

St Peter's College Policy and Procedure on Harassment

First approved by the Governing Body on 7 February 2018; most recently revised in June 2020.

Introduction

1. St Peter'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 promotes equality, values diversity and expects the rights and dignity of all members of the community to be respected.
3. The aims of the College as reflected in this Policy are to:
 - a) Ensure people are treated fairly and with respect;
 - b) Make it clear that harassment is unacceptable and that all members of the College have a role to play in creating an environment free from harassment;
 - c) Provide a framework of support for staff and students who feel they have been subject to harassment; and
 - d) Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way.
4. Those in positions of authority within the College, such as the Master, the Dean, the Senior Tutor, the Dean for Welfare, the HR Manager, the College Registrar and Harassment Advisors have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedure on appointment.
5. All Official Fellows and members of staff with management responsibility have a duty to implement this Policy 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.
6. 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) Assisting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.

7. This Policy and Procedure is designed to deal with harassment that occurs primarily within the environment or context of St Peter's College. Incidents of harassment that occur outside the College environment and/or 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 University's Director of Student Welfare and Support Services or the University's Harassment Line. Potential harassment outside the College premises but within the College context (for example, in a college-based society or club, or in offsite accommodation occupied by the College's students) would fall within the remit of this Policy and Procedure.

8. This Policy and Procedure should be read alongside other St Peter's College policies and procedures, including the *Student Regulations*. These can be found in the Student Administrative Handbook and on the College website.

9. Any member of the College community who feels they have been subject to harassment can also contact the University Harassment Advisory Service for support. The Service is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found at: www.admin.ox.ac.uk/eop/harassmentadvice.shtml

Definitions

10. 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.²

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

11. 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.

12. **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.

13. 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 unfair treatment because they have, in good faith:

¹ www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/

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

- 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

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

15. The intentions of the alleged harasser do not always determine 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.

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

17. Harassment can take a variety of forms:

- a) Through individual behaviour
 - face to face, either verbally or physically
 - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of the 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.

18. 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:
 - inappropriate body language
 - sexually explicit remarks or innuendoes
 - unwanted sexual advances and touching
- b) offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats: These include all forms of abuse on the grounds of disability, race or sexual orientation
- c) insulting, abusive, embarrassing or patronising behaviour or comments
- d) humiliating, intimidating, and/or demeaning criticism

³ See the Computer Rules in the Student Administrative Handbook.

- e) persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- f) constantly criticising an individual without providing constructive support to address any performance concerns
- g) persistently overloading an individual with work that they cannot reasonably be expected to complete
- h) posting offensive comments on electronic media, including using mobile communication devices
- i) threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- j) deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- k) isolation from normal work or study place, conversations, or social events
- l) publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

19. **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

20. 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.

21. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but will not be limited to, serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for Police investigation and action. 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. Student members can seek advice from Harassment Advisors / the Dean for Welfare and other members of the Welfare team / the University's Director of Student Welfare and Support Services and/or approach the Police directly; and staff members can seek advice from 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/.

22. 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/
- <https://academic.web.ox.ac.uk/files/universitystudentdisciplinaryprocedure-non-academicmisconductpdf-0>

23. 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.

24. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or individuals supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising individuals reporting harassment 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.

25. This Policy and Procedure may be found at on the College website. Copies in alternative formats are available on request.

26. This Policy and Procedure will be subject to regular review by the Governing Body, on a three-year cycle. The next review is scheduled to take place in 2022-23.

Annex A: Procedure which applies in relation to complaints of harassment against College staff

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff, or who has an association with the College, short of an employment contract. The HR Manager will have oversight of all cases involving College non-academic staff, and will take the lead as appropriate in liaising with other parts of the collegiate University. In cases involving Fellows or other academic staff, the Senior Tutor will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.

2. Where the complainant is a student, support during this process will be provided by the Dean for Welfare (or an individual nominated by them) and, where relevant, the University's Director of Student Welfare and Support Services.

Initial action

3. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a non-academic member of staff wishes to seek informal resolution, they should approach the HR Manager to ask for help in achieving a resolution of the problem. Academic staff should approach the Senior Tutor. Students should seek support from the Dean for Welfare. At no time should a student or staff member feel obliged to approach an alleged harasser.

Complaints procedure

4. 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 complaint, preferably in writing. If the complainant is a member of non-academic staff, the complaint should be submitted to the HR Manager. If the complainant is a member of academic staff, the complaint may be submitted to the Senior Tutor. If the complainant is a student, the complaint should be submitted to the Dean for Welfare who will then communicate it to the HR Manager or the Senior Tutor. A student complainant may also seek support as relevant from the University's Director of Student Welfare and Support Services.

5. In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the HR Manager or Senior Tutor, or wishes to make a complaint against the HR Manager or Senior Tutor, advice may be sought from the Dean for Welfare or the College Registrar. Students and staff can seek support from College Harassment Advisors throughout the complaints process. If the student or staff member 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).

Submission of the complaint

6. In the submission to the HR Manager, Senior Tutor or Dean for Welfare, 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) 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 what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.

7. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the investigation within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.

8. Both parties to the complaint have the right to be accompanied and supported by a trade union representative (where applicable) or by a colleague of their choice from within the College (other than a family member) at any meeting held under this procedure. If the complaint involves a student they 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.

9. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the HR Manager, Senior Tutor or Dean for Welfare 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 Master or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by the HR Manager or Senior Tutor on receipt of a complaint

10. On receipt of a complaint, the HR Manager or Senior Tutor will, in consultation with each other in relation to complaints involving both academic and non-academic staff and in consultation with the Dean for Welfare in the event of a student complainant, take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought. Those steps 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.

11. The HR Manager or Senior Tutor 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 (see below).

12. The HR Manager or Senior Tutor may also determine that immediate interim action is necessary pending the outcome of a formal process.

Investigation

13. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. The Master (advised by the HR Manager or Senior Tutor as appropriate) will appoint an appropriate Member of the College as Investigator.

14. As a general rule, the Investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may, if specifically requested to do so by the HR Manager or Senior Tutor, make recommendations on possible courses of action.

15. The HR Manager or Senior Tutor will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the HR Manager or Senior Tutor intends to take; and (iii) of the reasons for any such action. They should also inform both parties of the appeal mechanism (see below).

16. The HR Manager or Senior Tutor will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Investigation procedure

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

- a) The Investigator will meet the complainant to confirm the details of the complaint.
- b) The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.
- c) The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- d) The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
- e) The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- f) Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.

- g) The report will be forwarded to the Master usually with a copy to the HR Manager or Senior Tutor, and, if the complainant is a student, normally to the Dean for Welfare. In cases involving students, consent should be sought from the complainant to inform their faculty/department if appropriate. The Dean for Welfare will ensure that appropriate support is available to students following an investigation.

Possible outcomes of a complaint

18. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the HR Manager or Senior Tutor, in consultation with the Master and, in the event of a student complainant, with the Dean for Welfare, 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.
- 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.
- c) Institute disciplinary proceedings where the HR Manager or Senior Tutor 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 HR Manager or Senior Tutor will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant head of department.
- d) In rare cases disciplinary action may be instituted against the complainant if the HR Manager or Senior Tutor is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal against the decision of the HR Manager or Senior Tutor

19. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the timescales specified. For non-academic staff, see the Grievance Procedure in the Staff Handbook for non-academic staff. For students, see the *Student Complaints Procedure* (section D.Review stage). Academic staff should raise any concerns with the Master. If the complainant is a student, a Completion of Procedures letter should be issued at the conclusion of the appeal process.

20. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. Any such application must be made within one year of the date of the Completion of Procedures letter.

Potentially criminal conduct

21. 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, Senior Tutor, Bursar or Master will decide which procedure is appropriate.

Confidentiality

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

23. Those to whom disclosure may be made outside the University include the Police, the OIA and the civil and criminal courts. The College will not normally report a matter to the Police without the complainant's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

24. The College and all those involved in this process must comply with the principles of current 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.

25. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the Investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

26. The HR Manager or Senior Tutor, and if the student is a complainant, the Dean for Welfare and College Registrar, 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 assisted by the Dean for Welfare and, if appropriate, the University's Director of Student Welfare and Support Services (DSWSS). 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 Dean for Welfare, the DSWSS or a Harassment Advisor.
2. 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 or Senior Tutor who should consult the Dean, the Dean for Welfare and/or DSWSS as relevant.
3. The Dean for Welfare and Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Dean for Welfare will maintain awareness 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 Dean for Welfare 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 (with support from the College Registrar) for recording and reporting of cases referred to them under this Procedure.
4. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

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 one of the College's Harassment Advisors, 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.

7. Other sources of advice when considering informal resolution include the Senior and Junior Welfare Officers, the JCR and MCR Welfare representatives and Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org). The Welfare Officers, JCR and MCR representatives and student Peer Supporters have no formal role in harassment procedures nor any disciplinary power. Junior Members should note that reporting an incident of harassment to another Junior Member does not constitute reporting it to the College authorities.

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

Stage 2 - Student Welfare and Support Services

9. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Dean for Welfare and Harassment Advisors are available for support and advice to any student who feels that they are being harassed.

10. The Dean for Welfare will refer the student to a staff member trained in dealing with harassment cases, normally a Harassment Advisor. This staff member will be available to assist 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 Dean for Welfare 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 Dean for Welfare may include:

- c) 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
- d) 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.

11. Support from the Dean for Welfare and Harassment Advisors 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. The Dean for Welfare 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.

12. Support from the Dean for Welfare and Harassment Advisors 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 Annex A.

13. 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 current 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 complaint

14. 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 complaint to the Dean. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the student making the complaint has not already been offered appropriate support from a trained member of staff, the Dean will alert the Dean for Welfare, so that such support can be offered.

15. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within two weeks of the completion of any resolution attempts made at stages 1 and 2.

16. The student making the complaint should set out as clearly and succinctly as possible, in writing:

- a) the nature of the behaviour causing concern;
- b) the effect of this behaviour;
- c) where possible, an acceptable resolution.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complaint should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome being sought. If the student making the complaint 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.

17. A formal complaint will be considered, and investigated, under the College's *Non-Academic Discipline Procedure*, except in cases of alleged sexual harassment or sexual misconduct. Where a formal report of sexual harassment or sexual misconduct is made against a student who is also subject to the University's Code of Discipline, the *University Student Discipline Procedure: Non-Academic Misconduct*⁴ will be followed to the exclusion of the College's disciplinary procedures. The outcome of that University procedure will be considered final. No investigation of the matter will be undertaken by the College.

18. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Dean for Welfare considers that the implications for the aggrieved

⁴ The *University Student Disciplinary Procedure: Non-Academic Misconduct* can be found here: <https://academic.web.ox.ac.uk/files/universitystudentdisciplinaryprocedure-non-academicmisconductpdf-0>

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 such cases, an investigation may be undertaken as set out in paragraph 17 above.

Complaints

19. If a student making the harassment complaint is dissatisfied with the way that a complaint made under this Procedure has been handled, they can make a complaint under the *Student Complaints Procedure*. The *Student Complaints Procedure* cannot be used to appeal the result of a disciplinary process which might have resulted from a complaint of harassment.

Referrals

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

21. 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 Dean for Welfare or DSWSS for advice on a confidential basis.

Potentially criminal misconduct

22. 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 hate crime, serious assault or threat of assault.

23. Support for any student affected by such an incident may be sought from the Dean for Welfare, Harassment Advisors and other relevant College Officers.

24. In addition the Dean for Welfare (consulting the Dean and Master as appropriate) will consider whether it is appropriate to make recommendations to appropriate College Officers and other bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary.

Confidentiality

25. 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.

26. 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

27. The College and all those involved in this Procedure must comply with the principles of current 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.

28. The Dean for Welfare and College Registrar should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.