INTRODUCTION

The College is committed to maintaining a working environment in which all employees, students and College users are treated with dignity and respect regardless of age, disability, sex (including gender reassignment), race, religion or belief or sexual orientation. The College regards harassment or bullying as unacceptable forms of behaviour. Harassment is a form of discrimination under the Equality Act 2010 and may also be a criminal offence under the Protection Against Harassment Act 1997.

This Policy and Procedure has been produced with the objective of preventing harassment and bullying within the College community. It will be applicable to all areas of the College, all students, and employees at every level. It provides a route for anyone who believes that they have been harassed or bullied to raise a complaint either informally or formally. The College treats all complaints of harassment or bullying seriously and will investigate such complaints promptly, efficiently and in confidence. Harassment by a member of academic staff or College staff may result in disciplinary action up to and including summary dismissal.

DEFINITION OF HARASSMENT

A person subjects another to harassment where s/he engages in unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Harassment may involve repeated forms of unwanted behaviour but a one-off incident can also constitute harassment.

Harassment and bullying may occur not only on grounds of characteristics, or perceived characteristics, of the recipient of the behaviour, but also on grounds of the characteristics, or perceived characteristics, of a person associated with him or her.

Harassment is a subjective concept; one person’s joke or office banter is another person’s harassment, and the College will take all factors into account when deciding if behaviour constitutes harassment.

DEFINITION OF BULLYING

Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Some examples of behaviour which may constitute bullying or harassment are detailed below. These specific examples are not exhaustive.

- offensive comments or body language
Harassment and bullying may take electronic form, and College members should think about the appropriate use of e-mail, social networking sites, use of mobile phones etc.

Reasonable and proper disciplinary or management instructions, administered in a fair and proper way, or a reasonable and proper view of a member of staff's or student's work will not constitute bullying or harassment.

The intention or motives of the person whose behaviour is the subject of the complaint are not conclusive in deciding whether the behaviour amounts to harassment or bullying

HARASSMENT ADVISORS

The College has appointed trained Harassment Advisors. A harassment advisor has three main functions:

- to listen effectively and discuss the situation with you;
- to give you clear information, help and guidance about the options available to you, the next steps to take, and how to best take them; and
- to support you through the resolution process.

A harassment advisor cannot:

- approach the alleged harasser in an attempt to mediate or resolve the matter for you;
- act as your representative or advocate; or
- be involved in any formal stage of the process except by way of giving you the support that you need during this time.

See the College WebLearn site for full details of the current College Harassment Advisors: [http://tinyurl.com/5sozzvb](http://tinyurl.com/5sozzvb)

Harassment Advisors are available to all students, academic staff and College staff to talk in confidence about any issues relating to harassment or bullying.

Should you wish to speak with an harassment advisor completely unconnected with the College then you should telephone the University harassment line (01865 270760) to be put in touch with such an harassment advisor. Further details are available on the University’s website at [http://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/](http://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/)
RIGHT TO REPORT HARASSMENT/BULLYING

Everyone has a right to report any behaviour towards them which they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of other Oriel members, everyone has the right to complain if they believe that they have been bullied or harassed by a third party, for example someone from another College, a customer, client or supplier. Those who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

Anyone who witnesses an incident that he/she believes to be the harassment or bullying of another member of the College should report the incident in confidence to a Harassment Advisor. The College will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

DEALING WITH HARASSMENT OR BULLYING

1. Informal complaint

Before raising a formal complaint, the College member may be able to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where a College member feels unable to approach the alleged harasser themselves they may ask a common room officer, colleague, trade union representative, line manager or their HR Advisor to assist them.

2. Mediation

In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation 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. The mediator will meet with the parties separately in the first instance as soon as practicable to begin to seek a resolution. To avoid confusion any agreed outcomes will normally be recorded in writing. All those involved in the mediation process must maintain confidentiality.

3. Formal complaints

The College treats all complaints of harassment or bullying seriously and will investigate such complaints promptly, efficiently and in confidence. The responsibility for handling a complaint will rest with different College authorities depending on the circumstances. If you are at all unsure to whom to address your complaint, you can seek advice from a College Harassment Advisor.
a. **Formal complaint about a student of Oriel College**

Where the person affected feels that the behaviour of the alleged harasser is sufficiently serious (or if an informal approach has been unsuccessful in resolving the situation), s/he may decide to raise a formal complaint. Formal complaints about the behaviour of a student of Oriel College must be made in writing and addressed to the Dean or Senior Dean. The person making the complaint should set out as clearly and succinctly as possible:

- the nature of the behaviour that s/he is concerned about
- the effect of this behaviour on him/her
- the resolution s/he is seeking
- the dates and (where possible) details of any witnesses to any incidents referred to in the complaint
- any documentary evidence
- any action they have already taken to try to resolve the difficulties that they are experiencing

On receipt of a complaint, the Dean or Senior Dean will investigate the allegations in accordance with College Student Disciplinary Procedures (as published in the Memorandum). If a Police investigation is initiated, the College may suspend all internal procedures and will cooperate fully with law enforcement agencies.

b. **Formal complaint about a student from another College**

Where the person affected feels that the behaviour of the alleged harasser is sufficiently serious (or if an informal approach has been unsuccessful in resolving the situation), s/he may decide to raise a formal complaint. Formal complaints about a student from another College should be addressed to the Dean of the perpetrator’s College. Oriel members who wish to may also inform one of the College Harassment Advisors about their complaint. This will be especially relevant if any of the alleged harassment took place on Oriel College property.

A complaint about a student from another College will be dealt with by the other College’s authorities (usually by the Dean or another senior person), or sometimes by the Proctors.

c. **Formal complaint about a member of Oriel academic staff or College staff**

Where the person affected feels that the behaviour of the alleged harasser is sufficiently serious (or if an informal approach has been unsuccessful in resolving the situation), s/he may decide to raise a formal complaint. Formal complaints must be made in writing and addressed to either the Vice-Provost (where the complaint pertains to a member of Oriel academic staff), or your head of department or to the HR Advisor or the Treasurer. The person making the complaint should set out as clearly and succinctly as possible:

- the nature of the behaviour that s/he is concerned about
- the effect of this behaviour on him/her
- the resolution s/he is seeking
- the dates and (where possible) details of any witnesses to any incidents referred to in the complaint
• any documentary evidence
• any action they have already taken to try to resolve the difficulties that they are experiencing

On receipt of a complaint, the head of department (or Vice-Provost where the complaint pertains to a member of Oriel academic staff) will consult with the HR Advisor and will take such steps as is deemed necessary in order to understand the nature of the complaint and the outcome sought. This will involve:

• informing the person against whom a complaint has been made of the allegations against him/her
• meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied by a colleague or trade union representative)
• speaking to other people on a confidential basis; and/or
• obtaining further relevant information.

The head of department will then decide how to proceed and will inform the parties in writing. S/he may decide that further investigation into the allegations need to take place and an investigation will take place.

The College reserves the right, at its discretion, to suspend or relocate any employee who is under investigation for harassment or bullying for a temporary period whilst the investigations are being carried out. Suspension will be for as short a time as possible and will be on full pay.

The Procedure for the investigation of complaints made about a member of Oriel academic staff or College staff is detailed at Appendix A. If a Police investigation is initiated, the College may suspend all internal procedures and will co-operate fully with law enforcement agencies.
APPENDIX A

**Procedure for the Investigation of complaints made about a member of Oriel academic staff or College staff**

The College will appoint a suitable person to conduct an investigation into the complaint. The person dealing with the complaint will arrange to meet separately with both the complainant and the alleged harasser at a reasonable time and location, to discuss the matter and carry out a thorough investigation.

Both the complainant and the alleged harasser will have the right to be accompanied to this meeting by either a colleague or trade union representative. All parties should take all reasonable steps to attend.

Where applicable, the person conducting the investigation will also arrange to meet with any witnesses to the alleged incidents of harassment, or other people as deemed appropriate.

All those involved in the investigation will be expected to act in confidence, and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting, a draft report of the findings, and of the investigator's proposed decision, will be sent, in writing, to the complainant and to the alleged harasser.

If either the complainant or the alleged harasser is dissatisfied with the draft report, or with the proposed decision, this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to the employee, the alleged harasser, head of department and HR Advisor. The employee has the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

**Victimisation**

Victimisation occurs where a person is subjected to detrimental treatment because s/he has, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has 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.

The College seeks to protect all members from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in a disciplinary process.

**Possible outcomes of a complaint**

Depending upon the nature of the complaint and the evidence found, including the findings of any investigation, the head of department, or Vice-Provost, in consultation with the HR Advisor will either:
a) Take no further action, other than, where appropriate, implement or suggest steps that would help restore reasonable working 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

b) Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training or implementing practical arrangements to improve working 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 behaviour that are likely to lead to further issues between them if unresolved.

or

c) Initiate disciplinary proceedings. This approach will usually be appropriate where there is sufficient evidence to support allegations of harassment of a sufficiently serious nature. In rare cases disciplinary action may be initiated against the complainant if the complaint of harassment is found to be malicious or vexatious.