

ORIEL COLLEGE

Policy and Procedure on Bullying and Harassment

Aims and Scope

1. 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.
2. The policy applies to all employees of the College whether academic or non-academic, to students and to other workers within the College, including agency workers, temporary workers and contractors.
3. This policy and procedure covers complaints of harassment against employees, students and any other worker engaged by the College, including complaints regarding the conduct of a third party during the course of employment e.g. a supplier.
4. This policy covers, but is not limited to, all behaviour that occurs on the College premises. It covers the behaviour of employees of the College during the course of their employment, whether or not they are on College premises. It also covers social or other events, whether organised by the College or not, at which employees, students, visitors or other related College contacts represent the College.
5. This policy is non-contractual and does not form part of an employee's terms and conditions of employment. This means that the policy is applicable to everyone at all times, regardless of whether it has been amended since they joined the college.

Introduction

6. Oriel 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.
7. 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.
8. Those in positions of authority within the College, such as College Officers, Senior Managers and their equivalent, have formal responsibilities under this Policy and are expected to familiarise

themselves with the Policy and Procedures. All managers and senior members of the College have a responsibility to apply this Policy consistently and fairly and to make every effort to ensure that harassment and victimisation do not occur in the areas for which they are responsible and that, if they do occur, any concerns are investigated promptly and effectively.

9. 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; and
- 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.
- d. Reporting any incidents of harassment or bullying.

10. The College will take any breach of this policy very seriously.

11. This Policy and Procedures are designed to deal with harassment which occurs primarily within the environment of Oriel College. Incidents of harassment that occur solely within the University environment will normally be dealt with under the appropriate University procedure.¹ If there is doubt as to whether the college or University procedure applies, you are advised to seek advice from the relevant college officers described in this Procedure, the Director of Student Welfare and Support Services or the University's Harassment Line.

12. This Policy and Procedures should be read alongside other relevant Oriel College policies and procedures. These can be obtained from the HR department and can also be found at:

<https://www.oriel.ox.ac.uk/about-college/official-information-and-foi>.

13. Any member of the College community who feels they have been subject to harassment can contact a College Harassment Advisor for support. Details of the current College Harassment Advisors can be found on the College website: <https://www.oriel.ox.ac.uk/life-oriel/living-oriel/harassment-advisors-0>. Members of the University can also contact the University Harassment Advisory Service, which 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

Definitions

14. A person subjects another to **harassment** where they engage in unwanted and unwarranted conduct which has the purpose or effect of:

- violating another person's dignity, or

¹ <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.²

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

15. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant. This means that harassment can occur even if someone does not mean to cause offence.

16. 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.

17. **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.

18. The College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:

- a. made an allegation of harassment, or
- b. indicated an intention to make such an allegation, or
- c. assisted or supported another person in bringing forward such an allegation, or
- d. participated in an investigation of a complaint, or
- e. participated in any disciplinary hearing arising from an investigation, or
- f. taken any other steps in connection with this Policy and Procedure, or
- g. is suspected of having done so.

Behaviours

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

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

21. Harassment can take a variety of forms:

- a. Through individual actions, comments, physical contact or other 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

² Statute XI: University Discipline (www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342)

communications device: such behaviour may also amount to a breach of the college's regulations relating to the use of Information Technology Facilities³

- directly to the person concerned, or to a third party
- b. Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

22. Examples of behaviour which **may** amount to harassment under this Policy include (but are not limited to) the following:

- a. unwanted physical contact, ranging from an invasion of space to an assault, including standing too close, brushing past, touching, grabbing, pinching and all forms of sexual harassment, including:
 - b. inappropriate body language
 - c. sexually explicit remarks or innuendoes
 - d. unwanted sexual advances and touching
 - e. requests for sexual favours
 - f. offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of age, sex, pregnancy, marital or civil partnership status, religion, gender identity, disability, race or sexual orientation
 - g. staring or leering
 - h. insulting, abusive, embarrassing or patronising behaviour or comments
 - i. humiliating, intimidating, and/or demeaning criticism
 - j. persistently shouting at, insulting, threatening, disparaging or intimidating an individual
 - k. constantly criticising an individual without providing constructive support to address any performance concerns
 - l. persistently overloading an individual with work that they cannot reasonably be expected to complete
 - m. posting offensive comments or other material on electronic media, including using mobile communication devices
 - n. threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
 - o. deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
 - p. excluding or isolating someone from normal work or study place, conversations, or social events
 - q. publishing, circulating or displaying abusive or offensive material, including pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures, film clips or other materials.

23. Examples of behaviour which **may** amount to bullying under this Policy include (but are not limited to) the following:

- a. Threatening or aggressive behaviour

³ <https://weblearn.ox.ac.uk/portal/hierarchy/colleges/oriel/depts/it>

- b. Exclusion or victimisation of individuals or groups
- c. Excessive criticism
- d. The setting of unrealistic objectives or goals
- e. Overbearing supervision of work or study
- f. Setting people up to fail
- g. Utilising techniques which confuse the victim and undermine their confidence
- h. Unwelcome sexual advances
- i. Spreading malicious gossip.

24. **Stalking may** also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- a. Following a person;
- b. Contacting, or attempting to contact, a person by any means;
- c. Publishing any statement or other material –
 - Relating or purporting to relate to a person, or
 - Purporting to originate from a person;
- d. Monitoring the use by a person of the internet, email or any other form of electronic communication;
- e. Loitering in any place (whether public or private);
- f. Interfering with any property in the possession of a person;
- g. Watching or spying on a person including through the use of CCTV or electronic surveillance.

Application of the Policy

25. Harassment is a serious offence. Any member of the College community who feels they have been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the Procedure in relation to complaints about staff; and Annexe B for the Procedure in relation to complaints about students.

26. 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 College Harassment Advisors, the Welfare Team or the Director of Student Welfare and Support Services and/or approach the Police directly; and staff members can seek advice from the College Harassment Advisors, the HR Manager and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at:

www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/.

27. Incidents of harassment that occur outside of the college environment and within the University environment will normally be dealt with under the appropriate University procedure. These procedures can be found at: www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/

28. 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.

29. If a complaint is made, the College will determine whether or not the behaviour amounts to harassment and, in doing so, it will consider the effect on the complainant and whether the that effect might reasonably have been expected. If after investigation the acts complained of are determined by the College to be reasonable behaviour/remarks then, although the complainant found them to be objectionable, they shall not be treated as harassment.

30. This Policy and Procedure may be found at: <https://www.oriel.ox.ac.uk/about-college/official-information-and-foi> and it is available in hard copy from HR department. Copies in alternative formats can be made available on request.

Abuse of this Policy

31. Making an allegation of harassment or bullying is not something to be undertaken lightly. The process of investigation can be time consuming, costly and above all very stressful for the complainant, witnesses and alleged harasser. In some cases a person's career, academic life and reputation may not recover from an allegation, even if no proof is found or the allegation is proved to be false.

32. 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. This should not deter those with genuine concerns. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

Personal Liability

33. All members of the College community should be aware that you may be held personally liable for certain acts of bullying and harassment that you commit or encourage others to commit and also for failing to deal with, or to report any act of bullying and harassment of which you are aware.

Breach of Policy

34. Any employee who is found to have committed an act of harassment or breached this policy in any other way, will be subject to action under the Disciplinary Procedure, up to and including dismissal.

Annex A: Complaints of harassment against College staff

Informal Procedure

1. The informal procedure may be appropriate for resolving complaints where you feel that the harassment is of a low level of severity and is causing you minor offence.
2. If you believe that you, or others, have been harassed, you should:
 - a. Ask the person(s) creating the problem to stop, or
 - b. Put your complaint in writing to the person(s) causing the problem, or
 - c. Ask a friend or colleague to speak to the person(s) on your behalf, or
 - d. Discuss the situation with your Tutor, Senior Dean, Junior Dean (for students) your Manager, or the HR department (for employees) and ask that an informal approach be made to the person(s) causing the offence.
3. You are encouraged to keep a record of all incidents, the actions you have taken to stop the harassment and also any details of any requests for assistance you have made.

Formal Procedure

4. If you prefer, you may use a more formal approach to resolving the problem. The formal procedure may be more appropriate in instances of serious complaint or where an attempt at informal resolution has not been successful.

Complaints by Employees

5. If an employee considers they have been subjected to bullying or harassment either directly or by association or perception, has witnessed and has been affected by harassment, or been a victim of bullying, they can bring a formal complaint in writing to the HR department to start proceedings under this formal procedure. This should be after having discussed the matter with an appropriate person and concluded that the problem cannot or has not been successfully resolved informally.
6. Where the perpetrator is your line manager or a senior manager, you should take your complaint directly to the HR Department and they will make alternative arrangements for the case.

During the Investigation

7. A timely investigation will be conducted into the complaint in a confidential manner, taking into account the complexity of the case and the availability of witnesses to be interviewed. All parties will be guaranteed a fair and impartial hearing and no disciplinary action will be considered against an employee until the case has been fully investigated.
8. During any investigation the alleged perpetrator and/or the complainant and /or any witnesses may be moved or suspended on full pay if this is considered appropriate by the investigating manager and the HR department. This will be for no longer than is strictly necessary for the alleged offence to be investigated.

9. Both parties and any witnesses will be interviewed separately and will have every opportunity to state their case during the investigation. Hearings and interviews will be recorded or minuted, and particular care and consideration will be taken when interviewing in order to minimise stress.

Following the Investigation

10. The investigating manager and HR department will present the facts to the department manager and the HR manager or the manager of another department if that is felt to be more appropriate. In any event the manager to whom the facts are presented should be the person who will be leading any further stages if deemed appropriate.

11. Where disciplinary action is considered appropriate, a disciplinary hearing will be arranged in accordance with the College Disciplinary Procedure. The outcome of this could be up to and including dismissal on the grounds of gross misconduct.

12. Any employee who is subject to a disciplinary sanction will have the right of appeal in accordance with the College Disciplinary procedure.

Perpetrators who are not College Employees

13. This procedure is designed to be used where employees or students suffer bullying and harassment by third parties (e.g. visitors, guests, contractors)

14. Line Managers or another suitable senior member e.g. Fellow, must inform the perpetrators that such behaviour is unacceptable, may be illegal or in breach of their tenancy, service or other agreement and that continuation of such behaviour will result in action being taken. This could lead to the withdrawal of certain services or limited contract arrangements being out in place.

15. If the complainant does not wish the matter to be taken further, a note should be made of it so that it can be used in case of further incidents or the complainant changing their mind. There will be occasions where the allegations are so serious and the evidence so strong that the College needs to carry out an investigation and take any necessary action despite the wishes of the complainant not to cooperate.

16. Where harassment by a third party has been reported, the line manager or another suitable senior member e.g. Fellow should inform the Treasurer and if appropriate the alleged perpetrators place of work. Additionally, appropriate steps must be taken to protect the employee and ensure that their physical and mental wellbeing is considered.

Complaints regarding College Employees made by Students

17. In the event that a complaint is made by a student against a member of College staff and the informal process does not resolve the matter, the formal process for employees will be used.

Potentially criminal conduct

18. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. The HR Manager will decide which procedure is appropriate.

Confidentiality

19. 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, within certain colleges, or to external bodies.

20. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator (“OIA”) and the civil and criminal courts. The College will not normally report a matter to the police without the complainant’s agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

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

22. 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.

23. The HR Manager, and if the complainant is a student, the Senior Dean, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Annex B: Complaints of harassment against students

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 above, and complaints by students against University staff will be dealt under the University Procedure. In all cases a student complainant will be supported by the Senior Dean and, if appropriate, the Director of Student Welfare and Support Services. If a student is unsure whether a particular instance of harassment falls under the University's procedures or College procedures, they should seek advice from the Senior Dean, DSWSS or a Harassment Advisor.
2. All references within this Procedure to the Senior Dean should be understood to refer to the Senior Dean or their nominee.
3. If a member of College staff wishes to make a complaint of harassment against a student, this will normally be considered as a disciplinary issue. In the first instance, a member of staff should seek support and guidance from the HR Manager who should consult the Senior Dean and/or DSWSS as relevant.
4. The Welfare Team and the College Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Senior Dean will have oversight⁴ of all cases referred to them under this Procedure and will take the lead as appropriate in liaising with other parts of the collegiate University. The Senior Dean will act as a source of information and advice for the College on student cases of harassment and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to their office under this Procedure.
6. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

Stage 1 - Informal action

7. In some cases, a student who feels that they are being harassed by another student may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been harassed is responsible for rectifying the situation.
8. Before taking informal action, the student could discuss the situation with a College Harassment Advisor. If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk). Harassment Advisors will not approach the alleged harasser on behalf of an individual. Details of the role of the harassment advisor can be found at www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/harassment/role.pdf.

⁴ Oversight in this context refers to the Senior Dean being aware of all cases so as to ensure the provision of appropriate support to students.

9. Other sources of advice when considering informal resolution include members of the College Welfare Team, the JCR and MCR welfare representatives, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org).

10. These sources of support and advice are also available to students who have been accused of harassment.

Stage 2 - The Welfare Team

11. If informal action does not succeed in resolving the situation or would not be appropriate given the nature of the behaviour, the Welfare Team and the College Harassment Advisors are available for support and advice to any student who feels that they are being harassed. Students can contact the Welfare Team by e-mail: welfare@oriel.ox.ac.uk.

12. The Welfare Team will refer the student 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 they decide to move to stage 3 and make a formal complaint, and will also provide support following the outcome of any formal complaint. The Senior Dean will oversee all cases, and will advise and take action as appropriate. Actions taken will vary depending on the case. Actions taken by the trained staff member may include:

- a. Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take
- b. Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and OUSU Student Advice Service).

Actions taken by the Senior Dean may include:

- a. Facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree. An experienced mediator or conciliator acceptable to both parties will normally be nominated by the Senior Dean, who may seek advice from 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. All those involved in the mediation or conciliation process must maintain appropriate confidentiality
- b. Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the college environment and within the University environment
- c. Ensuring that relevant members of staff within the collegiate University 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 they are being harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation

process if both parties agree. The Senior Dean will ensure that, where a complainant and a student complained against are both seeking support, they will be dealt with by different members of staff, who will maintain appropriate confidentiality.

14. Support from the Welfare Team is also available to students who wish to make or have made a complaint of harassment against a member of staff, under the staff Procedure in Annexe A.

15. 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 General Data Protection Regulation and associated data protection legislation. 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

16. If informal action 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 Senior Dean. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the complainant has not already been offered appropriate support from a trained member of staff, the Senior Dean will normally seek consent from the complainant to refer them to another member of the Welfare Team, so that they can be offered appropriate support from a trained member of staff.

17. 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.

18. The complainant should set out as clearly and succinctly as possible

- a. the nature of the behaviour that they are concerned about;
- b. the effect of this behaviour on them; and
- c. where possible, the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking. If the complainant has already made a statement about the behaviour under stage 2, this may be sent as their formal written complaint, with the proviso that the Senior Dean may request further information.

19. The Senior Dean or another person appointed by them, the [Investigator], will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include:

- a. informing the person against whom a complaint has been made of the allegations against them;
- b. meeting separately with the complainant and the alleged harasser;
- c. speaking to other relevant people on a confidential basis; and/or
- d. obtaining further relevant information.

At all times both parties will have the right to be accompanied at meetings by another student member of the College, a member of the College welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service.

20. 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.

21. 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.

22. 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.

23. Investigation of a formal written complaint of harassment may result in:

Deciding that the alleged harasser should face disciplinary procedures under the College's Non-Academic Disciplinary Procedures

- Taking actions in College, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The Provost or head of department will have responsibility for implementing and monitoring any actions. The Senior Dean and University Director of Student Welfare and Support Services will be available to advise
- Referring either or both parties to appropriate support services
- Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the college environment and within the University environment.
- 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.

24. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they can make a complaint under the College's Student Complaints Procedures. They may also be able to appeal the decision using Conference of Colleges Appeals Tribunal if applicable or, if they have exhausted all mechanisms of appeal within College, apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. The complainant should seek advice from the Senior Dean or a Harassment Advisor if they are considering taking this action. If applying to the OIA they must do so within three months of the date of the Completion of Procedures letter.

25. Following the outcome of the complaint, the Senior Dean will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

26. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Senior Dean considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the Provost or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Referrals

27. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Senior Dean. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Welfare Team, so that they can receive support from a trained staff member, or whether they would like it referred to the Senior Dean as a formal written complaint.

28. 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, staff can contact the Welfare Team or the DSWSS for advice on a confidential basis⁵.

29. 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 Senior Dean considers 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 Senior 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 senior management level.

Potentially criminal misconduct

30. 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. In the first instance such allegations will normally be a matter for police investigation and action. Where the complaint is of potentially serious criminal behaviour by a student, the college should consider whether it would be appropriate for the University to investigate, given the University's access to experienced external investigators.

31. Support for any student affected by such an incident may be sought from the Welfare Team.

⁵ Any member of the collegiate University can also contact the Proctors for advice and information on any matter.

32. In addition the Senior Dean 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.

33. Further guidance on cases of sexual assault and sexual violence, including support available, is available from the University at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Confidentiality

34. 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, the University, or to external bodies.

35. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator (“OIA”) and the civil and criminal courts. The College will not normally report a matter to the police without the complainant’s agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

36. The College and all those involved in this Procedure must comply with the principles of the General Data Protection Regulation and associated data protection legislation. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

37. Those interviewed in the course of any investigation by the investigator 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.

38. The Senior Dean should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.

Annex C: Sources of advice

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.

The College has Harassment Advisors who can be contacted by any member of the College. Their details can be found on the College website <https://www.oriel.ox.ac.uk/life-oriel/living-oriel/harassment-advisors-0>.

If a Harassment 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 University's Harassment Line will provide details of another advisor, in confidence. Contact: (2)70760, or harassment.line@admin.ox.ac.uk.

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.

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.

Students may also contact:

- The College Welfare Team: welfare@oriel.ox.ac.uk
- JCR and MCR Welfare Reps
- Student Peer Supporters
- The Director of Student Welfare and Support Services' office: director.swss@admin.ox.ac.uk
- The Proctors' Office: www.admin.ox.ac.uk/proctors/contact, e-mail: proctors.office@proctors.ox.ac.uk
- The Student Counselling Service: www.ox.ac.uk/students/welfare/counselling, email: counselling@admin.ox.ac.uk

Approved by the Governing Body of Oriel College on 16 January 2019.

- OUSU's Student Advice Service is independent from the University and provides impartial advice and guidance: www.ousu.org/advice/student-advice-service, e-mail: advice@ousu.org
- Nightline, www.users.ox.ac.uk/~nightln, 01865 270 270, Skype: 'oxford nightline'

Other sources of general help, and information on how the Harassment Service is monitored and evaluated, can be found at: www.admin.ox.ac.uk/eop/harassmentadvice.shtml.

It is Oriel's policy to support students who report behaviour which might have amounted to sexual assault or sexual violence, including rape, by helping them contact the University's [Sexual Harassment and Violence Support Service](#).

It is also Oriel's policy to support students who report sexual assault or sexual violence to visit a Sexual Assault Referral Centre (SARC). SARCs are a one-stop service providing medical care and forensic examination in a single location, in the immediate aftermath of a rape or sexual assault. Individuals can self-refer and this may be especially important for individuals who have not yet decided whether to make a police report. Costs associated with a student's being referred to SARC will be covered by the College. Details can be found from the Welfare Team.

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