

## University Policy and Procedures on Harassment

Approved by Council on 1 December 2014. Revisions approved by People and Education Committee in November 2023.

Revisions to the Staff Procedure approved by Personnel Committee in June 2022.

Revisions to the Student Procedure approved by Education Committee in March 2016 and March 2019.

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## University of Oxford Harassment Policy

### Introduction

1. The University does not tolerate any form of harassment or victimisation and expects all members of the University community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The University 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 University community are respected.
3. The aims of the University 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 bullying and harassment are unacceptable, recognising that those behaviours may cause harm, physically or emotionally, and that all members of the University have an active role to play in creating an environment free from bullying and 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 appropriately and in a timely way.
4. Those in positions of authority, such as heads of division, heads of department, chairs of faculty boards and their equivalents, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All 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 taken seriously and where appropriate are investigated promptly and effectively, and action is taken promptly to stop any unacceptable behaviour identified.
5. All members of the University community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the University community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
  - a) Treating others with dignity and respect.
  - b) Discouraging any form of harassment by making it clear that such behaviour is unacceptable.
  - c) Supporting any member of the University who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.
6. Where relevant, members of the University, including grant-holders, co-investigators, research staff, students, fieldworkers and advisory committee members funded by an external sponsor are expected to familiarise themselves with the sponsor's terms and policy pertaining to bullying and harassment and are responsible for ensuring that they comply with the requirements laid out in the terms and policy. The University may also be required by the sponsor to comply with specific terms relating to bullying and harassment.

## Definitions

7. A person subjects another to **harassment** by engaging in unwanted and unwarranted conduct which has the purpose or effect of:

- violating another person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.<sup>1</sup>

The University 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: age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation.

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

8. **Freedom of speech**<sup>2</sup> 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<sup>3</sup>.

9. 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.

10. The University seeks to protect any member of the University community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The University will regard as victimisation any instance where a person is subjected to detrimental treatment because that person has, 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

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

12. 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.,

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

14. Harassment can take a variety of forms:

- Through individual behaviour
  - face to face, either verbally or physically

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<sup>1</sup> The University's definition of harassment is set out in Statute XI: University Discipline (<https://governance.admin.ox.ac.uk/legislation/statute-xi-university-discipline-0>). 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.

<sup>2</sup> <https://compliance.admin.ox.ac.uk/freedom-of-speech>

<sup>3</sup> <https://compliance.admin.ox.ac.uk/prevent/code-of-practice-on-meetings-and-events#collapse3199386>

- 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.<sup>4</sup>
- 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, or that allows or enables any types of bullying and harassment behaviour to continue.

15. 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, including:
  - i. inappropriate body language
  - ii. sexually explicit remarks or innuendoes
  - iii. unwanted sexual advances and
- offensive comments or body language, including insults, jokes or gestures and malicious rumours, for example on the basis of race and 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 that individual 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.

16. **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;

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<sup>4</sup><https://governance.admin.ox.ac.uk/legislation/it-regulations-1-of-2002>

- 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.

### Application of the Policy

17. Harassment is a serious offence. Members of the University community who feel that they have been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the Procedure in relation to complaints about staff; and Annexe B for the Procedure in relation to complaints about students.
18. When a criminal offence may have been committed, the relevant Harassment Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice from the Sexual Harassment and Violence Support Service and /or approach the Police directly; and staff members can seek advice from the Head of Employee Relations and/or approach the Police directly.
19. Incidents of harassment that occur within the college environment will normally be dealt with under appropriate college procedures, while reflecting the principles of this Policy.
20. Members of the University community who feel that they have been subject to harassment can contact the Harassment Advisory Service or their local harassment advisor, for support. The Service is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found in Annexe C, and at: <https://edu.admin.ox.ac.uk/internal-and-external-sources-of-advice>.
21. 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.
22. 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.
23. This Policy and Procedure may be found at <https://edu.admin.ox.ac.uk/university-policy-on-harassment> or are available in hard copy from the Equality and Diversity Unit: email [equality@admin.ox.ac.uk](mailto:equality@admin.ox.ac.uk). Copies in alternative formats are available on request.
24. This Policy and Procedure will be subject to regular review by the General Purposes Committee of Council in consultation with the Education and Personnel Committees, the Proctors, and any other appropriate committees.

Policy owner: Personnel Committee (in respect of staff) and Education Committee (in respect of students)

## Annex A: Complaints of harassment against University staff—the Staff Procedure Revisions to the Staff Procedure approved by Personnel Committee in June 2022.

1. The Procedure below applies in all cases where the person who is the subject of the complaint (the “subject”) is a member of University staff. The Head of Employee Relations will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.
2. Any complaints against college staff will normally be dealt with under the appropriate college procedure.
3. The references in this procedure to the ‘head of department’ should be taken to mean the head of department, faculty board chair, head of division or their equivalent, or the person to whom any of these has formally delegated responsibility<sup>5</sup>. The references also apply where appropriate to the Vice-Chancellor, Pro Vice-Chancellors and Registrar, and other senior University officers.
4. Where the complainant is a student, support during this process will be provided by the Director of Student Welfare and Support Services’ office<sup>6</sup>.
5. Both parties to a complaint should be kept updated by the investigator, University HR or the department at appropriate intervals throughout the complaint.
6. 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.
7. If a complaint falls across more than one University procedure, the University will deal with the matter as flexibly, fairly and proportionately as possible. In particular, if a student’s complaint relates to matters which fall within the University’s complaints or academic appeals procedures, there should be a discussion between the department and the Proctors’ Office regarding the most appropriate way forward, in consultation with the Head of Employee Relations. It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or conflicting decisions. The complainant should be informed of the outcome of this discussion.

### **Initial action**

8. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. Staff members wishing to seek informal resolution should approach their immediate supervisor, departmental administrator, or head of department or equivalent to ask for help in achieving a resolution of the problem. Students should seek support from the Director of Student Welfare and Support Services’ office. At no time should a student or staff member feel obliged to approach an alleged harasser.

### **Mediation or conciliation**

9. 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

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<sup>5</sup> Within the University Administration and Services (UAS) the head of department will normally be the director or head of the relevant division or section within UAS. Within GLAM the head of department will normally be the directors of the Bodleian Libraries and the University’s museums.

<sup>6</sup> Students can contact the Director of Student Welfare and Support Services’ office by e-mail: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk).

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.

10. In the case of a complaint by a member of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Head of Employee Relations. In the case of a complaint by a student, the Head of Employee Relations will consult the 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.
11. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

### Complaints procedure

12. 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 subject's head of department. If the complainant feels it is not appropriate to approach that person, they should make their written complaint to the relevant head of division (or analogous unit within UAS or GLAM).
13. If any of the parties considers that it is not appropriate for the head of department to act as decision-maker on the complaint they should: in the case of the complainant, raise this when first making the written complaint; and in the case of the subject raise this when they first become aware of the complaint. In either case the party should set out clearly their reasons for objecting to the head of department acting as decision-maker. Where a head of department has a conflict of interest, or there would be a reasonable perception of bias if they were to act, the complaint will be referred to the head of division who will appoint an alternative senior member of staff as decision-maker. In assessing whether there may be a 'reasonable perception of bias', consideration will be given to whether a reasonable person would say, in the circumstances, that there is a real possibility the head of department would be unable to make an objective determination with an open mind.
14. 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 head of division or a senior University officer, or wishes to make a complaint against a head of division or senior University officer, advice may be sought from the Head of Employee Relations, or in the case of a student complainant, from the Director of Student Welfare and Support Services.
15. Students can seek support from the Director of Student Welfare and Support Services' office when wishing to make a complaint against a member of staff to a head of department, and support will be available to them throughout the complaints process. Staff can seek support from a harassment advisor; if the staff member does not feel comfortable contacting a local advisor in their college or department, they can contact the Harassment Line for details of another advisor (e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).

### Submission of the complaint

16. In the submission to the head of department, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that the complainant is concerned about; (ii) the effect of this behaviour on the complainant; and (iii) the resolution that the complainant is 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.

17. A copy of all written complaints should be sent to the Head of Employee Relations for information. In the case of a complaint by a student against a member of staff, the Head of Employee Relations, with the student's permission, will normally forward the complaint to the Director of Student Welfare and Support Services.
18. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to normally conclude the investigation within six weeks. Both the complainant and the subject will be expected to co-operate with the University in achieving that result.
19. The subject, and, if the complaint is brought by a member of staff, the complainant, have the right to be accompanied and supported by a trade union representative<sup>7</sup> or by a colleague of the subject/complainant's choice from within the University at any meeting held under this procedure. These people must maintain appropriate confidentiality. Any student involved in a complaint has the right to be accompanied by another student member, a member of Congregation, or a member of staff from Oxford SU's Student Advice Service at any meeting held under this procedure. These people must maintain appropriate confidentiality.
20. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the head of department 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 head of department will consult the Head of Employee Relations, and in the case of a student complainant, the Director of Student Welfare and Support Services, and may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

#### Action by the head of department on receipt of a complaint

21. On receipt of a complaint, the head of department will in consultation with the Head of Employee Relations and, in the event of a student complainant, the Director of Student Welfare and Support Services, take such steps as the head of department thinks 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 that person;
  - meeting separately with the complainant and the alleged harasser (at which meetings they may be accompanied);
  - speaking to other relevant people on a confidential basis; and/or
  - obtaining further relevant information.
22. The head of department will then decide how to proceed and will inform the parties in writing. The head of department may make such enquiries, or commission an investigation, as necessary to determine the complaint.
23. The head of department may also determine that immediate interim action is necessary pending the outcome of a formal process.

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<sup>7</sup> Information on recognised trade unions at the University is available at <https://hr.admin.ox.ac.uk/joint-committees-and-staff-representation>.



## Investigation

24. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See paragraph 43 below for the procedure for investigations.)
25. As a general rule, the investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The investigator will prepare a report and may, if specifically requested to do so by the head of department, make recommendations on possible courses of action. The head of department will consider the scope and findings of the investigation and whether any further investigation is required before making a decision. Where it is necessary for the head of department 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).

## Head of department's decision

26. The head of department will inform the complainant in writing:
- (i) whether the complaint has been upheld, partially upheld or not upheld
  - (ii) any recommendations they are making in relation to the complainant
  - (iii) about any right to appeal the head of department's decision, and
  - (iv), if the complainant is a student and the complaint has been upheld or partially upheld, about their option of taking their complaint to the Proctors (see paragraph 36 below).
27. The head of department will inform the subject in writing:
- (i) of the conclusions that the head of department has reached having reviewed the evidence;
  - (ii) of the action the head of department intends to take;
  - (iii) of the reasons for any such action; and
  - (iv) of any right to appeal the head of department's decision under the appropriate grievance procedure (see paragraph 29 below).

The head of department 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

28. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the head of department, in consultation with the Head of Employee Relations and, in the event of a student complainant, the Director of Student Welfare and Support Services, will either:-
- i. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties.  
*or*
  - ii. Initiate resolution of the issues. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period.  
*or*
  - iii. Institute disciplinary proceedings against the subject where the head of department is reasonably satisfied that there is evidence to support allegations of harassment of a

sufficiently serious nature to warrant doing so<sup>8</sup>. In this event, the head of department will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant college.

*or*

iv. In rare cases disciplinary or other appropriate action may be instituted against the complainant if the head of department is satisfied that the complaint of harassment is unfounded and not made in good faith.

*and*

determine what information (if any) it is appropriate to relay to the other party concerning any steps taken under this paragraph 28 having regard to the confidentiality of the process, the interests of others involved in the complaint and the University's legal obligations.

### Appeal against the head of department's decision

29. If the complaint is upheld or partially upheld, the subject may invoke the relevant appeal stage of any applicable grievance procedure within the time scales specified in that procedure save that, where the decision is to refer the matter for disciplinary action against the subject, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.
30. If the complaint is not upheld or only partially upheld, the complainant may invoke the appeal stage of any applicable grievance procedure, or, for students, the appeal procedure set out below, within the time scales specified in that procedure (see paragraphs 32 and 33 below) save that, where the decision is to refer the matter for disciplinary action against the complainant, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.
31. If the outcome of any appeal differs substantially from the head of department's decision, the University will consider whether it is appropriate to relay to the other party information about that difference having regard to the interests of others involved in the complaint and the University's legal obligations.
32. In the case of a staff complainant, the complainant's route of appeal would be the appeal stage of the appropriate grievance procedure.
  - For academic-related staff see: [hr.admin.ox.ac.uk/section-8-academic-related-staff-handbook](https://hr.admin.ox.ac.uk/section-8-academic-related-staff-handbook).
  - For support staff see: [hr.admin.ox.ac.uk/section-8-support-staff-handbook](https://hr.admin.ox.ac.uk/section-8-support-staff-handbook).
33. A student complainant would need to appeal in writing to the Registrar, normally within two weeks of being informed of the outcome of the complaint. An appeal can only be made on one or more of the following grounds:
  - a) there was an error in the decision-making process or a procedural irregularity; and/or
  - b) there was any bias or perception of bias in the decision-making process.
34. Appeals are conducted by way of a review on the papers and there is no reinvestigation or rehearing of the evidence. The consequence of a student's appeal being upheld is that the student may seek redress as explained at paragraph 36 below.
35. The Registrar will usually consider the student's appeal and issue a decision within four weeks and may delegate the consideration of the appeal to a senior member of staff who

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<sup>8</sup> For more information about staff disciplinary procedures, including possible outcomes see: [governance.admin.ox.ac.uk/legislation/statute-xii-academic-staff-and-the-visitorial-board](https://governance.admin.ox.ac.uk/legislation/statute-xii-academic-staff-and-the-visitorial-board) and [hr.admin.ox.ac.uk/section-8-support-staff-handbook](https://hr.admin.ox.ac.uk/section-8-support-staff-handbook)

has not previously been involved in the matter. If the decision is that the complaint has not been upheld, this decision will be in the form of a Completion of Procedures letter.

36. If the outcome of a formal complaint made by a student under this procedure (including as a result of a student's appeal), is that the complaint or appeal is upheld or partially upheld, the student may take their complaint to the Proctors who will determine any appropriate redress (e.g. a formal apology or a financial payment) from the University. A request for redress should normally be made within two weeks of the student being notified of the outcome of their complaint or appeal. The Proctors will normally consider the matter and issue a decision within two weeks<sup>9</sup>. This will be in the form of a Completion of Procedures letter. A student who wishes to refer a matter to the Proctors may only do so if they:
- i. have decided not to appeal the head of department's decision to the Registrar under paragraph 30 above (or are unable to because the complaint has been upheld in full); or
  - ii. any appeal by the student to the Registrar has been completed.

### Potentially criminal misconduct

37. 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 head of department will in consultation with the Head of Employee Relations for staff or Director of Student Welfare and Support Services for students, decide which procedure is appropriate.

### Confidentiality

38. 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 [and services offering support and guidance to complainants](#). 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 University, within certain colleges, or to external bodies.
39. 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 University 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

40. The University and all those involved in this process must comply in accordance with the UK General Data Protection Regulation and associated data protection legislation<sup>10</sup>. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
41. 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.

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<sup>9</sup> This timeframe will be extended where the Proctors' Office also need to consider elements of the complaint under the Student Complaints Procedure ([www.ox.ac.uk/students/academic/complaints](http://www.ox.ac.uk/students/academic/complaints))

<sup>10</sup> The University's Data Protection policy is available at: <https://compliance.admin.ox.ac.uk/data-protection-policy>

42. The Head of Employee Relations, and if the student is a complainant, the Director of Student Welfare and Support Services, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

### Investigations

43. 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 meet the person complained against to hear that person's response to the complaint and any further evidence that has come to light.
  - d) The investigator will interview, where reasonably practicable, individuals identified as having relevant evidence.
  - e) Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of their findings, in relation to which the investigator may check relevant sections in draft with the parties before finalising.
  - f) The report will be forwarded to the head of department, usually with a copy to the Head of Employee Relations, and, if the complainant is a student, normally to the Director of Student Welfare and Support Services. In cases involving students, consent should be sought from the complainant to inform the complainant's college if appropriate. The Director of Student Welfare and Support Services will ensure that appropriate support is available to students following an investigation.

## Annexe B: Complaints of harassment against students—the Student Procedure

Revisions to the Student Procedure approved by Education Committee in March 2016 and March 2019.

1. This Procedure is designed to deal with student reports of harassment by other students that arise in a University context. This covers behaviour on University or college premises, or in the course of University activity within or outside Oxford whether academic, sporting, social, cultural, or other. Harassing behaviours can take a variety of forms as defined in the Harassment Policy. Reports of harassment against students which arise purely within the college environment may be dealt with under appropriate college procedures while reflecting the principles of the University Harassment Policy. Reports of harassment brought by students against University staff will be dealt with under the staff Procedure<sup>11</sup>.
2. If a member of staff wishes to make a report of harassment against a student, this will normally be dealt with through the University Student Disciplinary Procedure: Non-Academic Misconduct<sup>12</sup>. In the first instance, the member of staff should seek support and guidance from their head of department or line manager.
3. Student Welfare and Support Services can provide support to students, and to staff requiring advice on student cases. Where the harassment is of a sexual nature, students can contact the Sexual Harassment and Violence Support Service. All reports made to support services will be recorded in accordance with the University's Data Protection Policy<sup>13</sup>.
4. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

### Stage 1—Informal action

5. In some cases, a student who feels harassed by another student may feel able to approach the person in question to explain what conduct the first student finds 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 University does not wish to suggest that students who feel that they have been harassed are responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.
6. Before taking informal action, the student could discuss the situation with a Harassment Advisor, or in the case of sexual behaviour, with a Specialist Advisor at the Sexual Harassment and Violence Support Service. If the student does not feel comfortable contacting a local advisor in their college or department, they can contact the Harassment Line for details of another advisor ([harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)). A Harassment Advisor can:
  - listen to students who believe they are being harassed, to clarify the options open to them and to assist them in resolving the matter informally where possible
  - discuss with a student what they may wish to say or write to the person who they feel has harassed or bullied them or to a senior member of staff who can take action

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>.

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<sup>11</sup> [edu.web.ox.ac.uk/harassment-staff](https://edu.web.ox.ac.uk/harassment-staff)

<sup>12</sup> <https://www.ox.ac.uk/students/academic/conduct>

<sup>13</sup> Data Protection policy: <https://compliance.admin.ox.ac.uk/data-protection-policy>

## Stage 2 - Advice and Support

7. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, it is very important to get advice and support to understand the options available. Students can contact a local Harassment Advisor or the Harassment Line (e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) or the [Oxford SU Student Advice Service](#).
8. Other sources of advice include college Deans or Welfare staff, a Director of Graduate Studies, [Peer Supporters](#), [Peers of Colour](#) or [Rainbow Peers](#).
9. The University offers a voluntary mediation service for students who find themselves in conflict with another student ([the Student Resolution Service](#)). Any student or staff member can make a confidential enquiry via e-mail to: [mediation@admin.ox.ac.uk](mailto:mediation@admin.ox.ac.uk). This service is not appropriate for cases of serious harassing behaviour or criminal conduct.
10. These sources of support and advice are also available to students who have been accused of harassment. Students can contact a local Harassment Advisor or (for reports of a sexual nature) a Specialist Advisor: [supportservice@admin.ox.ac.uk](mailto:supportservice@admin.ox.ac.uk).
11. If the harassment is sexual in nature, one of the specialist advisors in the [Sexual Harassment and Violence Support Service](#) can:
  - give advice on options available to the student
  - put in place practical support and manage any impact on academic work
  - refer the student to appropriate support services
  - arrange mediation between the student and alleged harasser, if both parties agree, with a trained mediator
  - ensure that relevant members of staff within the collegiate university are informed of the case if appropriate, with consent
  - support students through a formal disciplinary process

## Stage 3 - Formal written Report

12. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the student should make a formal written Report to the Proctors<sup>14</sup>. In some cases, it will be appropriate to proceed directly to this stage. The Proctors' role is to determine whether the student who is the subject of the Report has breached the [University Code of Discipline](#).  
Students should refer to the [Disciplinary Procedures](#) for details, including Appendix C: Special Arrangements in Reports involving Sexual Misconduct and/or violence.
13. If the student making the formal Report has not accessed advice and support, the relevant caseworker will normally direct the student to Student Welfare and Support Services.
14. The formal Report should set out as clearly and succinctly as possible
  - i. the nature of the behaviour that the reporting student is concerned about;
  - ii. the effect of this behaviour on the reporting student; and
  - iii. where possible, the resolution that the reporting student is seeking.

The Report should include dates and details of any witnesses, together with any documentary evidence. The reporting student should also state, where appropriate, any

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<sup>14</sup>

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.proctors.ox.ac.uk%2Ffiles%2Fnon-academicmisconductformupdatedjan2020docx&wdOrigin=BROWSELINK>

action taken at Stages 1 or 2.

15. The Oxford SU Student Advice Service, or if appropriate, the Sexual Harassment and Violence Support Service can discuss a draft of the formal Report with the reporting student in order to check that items (i)-(iii) above are covered and that relevant supporting documentary evidence is included. These Services cannot offer legal advice, or speculate on possible outcomes.
16. If the reporting student is dissatisfied with the way this procedure has been followed, they can make a complaint under the [Student Complaints Procedure](#), in which case the complaint will be considered by members of staff who have not previously been involved in the case.

### Referrals

17. On occasion, reports of harassment which should be considered under this Procedure may be made to staff other than those named in this procedure. In this situation, staff should explain the Procedure, and refer the student to Student Welfare and Support Services ([supportservice@admin.ox.ac.uk](mailto:supportservice@admin.ox.ac.uk)).
18. If a student does not wish to seek support and advice, or to make a formal Report or if there are queries about the procedure to be followed, staff can contact the Director of Student Welfare and Support Services' office for advice on a confidential basis ([director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)).
19. There may be occasions when it is appropriate for the Director of Student Welfare and Support Services to make recommendations to appropriate bodies, including the Proctors, regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

### Potentially criminal conduct

20. 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 Director of Student Welfare and Support Services (or the Proctors for Stage 3) will decide whether this Procedure is applicable, having regard to all relevant circumstances including any police involvement.

### Confidentiality

21. Information concerning reports of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such reports may attract disciplinary sanction. Information will be shared on a need-to-know basis. Once a formal Report is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the University, within certain colleges, or to external bodies.
22. 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 University will not normally report a matter to the police without the reporting student's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

## Annexe C: Sources of advice

1. The sources of advice set out below are available to:
  - those who believe that they may be being harassed, and who wish to discuss any concerns in confidence
  - those who have been told that their conduct is perceived as harassing.
2. The University's Harassment Advisory Service is available to staff and students. It comprises a network of around 460 voluntary advisors, supported by the University's Equality and Diversity Unit (EDU). Each department and college is expected to have at least two advisors, one man and one woman. Their details will be featured on noticeboards and websites, and those experiencing or accused of harassment are encouraged to contact their local advisor for support in the first instance.
3. If a local advisor is not available or it would not be appropriate to contact them (for example, if the individual were a close colleague or manager or supervisor) the central Harassment Line will provide details of another advisor, in confidence. Contact: [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk).
4. The role of a harassment advisor is to listen non-judgementally to individuals' concerns and provide them with support by:
  - Guiding them through this Policy and relevant procedures, clarifying the options open to them and assisting them to resolve the matter informally where possible;
  - Where requested, supporting them through the resolution process, whether formal or informal;
  - Dealing with all cases with the utmost confidentiality except where there is an unacceptable risk to a student, a member of staff or to the institution; and
  - Referring them to another advisor where necessary or to other agencies or support systems as appropriate.
5. Harassment advisors do not:
  - Approach the alleged harasser in an attempt to mediate or resolve the matter;
  - Act as a representative or advocate; or
  - Act as a party to any formal stage of the complaint process, except in the role of providing support.

Full details may be found at [edu.admin.ox.ac.uk/harassment-advice](http://edu.admin.ox.ac.uk/harassment-advice).

6. Members of staff may also contact local trade union representatives for support – details may be found at: [hr.admin.ox.ac.uk/joint-committees-and-staff-representation](http://hr.admin.ox.ac.uk/joint-committees-and-staff-representation).
7. Students may also contact:
  - Sexual Harassment and Violence Support Service  
[www.ox.ac.uk/students/welfare/supportservice?wssl=1](http://www.ox.ac.uk/students/welfare/supportservice?wssl=1)  
[supportservice@admin.ox.ac.uk](mailto:supportservice@admin.ox.ac.uk)
  - The Director of Student Welfare and Support Services' office  
[director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)



- The relevant college Welfare Officer
  - Oxford SU's Student Advice Service is independent from the University and provides impartial advice and guidance  
[www.oxfordsu.org/wellbeing/student-advice](http://www.oxfordsu.org/wellbeing/student-advice)  
[advice@oxfordsu.ox.ac.uk](mailto:advice@oxfordsu.ox.ac.uk)
  - The Proctors' Office  
[www.admin.ox.ac.uk/proctors/contact](http://www.admin.ox.ac.uk/proctors/contact)  
[proctors.office@proctors.ox.ac.uk](mailto:proctors.office@proctors.ox.ac.uk)  
01865 (2)70090
  - The Student Counselling Service  
[www.ox.ac.uk/students/welfare/counselling](http://www.ox.ac.uk/students/welfare/counselling)  
[counselling@admin.ox.ac.uk](mailto:counselling@admin.ox.ac.uk)  
01865 270300
  - Student Peer Supporters in the relevant college or department
  - Nightline  
[oxfordnightline.org](http://oxfordnightline.org)  
01865 270 270  
Skype: 'oxford nightline'
8. Other sources of general help, and information on how the Harassment Service is monitored and evaluated, can be found at: [edu.admin.ox.ac.uk/harassment-advice](http://edu.admin.ox.ac.uk/harassment-advice)