobile communication devices.
- i) Threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- j) Deliberately using the wrong name or pronoun in relation to a transgender or non-binary person, or persistently referring to their gender identity history.
- k) Isolation from normal work or study place, conversations, or social events.
- l) Publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

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

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

### **Application of the Policy**

19. Harassment is a serious offence. Any member of the College community who feels they have been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the Procedure in relation to complaints about staff; and Annexe B for the Procedure in relation to complaints about students.

20. 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 from the College Harassment Advisors<sup>7</sup> including the Welfare and Equalities Officer ([welfare@linacre.ox.ac.uk](mailto:welfare@linacre.ox.ac.uk)) and/or approach the Police directly; and staff members can seek advice from the College Harassment Advisors and/or the Operations Manager and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at: [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/).

21. Incidents of harassment that occur outside of the college environment and within the University environment will normally be dealt with under the appropriate University procedure. This procedure can be found at: [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/)

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<sup>7</sup> <http://www.linacre.ox.ac.uk/handbook/harrasment>

22. 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.

23. 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 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.

24. This Policy and Procedure may be found at <http://www.linacre.ox.ac.uk/handbook/harrassment> or are available in hard copy from the College Secretary. Copies in alternative formats are available on request.

25. This Policy and Procedure will be subject to regular review by the Equality Committee.

## **Annex A:**

### **Complaints of harassment against a member of the College staff**

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff, or who has an association with a particular college, short of an employment contract. The Operations Manager 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 and Equalities Officer and, where relevant, the Director of Student Welfare and Support Services.

#### **Initial action**

3. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a member of staff wishes to seek informal resolution, they should approach the Operations Manager to ask for help in achieving a resolution of the problem. Students should seek support from the Welfare & Equalities Officer. At no time should a student or staff member feel obliged to approach an alleged harasser.

#### **Mediation or conciliation**

4. 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.
5. In the case of a complaint involving two members of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Operations Manager, who may seek advice from the University's Director of Human Resources if appropriate, for example, in the case of a joint appointment. In the case of a complaint involving a member of staff and a student, the Operations Manager will consult the Welfare & Equalities Officer, who may seek advice from the Director of Student Welfare and Support Services as appropriate. 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.
6. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

#### **Complaints procedure**

7. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint. If the complainant is a member of staff, the complaint should be submitted to the Operations Manager. If the complainant is a student, the complaint should be submitted to the Welfare & Equalities Officer who will then communicate it to the Operations Manager and/or relevant Head of Department. A student complainant may also seek support as relevant from the University Director of Student Welfare and

Support Services. In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the Operations Manager, or wishes to make a complaint against the Operations Manager, advice may be sought from any Harassment Advisor or the Welfare & Equalities Officer. Students and staff can seek support from College Harassment Advisors throughout the complaints process. If the student or staff member does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).

### **Submission of the complaint**

8. In the submission to the Operations Manager or Welfare & Equalities Officer, the complainant should set out as clearly and succinctly as possible

- a. the nature of the behaviour that they are concerned about;
- b. the effect of this behaviour on them; and
- c. the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any contemporaneous notes and documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.

9. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the investigation 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. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.

10. Both parties to the complaint have the right to be accompanied and supported if applicable: by a trade union representative or by a colleague of their choice from within the College at any meeting held under this procedure. If the complaint involves a student they may be accompanied by another student member of the College or a member of the College's welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.

11. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Operations Manager or Welfare & Equalities 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 Principal or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

### **Action by the Operations Manager on receipt of a complaint**

12. On receipt of a complaint, the Operations Manager will (in consultation with the Welfare & Equalities Officer) in the event of a student complainant, take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which may include:

- a) Informing the person against whom a complaint has been made of the allegations against him or her.
- b) Meeting separately with the complainant and the alleged harasser (at which meetings they should be have the right to be accompanied).
- c) Speaking to other relevant people on a confidential basis.
- d) Obtaining further relevant information.

13. The Operations Manager will then decide how to proceed and will inform the parties in writing. They may make such enquiries as are necessary to determine the complaint, or may commission an investigation, where circumstances preclude them from concluding the matter in a timely fashion.

14. The Operations Manager may also determine that immediate interim action is necessary pending the outcome of a formal process.

### **Investigation**

15. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.

16. As a general rule, the Investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may, if specifically requested to do so by the Operations Manager, make recommendations on possible courses of action.

17. The Operations Manager will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the Operations Manager intends to take; and (iii) of the reasons for any such action.

18. The Operations Manager will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

### **Investigation procedure**

19. 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 interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.

- d) The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
- e) The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- f) Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
- g) The report will be forwarded to the Operations Manager, usually with a copy to the Principal, and, if the complainant is a student, normally to the Welfare & Equalities Officer. In cases involving students, consent should be sought from the complainant to inform their department if appropriate. The Welfare & Equalities Officer will ensure that appropriate support is available to students following an investigation.

### **Possible outcomes of a complaint**

20. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Operations Manager, in consultation with relevant College Officer(s) and, in the event of a student complainant, the Welfare & Equalities Officer, will either:

- a) Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties.  
or
- b) Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve professional relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period.  
or
- c) Institute disciplinary proceedings where the Operations Manager is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Operations Manager will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department.  
or
- d) In rare cases disciplinary action may be instituted against the complainant if the Operations Manager is satisfied that the complaint of harassment is unfounded and not made in good faith.

### **Appeal from the Operations Manager's decision**

21. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the time scales specified. For staff see the [Staff Handbook, section Making a Complaint](#) and for students

see [By Law 8 Complaints by Junior Members](#). If the complainant is a student, a Completion of Procedures letter should be issued.

22. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. They must do so within three months of the date of the Completion of Procedures letter.

### **Potentially criminal conduct**

23. 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 Principal will decide which procedure is appropriate.

### **Confidentiality**

24. 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 College, the University, or to external bodies.

25. 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**

26. The College and all those involved in this process must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

27. 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.

28. The Operations Manager, and if the student is a complainant, the Welfare & Equalities Officer, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

## Annex B:

### Complaints of harassment against students

1. This Procedure is designed to deal with Linacre student complaints of harassment by other Linacre students that arise in a College context. Complaints of harassment brought by students against college-only staff will be dealt with under the staff Procedure above, and complaints by students against University staff and students of other colleges will be dealt under the University Procedure. In all cases a student complainant will be supported by the Welfare & Equalities Officer and, if appropriate, the University Director of Student Welfare and Support Services. If a student is unsure whether a particular instance of harassment falls under the University's procedures or College procedures, they should seek advice from a College Harassment Advisor or the Senior Tutor.
2. If a member of College staff wishes to make a complaint of harassment against a student, this will normally be considered as a disciplinary issue. In the first instance, a member of staff should seek support and guidance from the Operations Manager, who should consult the Welfare and Equalities Officer and/or Director of Student Welfare and Support Services as relevant.
3. The Welfare & Equalities Officer and Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Welfare & Equalities Officer will have oversight<sup>8</sup> of all cases referred to them under this Procedure, and will take the lead as appropriate in liaising with other parts of the collegiate University. The Welfare & Equalities Officer will act as a source of information and advice for the College on student cases of harassment, and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to their office under this Procedure.
4. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

#### Stage 1 - Informal action

5. In some cases, a student who feels that they are being 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 should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been 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 informal action, the student could discuss the situation with a College Harassment Advisor. If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)). 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 [www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/harassment/role.pdf](http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/harassment/role.pdf).

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<sup>8</sup> Oversight in this context refers to the Senior Tutor being aware of all cases so as to ensure the provision of appropriate support to students.

7. Other sources of advice when considering informal resolution include the Welfare & Equalities Officer, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail [advice@ousu.org](mailto:advice@ousu.org)).

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

## **Stage 2 - Student Welfare and Support Services**

9. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Welfare & Equalities Officer and Harassment Advisors are available for support and advice to any student who feels that they are being harassed. Students can contact the Welfare & Equalities Officer by e-mail: [welfare@linacre.ox.ac.uk](mailto:welfare@linacre.ox.ac.uk).

10. The Welfare & Equalities Officer will refer the student to a staff member trained in dealing with harassment cases, normally a Harassment Advisor. This staff member will be available to support the student 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. The Welfare & Equalities Officer will oversee all cases, and will advise and take action as appropriate. Actions taken will vary depending on the case. Actions taken by the trained staff member may include:

- a) Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take
- b) Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and OUSU Student Advice Service).

Actions taken by the Welfare & Equalities Officer may include:

- c) 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 & Equalities Officer, who may seek advice from the University's 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. All those involved in the mediation or conciliation process must maintain appropriate confidentiality
- d) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the college environment and within the University environment
- e) 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 Welfare & Equalities Officer and Harassment Advisors, or those designated by them 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 that they are being harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The Welfare & Equalities Officer 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 Welfare & Equalities Officer and Harassment Advisors 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 Annexe A.

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 principles of the Data Protection Act 1998. 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 Senior Tutor. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the complainant has not already been offered appropriate support from a trained member of staff, this will happen at 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.

16. The complainant should set out as clearly and succinctly as possible

- a) the nature of the behaviour that they are concerned about;
- b) the effect of this behaviour on them; and
- c) where possible, the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any contemporaneous notes and 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 Senior Tutor may request further information.

17. The Senior Tutor or another person appointed by them (the Investigator), will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include:

- a) informing the person against whom a complaint has been made of the allegations against him or her;
- b) meeting separately with the complainant and the alleged harasser;
- c) speaking to other relevant people on a confidential basis; and/or
- d) obtaining further relevant information.

At all times both parties will have the right to be accompanied at meetings by another student member of the College, a member of the College welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service.

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 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 disciplinary procedures
- Taking actions in College, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The Principal or head of department will have responsibility for implementing and monitoring any actions. The Welfare & Equalities Officer and University Director of Student Welfare and Support Services will be available to advise
- Referring either or both parties to appropriate support services
- Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the college environment and within the University environment.
- 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.

A Completion of Procedures letter will be issued documenting the decision.

22. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision using the Complaints procedure for Junior Members and members of the Common Room ([By Law 8](#)) and the [Conference of Colleges Appeals Tribunal](#) if applicable or, if they have exhausted all mechanisms of appeal within College, apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. The complainant should seek advice from Welfare & Equalities Officer or a Harassment Advisor if they are considering taking this action. If applying to the OIA they must do so within three months of the date of the Completion of Procedures letter.

23. Following the outcome of the complaint, the Welfare & Equalities Officer will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

24. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Welfare & Equalities 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 Principal or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

### **Referrals**

25. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Welfare & Equalities Officer. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Welfare & Equalities Officer, so that they can receive support from a trained staff member, or submit 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 & Equalities Officer or the University Director of Student Welfare and Support Services for advice on a confidential basis<sup>9</sup>.

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 Welfare & Equalities Officer considers 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 the Welfare & Equalities Officer may initiate an investigation and make a decision on further action on the basis of such evidence as is available. The individual's consent will normally be sought if disclosure is to be made, and a decision on disclosure would be made by the Senior Tutor, Vice-Principal or Principal.

### **Potentially criminal misconduct**

28. 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. Where the complaint is of potentially serious criminal behaviour by a student, the college should consider whether it would be appropriate for the University to investigate, given the University's access to experienced external investigators. Further guidance on cases of sexual assault and sexual violence, including support available, is available from the University at [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/). Issues including but

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<sup>9</sup> Any member of the collegiate University can also contact the Proctors for advice and information on any matter.

not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

30. Support for any student affected by such an incident may be sought from the Welfare & Equalities Officer, Harassment Advisors and other relevant College Officers.

31. In addition the Welfare & Equalities Officer 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.

### **Confidentiality**

32. 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 College, the University, or to external bodies.

33. 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**

34. The College and all those involved in this Procedure must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

35. Those interviewed in the course of any investigation by the investigator 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.

36. The Welfare & Equalities Officer should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.