



Code on Harassment*

1. Purpose

- 1.1. The College is committed to maintaining a humane and fair environment which is conducive to scholarly pursuits and the free and civil exchange of ideas, and in which the personal rights of everyone who lives in, works in, or visits the College are respected. Any harassment of or by members of the College community or visitors to the College damages that environment, demeans the victim, and is unacceptable.
- 1.2. This code applies to students and employees of the College alike and the definition of harassment is the same in both cases (part 2 below). However, because the code must integrate with the contractual and statutory rights of the College's employees, the code has different procedures for students who are concerned that they may be being harassed (part 3 below) and for employees who are concerned that they may be being harassed (part 4 below). The College wishes to emphasise that it is one community and that it aims to extend support and assistance of the same high quality to all who live, work, and/or study here.
- 1.3. Nothing in this code should deter or delay someone who is assaulted, threatened, or stalked from reporting such matters to the police, or from seeking professional advice, or from resorting to any other mechanisms that would be available apart from this code. In particular, student misconduct may be reported to the Dean at any point for him or her to consider taking action under the College's Non-academic Disciplinary Procedure, or under the Dean's inherent powers referred to in clause 1.1 of that Procedure. The special procedures in this Code exist to allow those who are or regard themselves as being harassed to deal with their situation in a methodical way and with greater scope to remain in control of the process.

2. Definition of harassment

- 2.1. Harassment includes behaviour falling into one or more of the following categories (which are not exhaustive):
 - i. bullying;
 - ii. behaviour, whether physical or verbal, that can reasonably be regarded as threatening or gravely insulting or belittling to the recipient;
 - iii. requesting sexual favours with an express or implied threat of penalty for refusal or promise of reward for acquiescence;
 - iv. importunate behaviour of a sexual nature or any other form of offensive

* v2.0, promulgated 24 August 2015. This Policy has the force and import of a Regulation of the College: see OCM TT3(2015)U, item 9, by which the Policy was adopted as a Regulation.

pestering or unwanted and unwarranted conduct which has the purpose or effect of violating another person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- 2.2. Harassment may consist of a single serious incident or of a series of repeated incidents that might individually appear mild or trivial. It may be inside or outside the College, and during Term or Vacation. It is particularly grave where there is inequality of personal status or power. No less serious is the explicit or implied threat of reprisal if complaint is made. Making a false complaint of harassment maliciously, or otherwise in bad faith, may itself amount to harassment.

3. What to do if you believe you are being harassed (for students)

Getting support

- 3.1. A student of the College who believes that he or she is being or has been harassed, or who wishes to discuss any situation in which harassment may be or may become an ingredient, has a number of sources of support available to him or her, including the College's Harassment Advisors; his or her in-College tutor or graduate Advisor; a College Officer such as the Chaplain, the Senior Tutor, or a Junior Dean. Alternatively, he or she may wish to contact one of the University's harassment advisers,¹ or other agencies listed as sources of advice and support by the University.²
- 3.2. Those identified in clauses 3.8 and 3.10 below as the officers responsible for overseeing a formal process should not normally be approached for support as this may interfere with their discharge of formal responsibilities later. If approached for support they should make all reasonable efforts to refer the matter to a suitable alternative person.
- 3.3. Those approached for support may take steps to achieve a resolution of the situation (for example by speaking to the person said to be a harasser) if requested to do so by the student seeking support. However such an intervention does not fall under this code and does not substitute for the process set out in the following paragraphs.

Seeking an informal resolution

- 3.4. A student of the College who wishes assistance under this code in seeking an informal resolution of a situation in which harassment may be or may become an ingredient should request such assistance from one of the College's Harassment Advisors. The Advisor will discuss possible approaches to informal resolution, and will participate in the process to the extent that such participation is, in the opinion of the Advisor, likely to be productive in achieving an informal resolution.
- 3.5. An informal resolution for the purposes of this Code might involve apology, an undertaking not to repeat behaviour complained of, or other remedies. However the Advisor cannot require any remedy and any informal resolution process will require the co-operation of all parties in bringing it to a successful conclusion. At any stage, the Advisor may also form the opinion that there is no harassment and may then decline to be further involved.

¹ <https://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/>

² <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/>

- 3.6. If, in the opinion of the Advisor
- i. the situation is not suitable for informal resolution, or
 - ii. the Advisor's participation is not likely to be productive in achieving an informal resolution, or
 - iii. reasonable attempts to achieve an informal resolution have failed, or
 - iv. no behaviour amounting to harassment has taken place, or
 - v. the student who has sought assistance was not the victim of such harassment as may have taken place

the Advisor will advise the student who has sought assistance to that effect. The Advisor will also advise the student of further steps or measures that may in the Advisor's opinion be taken to resolve the situation, whether under this Code or otherwise, including the steps available under clauses 3.7 to 3.12 following.

Invoking a formal process

- 3.7. A student of the College who believes that he or she is being or has been harassed may request to have a formal process instigated against an alleged harasser under clauses 3.8 or 3.10 following, but only if either

(a) one of the Harassment Advisors certifies that the options for informal resolution under clause 3.5 above have been attempted without success or have not been attempted for one or more of the reasons specified in clause 3.6 above or for any other reason; or

(b) the officer responsible for overseeing a formal process under the following provisions is satisfied, on reasonable grounds and having consulted the Harassment Advisor involved if one has been involved under clauses 3.4 to 3.6 above, that the matter is too serious or too urgent for informal resolution, or for further informal resolution, to have been regarded as an option.

For the avoidance of doubt, it is the duty of any Harassment Adviser to make a certification under (a) above in any case in which, having been consulted by a student under clause 3.4 above, he or she declines to be further involved. The exception is a case in which he or she refers the student to a different Harassment Adviser, who then acquires the same duty as if he or she had been the Harassment Adviser first consulted under clause 3.4 above.

- 3.8. A student of the College may request to have a formal process instigated **against another student** of the College under either or both of the following:

(a) under the College's Non-Academic Disciplinary Procedure and/or under the inherent powers referred to in clause 1.1 of the same Procedure, overseen by the Dean;

(b) under the special complaints procedure detailed in Annex 1 of this code, overseen by the Master or Vice-Master or another Fellow as the circumstances may require.

In cases in which a student requests to have formal processes instigated under both (a)

and (b) and makes allegations of harassment in one request that are substantially the same as allegations of harassment in the other, the student making the request is required to notify both of the overseeing officers to that effect. In respect of the handling of such allegations, the overseeing officers will be entitled to consult with each other and to share information to whatever extent may reasonably appear to them to be necessary to avoid duplication or interference of processes or of remedies. In consultation with the officer overseeing a process under (b), the officer overseeing a process under (a) will have the power to delay consideration of the relevant allegations until completion of the process under (b), or to consider forthwith the relevant allegations under (a) only if the request under (b) is withdrawn, subject always to any contrary rules in the applicable procedures.

- 3.9. Where a student reports a matter to the Dean under clause 3.8(a) above, he or she shall have the right to be kept informed of the Dean's deliberations and decisions in the matter and to be consulted in respect of any disciplinary steps that the Dean is minded to take and in respect of any decision to delay or discontinue the process. This right does not exist in respect of matters reported to the Dean other than under clause 3.8(a) above.
- 3.10. A student of the College may request to have a formal process instigated **against an employee** of the College (including for these purposes any other person providing services to the College akin to those of an employee) by making a complaint under the College's Student Complaints Procedure, overseen by the officer there identified. In the event that the investigation of the complaint reveals harassment, the College shall take such steps as are warranted under its Disciplinary Procedure for College Employees (or under such other terms as may govern its relationship with the person found to have been an harasser) and in any event shall take such steps as are reasonably necessary, consistent with its legal obligations, to protect the complainant from repetition or perpetuation of the harassment. In urgent cases the overseeing officer may take such interim steps as are reasonably necessary, consistent with its legal obligations, to protect the complainant pending the resolution of the complaint.
- 3.11. A student or employee of the College whose behaviour has been the subject of a request under clause 3.8 or 3.10 above shall be informed by the overseeing officer with all reasonable expedition that the request has been received, unless in the opinion of the overseeing Officer such early disclosure would tend to expose the person making the request, or other persons, to the risk of further harassment or other victimization. In the event that disclosure is postponed, the overseeing officer shall nevertheless inform the student or employee concerned as soon as, in the Officer's opinion, it becomes safe to do so.
- 3.12. A student or employee of the College who is informed or otherwise becomes aware that his or her behaviour has been made the subject of a request under clause 3.8 or 3.10 above is entitled to support from the College and may consult any of the persons listed in clause 3.1 above as appropriate. In the event that the person consulted is already too closely involved in the case, however, he or she may refer the employee or student concerned to a different person for support.

4. What to do if you believe you are being harassed (for employees)

Getting support

- 4.1. An employee of the College who believes that he or she is being or has been harassed, or who wishes to discuss any situation in which harassment may be or may become an ingredient, has a number of sources of support available to him or her, including the College's Harassment Advisors; his or her immediate supervisor, a College Officer such as the Chaplain, Dean, or Senior Tutor, or a Trade Union representative. Alternatively, he or she may wish to contact one of the University's harassment advisers,³ or other agencies listed as sources of advice and support by the University.⁴
- 4.2. Those identified in clause 4.7 below as the officers responsible for overseeing a formal process should not normally be approached for support as this may interfere with their discharge of formal responsibilities later. If approached for support they should make all reasonable efforts to refer the matter to a suitable alternative person.
- 4.3. Those approached for support may take steps to achieve a resolution of the situation (for example by speaking to the person said to be a harasser) if requested to do so by the employee seeking support. However such an intervention does not fall under this code and does not substitute for the process set out in the following paragraphs.

Seeking an informal resolution

- 4.4. An employee of the College who wishes assistance under this code in seeking an informal resolution of a situation in which harassment may be or may become an ingredient should request such assistance from one of the College's Harassment Advisors. The Advisor will discuss possible approaches to informal resolution, and will participate in the process to the extent that such participation is, in the opinion of the Advisor, likely to be productive in achieving an informal resolution.
- 4.5. An informal resolution for the purposes of this Code might involve apology, an undertaking not to repeat behaviour complained of, or other remedies. However the Advisor cannot require any remedy and any informal resolution process will require the co-operation of all parties in bringing it to a successful conclusion. At any stage, the Advisor may also form the opinion that there is no harassment and may then decline to be further involved.
- 4.6. If, in the opinion of the Advisor
 - i. the situation is not suitable for informal resolution, or
 - ii. the Advisor's participation is not likely to be productive in achieving an informal resolution, or
 - iii. reasonable attempts to achieve an informal resolution have failed, or
 - iv. no behaviour amounting to harassment has taken place, or
 - v. the employee who has sought assistance was not the victim of such harassment as may have taken place

the Advisor will advise the employee who has sought assistance to that effect. The

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⁴ <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/>

Advisor will also advise the employee of further steps or measures that may in the Advisor's opinion be taken to resolve the situation, whether under this Code or otherwise, including the steps available under clauses 4.7 to 4.10 following.

Invoking a formal process

4.7. Irrespective of whether informal resolution has been sought under clauses 4.4 to 4.6 above, an employee of the College may request to have a formal process instigated **against another employee** of the College (including for these purposes any other person providing services to the College akin to those of an employee) under one or more of the following:

(a) the applicable Disciplinary Procedure for College Employees;

(b) the applicable Grievance Procedure for College Employees;

(c) where the person in respect of whom the request is made is not an employee, such other terms as may govern the College's relationship with that person.

Formal processes under this clause shall be overseen by the persons designated in the respective Procedures or terms, and any duplication of processes shall be dealt with in accordance with the principles laid down in those Procedures or terms.

4.8. Irrespective of whether informal resolution has been sought under clauses 4.4 to 4.6 above, an employee of the College may request to have a formal process instigated against a student of the College by making a formal complaint in writing to the Dean, who shall consider the matter under the College's Non-Academic Disciplinary Procedure and/or under the inherent powers referred to in clause 1.1 of the same Procedure.

4.9. An employee or student of the College whose behaviour has been the subject of a request under clause 4.7 or 4.8 above shall be informed by the overseeing Officer with all reasonable expedition that the request has been received, unless in the opinion of the overseeing Officer such early disclosure would tend to expose the person making the request, or other persons, to the risk of further harassment or other victimization. In the event that disclosure is postponed, the overseeing officer shall nevertheless inform the student or employee concerned as soon as, in the Officer's opinion, it becomes safe to do so.

4.10. An employee or student of the College who is informed or otherwise becomes aware that his or her behaviour has been made the subject of a request under clause 4.7 or 4.8 above is entitled to support from the College and may consult any of the persons listed in clause 4.1 above as appropriate. In the event that the person consulted is already too closely involved in the case, however, he or she may refer the employee or student concerned to a different person for support.

5. Harassment beyond the college community (or not otherwise covered by this code)

5.1. The College is prepared to consider complaints of harassment made by persons outside the College (or persons associated with the College but not otherwise covered by the provisions of this code) against a student or employee of the College (or a person

associated with the College but not otherwise covered by the provisions of this code), where the place in the College community of the person against whom the complaint is made has allegedly facilitated, enabled, occasioned or otherwise contributed to the alleged harassment. Such complaints shall be addressed to the Master or the Vice-Master who will determine the appropriate process for considering them.

- 5.2. The University has its own Policy and Procedure on Harassment,⁵ applicable to University Departments and Libraries, and other colleges have their own codes. Any student or employee of the College who wishes to complain of harassment by a student or employee of the University who is not a student or employee of the College should first proceed informally as explained above in clauses 3.4 to 3.6 (students) and clauses 4.4 to 4.6 (employees). In such a case the Advisor will as appropriate (and subject to the consent of the complainant) consult the Master or the Dean, who will as appropriate (and subject to the consent of the complainant) take the matter up with the Head or the Dean of the other College concerned, or, in the wider University, with the Head of Department or other appropriate person. Where appropriate (and subject to the consent of the complainant) the matter may then be handed over for resolution under the University's or the other college's arrangements.

6. Confidentiality

- 6.1. Confidentiality will be respected at all times, so far as is consistent with the College's 'Guidance on Confidentiality in Student Health and Welfare' and subject to specific exceptions provided for in this code or in the other College rules to which it refers.

7. Reporting and Review

- 7.1. At the end of each academic year the Harassment Advisors will report to the Equality Officer (a) how many (if any) requests for informal intervention were received under clauses 3.4 to 3.6, 4.4 to 4.6, and 5.2 above, (b) what kind of situation was reported in each, (c) leading to what types of intervention (if any) by the Harassment Advisors, and (d) how many of these requests (if any) led to the instigation of formal processes under clauses 3.7 to 3.12 or under clauses 4.7 to 4.10 above, and (e) how the cases were resolved. The Equality Officer will compile the reported information into a report for General Purposes Committee.

⁵ <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

Annex 1: Complaints procedure under clause 3.8(b) of this code

The College's Student Complaints Procedure does not provide for complaints by one student against another. However in the event of a request for a formal process under clause 3.8(b) of this code, the following adapted procedure shall apply.

1. If the student alleging harassment wishes to pursue a formal complaint under clause 3.8(b) of this code against another student alleged to be his or her harasser, he or she should do so within one month of receiving the advice mentioned in clause 3.6 of this code, unless a written explanation for the delay is provided by the complainant alongside the complaint, and the addressee of the complaint considers the explanation to be reasonable.
2. The formal complaint should be addressed to the Master or to the Vice-Master. It may include the request (whether giving reasons for the request or not) that the the Master or Vice-Master appoint a senior Fellow of the College to oversee the complaint in place of the Master or Vice-Master. All reasonable steps should be taken to accede to such a request. Once such a senior Fellow has been appointed, the formal complaint should be forwarded to him or her and should then be treated as having been addressed to him or her.
3. The person to whom the formal complaint is addressed under paragraph 2 above is the 'overseeing officer' for the purpose of clauses 3.8 and 3.10 of this code and for the purpose of the following paragraphs, subject to the provision for the complainant to be referred to a different overseeing officer under paragraph 5(ii) below.
4. The formal complaint must be made in writing and identified by the heading 'Formal Complaint of Harassment' and should include at least the following:
 - i. a description of what has happened to give rise to the complaint, including dates, times and all other relevant details;
 - ii. the name of the student about whom the complaint is made;
 - iii. details of the steps which have been taken so far to resolve the complaint;
 - iv. an explanation of why the complainant is dissatisfied with the outcome of the informal procedure under clauses 3.4 to 3.6 of this code.
5. Within five working days of the complaint's delivery, the overseeing officer will
 - i. consider the matters set out in the complaint and determine whether they are matters covered by this code, and whether he or she has any conflict of interest requiring the complaint to be dealt with by a different overseeing officer; and
 - ii. acknowledge receipt of the formal complaint and either confirm that more detailed investigation will follow under this code, or notify the complainant that the complaint falls outside this code (with an explanation of the reasons) or that it should be sent to a different overseeing officer (with an explanation of the reasons); and
 - iii. if the complaint is to proceed, notify the student who is the subject of the complaint that the complaint has been made under this code and that more detailed investigation will follow under this code.
6. If the complaint is to proceed, the overseeing officer will appoint an investigator, usually another senior member of the College with no previous involvement in the matter complained about, who will investigate the complaint in an independent and impartial manner, and with all due sensitivity. Both the complainant and the student complained against will be informed of the identity of any proposed investigator before that investigator is appointed, and each will

be given a reasonable opportunity to object to the appointment, stating the grounds for doing so. The overseeing officer will appoint an alternative investigator if, in the overseeing officer's opinion, either party's grounds for objecting are reasonable ones.

7. The investigator may make such inquiries as he or she thinks fit, and the accepting of the appointment of an investigator under this code implies consent by the complainant to all such inquiries. In particular the investigator may request additional information and documents from the complainant or any other person, and may hold interviews with or seek written statements from the complainant, the student complained against, any witnesses named by the complainant or the person complained against, and any other person. Notes will be taken of all interviews. Although there is no time limit for the completion of the investigation, it will be conducted as expeditiously as the subject-matter allows.
8. Without prejudice to the generality of the previous clause, both the complainant and the student complained against shall be given a reasonable opportunity to speak in person to the investigator. The investigator shall put the substance of the complaint to the student complained against with a degree of detail sufficient to allow the student to make an adequate response. Should either party decline to speak to the investigator, the investigator may draw such inferences as may seem reasonable to him or her about the weight to be attached to any other evidence from that party.
9. Within ten working days of the completion of the investigation, the investigator will produce a report setting out details of the investigation together with copies or notes of any evidence relied upon, and will provide copies of the report (complete with the supporting documentation) to the complainant and to the student complained against, inviting both parties to submit written comments or objections within a further five working days.
10. Upon receipt of the response or (if no response is provided within the time allowed) after the expiry of five working days, the investigator will provide to the overseeing officer copies of the report and any accompanying documents and any written response received from the complainant or the student complained against.
11. The overseeing officer will consider the complaint and the investigator's report, and decide whether further action is to be taken against the student complained against. In making this decision the overseeing officer will not (without the agreement of both parties) take account of information or documents which are not available to both parties.
12. If further action is to be taken the matter will be referred to the Dean for action to be taken under the College's Non-Academic Disciplinary Procedure or under the inherent powers of the Dean preserved by that Procedure, and/or to the Domestic Bursar for action to be taken under the College's accommodation agreement. The investigator's report will be supplied to the Dean or Domestic Bursar as the case may be.
13. Within five working days of receiving the investigator's Report the overseeing officer will write to the complainant and to the student complained against to notify them of the outcome of the complaint and the steps that it is now proposed to take, if any.
14. If either party is aggrieved by the handling of the complaint under this code, including by a finding of fact made in the course of such handling, their remedy is a complaint against the College under the Student Complaints Procedure.