Worcester College Policy and Procedure on Harassment

Approved by Governing Body on 31/01/2018

Introduction

1. Worcester 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 have formal responsibilities under this Policy and are expected to familiarise themselves with the procedures. All senior 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 of work 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, along with responsibility for complying with this Policy and Procedure, and to demonstrate active commitment 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.

6. This Policy and Procedure is designed to deal with harassment within the college environment, and complement the University’s Policy and Procedure on Harassment (see www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure).

7. This Policy and Procedure may be read alongside other College policies and procedures, which can be found at www.worc.ox.ac.uk/about/governance/policies-and-procedures. The College reserves the right to make a decision about which to follow in case of overlap.

Definitions

8. A person subjects another to **harassment** where 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.¹ [1]

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

9. 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.

10. **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.

¹ The University’s definition of harassment 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.
11. 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:

- 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**

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

13. 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.

14. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment and may, in itself, lead to disciplinary action.

15. 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 University’s Regulations Relating to the use of Information Technology Facilities - [https://www.admin.ox.ac.uk/statutes/regulations/196-052.shtml](https://www.admin.ox.ac.uk/statutes/regulations/196-052.shtml)
  - 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 biphobic or racist jokes.

16. 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, including all forms of sexual harassment, such as:
i. inappropriate body language
ii. sexually explicit remarks or innuendoes
iii. unwanted sexual advances and touching

- offensive comments or body language, including insults, jokes or gestures and malicious rumours, for example on the basis of race or sexuality or religion or belief
- 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
- persistently overloading an individual with work that they 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 otherwise offensive pictures or other materials.

17. 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.

Contacts

The following people can be contacted for advice and guidance
• **Student Welfare Lead:** a senior college officer who takes responsibility for student welfare and should not have a major role in college disciplinary procedures
  
  - *Student Welfare Officer – Georgie Heywood – welfare@worc.ox.ac.uk*

• **Student Disciplinary Lead:** The Dean/ Staff Lead: Senior college officer who investigates other complaints against students and staff in the college context. If the allegation of harassment leads to a disciplinary case, the relevant college disciplinary committee would hear this
  
  - *The Dean – Paul Azzopardi – paul.azzopardi@psy.ox.ac.uk*

• **The Investigator:** In cases involving students, the Investigator will be the Student Disciplinary Lead. In cases involving students and staff, the Dean will appoint an investigator who has had no previous involvement with the case, or with the parties to the case: the investigator may be from another college.

  In cases involving non-academic staff, in the first instance they should refer to their Line Manager or the HR Department.

• **Harassment Advisers:** support individual members of staff and students who are concerned that they are the subject of harassment or bullying. All harassment advisors are trained and co-ordinated by the Equality and Diversity Unit (EDU).

• **Student Advisors**
  
  - Senior Tutor - Scott Scullion - senior.tutor@worc.ox.ac.uk
  - Student Welfare Officer - Georgie Heywood - welfare@worc.ox.ac.uk
  - Academic Administrator - Phillipa Tarver - academic.administrator@worc.ox.ac.uk

• **Staff Advisors**
  
  - Head of Security - David Roche - david.roche@worc.ox.uk
  - Assistant Bursar - Jayne Stoddart - assistant.bursar@worc.ox.ac.uk

• **Harassment line (to contact Oxford University Harassment Advisors)** - 01865 270760 or email harassment.line@admin.ox.ac.uk

• **Links to further support here;**
  
  - [http://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/](http://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/)
APPLICATION OF THE POLICY

18. 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 ‘COMPLAINTS OF HARASSMENT AGAINST COLLEGE STAFF’ for the Procedure in relation to complaints about staff; and ‘COMPLAINTS OF HARASSMENT AGAINST STUDENTS’ for the Procedure in relation to complaints about students.

19. 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 and staff members can seek advice from the Dean and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/

20. 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. These procedures can be found at: www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/

21. Any member of the College community who feels they have been subject to harassment should contact a named harassment advisor, as listed in the paragraph ‘Contacts’ above, for support. This is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found at: www.admin.ox.ac.uk/eop/harassmentadvice.shtml

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 the complainant. 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 www.worc.ox.ac.uk/about/governance/policies-and-procedures or is available in hard copy
Procedures

Types of complaint and procedure to be used:

Annex A: **Complaints of harassment against College staff – the Staff Procedure**

- Student – Staff complaints.
- Non academic staff – Academic staff complaints
- Academic staff – Non academic staff complaints
- Academic staff – Academic staff complaints
- Non academic staff – Non academic staff complaints.

*These may be dealt with under the staff procedure or the grievance policy outlined in the staff handbook. The College reserves the right to nominate the appropriate policy/procedure.

- Academic/ Non-academic staff – non-Worcester student/ University/ Departmental staff complaints

*In this instance the harassment may fall under the University procedure. In this instance please seek advice from a Harassment Advisor*

Annex B: **Complaints of harassment against students - the Student Procedure**

- Student – Student complaints.

*This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context.*

- Student – non-Worcester student/ University/ Departmental staff complaints.

*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 Harassment Advisors.*

- Staff – student complaint.

*If a member of staff wishes to make a complaint of harassment against a student, this will normally be dealt with along a similar format to that of complaints made by a member of staff against another member of staff. In the first instance, a member of staff should seek support and guidance from their line manager or the Dean.*
Annex A: Complaints of harassment against 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 college. The HR Manager (for non-academic staff) or the Senior Tutor (for academic 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 Student Welfare Officer, Chaplain and/or Harassment Advisors.

3. This complaints procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action. This complaints procedure therefore focuses on complaints of harassment which can be dealt with within the College environment. However, it also includes the procedure for informing and receiving support from the College in cases where there is police involvement.

Initial action

4. 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) to ask for help in achieving a resolution of the problem. Students should seek support from the Student Welfare Officer. At no time should a student or staff member feel obliged to approach an alleged harasser.

5. 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.

6. 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) will consult the 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.

7. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.
Complaints procedure

8. 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff). If the complainant is a student, the complaint should be submitted to the Dean who will then communicate it to the HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) and/or relevant Head of Department. A student complainant may also seek support as relevant from the Student Welfare Officer, Chaplain or other Harassment Advisors. 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), or wishes to make a complaint against the HR Manager or the Senior Tutor, advice may be sought from a Harassment Advisor.

Students and staff can seek support from the 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 email harassment.line@admin.ox.ac.uk).

Submission of the complaint

9. In the submission to the HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) or Dean, 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 documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.

10. 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 cooperate 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.
11. Both parties to the complaint have the right to be accompanied and supported by a trade union representative or official 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. It is the responsibility of the complainant to ensure that the person accompanying them is provided with the documentation and information they consider necessary, including the date, time and location of the meeting. These people must maintain appropriate confidentiality.

12. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) or Dean 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

**Action on receipt of a complaint**

13. On receipt of a complaint, the HR Manager or the Senior Tutor (as appropriate) will, in consultation with the Dean 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 (in advance of the meetings they should be informed of their right to be accompanied);
   c. speaking to other relevant people on a confidential basis; and/or
   d. obtaining further relevant information.

14. The HR Manager or the Senior Tutor (as appropriate) 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.

15. The HR Manager or the Senior Tutor (as appropriate) may also determine that immediate interim action is necessary pending the outcome of a formal process.

**Investigation**

16. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant (see below for the procedure).

17. The HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) will appoint an investigator who has had no previous involvement with the case, or with the parties to 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), make recommendations on possible courses of action.

18. The HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) 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 HR Manager or the Senior Tutor (as appropriate) intends to take; and (iii) of the reasons for any such action.

19. The HR Manager or the Senior Tutor (as appropriate) will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Investigation procedure

20. 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 HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), and, if the complainant is a student, normally to the Dean. In cases involving students, consent should be sought from the complainant to inform their department if appropriate. The Dean will ensure that appropriate support is available to students following an investigation.
Possible outcomes of a complaint

21. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the HR Manager (for non-academic staff) the Senior Tutor (for academic staff), or, in the event of a student complainant, the Dean, will take such action as they consider best, which may include any of the following:

a) Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional 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.

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 may be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within the College that require management attention.

or

c) Institute disciplinary proceedings, following the appropriate disciplinary policy (as set out below), where the HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), in consultation with a solicitor if appropriate, 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 HR Manager or the Senior Tutor (as appropriate) will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department. More details can be found as follows:

Non-academic staff: Disciplinary procedure as outlined in the staff handbook - [https://www.worc.ox.ac.uk/intranet/staff/staff-handbook](https://www.worc.ox.ac.uk/intranet/staff/staff-handbook)

Academic staff: Disciplinary procedure via the Academic Disciplinary Panel as outlined in the College Statute - [https://www.worc.ox.ac.uk/system/files/statutes_2011_1.pdf](https://www.worc.ox.ac.uk/system/files/statutes_2011_1.pdf) (Statute XV, Part III, sections 13 and following).

or

d) In rare cases disciplinary action may be instituted against the complainant if HR Manager (for non-academic staff) or the Senior Tutor (for academic staff) is satisfied that the complaint of harassment is unfounded and not made in good faith.
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 relevant appeals process, as set out in Annexe C.
ANNEX B: COMPLAINTS OF HARASSMENT AGAINST STUDENTS

1. The Student Welfare Officer and Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Student Welfare Officer will have oversight\(^3\) 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 Student Welfare 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.

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

3. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, serious assault or threat of serious assault. This Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment. However, it also includes the procedure for informing and receiving support from the College in cases where there is police involvement.

Stage 1 - Informal action

4. 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.

5. 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). Harassment Advisors will not approach the alleged harasser on behalf of an individual. Details of the role of the

\(^3\) Oversight in this context refers to the Dean/ Student Welfare Officer being aware of all cases so as to ensure the provision of appropriate support to students.
harassment advisor can be found at; www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/harassment/role.pdf.

6. Other sources of advice when considering informal resolution include the Dean team, College Officers, JCR and MCR welfare representatives, Student Peer Supporters, and OUSU’s Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org).

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

**Stage 2 – Informal resolution**

8. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Student Welfare Officer and Harassment Advisors are available for support and advice to any student who feels that they are being or have been harassed. Students can contact the Student Welfare Officer by e-mail: joanne.bates@worc.ox.ac.uk

9. The student will be referred 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 Student Welfare 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:

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

Actions taken by the Student Welfare Officer may include:

   - 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 Student Welfare 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
• 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
• 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.

10. Support from the Student Welfare Officer and Harassment Advisors 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 Student Welfare 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.

11. Support from the Student Welfare 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 (please see Annex A).

12. 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 19983. 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

13. 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. 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.

14. 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.

15. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) 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

3 https://www.worc.ox.ac.uk/file/policy-data-protection
documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking. 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.

16. The Dean, or another person appointed by them as Investigator, 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 by another student member of the College, a senior member of the College, or a member of staff from OUSU’s Student Advice Service.

17. 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.

18. 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.

19. 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.

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

- Deciding, in consultation with a solicitor, 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 Student Welfare Officer and University Director of Student Welfare and Support Services will be available to advise
- Referring either or both parties to appropriate support services

See the student handbook [https://www.worc.ox.ac.uk/intranet/students/handbook](https://www.worc.ox.ac.uk/intranet/students/handbook)
• 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.

21. 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 appeals process (see Appendix C) or apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. The complainant should seek advice from Harassment Advisors if they are considering taking this action. If applying to the OIA they must do so within one year of the date of the Completion of Procedures letter, and must have exhausted all other mechanisms of appeal within College.

22. Following the outcome of the complaint, the Dean 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

23. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Dean/ Student Welfare Officer. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Student Welfare Officer, so that they can receive support from a trained staff member, or submit a formal written complaint.

24. 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 Dean/ Student Welfare Officer for advice on a confidential basis.

25. 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 Dean/ Student Welfare Officer considers that the implications for the individual and/or for others actually or potentially affected are a serious risk. This may include cases where other parties, but not

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5 Any member of the collegiate University can also contact the Proctors for advice and information on any matter.
the aggrieved party, have made a complaint. In such circumstances, the Student Welfare 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 at a senior level.

**Potentially criminal misconduct**

26. 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. In the first instance such allegations will normally be a matter for police investigation and action. The college will not undertake its own investigation in parallel with a police investigation.

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

28. In addition the Student Welfare 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. Further guidance on cases of sexual assault and sexual violence, including support available, is available from the University at [http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/).

Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.
Appendix C: Appeal process

1. The purpose of an appeal is to enable the complainant, who is unhappy with the outcome of their complaint, to appeal against any decision taken in accordance with this procedure and to be represented at the appeal hearing by a Trade Union representative, an official of a recognised trade union or work colleague.

2. An appeal will only be held on the following grounds:

   a) If serious procedural errors may materially have contributed to the outcome of the proceedings against which the appeal has been lodged.

   OR

   b) If new information has come to light, which was not available at the time of the grievance hearing.

   OR

   c) The complainant believes that the outcome of the hearing has failed to provide a satisfactory resolution to their complaint, in which case, they would be expected to make clear what further remedy they seek.

   The function of an appeal hearing is not to conduct a full rehearing of the facts of the case, though it is inevitable that reference will have to be made to the earlier meeting(s).

3. The College reserves the right to rule the grounds of an appeal out of time/order and not to allow the appeal to proceed. If the College decides to exercise this option, a written explanation of the reasons will be provided to the complainant.

   Notification of Appeal Hearings

4. A complainant wishing to appeal against a decision taken at an earlier meeting should inform the HR Manager (for non-academic staff) the Senior Tutor (for academic staff), or, in the event of a student complainant, the Dean, in writing. They should state the full grounds of their appeal and provide all necessary supporting documentation. This should be done within ten working days of receipt of written confirmation of the outcome of their complaint.

5. An appeal hearing will normally be convened within twenty working days of receipt of notification by the HR Manager (for non-academic staff) the Senior Tutor (for academic staff), or, in the event of a student complainant, the Dean, of the complainant’s decision to appeal. A copy of the complainant’s written statement will be passed to the person who conducted the original investigation and took the decision in question.
6. The Investigator will prepare a written response to the appeal, which s/he will present at the appeal hearing. A copy of this statement will be sent to the complainant, together with details of its date, time and location, not less than five working days prior to the hearing.

7. Both parties to the complaint have the right to be accompanied and supported by a trade union representative or official or by a colleague of their choice from within the College at this meeting. 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. It is the responsibility of the complainant to ensure that the person accompanying them is provided with the documentation and information they consider necessary, including the date, time and location of the meeting. These people must maintain appropriate confidentiality.

8. Delays caused by the unavailability of the complainant or their chosen representative to attend on given dates without good reason will not be an acceptable ground for postponing the appeal hearing indefinitely, provided the specified notice has been given. Where the representative cannot attend on the date specified, the College will offer an alternative date and time, but it may not be possible to do this more than once.

Authority to Hear an Appeal

9. An appeal against the outcome of the original investigation will normally be held by a senior member of Academic/Non Academic staff who has had no previous involvement in the case.

Roles and Responsibilities of the other Participants

The complainant

10. Having set out the written grounds of their appeal beforehand, the complainant must concentrate on the issue(s) that the appeal has been called to consider. They must not attempt to present all the facts of the case afresh.

The Complainant Trade Union Representative/Work Colleague

11. If the appellant is to be accompanied, it must be agreed beforehand whether that person is to do so as a “representative”, i.e. to speak for them, or as their “colleague”, i.e. to support them and act as witness to the proceedings. An appeal is an internal procedure therefore attendance for this purpose is restricted to those listed in point 7, above.

The Investigator (Respondant)

12. Having set out their written response to the complainant’s case beforehand, the role of the respondent is to summarise why they took the decision that they did, explaining why their decision was reasonable, given the circumstances.

HR Representative

13. An HR representative will advise those hearing the appeal on matters of procedure, employment law and best practice, where appropriate.
Conduct of Appeal Hearings

14. Those hearing the appeal will consider the written submissions of the complainant and respondant, together with any oral statement they might wish to make, and any information from witnesses. Both sides may question each other. At the end of the appeal, both sides will be given the opportunity to sum up.

15. The complainant will receive written notification of the outcome of the appeal within ten working days of the hearing. He or she will also be advised that the outcome of their appeal marks the end of internal consideration of their case.

Outcomes

16. The available outcomes under this appeals procedure are as follows:

- The original decision is adjusted, in part or in full
- The appeal is dismissed

Potentially criminal conduct

17. 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.

Confidentiality

18. 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.

19. 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

20. 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.
21. 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.

22. The HR Manager (for non-academic staff) or the Senior Tutor (for academic staff), and if the student is a complainant, the Dean, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.