



Worcester College Harassment Policy and Procedures

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Introduction

1. Worcester College does not tolerate any form of harassment or victimisation, and expects all members of its 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 University 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. Members of the Governing Body and those in positions of authority, such as College Officers, heads of administrative departments and all other managers, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All College Officers, heads of department and equivalent, and all other managers, 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. All members of the College community have a personal responsibility for complying with this Policy and associated Procedures for preventing and reporting harassment, and must comply with and demonstrate active commitment to this Policy by:
 - a. Treating others with dignity and respect.
 - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable.
 - c. Supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.
6. In cases where a complaint is made about an act which could amount to a violation of criminal law, the procedures outlined in this Policy may not be appropriate. If made aware of such cases, the College will, in line with guidance provided by Universities UK in 2016¹, adopt special procedures, which include to ensure that parties involved have access to support, advice and assistance throughout the process.
7. Nothing in this Policy should deter or delay someone who is assaulted, threatened, or stalked from reporting such matters to the police, or from seeking professional advice, or from resorting to any

¹ Guidance can be found from Universities UK at:

<https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/guidance-for-higher-education-institutions.pdf>

other mechanisms that would be available apart from this Policy, either inside or outside the College. The procedures in this Policy exist to allow those who are or regard themselves as being harassed to deal with their situation in a methodical way and with greater scope to remain in control of the process

8. The College maintains anonymised records of all reports of harassment, and whether or how situations were resolved. It uses this information to understand better where and how harassment takes place and how better to try to prevent or respond to it. Such data is held in line with GDPR legislation.

Definitions

9. A person subjects another to **harassment** by engaging in unwanted and unwarranted physical, verbal or non-verbal conduct which has the purpose or effect of:
 - a. violating another person's dignity, or
 - b. creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.²

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

10. Freedom of speech and academic freedom are protected by law, though these rights must be exercised within the law. Vigorous academic debate and freedom of expression will not amount to harassment when conducted within the bounds of the law and under a framework of civility (as explained in the College's Freedom of Speech Policy and Code of Practice).
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. It can take the form of physical, verbal and non-verbal conduct.
12. Worcester College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because that person, 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
 - e. participated in any disciplinary hearing arising from an investigation, or
 - f. taken any other steps in connection with this Policy and Procedure, or
 - g. is suspected of having done so.
13. Victimisation that occurs as a result of being complained against will also not be tolerated.

² As defined in the University of Oxford's Statute XI: University Discipline. 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.

Behaviours

14. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a serious one-off incident can also amount to harassment.
15. 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.
16. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
17. Harassment can take a variety of forms:
 - a. Through individual behaviour
 - i. face to face, either verbally or physically
 - ii. through other forms of communication, including but not limited to, written communications and communications via any form of electronic or social media or mobile communication device: such behaviour may also amount to a breach of the University's (and therefore the College's) Regulations Relating to the use of Information Technology Facilities
 - iii. 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 biphobic or racist jokes.
18. Examples of behaviour which may *in certain circumstances* 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:
 - i. inappropriate body language
 - ii. sexually explicit remarks or innuendoes
 - iii. unwanted sexual advances and touching
 - b. offensive comments or body language, including insults, jokes or gestures and malicious rumours, for example on the basis of race and religion or belief
 - c. open hostility, verbal or physical threats
 - d. insulting, abusive, embarrassing or patronising behaviour or comments, 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
 - g. persistently overloading an individual with work that that individual 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 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.
19. **Stalking** may also *in certain circumstances* be considered as 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 this policy

20. Harassment is a serious matter. There are two different procedures for managing complaints of harassment, depending on whether they are made against a student or against a member of staff.
- a. For cases in relation to a complaint of harassment against a student, the procedures are explained in Annex A.
 - b. For cases in relation to a complaint against a member of staff, the procedures are explained in Annex B.
21. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases include, but are not limited to, serious assault or threat of serious assault. In such cases:
- a. Student members should first seek advice from the **Senior Tutor, Dean or Head of Student Welfare** and /or approach the Police directly in a case where a criminal offence may have been committed; and
 - b. Staff members should first seek advice from the **Human Resources Director** and/or approach the Police directly in a case where a criminal offence may have been committed.

Further guidance on dealing with cases of sexual assault or sexual violence is available on the University website: <https://edu.admin.ox.ac.uk/internal-and-external-sources-of-advice>. The University also provide a summary of internal and external sources of advice, support and information on its website: <https://edu.admin.ox.ac.uk/internal-and-external-sources-of-advice>

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 its associated Procedures) is subject to regular review by the Governing Body through the People and Culture Committee, in consultation with the Governance and Compliance Committee, and any other appropriate committee.

Annex A: Student Procedure – for complaints of harassment against a student

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context.
 - a. Complaints of harassment brought by a student against College staff member will normally be referred to the HR Director to be dealt with under the Staff Procedure (Annex B), with the student supported by the College's Welfare Team.
 - b. Complaints of harassment brought by a member of staff against a student will normally be referred to the College Dean to be dealt with through the Student Disciplinary Policy. Staff members should first seek advice from a supervisor, member of the HR Team or other senior member of College staff.
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. 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.
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. In such cases, the College will adopt special procedures in line with guidance provided by Universities UK, and focus on ensuring that the appropriate safeguards, support and precautionary measures are in place for all involved parties.

Stage 1 – Informal action

4. If an incident happens which a student thinks may be harassment or bullying, it may be possible to resolve the problem informally. For example, 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. However, 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 even taking informal action, the student could discuss the situation with a harassment advisor. If the student does not feel comfortable contacting a College 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 harassment advisor can be found at <https://edu.admin.ox.ac.uk/support>
6. Other sources of advice when considering informal resolution are the Welfare team or other college officers with pastoral responsibilities, 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 – Welfare advice and support

8. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the student making the complaint may be referred to a member of the Welfare Team or Student Support Services, who is trained in dealing with harassment cases. 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. 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).
9. Actions taken by the Welfare Team may include:
 - a. 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 found by the senior members of the Welfare Team. 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
 - b. Ensuring that appropriate members of staff within the College 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 Welfare Team 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 Team will ensure that where a complainant and a student complained against are both seeking support, they will be dealt with by different members of the College, who will maintain appropriate confidentiality.
11. 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 2018. 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 and investigation

12. 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 contacted the Welfare Team, the Dean will normally seek consent from the complainant to refer them, so that they can be offered appropriate support from a trained member of staff.

13. 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.
14. 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 her/him; 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 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.
15. The Dean, or another person appointed by the Dean, will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include holding meetings with both the complainant and the alleged harasser, and speaking to other relevant people on a confidential basis. At all times both parties will have the right to be accompanied at meetings.
16. 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.
17. 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.
18. 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.
19. Investigation of a formal written complaint of harassment may result in:
 - a. Deciding that the alleged harasser should face disciplinary procedures under the College's disciplinary procedures
 - b. Recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The head of department or Dean will have responsibility for implementing and monitoring any actions, and, if necessary, for reporting to the Proctors that action has been taken. The Director of Student Welfare and Support Services will also be available to advise the College.
 - c. Referring either or both parties to appropriate support services
 - d. Referring a case back to the Welfare Team, for the complainant to receive support
 - e. 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
 - f. 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.

20. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may make a complaint under the Student Complaints Policy, in which case the complaint will be considered by members of staff who have not previously been involved in the case.

Complaint referrals

21. On occasion, complaints of harassment which should be considered under this Procedure may be made to members of the College other than the Dean or the Welfare Team. In this situation, the complainant should be asked if they would like the case referred to the Dean and/or Welfare Team, so that they can receive support from a trained member of the College.
22. 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, members of the College can contact the Director of Student Welfare and Support Services' office for advice on a confidential basis.
23. 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 or College Officers consider that the implications for the individual and/or for others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In such circumstances the Dean 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 within the College.

Potentially criminal misconduct

24. This Procedure, or parts of this Procedure, may not be applicable where the reports are of behaviours that may attract criminal sanction. This would include, but would not be limited to, cases of hate crime, serious assault or threat of serious assault. The Dean or other senior College Officer will decide whether this Procedure is applicable, having regard to all relevant circumstances including any police involvement.

Confidentiality

25. 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, University or to external bodies.
26. Those to whom disclosure may be made outside the College 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.
27. Records will be made of all investigations and hearings, and held in accordance with the principles of the Data Protection Act 2018. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Annex B: Staff Procedure – for complaints of harassment against College staff

1. Fellows, Academic and Non-Academic Staff will be referred to as College staff or simply staff.
2. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff.
3. Where the complainant is a student, support during this process will be provided by the College Welfare Team. (Where a student complaint is made against another student, the Procedures set out in Annex A shall apply.)
4. Both parties to a complaint should be kept updated by the relevant senior member of staff, HR Director or member of the Welfare Team at appropriate intervals throughout the complaint.
5. Time periods specified in this procedure may be exceeded where it is necessary to do so in order to ensure a fair outcome. In particular, time periods are likely to be exceeded in complex cases, where external specialist input is required, and/or where there are a large number of witnesses to be interviewed. All parties are expected to cooperate to ensure time periods can be met wherever possible.

Stage 1 – Initial action

6. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach (e.g. by approaching the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour.) If a member of staff wishes to seek informal resolution, they should approach a supervisor, member of the HR Team or other senior member of College staff to ask for help in achieving a resolution of the problem. Students should seek support from the Welfare Team. At no time should a member of the College feel obliged to approach an alleged harasser.

Mediation or conciliation

7. 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.
 - a. In the case of a complaint involving two members of staff, an experienced mediator or conciliator³ acceptable to both parties will normally be nominated by the HR Director.
 - b. In the case of a complaint involving a member of staff and a student, a College Officer may consult with the Welfare Team, the University's Equality and Diversity Unit (01865 270760, e-mail harassment.line@admin.ox.ac.uk) and/or the office of the University's Director of Student Welfare and Support Services.
8. 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.

³ If there is no trained mediator identified within the College, the University's Equality and Diversity Unit (EDU) has access to a pool of trained mediators.

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

Stage 2 – Formal written complaint

10. 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 to the **HR Director**.
 - a. Student complainants may submit their complaint in writing to the Dean, who will share it with the HR Director, so they can follow the Procedures outlined below. The Dean or a nominated member of the Student Welfare team will be a point of liaison for the student throughout this process.
11. If any of the parties considers that it is not appropriate for the HR Director to manage and decide on the complaint, the complaint may be referred instead to a Senior College Officer.
12. At any stage during this process:
 - a. Students can seek support from the Welfare Team, the EDU (01865 270760, e- mail harassment.line@admin.ox.ac.uk) and/or the Director of Student Welfare and Support Services' office; and
 - b. Staff can seek support from a harassment advisor in the College, or they can contact the University's Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk).
13. In the submission of a complaint, 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 her/him; and (iii) 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.
14. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of **no more than six weeks**. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result.
15. Both parties to the complaint have the right to be accompanied and supported by a trade union representative or by a colleague of his or her 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, a member of Congregation, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.
16. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but senior members of the College consider 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 Director, or other senior member of College aware of the case, may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by the HR Director on receipt of a complaint

17. On receipt of a complaint, the HR Director will take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought including:

- 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 provided with the right to be accompanied);
 - c. speaking to other relevant people on a confidential basis; and/or
 - d. obtaining further relevant information through a procedure of investigation.
18. The HR Director 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 her or him from concluding the matter in a timely fashion. They may also determine that immediate interim action is necessary pending the outcome of a formal process.

Stage 3 – Investigation

19. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (Advice on the procedure for an investigation is provided at the end of this guidance.)
20. As a general rule, the investigator will be a Senior College Officer, who has not 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 HR Director, make recommendations on possible courses of action.
21. Upon receiving the investigator's report, the HR Director will consider whether any further investigation is required before making a decision. Where it is necessary for the HR Director to make findings of fact on matters in dispute in order to arrive at their decision, they will make findings on the balance of probabilities (i.e. whether it is more likely than not that the action or event occurred).
22. The HR Director will inform both the complainant and the person who is the subject of the complaint in writing (i) of the conclusions that have been reached having reviewed the evidence, including any investigation report; (ii) of the action the College intends to take; and (iii) of the reasons for any such action.
23. The HR Director will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Possible outcomes of a complaint

24. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the HR Director, in consultation with College Officers and, in the event of a student complainant, the Welfare Team and/or Head of Student Welfare, 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 HR Director is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature to warrant doing so. In this event, the HR Director will consult as appropriate with line managers or College Officers to determine what intermediate measures are necessary, including any re-allocation of duties;

or

- d. In rare cases, appropriate staff or student disciplinary action may be instituted against the complainant if the HR Director is satisfied that the complaint of harassment is unfounded and not made in good faith;

and

- e. Determine what information (if any) is appropriate to relay to the other party concerning these steps taken, having due regard to the confidentiality of the process and interests of others involved in the case.

Appeals

- 25. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious or not upheld), they may invoke the relevant student or staff complaint procedure within the time scales specified in that procedure. However, where the decision is to refer the matter for disciplinary action (against the subject or the complainant), any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.
- 26. In the case of a staff complainant, the complainant's route of appeal would be the appeal stage of the appropriate grievance procedures.
 - a. For academic staff, grievance and appeal procedures are laid out in College Statutes and By-Laws.
 - b. For professional and support staff, grievance and appeal procedures are explained in the Staff Handbook.
- 27. A student complainant should follow the guidance on procedures which are set out in the Student Complaints Policy. Normally, an appeal made through this procedure would only be considered on one or more of the following grounds:
 - a. There was an error in the decision-making process or procedural irregularity; and/or
 - b. There was any bias or perception of bias in the decision-making process.

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. The HR Director will, in consultation with any relevant Senior College Officers, decide which procedure is appropriate.

Confidentiality

- 29. 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, within certain Colleges, or to external bodies.

30. Those to whom disclosure may be made outside the College 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

31. The College and all those involved in this process must comply with the principles of the Data Protection Act 2018. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
32. 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.
33. The Human Resources Director, and if the student is a complainant, the Head of Student Welfare, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence and according to data protection regulations.

Procedure for Investigations

34. If an investigation into a complaint of harassment is commissioned, the procedure 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 her/his findings, in relation to which they may check relevant sections in draft with the parties before finalising.
35. The investigator will submit the report to the HR Director, and, if the complainant is a student, normally to the Head of Student Welfare, who will ensure that appropriate support is available to students following an investigation.