



Worcester College

Harassment Policy

(Applies to all members of the college community, including academic and professional staff)

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.

Purpose and Scope

3. The aims of the College as reflected in this Policy are to:
 - Promote a positive environment in which people are treated fairly and with respect;
 - 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;
 - Provide a framework of support for staff and students who feel they have been subject to harassment; and
 - Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
4. The law requires employers to take reasonable steps to **prevent** sexual harassment of their employees and workers. Worcester College will take action to prevent sexual harassment from occurring and has put in place clear reporting procedures for our staff to make a complaint about sexual harassment.
5. Those in positions of authority within the College, such as the Finance & Estates Bursar, and the Dean, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment.
6. All Fellows of the College, and all senior members of staff have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas for which they are responsible and that, if they do occur, any concerns are investigated promptly and effectively.
7. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the College community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this

Policy by:

- Treating others with dignity and respect;
 - Discouraging any form of harassment by making it clear that such behaviour is unacceptable; and
 - Supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.
8. This Policy and Procedures are designed to deal with harassment which occurs primarily within the environment of one or more colleges. Incidents of harassment that occur outside the college environment and/or solely within the University environment will normally be dealt with under the appropriate [University procedure](#). If there is doubt as to whether the College or University procedure applies, you are advised to seek advice from the relevant College officers described in this Procedure, the DSWSS or the University's Harassment Line.
9. This Policy and Procedures should be read alongside other Worcester College policies and procedures, including the College's disciplinary procedures that may be found in the Staff Handbook.

Any member of the College community who feels they have been subject to harassment can also contact one of the College's Harassment Advisers,

Definitions

10. 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.
 - The recipient does not need to have explicitly stated that the behaviour was unwanted.

Sexual harassment is unwanted conduct of a sexual nature which has the same purpose or effect.

11. 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. **Bullying** is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
12. The College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:
- 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

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

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.

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 devices: such behaviour may also amount to a breach of the college's regulations relating to the use of Information Technology Facilities
- directly to the person concerned, or to a third party.
- But also, through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example, the telling of homophobic or racist jokes.

16. This can occur in the following situations:

- At work
- A situation occurring outside of the normal workplace or normal working hours which is unrelated to work (e.g. social function, working lunch)
- Outside of work but involving a colleague or other person connected to Worcester College, including on social media
- Against anyone outside of work where the incident is relevant to an individual's suitability to carry out a role.

17. Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person, it can occur via digital means including social media sites or channels e.g. WhatsApp. Someone may be sexually harassed even if they were not the target of the behaviour.

18. Examples of sexual harassment include, but are not limited to:

- Sexual comments or jokes, which may be referred to as "banter"
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact in online communication including on social media
- Spreading sexually explicit emails, text messages or messages via other social media
- Unwelcome touching, hugging, massaging or kissing.

19. Examples of behaviour which **may** amount to other forms of 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 outlined above

- offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of disability, race or sexual orientation
 - 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.
20. **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, monitoring or spying on a person including through the use of CCTV or electronic surveillance including mobile phones.

Application of the Policy

21. 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 Annex A for the Procedure in relation to complaints about staff.
22. If you have been sexually harassed or you have witnessed sexual harassment, we encourage you to tell Human Resources so that the matter can be dealt with swiftly under the College's Disciplinary Policy.
23. In respect of the implementation and execution of these policies, the College remains mindful of subsisting legal obligations in respect of the welfare of its members and staff alike.
24. 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 College's

Harassment Advisors and/or the Welfare Dean and/or approach the Police directly.. [Further guidance](#) on dealing with cases of sexual assault or sexual violence is available from the University.

25. 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](#).
26. 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.

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 with a particular college, short of an employment contract. HR will have oversight of all cases and will take the lead as appropriate.
2. Where the complainant is a student, support during this process will be provided by the Welfare Dean and, where relevant, the University Director of Student Welfare and Support Services ('DSWSS').
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 an informal resolution, they should approach HR to ask for help in achieving a resolution of the problem. At no time should a student or staff member feel obliged to approach an alleged harasser.

Mediation or conciliation

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 HR, 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, HR will consult the Welfare Dean, who may seek advice from the DSWSS as appropriate. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.
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 HR. If the complainant is a student, the complaint should be submitted to the Welfare Dean who will

then communicate it to HR and/or the Head of Department. A student complainant may also seek support as relevant from the University DSWSS. 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 HR, or wishes to make a complaint against HR, advice may be sought from the Harassment Advisors and/or the Welfare Dean. Students and staff can seek support from College Harassment Advisors throughout the complaints process. If the student or staff member does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or email harassment.line@admin.ox.ac.uk).

Submission of the complaint

9. In the submission to HR or the Welfare Dean, the complainant should set out as clearly and succinctly as possible
 - the nature of the behaviour that they are concerned about;
 - the effect of this behaviour on them; and
 - 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 co-operate with the College in achieving that result. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.
11. Both parties to the complaint have the right to be accompanied and supported by a trade union representative or by a colleague of their choice from within the College at any formal meeting held under this procedure. If the complaint involves a student, they may be accompanied by another student member of the College or a member of the College's welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.
12. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but HR or Welfare 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, senior members of staff may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by HR on receipt of a complaint

13. On receipt of a complaint, HR will, in consultation with the Welfare 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:
 - informing the person against whom a complaint has been made of the allegations against him or her;
 - meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
 - speaking to other relevant people on a confidential basis; and/or
 - obtaining further relevant information.

14. HR 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. HR 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.
17. The College will appoint an appropriate senior member of the College or an appropriately trained external investigator to act as Investigator. As a general rule, the Investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may make recommendations on possible courses of action.
18. HR will inform the complainant and the person who is the subject of the complaint in writing (a) of the conclusions that have been reached after review of the evidence, including any investigation report; (b) of the action the College intends to take; and (c) of the reasons for any such action.
19. HR 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:
 - The Investigator will meet the complainant to confirm the details of the complaint.
 - The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.
 - The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
 - The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
 - The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
 - 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.
 - The report will be forwarded to HR, usually with a copy to the Rector and, in the case of staff members, the Bursar, and, if the complainant is a student, normally to the Welfare Dean. In cases involving students, consent should be sought from the complainant to inform their department if appropriate. The Welfare 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 College will either:

- Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties.

Or

- 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

- Institute disciplinary proceedings where HR 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 College will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department.

Appeal from the Decision

22. If either party does not accept the outcome of the complaint, they may invoke the relevant grievance or complaint procedure within the time scales specified. For staff see relevant procedure(s) under 'Grievance Procedure' in the [Staff Handbook](#).
23. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. They must do so within three months of the date of the Completion of Procedures letter.

Potentially criminal conduct

24. 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. HR will decide which procedure is appropriate.

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, 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.
26. 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

27. The College and all those involved in this process must comply with the principles of the College's Data Protection Policies. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
28. 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.
29. HR should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

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