
Worcester College, Oxford

**College Harassment and Bullying
Policy**

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1 Introduction

- 1.1 The College recognises the right of all in its community to be treated with respect and dignity and is committed to the development of positive policies for the elimination of all kinds of harassment and bullying. Harassment or bullying within the College community in any form is unacceptable and will not be permitted or condoned.
- 1.2 Staff and students have the right to work and study in an environment free from harassment, bullying and any other type of intimidation.
- 1.3 This Policy provides all students of the College who are victims of harassment and/or bullying (as defined below) with a procedure to refer their concerns, which may relate to fellow students of the College or its staff and Fellows.
- 1.4 The College will treat allegations of harassment or bullying seriously. Any student found to be in breach of this Policy will be liable to disciplinary action under the College's Student Disciplinary Policy, which could result in sanctions including their potential expulsion. Any member of the College's staff or Fellow found to be in breach of the Policy may be liable to similar internal action.

2 Who is responsible for this Policy?

- 2.1 The Governing Body of the College has overall responsibility for the effective operation of this Policy and for ensuring compliance with relevant legislation.
- 2.2 Day-to-day operational responsibility for this Policy, including regular review of this Policy, has been delegated to the Dean.

3 Harassment and bullying

- 3.1 What is harassment?
 - 3.1.1 Harassment takes many forms, occurs on a variety of different grounds and can be directed at one person or many people. Harassment is conduct that is unwanted by the recipient and which the recipient finds offensive or unacceptable. It can include unwelcome physical, verbal or non-verbal conduct. It can also include circulating information or images via e-mail or the internet. Conduct can be harassment even if it was not intended to violate the recipient's dignity if it has that effect.

- 3.1.2 Conduct normally becomes harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to harassment if it is sufficiently serious.
- 3.1.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. It may also include victimising someone because they have been willing to challenge harassment. Harassment is unacceptable even if it does not fall within any of these categories.
- 3.1.4 Harassment may include, for example:
- (i) Unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing;
 - (ii) Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - (iii) Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - (iv) Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - (v) Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - (vi) Outing or threatening to out someone as lesbian, gay, bisexual or trans;
 - (vii) Offensive e-mails, text messages or social media content;
 - (viii) Mocking, mimicking or belittling a person’s disability or physical appearance;
 - (ix) Isolation or non-co-operation and exclusion;

- (x) Intrusion by pestering, spying and/or stalking;
- (xi) Offensive remarks/expressions;
- (xii) Display of offensive posters/pictures on notice boards; and/or
- (xiii) Public humiliation.

3.1.5 A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

3.1.6 Students should be aware that anything posted – however innocently intended – on a blog, web page, comment section, forum or social networking site may, if it includes ill-informed views, inaccurate information or personal remarks directed at others, be seen as harassing to the intended recipient or potentially defamatory or libellous.

3.1.7 The University’s definition of harassment can be found 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.

3.2 What is bullying?

3.2.1 Bullying is offensive, intimidating, malicious or insulting behaviour that can make a person feel vulnerable, upset, humiliated, undermined or threatened. It can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- (i) Shouting at, being sarcastic towards, ridiculing or demeaning others;
- (ii) Physical or psychological threats;
- (iii) Overbearing and intimidating levels of supervision;
- (iv) Inappropriate and/or derogatory remarks about someone’s performance;

- (v) Abuse of authority or power by those in positions of seniority; and/or
- (vi) Deliberately excluding someone from events or communications without good reason.

4 Responsibilities

- 4.1 All members of the College have a responsibility to help ensure that the dignity of all students and staff are respected in the College environment. Everyone must comply with this Policy and students should ensure that their behaviour to students and staff does not cause offence and could not in any way be regarded as harassment.
- 4.2 Students should discourage harassment by making it clear that they find such behaviour unacceptable and by supporting fellow students who suffer such treatment and are considering making a complaint. Students should alert a tutor in confidence to any incident of harassment to enable the College to deal with the matter.

5 Support

- 5.1 Any student who has experienced harassment, is concerned about harassment, or is involved in any element of a harassment procedure in any capacity, can contact the Student Welfare Officer at any time, who will advise on the different sources of support available to them.

6 Reporting

- 6.1 If a student is a victim of harassment, they should use the following procedure.
- 6.2 Due to the seriousness with which the College views harassment and bullying, informal and formal reporting procedures have been introduced which are separate from and replace the College's [Student Complaints Policy as a mechanism for dealing with complaints.
- 6.3 If a student is the victim of harassment or bullying, they must not hesitate to use this procedure for fear of victimisation. Retaliation against a student who brings a complaint of harassment or bullying is a serious disciplinary offence which may constitute misconduct under the College's student and staff disciplinary procedures.
- 6.4 Because it is easier to resolve harassment issues if they are brought to the College's attention quickly, students are encouraged to invoke the harassment procedure promptly if they think they have been harassed or bullied.

7 Criminal offences

- 7.1 If a student is subject to harassment which may constitute a criminal offence, they are strongly encouraged to go directly to the police. This may be particularly important not only to ensure that assailants are apprehended and further crimes prevented, but also to obtain forensic evidence, where appropriate. College staff may assist in summoning the police and/or accompanying individuals wishing to make police statements.
- 7.2 The wishes of the student will be central to any decision as to how to take forward any disclosure.
- 7.3 As part of the support role, the College will assist the reporting student to understand the various options available to him/her and provide the student with support in making a decision about the way forward. The key options for the reporting student will usually be as follows:
- 7.3.1 Make a report to the police;
 - 7.3.2 Not report the matter to the police, but request that the University or College consider the case under their internal processes; or
 - 7.3.3 Take no further action.
- 7.4 In cases where a complaint is made about an act which could amount to a violation of criminal law, the College will, in line with guidance provided by Universities UK in 2016, adopt special procedures. These normally mean that the College may take initial statements and collate evidence, but a full consideration of the complaint and whether it should be dealt with under internal disciplinary procedures will be adjourned whilst any police action is in hand or pending and until the outcome of proceedings in the criminal justice system, if any, is known. The College will focus instead on ensuring that the appropriate safeguards and support are in place for all involved parties.
- 7.5 In most cases, the College will not approach the police without the student's consent, unless the College considers there to be an immediate and significant threat to the student or other members of the College community.
- 7.6 Regardless of what decision the student makes, they are encouraged to access support both within and outside of College (see section [5] above).

- 7.7 Students should be mindful that the College does not have the legal investigatory powers of the police and cannot make a determination of criminal guilt. An internal process cannot therefore be regarded as a substitute for a police investigation or criminal prosecution.
- 7.8 The College has neither the standing nor the expertise to make findings about alleged criminal offences. Only a criminal court can make such findings when the prosecution has proven the offence beyond reasonable doubt, in contrast to disciplinary cases where the College must establish facts and matters on the balance of probabilities i.e. more likely than not.
- 7.9 What the College can do is determine whether the alleged facts and matters occurred on the balance of probabilities and whether those facts and matters amount to a breach of discipline. If so, the College will assess the level of seriousness of the breach of discipline; and what sanction (if any) should be imposed.
- 7.10 Following completion or discontinuation of police enquiries or criminal proceedings or if a reporting student does not wish to involve the police, the College will decide whether to deal with the complaint, considering for example whether there is sufficient evidence for it to proceed via this route. If proceedings are instigated, they will be for a potential breach of discipline and not for a criminal offence. The type of finding the College may make and the scope of the potential outcomes are therefore different to those available in a criminal process.
- 7.11 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude the College from taking action under its internal procedures. Equally, this outcome should not of itself be taken to mean that the reporting student has made a vexatious or malicious complaint.

8 Precautionary measures

- 8.1 If a serious allegation is made about a student's behaviour or the College receives a report that a student is under police investigation or is subject to criminal proceedings, the Dean may decide to take precautionary action to protect the College community, staff or individuals. He or she will undertake a risk assessment and decide whether or not to take any action and the timing of such action. The College will balance the rights and interests of the reporting student, the reported student, the general student body and the staff and Fellows when considering what action to take.

- 8.2 The Senior Tutor or Finance & Estates Bursar may undertake similar action in respect of serious allegations about a staff or Fellow's behaviour.
- 8.3 Precautionary action under paragraphs 8.1 and 8.2 may include:
- 8.3.1 Imposing conditions on the reported person (for example, requiring the reported person not to contact the reporting student and/or certain witnesses and/or requiring a reported student to move accommodation);
 - 8.3.2 Suspending the reported person from his/her studies or job (or student facing parts thereof); and/or
 - 8.3.3 Excluding the reported person from certain areas (for example, prohibiting the reported person from going to certain accommodation blocks or using the sports facilities or from attending a placement).
- 8.4 Precautionary measures do not constitute a penalty or sanction and do not indicate that the College has concluded that the reported person has committed a breach of discipline or a criminal offence.
- 8.5 The aim of imposing precautionary measures is to best protect the reporting student and/or others from harm whilst having the minimum possible impact on the reported person. The College will consider the interests and welfare of reporting student, reported person, the general student body and the staff and Fellows and endeavour to treat them all fairly and equally when undertaking the risk assessment and when ascertaining the potential effectiveness and impact of precautionary measures.
- 8.6 The risk assessment and any precautionary measures that are put in place will be reviewed at regular intervals and reconsidered as the case develops. A failure to comply with a precautionary measure will trigger a review and is likely to result in more serious measures being put in place (for example, a failure to comply with a requirement not to contact the reporting student could result in the reported person being suspended).
- 8.7 Any decision to suspend a reported individual can have serious consequences. Consequently, this step will only be taken where the risk level is high and where there are no reasonable alternative measures that could be put in place to mitigate that risk. The reported individual will have an opportunity to make representations to the decision-maker before the decision is made (or if that is not possible or appropriate due to the urgent or sensitive nature of the matter, as soon as possible thereafter); to

appeal the decision and/or request a review at any stage if there is a material change in the circumstances of the case.

9 Informal procedure

- 9.1 If an incident happens which a student thinks may be harassment or bullying, they are advised to attempt to resolve the problem informally.
- 9.2 In some cases, it may be sufficient to make it clear to the harasser that their behaviour is unacceptable and that it must stop. If the student is unable to do this face to face, a written request explaining the distress which the behaviour is causing, handed or sent to the harasser, may be effective. Alternatively, if a student feels such action is too difficult or embarrassing, they can seek assistance from their Tutor / College Advisor, the Student Welfare Officer, or another senior member of staff.

10 Formal procedure

- 10.1 If the harassment or bullying continues, where serious harassment or bullying occurs or where the student does not consider use of the informal procedure appropriate, they are advised to bring a formal complaint and should then seek assistance from their Tutor / College Advisor or from the Senior Tutor or Dean. All complaints will be considered seriously, and dealt with promptly and in confidence.
- 10.2 For complaints arising outside of the College environment, and within the University environment, or against University staff, the reporting student will usually be referred to the University's policy <https://edu.admin.ox.ac.uk/university-policy-on-harassment>. The University policy will then be followed, rather than the College procedures. Exceptionally, if there are compelling reasons why a referral to the University is not appropriate, the College may investigate the complaint itself. Notwithstanding a referral to the University, the College will consider taking appropriate precautionary measures, and will continue to offer support to the reporting student and to the reported student / member of staff.
- 10.3 For matters not referred to the University, the student will be asked to put their complaint in writing and the member of staff approached will explain to whom it should be addressed and what arrangements should be made to ensure that confidentiality is preserved. The written complaint should, where possible, state:

- 10.3.1 The name of the harasser or bully;

- 10.3.2 The nature of the harassment or bullying;
 - 10.3.3 Dates and times when it occurred;
 - 10.3.4 Names of witnesses (if any) to the incidents; and
 - 10.3.5 The action (if any) already taken to stop it occurring.
- 10.4 The Provost will appoint a responsible person, who will normally be a member of senior management, to carry out a thorough investigation as quickly as possible.
- 10.5 The person handling the investigation will, as far as possible, not be connected with the allegation in any way. All students and staff interviewed in the course of the investigation will be reminded of the need for confidentiality. Investigations will be handled with sensitivity and with due respect for both the student's rights and the rights of the person against whom they have made the complaint. The student will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.
- 10.6 The investigation will involve interviews with the student and the person against whom they have made the complaint, who will be given full details of the nature of the complaint and will be given the opportunity to respond.
- 10.7 Both the student and the person against whom they have made the complaint will have the right to be accompanied by one separate supporter or union representative at any interviews.
- 10.8 When the investigation has been completed, the student will be informed in writing whether or not their complaint is considered to be well-founded.
- 10.9 If the complaint is well founded, disciplinary action may be taken against the person about whom the student complained. The severity of the penalty imposed upon the harasser will be consistent with those detailed in the College's staff or student disciplinary procedures. Deliberate harassment, victimisation or other serious breaches of this policy may result in summary dismissal or expulsion. Where a lesser penalty is appropriate (for example a written warning), or where no formal disciplinary action is taken, this will be coupled with such action as the College considers appropriate to help the reporting student continue studying without embarrassment or anxiety. After discussion with the student, the responsible person may recommend the transfer of the harasser to a different study area or room, or may arrange for the

amendment of studying or working practices to minimise contact between the student and the harasser. In the interests of appropriate confidentiality to the party complained about, the details of action(s) taken may not be shared with the complainant in whole, or at all.

10.10 Whether or not the complaint has been upheld, the Student Welfare Officer will offer to meet the student on a regular basis after the complaint has been resolved to ensure that there are no further issues that need to be addressed.

10.11 The College takes these matters very seriously. However malicious complaints of harassment or bullying can have a serious and detrimental effect upon students or staff. Any unwarranted allegation of harassment or bullying, made in bad faith, will be regarded as potential misconduct under the College's Student Disciplinary Policy.

11 Appeals

11.1 If the reporting student is not satisfied with the way their complaint has been handled under this Policy, they may appeal to the Senior Tutor or Provost if the Senior Tutor has already been involved. Appeals should be made in writing within five working days of the date the student was informed of the decision under paragraph 10.8, setting out the reasons why they wish to appeal as fully as possible. The grounds on which an appeal may be brought, which are as follows:

11.1.1 There was a procedural irregularity in the initial consideration of the case;

11.1.2 The student has fresh evidence or evidence that was not available at the time of the initial consideration of the case (for good reason);

11.1.3 There was bias or prejudice on the part of the initial investigator; and/or

11.1.4 That the initial investigator failed to meet an objective standard of reasonableness in reaching its decision.

11.2 If possible, the person selected to hear the appeal will have had no previous involvement in the complaint.

11.3 As a first step, the person considering the appeal may arrange to meet with the reporting student and give them opportunity to explain why they think the conclusion of the initial investigation was wrong, and which ground(s) they are relying on. The person hearing the appeal will then decide what (if any) further investigations are

required to enable a decision to be reached on whether the outcome of the initial investigation was correct. The decision of the person on the appeal will be communicated to the student and will be final.

11.4 If, following receipt of the decision on their appeal, the reporting student remains dissatisfied, it is open to the student to make an application to the OIA. The Completion of Procedures Letter will indicate how to make such a complaint, and details are also available at the OIA's website (www.oiahe.org.uk).

11.5 A member of staff who is subject to a finding or sanction for harassment or bullying may appeal against the penalty in accordance with the College's Staff Disciplinary Procedure.

11.6 A student who is subject to a finding or sanction for harassment or bullying may appeal against the penalty in accordance with the College's Student Disciplinary Policy.

11.7 Time scales and records:

11.7.1 The College will make every effort to reach a decision on whether or not a complaint is well founded within 30 days of receipt of the formal complaint. Requests for reconsideration will where possible be dealt with within 14 days. As the complexity of harassment and bullying complaints varies greatly, the College will not always be able to meet these time limits: while it is always highly desirable to resolve all complaints at the earliest possible opportunity, this will not always be possible if the investigation is to be both thorough and fair.

11.7.2 Records will be made of all investigations and hearings, their outcome and the action taken and will be kept confidential.

12 Related policies

12.1 This policy is supported by the following other policies and procedures:

12.1.1 Student Disciplinary Policy;

12.1.2 Student Complaints Policy; and

12.1.3 The University disciplinary regulations.

Policy first adopted: adopted by Governing Body TT 2021 to take effect 01 October 2021

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