



New College, Oxford

## Policy and Procedure on Harassment

The College's harassment advisers are:

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If you would prefer to speak with an advisor entirely unconnected with New College, the University's Harassment Line can find an alternative advisor for you. Please contact:

- 01865 270760
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### Introduction

1. New College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected.
3. The aims of the College as reflected in this Policy are to:
  - a. Promote a positive environment in which people are treated fairly and with respect;
  - b. Make it clear that harassment is unacceptable and that all members of the College have a role to play in creating an environment free from harassment;
  - c. Provide a framework of support for staff and students who feel they have been subject to harassment; and
  - d. Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
4. 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 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 College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.

### Definitions

6. A person subjects another to harassment where he/she engages<sup>1</sup> 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.

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<sup>1</sup> Although s/he is used in this document, the College acknowledges that some people do not identify with binary genders and prefer to use other pronouns.

7. 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.
8. 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.
9. 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 s/he 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**

10. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
11. 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.
12. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
13. Harassment can take a variety of forms:
  - Through individual behaviour
    - face to face, either verbally or physically
    - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of the University's (and therefore the College's) Regulations Relating to the use of Information Technology Facilities
    - 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 homophobic or racist jokes.
14. 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 touching
  - offensive comments or body language, including insults, jokes or gestures and malicious rumours 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 s/he 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.
15. Stalking may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:
- Following a person;
  - Contacting, or attempting to contact, a person by any means;
  - Publishing any statement or other material –
    - Relating or purporting to relate to a person, or
    - Purporting to originate from a person;
  - Monitoring the use by a person of the internet, email or any other form of electronic communication;
  - Loitering in any place (whether public or private);
  - Interfering with any property in the possession of a person;
  - Watching or spying on a person including through the use of CCTV or electronic surveillance.

### **Application of the Policy**

16. Harassment is a serious offence. Any member of the College community who feels s/he has been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the Procedure in relation to complaints about staff/Fellows; and Annexe B for the Procedure in relation to complaints about students.
17. 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 Dean and/or the co-ordinators of the College Welfare Team and /or approach the Police directly; and staff members can seek advice from the Warden and/or Senior Tutor and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available at [Guidance for staff on handling cases of sexual assault or sexual violence](#).
18. Any member of the College community who feels s/he has been subject to harassment can contact the Harassment Advisory Service, or their local harassment advisor, for support (<http://new.ox.ac.uk/policy-documents>). 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 at: [www.admin.ox.ac.uk/eop/harassmentadvice.shtml](http://www.admin.ox.ac.uk/eop/harassmentadvice.shtml)
19. 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.
20. 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.

### **Procedures**

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

Annexe B: Complaints of harassment against students - the Student Procedure

Annexe C: Sources of Advice

Annexe D: Guidance for staff on handling cases of sexual assault or sexual violence

## **Annexe A: Complaints of Harassment against College Personnel — the Procedure for Fellows, Academic and Non-Academic 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 Welfare Team (<http://new.ox.ac.uk/welfare-and-advice>)

### **Initial action**

4. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a member of staff wishes to seek informal resolution, s/he should approach the senior Fellow in their subject, the Senior Tutor or his/her head of department or equivalent 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**

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 can be appointed – there are trained mediators in the colleges and the University's Equality and Diversity Unit (EDU) has access to a pool of trained mediators. In the case of a complaint involving a member of staff and a student, a College Officer may consult with the Welfare Team, the EDU (01865 270760, e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) and/or the office of the University's Director of Student Welfare and Support Services. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.
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 to the Senior Tutor or his or her head of department or, if the complainant feels it is not appropriate to approach that person, another Senior College Officer. If any of the parties considers that the senior member has a conflict of interest in the complaint, the complaint may be referred to the Senior College Officer. 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 a senior College officer, or wishes to make a complaint against a head of department or senior College officer, advice may be sought from the Warden, or in the case of a student complainant, from the Welfare Team, the EDU (01865 270760, e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) and/or the office of the University's Director of Student Welfare and Support Services. Students can seek support from the Welfare Team, the EDU (01865 270760, e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) and/or the Director of Student Welfare and Support Services' office when wishing to make a complaint against a member of staff, 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 the College, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).

### **Submission of the complaint**

9. In the submission to the Senior Tutor, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behaviour on

her/him; and (iii) the resolution s/he 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 and the outcome s/he is seeking.

10. 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.
11. 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 s/he 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.
12. 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 Senior Tutor or other senior members of the College may initiate an investigation and make a decision on further action on the basis of such evidence as is available (in the case of non-academic staff advice would normally be sought from Peninsula Business Services).
13. **Action by the head of department or Senior Tutor or other senior member (henceforth referred to as head of department etc.) on receipt of a complaint**

On receipt of a complaint, the head of department, Senior Tutor or other senior member will in consultation with College Officers and/or the HR Manager and/or Peninsula Business Services take such steps as s/he thinks necessary or appropriate to understand the nature of the complaint and the outcome sought including:

- 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. The head of department etc. will then decide how to proceed and will inform the parties in writing. S/he 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.
15. The head of department etc. 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. 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.
18. The head of department will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions she or he has reached having reviewed the evidence, including any investigation report; (ii) of the action the head of department intends to take; and (iii) of the reasons for any such action.
19. 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**

20. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the head of department etc, in consultation with College Officers and, in the event of a student complainant, the Welfare Team and/or 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. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

*or*

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

*or*

iii. Institute disciplinary proceedings where the head of department etc. 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 head of department etc. will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with College Officers and/or Peninsula Business Services.

*or*

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

### **Appeal from the head of department's decision**

21. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), s/he may invoke the relevant grievance or complaint procedure within the time scales specified in that procedure save that where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

### **Confidentiality**

22. 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.

23. 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**

24. The College and all those involved in this process must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

25. 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.

26. The Bursar should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

## **Investigations**

27. The procedure for an investigation will normally be as follows, but may be adapted by the investigator to meet the needs of the case:-

- a. The investigator will meet the complainant to confirm the details of the complaint.
- b. The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the investigator has.
- c. The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- d. The investigator will meet the person complained against to hear his/her 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 s/he may check relevant sections in draft with the parties before finalising.
- g. The report will be forwarded to the head of department etc., usually with a copy to the Senior Tutor or HR Manager, and, if the complainant is a student, normally to the co-ordinators of the Welfare Team and to the Director of Student Welfare and Support Services.

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

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context. Complaints of harassment brought by students against College staff will be dealt with under the staff Procedure, but with the students supported by the College's Welfare Team.
2. If a joint appointment Fellow wishes to make a complaint of harassment against a student in their department, this will normally be dealt with through [Statute XI](#). In the first instance, a member of staff should seek support and guidance from his/her head of department or line manager.
3. All references within this Procedure to the Director of Student Welfare and Support Services should be understood to refer to the Director or his/her nominee. The Director may act as a source of information and advice for the College on student cases of harassment, and will make referrals as appropriate.
4. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.
5. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, serious assault or threat of serious assault. This Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment. However, it also includes the procedure for informing and receiving support from the College in cases where there is police involvement.

### Stage 1—Informal action

6. In some cases, a student who feels that s/he is being harassed by another student may feel able to approach the person in question to explain what conduct s/he 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 College does not wish to suggest that a student who feels that s/he has been harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.
7. Before taking informal action, the student could discuss the situation with a harassment advisor. If the student does not feel comfortable contacting a local advisor in their college, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto: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 [www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork](http://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork).
8. Other sources of advice when considering informal resolution are the Welfare team including the Cox and Salvesen Junior Fellows 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](mailto:advice@ousu.org)).
9. These sources of support and advice are also available to students who have been accused of harassment.

### Stage 2—The Welfare Team and University support

10. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the co-ordinators of the Welfare Team and the Director of Student Welfare and Support Services' office are available for support and advice to any student who feels that s/he is being harassed. The co-ordinator of the Welfare Team is the Tutor for Welfare, who can be contacted via the Welfare Administrator at [camilla.gray@new.ox.ac.uk](mailto:camilla.gray@new.ox.ac.uk). If they wish, students can also contact the EDU (01865 270760, e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) and/or Director of Student Welfare and Support Services' office by e-mail: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk).
11. The student making the complaint will be referred to a staff member trained in dealing with harassment cases. This staff member will be available to support the student throughout the process, including if s/he decides 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:



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

12. Actions taken by the Welfare Team may include:

- Facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree. An experienced mediator or conciliator acceptable to both parties will normally be 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
- 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.

13. 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 s/he is 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.

14. 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 1998. 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**

15. 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 her/him, so that s/he can be offered appropriate support from a trained member of staff. Likewise, if the complainant prefers to call on support from outside the College he/she may contact the Director of Student Welfare and Support Services.

16. 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.

17. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behaviour on her/him; and (iii) where possible, the resolution s/he 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 where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome s/he is 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.

18. The Dean, or another person appointed by him/her, 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. This could be by a member of Congregation or a member of staff from OUSU's Student Advice Service.

19. 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.

20. 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.
21. 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.
22. Investigation of a formal written complaint of harassment may result in:
  - Deciding that the alleged harasser should face disciplinary procedures under the College's disciplinary procedures
  - 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.
  - Referring either or both parties to appropriate support services
  - Referring a case back to the Welfare Team, for the complainant to receive support
  - Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties
  - In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.
23. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, s/he may be able to apply to the Proctors Office for a review of the case.

## **Referrals**

24. 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.
25. 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.
26. 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**

27. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but would not be limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action.
28. Support for any student affected by such an incident may be sought from the Welfare Team which may take advice from the office of the Director of Student Welfare and Support Services.

29. In addition the Dean and the senior members of the Welfare Team (in consultation with the Director of Student Welfare and Support Services) will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary. Further guidance on cases of sexual assault and sexual violence, including support available, is available in Annexe D. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

### **Confidentiality**

30. 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 or to external bodies.
31. 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**

32. The College and all those involved in this Procedure must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
33. 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. All notes will be preserved during the process and until such time as the College's internal processes and any external processes are concluded.

## Annexe C: Sources of advice

1. The sources of advice set out below are available to:
  - anyone who believes that s/he may be being harassed, and who wishes to discuss any concerns in confidence
  - anyone who has been told that his/her conduct is perceived as harassing.
2. The College has a number of harassment advisers who for 2014-2015 are Tom Cutterham (Cox Fellow), Erica Longfellow (Chaplain), Sophie Lopez-Welsch (Administration), Caroline Thomas (Home Bursar) and Andy Wathen (Fellow).
3. The University's Harassment Advisory Service is also available to staff and students. It comprises a network of around 300 voluntary advisors, supported by the University's Equality and Diversity Unit (EDU).
4. 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: (2)70760, or [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk).
5. 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 College; and
  - Referring them to another advisor where necessary or to other agencies or support systems as appropriate.
6. 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 [www.admin.ox.ac.uk/eop/harassmentadvice](http://www.admin.ox.ac.uk/eop/harassmentadvice).
7. Members of staff may also contact their local trade union representatives for support.
8. Students may also contact:
  - The College Welfare Team: <http://new.ox.ac.uk/welfare-and-advice>
  - JCR or MCR welfare representatives: <http://mcr.new.ox.ac.uk/> and <https://jcr.new.ox.ac.uk/#peers>
  - Student Peer Supporters <https://jcr.new.ox.ac.uk/#peers>
  - The Director of Student Welfare and Support Services' office: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)
  - OUSU's Student Advice Service is independent from the University and provides impartial advice and guidance: [ousu.org/advice/student-advice-service](http://ousu.org/advice/student-advice-service), email: [advice@ousu.org](mailto:advice@ousu.org), telephone: 01865 288466
  - The Proctors' Office: [www.admin.ox.ac.uk/proctors/contact](http://www.admin.ox.ac.uk/proctors/contact), email: [proctors.office@proctors.ox.ac.uk](mailto:proctors.office@proctors.ox.ac.uk), telephone: 01865 (2)70090
  - The Student Counselling Service: [www.ox.ac.uk/students/welfare/counselling](http://www.ox.ac.uk/students/welfare/counselling), email: [counselling@admin.ox.ac.uk](mailto:counselling@admin.ox.ac.uk), telephone: 01865 270300
  - Nightline: [users.ox.ac.uk/~nightln](http://users.ox.ac.uk/~nightln), telephone: 01865 270 270, Skype: 'oxford nightline'
9. Other sources of general help, and information on how the University's Harassment Service as a whole is monitored and evaluated, can be found at: [www.admin.ox.ac.uk/eop/harassmentadvice.shtml](http://www.admin.ox.ac.uk/eop/harassmentadvice.shtml).

Further guidance on resources in cases of sexual assault or sexual violence is available at [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure)

## Annex D—Guidance for staff on handling cases of sexual assault or sexual violence

1. The College and University Policies and Procedures on harassment may not be applicable where the allegations are of behaviours that may attract criminal sanction. In such cases, student members can seek advice from the Dean, the co-ordinators of the welfare team, Director of Student Welfare and Support Services' office and/or approach the Police directly; and staff members can seek advice from the Senior Tutor and/or approach the Police directly.
2. The student harassment Procedure states that in the first instance such allegations will normally be a matter for police investigation and action, but that support for any student affected by such an incident may be sought from the Welfare Team.
3. This guidance gives further information to College Fellows and staff (henceforth referred to as staff) on support and contacts for handling cases of sexual assault or sexual violence, and guidance on dealing with such cases.
4. If you are approached by an individual for advice and support in relation to any behaviour which was unwanted and which might have amounted to sexual assault or sexual violence, you should support him or her in contacting a staff or student advisor with particular welfare responsibilities. These include:

Specially trained <a href="mailto:harassment_line@admin.ox.ac.uk">Harassment Advisors harassment_line@admin.ox.ac.uk</a> 01865 270760	The Director of Student Welfare and Support Services' office <a href="mailto:director.swss@admin.ox.ac.uk">director.swss@admin.ox.ac.uk</a>	<a href="mailto:advice@ousu.org">OUSU Student Advice Service advice@ousu.org</a> 01865 288466
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5. All information concerning sexual assault and sexual violence should be treated in confidence as far as possible and unnecessary disclosure may give rise to disciplinary action. Information should only be shared on a need-to-know basis. If you are concerned for an individual's immediate safety you should discuss this with them before any confidential information is disclosed to a third party. You will need to explain to the individual that they would need to agree to certain information being disclosed to a limited number of College (and possibly University) staff in order for support to be put in place. This support may include making arrangements to limit contact between the parties concerned.
6. There may be circumstances in which confidentiality cannot be maintained, for example where in your opinion the complainant or other members of the community may be in serious or immediate danger. The individual's consent would normally be sought if disclosure is to be made, and a decision on disclosure would be made at a senior level. A member of staff might also be called to court in proceedings arising from an allegation of sexual assault or sexual violence, and might be obliged to provide evidence to the court.
7. These caveats to confidentiality should be explained to the individual concerned. If they are unwilling to accept these caveats, you should support the individual to contact support agencies that will deal with individuals on an anonymous basis:

<a href="http://www.oxfordrapecrisis.net">Oxford Sexual Abuse &amp; Rape Crisis Centre</a> <sup>2</sup> <b>01865 726 295 (24 hour answerphone)</b> or freephone <b>0800 783 6294</b>	<a href="http://www.rapecrisis.org.uk">Rape Crisis England and Wales</a> <sup>3</sup> Freephone 0808 802 9999 (Every day 12.00pm-2.30pm and 7.00pm-9.30pm) A free telephone helpline which can provide advice to women and men.	<a href="http://www.survivorsuk.org">SurvivorsUK</a> <sup>4</sup> 0845 122 1201 (Monday & Tuesday 7.00pm- 9.30pm and Thursday 12.00pm- 2.30pm) A free and confidential telephone helpline for men and boys who are
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<sup>2</sup> [www.oxfordrapecrisis.net](http://www.oxfordrapecrisis.net)

<sup>3</sup> [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

<sup>4</sup> [www.survivorsuk.org](http://www.survivorsuk.org)

<p><b>(Monday &amp; Thursday 6.30pm-9.00pm, Friday 11.30am-2.00pm and Sunday 6.00pm-8.30pm)</b>  <a href="mailto:support@osarcc.org.uk">support@osarcc.org.uk</a>  <b>A free and confidential telephone helpline, email support and support groups for women and girls who are dealing with the effects of sexual violence, and supporters of all genders.</b></p>	<p><a href="#">Independent Sexual Violence Advocate (ISVA)</a><sup>5</sup>  <b>01865 725311</b>  <a href="mailto:isva@osarcc.org.uk">isva@osarcc.org.uk</a>          Provides emotional and practical advice and support for women over 18 who have experienced rape, sexual abuse or any other type of sexual violence at any time in their lives.</p>	<p>dealing with the effects of sexual violence.</p>
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**A: Handling the disclosure**  
**Let the individual stay in control**

8. The pace and direction of your support should always be led by the individual. Sexual abuse or sexual violence can make an individual feel powerless and not in control. Individuals need to feel they can be in charge of their lives again and it is important to resist the temptation to take over by arranging and doing things that you think are best. Instead, let the individual talk about how they feel, while aiming to support them in any decision they need to take.
9. Individuals are often afraid of how others will react to what has happened to them. They may fear not being believed, embarrassment, having their experiences minimised or trivialised, or even rejection. It is important that your interaction does not prevent them from seeking further support, and you should avoid questions that could be seen as accusatory such as: "Why didn't you fight back/scream?", "Why didn't you do/say something sooner?".
10. It is important to remember that the reaction to sexual assault will vary from person to person; the individual may be angry, numb or have feelings of guilt. It is helpful not to have any preconceived expectations of how they will look and act, as this could affect your ability to empathise fully. Individuals will have differing priorities: some will want to report to the police, others will be concerned about pregnancy or sexually transmitted infection (STI). They might come to you in the immediate aftermath or want to discuss a historic case.
11. It is possible that the student will not have labelled their experience as 'sexual assault' or 'sexual violence' (or as 'harassment' or 'stalking'). It is important that you do not ask or prompt them to do this, but rather allow the student to come to this point in their own time. Given the distressing nature of these experiences, delayed labelling and responses more generally are common. If it has taken the student a long time to label their experience, or to realise that they wish to seek help, this does not mean that the student is any less likely to be honest or in need of help. Given there is no formulaic pathway of support, below are practical considerations you should be aware of.

**In the event of a recent incident of sexual violence**

12. If relevant, let the individual know that there are external personnel who are trained to gather early medical evidence, and inform them that early evidence may be crucial if they want to proceed with a prosecution at any later stage. As well as gathering evidence, important medical treatment can be offered. The individual has two options:

**[Sexual Assault Referral Centre](#)<sup>6</sup> - if the individual does not want to contact the police immediately**

SARCs have specially trained experienced professionals who can give medical help and advice. They can store forensic results until the individual makes up their mind whether or not to report to the police and can support them through the immediate trauma.

You should always contact the SARC before travelling; whilst they operate a 24 hour service they do need to ensure the relevant staff are available.

You will need to accompany the individual to a SARC or arrange for someone else to do so, and ensure that the individual does not need to pay for transport.

The nearest SARCs are:

<sup>5</sup> [osarcc2.d7.ox4.org/content/advocacy-advice](http://osarcc2.d7.ox4.org/content/advocacy-advice)

<sup>6</sup> [www.nhs.uk/Livewell/Sexualhealth/Pages/Sexualassault.aspx](http://www.nhs.uk/Livewell/Sexualhealth/Pages/Sexualassault.aspx)

<a href="#">Swindon</a>	<a href="#">Sanctuary</a> <sup>7</sup>	<a href="#">Solace Centre</a> <sup>8</sup> – Bletchley	<a href="#">Solace Centre</a> – Slough
The Shrivensham South Swindon SN3	Gables Road Marston 4RB	Sherwood Drive Bletchley Milton Keynes MK3	NHS Upton Park Hospital Albert Street Slough SL1 2BJ
Tel: <b>0808 168 0024</b> (24 hour helpline)		Tel: <b>0845 519 7638</b>	Tel: <b>01753 821441</b>

**[Specially Trained Officers \(STOs\) at Thames Valley Police](#)<sup>9</sup> - if the individual does want to make a report to the Police immediately.**

Non-emergency telephone 101; emergency telephone 999.

Note that approaching the Police binds the Police to investigate if they believe a crime has been committed.

The STOs will facilitate the care of the individual from initial report, through medical examination, interview and subsequent investigation. They will then identify and engage the most appropriate methods of support.

**Protect and preserve evidence**

13. In either case, in the event of a recent assault, the individual should be advised not to:
- Use the lavatory or discard underwear or sanitary products
  - Wash, shower, bathe or shave
  - Wash their hands
  - Remove, wash, discard or destroy clothing worn or bedding and towels used at the time of the incident or subsequent to it
  - Drink or eat anything, including non-essential medication
  - Clean their teeth
  - Smoke
  - Disturb the scene or allow other people or animals to enter areas where the incident took place, where possible.

Non-physical evidence, such as relevant texts, social media messages and emails should be preserved.

14. If attending a SARC or police station, it is important to bring any underwear or clothing worn at the time of the incident in a plastic bag, if not being worn for the journey. The place of the incident should be made secure if possible.

**In the event of an historic incident**

15. The guidance in paragraph 11 applies; however it is advisable to telephone the SARC before making a journey to establish whether they are likely to be able to gather any medical evidence.

**If the individual decides not to report**

16. A decision not to visit a SARC or report to the police is still a valid decision and the individual's wishes should be respected. However it is important that they retain relevant evidence, in so far as this is possible, in case they change their mind in the future.
17. An individual who does not want to go to a SARC or the police, is advised to seek medical attention from their college doctor or nurse, local GP or A&E. The local GUM (Genito-Urinary Medicine) Clinic can provide morning-after pills, tests for STIs and anti-retroviral medication.

<a href="#">GUM</a>	<a href="#">Clinic</a> <sup>10</sup>
Churchill Old Oxford	Hospital Road

<sup>7</sup> [www.swindonsanctuary.co.uk](http://www.swindonsanctuary.co.uk)

<sup>8</sup> [www.solacesarc.org.uk](http://www.solacesarc.org.uk)

<sup>9</sup> [www.thamesvalley.police.uk/reptcr.htm](http://www.thamesvalley.police.uk/reptcr.htm)

<sup>10</sup> [www.sexualhealthoxfordshire.nhs.uk](http://www.sexualhealthoxfordshire.nhs.uk)



## Keeping records

18. A member of staff to whom an allegation of sexual assault is made is advised to make a note of what has been disclosed, either in the presence of the individual (with their permission) or as soon as possible thereafter. You may be asked to act as a witness in any criminal proceedings and a contemporaneous note will be valuable. The notes should be stored in accordance with the principles of the Data Protection Act<sup>11</sup> and should not normally be disclosed without the individual's permission.

## B: Supporting the individual

19. If the alleged perpetrator and the complainant are in the same college or department, contact between them will need to be managed, including contact through teaching, examinations, accommodation and social activity. The Senior Tutor or the University's Director of Student Welfare and Support Services can advise and make recommendations to the appropriate bodies on such situations, including cases where a complaint is not made to the police or, following a police investigation, the alleged perpetrator is not charged.
20. You can discuss with the individual how they can be helped to feel safer. This might include making sure that relevant staff members are asked not to disclose an individual's whereabouts or telephone number.
21. You can encourage the complainant to contact a specially-trained harassment advisor or OUSU's Student Advice Service for support. If the complainant would like to speak to someone completely outside the University, you can encourage women to contact the Oxford Sexual Abuse & Rape Crisis Centre and men to contact SurvivorsUK. All contact details are given in paragraphs 3 and 6 of this document.
22. You can encourage the individual to speak to the [Student Counselling Service](#)<sup>12</sup> where there are professionally trained female and male counsellors, psychotherapists, clinical psychologists and a psychiatrist. Counselling will not erase what has happened, but it may help equip the individual with some new ways to think about what has happened, while helping them mobilize their resources and feel more in control.
23. The Director of Student Welfare and Support Services' office is available to advise staff as well as students, and can advise on issues including whether and how to inform relevant University and college staff of the case, and managing contact between the complainant and the alleged perpetrator.

## C: Providing long-term support for the individual

24. The individual may wish to suspend their studies; every effort should be made to ensure that their academic standing is not adversely affected and that their return to study is as smooth as possible.
25. It should be made clear to the individual that all the sources of support described above will be available to them on their return.

## D: Sources of support for staff members

26. A member of staff to whom an allegation of sexual assault or sexual violence is made is encouraged to be mindful of their own welfare. Within the University, staff members can contact [Occupational Health](#)<sup>13</sup> (e-mail: [enquiries@uohs.ox.ac.uk](mailto:enquiries@uohs.ox.ac.uk); telephone: 01865 2 82676) – the College subscribes to the University's Occupational Health Service so all staff can use its services. Outside of the University,

<sup>11</sup> [www.admin.ox.ac.uk/councilsec/compliance/dataprotection](http://www.admin.ox.ac.uk/councilsec/compliance/dataprotection)

<sup>12</sup> [www.ox.ac.uk/students/shw/counselling](http://www.ox.ac.uk/students/shw/counselling)

<sup>13</sup> [www.admin.ox.ac.uk/uohs](http://www.admin.ox.ac.uk/uohs)

staff members can contact the Oxford Sexual Abuse & Rape Crisis Centre, which provides support for supporters as well as survivors.

If you have any comments or questions on this guidance, please contact [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk).