

# St Hilda's College - Policy and Procedure on Harassment

## Aims and Scope of the Policy on Harassment

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.

## Harassment Advisors

The College's harassment advisors are:

Nicky Charles; Dev Gangjee; Kerstin Hoge; Sarah Norman

The harassment advisors have all received training and are part of the University's confidential harassment advisor network.

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

[harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)

## Welfare Team

The College Welfare Team is:

The Dean; three Junior Deans; the Welfare Officer.

## Introduction

1. St Hilda's 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. Members of the Governing Body and those in positions of authority, such as College Officers (e.g. the Bursar, Dean, Senior Tutor, Tutor for Graduates) and Staff (e.g. the Domestic Bursar), have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All College Officers and Staff have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are investigated promptly and effectively.
4. All members of the College community have the right to expect professional behaviour from others, and have 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

5. A person subjects another to harassment where they engage in unwanted and unwarranted conduct which has the purpose or effect of:
  - violating another person's dignity, or
  - creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. The recipient does not need to have explicitly stated that the behaviour was unwanted.
6. Freedom of speech and academic freedom are protected by law. The exercise of freedom of speech in teaching, debate or discussion on matters of public interest, including political or academic communication, are unlikely to be seen as harassment, even if they are deeply offensive to some of the people who are listening. Freedom of speech has its limits, however, as the rights to free speech must be exercised within the law.
7. 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.
8. The College seeks to protect any member of the College community from victimisation, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:
  - made an allegation of harassment, or
  - indicated an intention to make such an allegation, or
  - assisted or supported another person in bringing forward such an allegation, or
  - participated in an investigation of a complaint, or
  - participated in any disciplinary hearing arising from an investigation, or
  - taken any other steps in connection with this Policy and Procedure, or
  - is suspected of having done so.

## Behaviours

9. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
10. 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.
11. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
12. Harassment can take a variety of forms, for example, but not limited to:
  - 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 social 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
    - o directly to the person concerned, or to a third party
  - Through a prevailing workplace or study environment which creates or enforces a culture which tolerates harassment or bullying, for example the telling of homophobic, sexist, ableist, ageist, transphobic or racist jokes.
13. 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
    - iv. all forms of serious assault
  - 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 they cannot reasonably be expected to complete
  - posting offensive comments on social media, including using mobile communication devices
  - threatening to disclose, or disclosing, a person's sexuality, gender identity or disability to others without their permission
  - deliberately using the wrong name or pronoun in relation to a transgender and/or non-binary person, persistently referring to their gender identity history, or inappropriately questioning a person about their medical history
  - isolation from normal work or study place, conversations, or social events
  - publishing, circulating or displaying pornographic, racist, homophobic, transphobic, sexually suggestive, sexist, xenophobic or otherwise offensive pictures or other materials.
14. 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 –
    - o Relating or purporting to relate to a person, or
    - o 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

15. 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 students.
16. 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, other members of the College Welfare Team or approach the Police directly.

17. Any member of the College community who feels they have been subject to harassment can contact the University Harassment Advisory Service or any of the St Hilda's harassment advisors for support. The support of harassment advisors is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found at: <https://edu.admin.ox.ac.uk/internal-and-external-sources-of-advice>
18. 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.
19. 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 confidentiality in all stages of the process. Those involved in advising complainants should, where possible, seek the explicit 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 students - the Student Procedure
- Annexe B: Sources of Advice
- Annexe C: Complaints of harassment against members of College staff - the Staff Procedure

## Annexe A: 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. All references within this Procedure to the Director of Student Welfare and Support Services should be understood to refer to the Director or their 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.
3. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.
4. 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

5. 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. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.
6. Before taking informal action, the student could discuss the situation with a harassment advisor. If the student does not feel comfortable contacting an advisor within St Hilda’s 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)).
7. 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: <https://edu.admin.ox.ac.uk/harassment-advice>. Other sources of advice when considering informal resolution are the welfare team within St Hilda’s or other college officers with pastoral responsibilities, JCR and MCR welfare representatives, Student Peer Supporters, and Oxford SU’s Student Advice Service [advice@ousu.ox.ac.uk](mailto:advice@ousu.ox.ac.uk)
8. 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

9. 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.
10. If they wish, students can also contact the Equality and Diversity Unit (01865 270760, e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)) and/or the office of the University Director of Student Welfare and Support Services 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 they decide to move to stage 3 and make a formal written complaint, and will also provide support following the outcome of any formal complaint. The 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:
  - Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take;
  - Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and Oxford SU Student Advice Service).
12. Actions taken by the welfare team, overseen by the Dean, 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 nominated by the 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.
  - 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. Referral will only take place with the explicit consent of the student making the allegation, unless there is an unacceptable risk to a student, a member of staff or to the College.
  - 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 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 GDPR. 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 them to the Welfare Team, so that they can be offered appropriate support from a trained member of staff. Likewise, if the

complainant prefers to call on support from outside the College, they 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 they are concerned about; (ii) the effect of this behaviour on them; and (iii) 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 Dean may request further information.
18. The Dean, or another person appointed by the Dean, 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.
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, they may make an appeal in writing to the College Principal. An appeal

must be made within ten working days of the complainant receiving written notification of the outcome of their complaint. The Principal may hear the appeal alone, or convene an Appeal Panel consisting of three Fellows with no previous connection to the case. The student whose appeal is being heard will normally be expected to appear before the Appeal Panel, and may bring a supporter.

24. If the subject of the complaint wishes to appeal against the decision taken following the investigation of the formal written complaint, they may make an appeal to the Governing Body at its next meeting.

## Referrals

25. 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.
26. 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.
27. 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

28. 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.
29. 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. 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. 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 GDPR. 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.

## Further Appeals

34. If the complaint is not resolved by the formal procedure, a student may take the complaint to the Conference of Colleges Appeals Tribunal. Students may also appeal to the Office of the Independent Adjudicator, but only when all College and University appeals procedures have been exhausted.

*Approved by Governing Body on 1 December 2021.*

## Annexe B: Sources of Advice

1. The sources of advice set out below are available to:
  - anyone who believes that they may be being harassed, and who wishes to discuss any concerns in confidence;
  - anyone who has been told that their conduct is perceived as harassing.
  
2. The College’s harassment advisors are: Nicky Charles; Dev Gangjee; Kerstin Hoge; Sarah Norman.
  
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). If a local advisor is not available or it would not be appropriate to contact them, 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).
  
4. The role of a harassment advisor is to listen non-judgmentally 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, at any of the Stages 1-3;
  - 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.
  
5. Harassment advisors do not:
  - Approach the alleged harasser in an attempt to mediate or resolve the matter;
  - Act as a representative or advocate; or
  - Act as a party to any formal stage of the complaint process, except in the role of providing support.

Full details may be found at [www.admin.ox.ac.uk/eop/harassmentadvice](http://www.admin.ox.ac.uk/eop/harassmentadvice).

6. Students may also contact:

The College Welfare Team	
JCR or MCR welfare representatives	
St Hilda’s Peer Supporters	
Mindline TRANS+ (a national organisation)	<a href="https://mindlinetrans.org.uk">https://mindlinetrans.org.uk</a>
Rainbow Peers (LGBTQ)	<a href="mailto:rainbowpeers@admin.ox.ac.uk">rainbowpeers@admin.ox.ac.uk</a>
Peers of Colour	<a href="mailto:peersofcolour@admin.ox.ac.uk">peersofcolour@admin.ox.ac.uk</a>
Oxford SU	<a href="mailto:advice@ousu.ox.ac.uk">advice@ousu.ox.ac.uk</a> <a href="http://www.oxfordsu.org/wellbeing/student-advice">www.oxfordsu.org/wellbeing/student-advice</a>
Student Counselling Service	<a href="http://www.ox.ac.uk/students/welfare/counselling">www.ox.ac.uk/students/welfare/counselling</a>
Security Services	01865 289999 - Emergency 01865 272944 <a href="mailto:security.control@admin.ox.ac.uk">security.control@admin.ox.ac.uk</a>
Oxford Nightline	01865 270270 8am-8pm <a href="http://www.oxfordnightline.org">www.oxfordnightline.org</a>

7. The Sexual Harassment and Violence Support Service provides a safe place offering free support and advice to any student who has been impacted by sexual harassment or violence  
[www.ox.ac.uk/students/welfare/supportservice](http://www.ox.ac.uk/students/welfare/supportservice)

## Annexe C: Student complaints of harassment against members of College staff – the Staff Procedure

1. The Procedure below applies in all cases where the complainant is a student and the subject of the complaint is a member of College staff. The Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.
2. 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, cases of 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.
3. Support for the complainant during this process will be provided by the College's Welfare Team. Students may also seek support from College harassment advisors. If a student does not feel comfortable contacting an advisor within St Hilda's, they can contact the University's Harassment Advisory Service for details of another advisor (telephone 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)). If they wish, students can also contact the office of the University Director of Student Welfare and Support Services by e-mail: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk). Further details of these and other sources of advice available to students can be found at Annexe B.

### Informal action

4. If a student wishes to seek informal resolution, they should approach either a College harassment advisor or an external harassment advisor via the University's Harassment Advisory Service (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)). At no time should a student feel obliged to approach an alleged harasser.
5. 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: <https://edu.admin.ox.ac.uk/harassment-advice>.
6. A student making a harassment complaint may 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. 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 they want to take
  - Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and Oxford SU Student Advice Service).
7. 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. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. Any agreed outcome will normally be recorded in writing.

8. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

### Formal written complaint

9. 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 formal written complaint.
10. The complaint should be submitted to the Dean who will then communicate it to the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff). If the student wishes to make a complaint against the Bursar, the Dean will communicate it to the Senior Tutor. If the student wishes to make a complaint against the Senior Tutor, the Dean will communicate it to the Bursar. If the complainant feels that it is not appropriate to approach the Dean, or wishes to make a complaint against the Dean, they should submit their complaint to the Senior Tutor.
11. If the student complainant has not already contacted the Welfare Team, the Dean will normally seek consent from the complainant to refer them to the Welfare Team, so that they can be offered appropriate support from a trained member of staff.
12. If the student or staff member does not feel comfortable contacting an advisor within St Hilda's, they can contact the University's Harassment Advisory Service for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).
13. The formal 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 informal resolution attempts. In the submission the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) where possible, the resolution they are seeking.
14. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.
15. Every effort will be made to achieve a prompt resolution to the complaint. 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. Both parties will be kept updated about the progress of the investigation.
16. At any meeting held under this procedure, a student complainant may be accompanied by another student member of the College or a member of the College's Welfare Team, a senior member of the College, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.
17. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) or the 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 Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

### Action by the Bursar or Senior Tutor on receipt of a complaint

18. On receipt of a formal student complaint against a member of College staff, the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) will, in consultation with the Dean, take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which 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 (at which meetings they should be provided with the right to be accompanied);
  - c) speaking to other relevant people on a confidential basis; and/or
  - d) obtaining further relevant information.
19. The Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) will then decide how to proceed and will inform the parties in writing. They may make such enquiries as are necessary to determine the complaint, or may commission an investigation.
20. The Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) may also determine that immediate interim action is necessary pending the outcome of a formal process.

### Possible outcomes of a complaint

21. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff), in consultation with the Dean, as appropriate will either:
  - a) 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.

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  - b) 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 the College that require management attention.

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- c) Institute disciplinary proceedings where the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) 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 Bursar or the Senior Tutor (as appropriate) will determine what intermediate measures are necessary, including any reallocation of duties, in consultation as appropriate with the relevant department.
22. Disciplinary action may be instituted against the complainant if the Bursar (for complaints against non-academic staff) or the Senior Tutor (for complaints against academic staff) is satisfied that the complaint of harassment is unfounded and not made in good faith.
23. Both parties will be informed in writing of the outcome of the investigation of the complaint.

## Appeal

24. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may make an appeal in writing to the Principal. An appeal must be made within ten working days of the complainant receiving written notification of the outcome of their complaint. The Principal may hear the appeal alone, or convene an Appeal Panel consisting of three Fellows with no previous connection to the case. The student whose appeal is being heard will normally be expected to appear before the Appeal panel, and may bring a supporter.

## Potentially criminal conduct

25. 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.
26. 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. 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 the complainant and the subject of the complaint for so long as may be considered reasonably necessary. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

## Confidentiality

27. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain

information to be provided to others within the College, the University, or to external bodies.

28. 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

29. The College and all those involved in this process must comply with the principles of the GDPR. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
30. 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.
31. All notes will be preserved during the process and until such time as the College’s internal processes and any external processes are concluded.

*Approved by the Governing Body on 15 June 2022.*