



# Reuben College Policy and Procedure on Harassment

*Agreed by Reuben Governing Body, 24<sup>th</sup> May 2023*

## Introduction

1. Reuben 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. 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 report of harassments can wherever possible be addressed in a timely way.
4. Those in positions of authority within the College, including the College Dean(s), have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All Fellows of the College 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.
5. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the College community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
  - a. Treating others with dignity and respect;
  - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable; and

c. Supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal report of harassment if appropriate.

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

7. This Policy and Procedures should be read alongside other Reuben College policies and procedures, including the [College Disciplinary procedures and Code of Conduct](#).

8. Any member of the College community who feels they have been subject to harassment can also contact the [University Harassment Advisory Service](#), or their [local Harassment Advisor](#), 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](http://www.admin.ox.ac.uk/eop/harassmentadvice.shtml)

## Definitions

9. A person subjects another to harassment by engaging 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.<sup>2</sup>

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

10. 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.<sup>3</sup>

11. 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.

12. 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

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<sup>1</sup> [www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/)

<sup>2</sup> The definition in this policy is intended to be consistent with the College's definition of harassment as set out in the Code of Conduct, and with the University's definition as set out in the [University's harassment policy](#). This definition includes, but is not limited to, the definition of harassment in Section 26 of the Equality Act 2010, which relates specifically to conduct related to a protected characteristic.

<sup>3</sup> [College Policy on Freedom of Speech](#)

will regard as victimisation any instance where a person is subjected to detrimental treatment because that person, in good faith:

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

## **Behaviours**

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

14. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the reporter of harassment and the extent to which that perception is in all the circumstances reasonable will also be relevant.

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

16. 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 communication device: such behaviour may also amount to a breach of the [University's regulations relating to the use of Information Technology Facilities](#) and/or the [College's Social Media Policy](#).
  - 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 biphobic or racist jokes.

17. 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 all forms of sexual harassment, 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, for example on the basis of race and religion or belief
- c) open hostility, verbal or physical threats
- d) insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism

- 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.

18. 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**

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

20. 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 University or College Harassment Advisors, the Welfare Dean, Director of Student Welfare and Support Services and/or approach the Police directly; and staff members can seek advice from University or College Harassment Advisors, the College Bursar, and/or approach the Police directly. Further information on support for students who have experienced sexual assault or sexual violence is available at: <https://www.ox.ac.uk/students/welfare/supportservice>.

21. 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/](http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/)

22. Members of the University community who feel that they have been subject to harassment can contact the [Harassment Advisory Service](#), or their local harassment advisor, 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 [here](#).

23. If a reporter of harassment is deemed to have known or to have reasonably been expected to know that a report was unfounded, the allegation may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a report of harassment which proves to be unfounded is judged to have been made in good faith.

24. All parties involved in a report (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising the reporter of 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 (see the [College's guidance on confidentiality in student health and welfare](#) for more information)

25. This Policy and Procedure may be found [online](#) or are available in hard copy from the Academic Office. Copies in alternative formats are available on request: email [info@reuben.ox.ac.uk](mailto:info@reuben.ox.ac.uk).

26. This Policy and Procedure will be subject to regular review by relevant College committees.

## **Annexe A: Report of harassment brought against College staff or postholders**

1. The Procedure below applies in all cases where the person against whom the report is raised (the 'subject') is a member of College staff, or a postholder who also holds a contract of employment with the University AND where the person who is making a report of harassment (the 'reporter') is a student, a member of College staff, or a postholder who also holds a contract of employment with the University. The Bursar (College Staff) or Senior Tutor (Fellows) will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University. Whilst all members of the College community will be expected to comply with the Harassment Policy, this procedure is based on University processes and will not necessarily apply to complaints made by or against postholders who are not also University employees. Instead, the person raising the complaint should contact the Welfare Dean (for student reporters) or the Bursar (for staff reporters) and the College will determine an appropriate approach.
2. Any report of harassment made against University staff outside of the college environment will normally be dealt with under the University's harassment procedure.<sup>4</sup>
3. Where the reporter of harassment is a student, support during this process will be provided by the Welfare Dean and, where relevant, the Director of Student Welfare and Support Services.<sup>5</sup>
4. Both parties to a report of harassment should be kept updated by the College office at appropriate intervals throughout the report of harassment.
5. Time periods specified in this procedure may be exceeded where it is necessary to do so in order to ensure a fair outcome. In particular, time periods are likely to be exceeded in complex cases, where external specialist input is required, and/or where there are a large number of witnesses to be interviewed. All parties are expected to cooperate to ensure time periods can be met wherever possible.
6. If a report of harassment falls across more than one College procedure, or overlaps a College and University procedure, the College will deal with the matter as flexibly, fairly and proportionately as possible. In particular, if a student's report of harassment relates to matters which fall within the College's harassment procedures, there should be a discussion within the College regarding the most appropriate way forward, in consultation with the Bursar or Senior Tutor. It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or conflicting decisions. The reporter of harassment should be informed of the outcome of this discussion.

### **Initial action**

7. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. Staff members or other Reuben postholders wishing to seek informal resolution, should approach the Bursar or Senior Tutor, as appropriate, to ask for help in achieving a resolution of the problem. Students should seek support from the

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<sup>4</sup> <https://edu.admin.ox.ac.uk/harassment-staff>

<sup>5</sup> Students can contact the Director of Student Welfare and Support Services' office by e-mail: [director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk).

Welfare Dean. At no time should a college member feel obliged to approach an alleged harasser.

### **Mediation or conciliation**

8. 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.

9. In the case of a report of harassment involving a member of staff or College postholder, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Bursar or Senior Tutor, as appropriate, who may seek advice from the University's Director of Human Resources if appropriate, for example, in the case of a joint appointment. In the case of a report of harassment by a student, the Bursar or Senior Tutor, as appropriate, will consult the Welfare Dean, who may seek advice from the Director of Student Welfare and Support Services as appropriate. 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.

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

### **Report of harassments procedure**

11. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the report of harassment, the reporter of harassment should make a written report. If the reporter is a member of staff or College postholder who is also a University employee, the report should be submitted to the Bursar or Senior Tutor, as appropriate. If the reporter is a student, the report should be submitted to the Welfare Dean who will then communicate it to the Bursar or Senior Tutor, as appropriate.

If any of the parties considers that it is not appropriate for one of these officers (out of the Bursar or Senior Tutor, the "Officer Concerned") to act as decision-maker on the report of harassment they should: in the case of the reporter, raise this when first making the written report; and in the case of the subject raise this when they first become aware of the report and submit the report to the other officer or Welfare Dean (for students). In either case the party should set out clearly their reasons for objecting to the Officer Concerned acting as decision-maker. Where the Officer Concerned has a conflict of interest, or there would be a reasonable perception of bias if they were to act, , the report will be considered by the other officer. In assessing whether there may be a 'reasonable perception of bias', consideration will be given to whether a reasonable person would say, in the circumstances, that there is a real possibility the Officer Concerned would be unable to make an objective determination with an open mind.

A student reporter may also seek support as relevant from the Director of Student Welfare and Support Services. In cases where it is not immediately clear to whom a report should be

addressed, or if the reporter of harassment feels it is not appropriate to approach any of these officers, or wishes to make a report of harassment against these officers, advice may be sought from Welfare Dean. Students, staff and other College postholders can seek support from University and/or College Harassment Advisors throughout the process. If the student, staff member, or College postholder 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](mailto:harassment.line@admin.ox.ac.uk)).

### **Submission of the report of harassment**

12. In the submission to the Bursar/Senior Tutor, as appropriate, or Welfare Dean, the reporter of harassment should set out as clearly and succinctly as possible

- a) the nature of the behaviour that the reporter is concerned about;
- b) the effect of this behaviour on the reporter; and
- c) the resolution that the reporter is seeking.

The report of harassment should include dates and details of any witnesses to any incidents referred to in the report, together with any documentary evidence. The reporter should also explain what attempts, if any, have been made to resolve the difficulties.

13. Every effort will be made to achieve a prompt resolution to the report – the aim being normally to conclude the investigation within 6 weeks. Both the reporter and the subject will be expected to co-operate with the College in achieving that result.

14. The subject and, if the report of harassment is brought by a member of staff or other College postholder, the reporter, have the right to be accompanied and supported by a trade union representative<sup>6</sup> or by a colleague of the subject/reporter's choice from within the College or the broader University at any meeting held under this procedure. These people must maintain appropriate confidentiality.

Any student involved in a report has the right to 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 Oxford SU's Student Advice Service at any meeting held under this procedure. These people must maintain appropriate confidentiality.

15. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal report of harassment but the Bursar or Senior Tutor 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 report of harassment. In this case, the relevant officer will consult the President, and in the case of a student reporter also the Welfare Dean, and may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

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<sup>6</sup> Information on recognised trade unions is available at [www.admin.ox.ac.uk/personnel/staffinfo/joint](http://www.admin.ox.ac.uk/personnel/staffinfo/joint).



## **Action by the Bursar (college staff) or Senior Tutor (Fellows) on receipt of a report of harassment**

16. On receipt of a report of harassment, the Bursar/Senior Tutor will, in consultation with the Welfare Dean in the event of a student reporter, take such steps as the Bursar/Senior Tutor thinks necessary or appropriate to understand the nature of the report and the outcome sought which may include:

- a) informing the person against whom a report has been made (the 'subject') of the allegations against them;
- b) meeting separately with the reporter and subject (at which meetings they may be accompanied);
- c) speaking to other relevant people on a confidential basis; and/or
- d) obtaining further relevant information.

17. The Bursar/Senior Tutor will then decide how to proceed and will inform the parties in writing. The Bursar/Senior Tutor may make such enquiries, or commission an investigation, as necessary to determine the report of harassment.

18. The Bursar/Senior Tutor may also determine that immediate interim action is necessary pending the outcome of a formal process.

## **Investigation**

19. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the reporter of harassment. (See paragraph 40 below for the procedure for investigations.)

20. As a general rule, an 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 Bursar/Senior Tutor, make recommendations on possible courses of action. The Bursar/Senior Tutor, will consider the scope and findings of the investigation and whether any further investigation is required before making a decision.<sup>7</sup> Where it is necessary for the Bursar/Senior Tutor to make findings of fact on matters in dispute in order to arrive at their decision, they will make findings on the balance of probabilities" (ie whether it is more likely than not that the action or event occurred).

21. The Bursar/Senior Tutor will inform the reporter of harassment and the person who is the subject of the report in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action they intend to take; and (iii) of the reasons for any such action.

22. The Bursar/Senior Tutor will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

## **Bursar's/Senior Tutor's decision**

23. The Bursar/Senior Tutor will inform the reporter of harassment in writing:

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<sup>7</sup> The Investigator will be a member of staff with suitable experience, or an appropriate external appointee

- (i) whether the report has been upheld, partially upheld or not upheld
- (ii) any recommendations they are making in relation to the reporter
- (iii) about any right to appeal the decision, and
- (iv) if the reporter is a student and the report has been upheld or partially upheld, what redress if any the College is offering to the reporter and whether any other steps are to be taken as a result of the report (for example, changes to or review of College policy).

24. The Bursar/Senior Tutor will inform the person who is the subject of the report of harassment in writing:

- (i) of the conclusions that they have reached having reviewed the evidence;
- (ii) of the action they intend to take;
- (iii) of the reasons for any such action; and
- (iv) of any right to appeal the Bursar/Senior Tutor's decision (see paragraph 26 below).

The Bursar/Senior Tutor will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

### **Possible outcomes of a report of harassment**

25. Depending on the nature of the report of harassment and the evidence found, including the findings of any investigation report the Bursar, or Senior Tutor, in consultation with relevant College Officer(s) and, in the event of a student reporter, the Welfare Dean, 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.  
or
- b) Initiate resolution of the issues. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period.  
or
- c) Institute disciplinary proceedings against the subject where the Bursar/Senior Tutor is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature to warrant doing so. In this event, the Bursar/Senior Tutor will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department. In the case of Fellows, the Bursar/Senior Tutor will refer any proposals for disciplinary action to either (a) the Head of Department of the Fellow's substantive employment role with the University for matters which have a bearing on that individual's employment with the University or (b) the President for matters relating to that individual's fellowship at the College.  
or

d) If the reporter of harassment is a student, determine that it is appropriate for the College to offer the reporter redress for any distress or inconvenience or other loss arising from any allegations of harassment which have been upheld.

or

e) In rare cases, disciplinary action may be instituted against the reporter of harassment if the Bursar or Senior Tutor is satisfied that the report is unfounded and not made in good faith.

and

f) determine what information (if any) it is appropriate to relay to the other party concerning any steps taken under this paragraph 25 having regard to the confidentiality of the process, the interests of others involved in the complaint and the College's legal obligations.

### **Appeal against the Bursar/Senior Tutor's decision**

26. If the report of harassment is upheld or partially upheld, the subject of may invoke the relevant appeal stage of any applicable grievance procedure within the time scales specified in that procedure save that, where the decision is to refer the matter for disciplinary action against the subject, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

27. If the report of harassment is not upheld or only partially upheld, the reporter may invoke the appeal stage of any applicable grievance procedure or the relevant appeal procedure described below, within any specified time scales (see paragraphs 28 and 29 below) save that, where the decision is to refer the matter for disciplinary action against the reporter, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

28. In the case of a staff or college postholder report of harassment, the reporter's route of appeal would be the appeal stage of the appropriate grievance procedure.<sup>8</sup> For Fellows, the appeal would be to the Head of Division for their substantive employment role. For academic-related College staff, given that the College does not sit within the Divisional structure, as per the Grievance Procedure the appeal will be heard by a senior member of staff outside the College. If the appeal is being considered as part of a disciplinary process, the decision-maker will be as set out at 25(c) above.

29. If the outcome of any appeal differs substantially from the Bursar/Senior Tutor's decision, the College will consider whether it is appropriate to relay to the other party information about that difference having regard to the interests of others involved in the complaint and the College's legal obligations.

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<sup>8</sup> For academic related staff see: [www.admin.ox.ac.uk/personnel/staffinfo/handbook\\_acrel](http://www.admin.ox.ac.uk/personnel/staffinfo/handbook_acrel). For support staff see: [www.admin.ox.ac.uk/personnel/staffinfo/handbook\\_support](http://www.admin.ox.ac.uk/personnel/staffinfo/handbook_support).

30. A student reporter would need to appeal in writing to the Vice-President, normally within 2 weeks of being informed of the outcome of the report of harassment. An appeal can only be made on one or more of the following grounds:

- a) there was an error in the decision-making process or a procedural irregularity; and/or
- b) there was any bias or perception of bias in the decision-making process.

31. Appeals are conducted by way of a review on the papers and there is no reinvestigation or rehearing of the evidence.

32. The Vice President will usually consider the student's appeal and issue a decision within 4 weeks and may delegate the consideration of the appeal to a senior member of staff who has not previously been involved in the matter.

33. The Vice-President can uphold, partially uphold or overturn the Bursar/Senior Tutor's decision and can offer the reporter redress for any distress or inconvenience or other loss arising from any allegations of harassment which have been upheld. The Vice-President's decision will be in the form of a Completion of Procedures letter. If a student reporter is not satisfied with the Vice-President's decision on the appeal, 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 misconduct**

34. 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 Bursar/ Senior Tutor as appropriate will, in consultation with the Welfare Dean for students, decide which procedure is appropriate.

### **Confidentiality**

35. 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 report of harassment (the 'subject') is brought. Once a formal report of harassment 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.

36. 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 reporter's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

### **Records**

37. The College and all those involved in this process must comply with the principles of the UK General Data Protection Regulation and [associated data protection legislation](#). These

include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

38. 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.

39. The Bursar/Senior Tutor, and if the student is a reporter of harassment, the Welfare Dean, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

## **Investigations**

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

a) The Investigator will meet the reporter of harassment to confirm the details of the report of harassment.

b) The report of harassment as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.

c) The Investigator will meet the person complained against (the 'subject') to hear that person's response to the report of harassment and any further evidence that has come to light.

d) The Investigator will interview, where reasonably practicable, individuals identified as having relevant evidence.

e) Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which the Investigator may check relevant sections in draft with the parties before finalising.

f) The report will be forwarded to the Bursar/ Senior Tutor, as appropriate, usually with a copy to other relevant college officer(s), and, if the reporter of harassment is a student, normally to the Welfare Dean. In cases involving students, consent should be sought from the reporter to inform their department if appropriate. The Welfare Dean will ensure that appropriate support is available to students following an investigation.

## **Annex B: Report of harassment brought against College students**

1. This Procedure is designed to deal with student reporters of harassment by other students that arise in a College context. This includes behaviour on College premises, or in the course of College activity within or outside Oxford whether academic, sporting, social, cultural, or other. Reports of harassment brought by students against College staff or other College postholders will be dealt with under the staff and other postholders procedure above (Annexe A), and reports of harassments by students against University staff will be dealt under the University Procedure. In all cases a student reporter harassment will be supported by the Welfare Dean and, if appropriate, the Director of Student Welfare and Support Services. If a student is unsure whether a particular instance of harassment falls under the University's procedures or College procedures, they should seek advice from College Welfare Dean, Student Welfare or Support Services, the Oxford SU student advice service, or a Harassment Advisor.
2. If a member of College staff or other College postholder wishes to make a report of harassment against a student, this will normally be dealt with through the College's [Student Disciplinary Procedures](#). In the first instance, a member of staff should seek support and guidance from the Bursar/Senior Tutor, who should consult the Welfare Dean and/or Director of Student Welfare and Support Services as relevant.
3. The Welfare Dean and University or College Harassment Advisors can provide support to students, and to staff or other college postholders requiring advice on cases involving students. Where the harassment is of a sexual nature, students can contact the [Sexual Harassment and Violence Support Service](#). All reports made to support services will be recorded in accordance with the [University's Data Protection Policy](#).
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 students who feels that they have been harassed are 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 College Harassment Advisor or in the case of sexual behaviour, with a Specialist Advisor at the [Sexual Harassment and Violence Support Service](#). If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)). A Harassment Advisor can:
  - a) listen to students who believe they are being harassed, to clarify the options open to them and to assist them in resolving the matter informally where possible
  - b) discuss with a student what they may wish to say or write to the person who they feel has harassed or bullied them, or to a senior member of the College who can take action

Harassment Advisors will not approach the alleged harasser on behalf of an individual. Details of the role of the harassment advisor can be found on the [Harassment Advisor Network webpage](#).

## **Stage 2 – Welfare Dean**

7. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, it is very important to get advice and support to understand the options available. Students can contact a [College Harassment Advisor](#), the Harassment Line (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)), or the [Oxford SU Student Advice Service](#).

8. Other sources of advice include the College Welfare Dean, other College Officers, GCR welfare representatives, [Peer Supporters](#), [Peers of Colour](#) or [Rainbow Peers](#).

9. The University offers a voluntary mediation service for students who find themselves in conflict with another student. Any student or staff member can make a confidential enquiry by mailing [mediation@admin.ox.ac.uk](mailto:mediation@admin.ox.ac.uk). This service is not appropriate for cases of serious harassing behaviour or criminal conduct.

10. These sources of support and advice are also available to students who have been accused of harassment (the 'subject' of a report). Students can contact a local Harassment Advisor or (for reports of a sexual nature) a Specialist Advisor: [supportservice@admin.ox.ac.uk](mailto:supportservice@admin.ox.ac.uk).

11. If the harassment is sexual in nature, one of the specialist advisors in the [Sexual Harassment and Violence Support Service](#) can:

- a) give advice on options available to the student
- b) put in place practical support and manage any impact on academic work
- c) refer the student to appropriate support services
- d) arrange mediation between the student and alleged harasser, if both parties agree, with a trained mediator
- e) ensure that relevant members of staff within the collegiate university are informed of the case if appropriate, with consent
- f) support students through a formal disciplinary process

## **Stage 3 - Formal written report of harassment**

12. 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 report of harassment, the student should make a formal written report to the College Dean(s). In some cases, it will be appropriate to proceed directly to this stage. The Dean's role is to determine whether the student who is the subject of the Report has breached the College Code of Conduct. Students should refer to the [College Disciplinary Procedures](#) for details, including section 12: Special Arrangements in Reports involving Sexual Misconduct and/or violence.

13. If the student making the formal report has not accessed advice and support, the Dean will normally direct the student to Welfare Dean and/or Student Welfare and Support Services

14. The formal report should set out as clearly and succinctly as possible:
- (i) the nature of the behaviour that the reporting student is concerned about;
  - (ii) the effect of this behaviour on the reporting student; and
  - (iii) where possible, the resolution that the reporting student is seeking.

The report should include dates and details of any witnesses, together with any documentary evidence. The reporting student should also state, where appropriate, any action taken at Stages 1 or 2.

15. The Oxford SU Student Advice Service or, if appropriate, the Sexual Harassment and Violence Support Service can discuss a draft of the formal report with the reporting student in order to check that items (i)-(iii) above are covered and that relevant supporting documentary evidence is included. These Services cannot offer legal advice, or speculate on possible outcomes.

16. If the reporting student is dissatisfied with the way this procedure has been followed, they can make a report under the College's Harassments Procedure, in which case the report of harassment will be considered by members of staff who have not previously been involved in the case.

### **Referrals**

17. On occasion, report of harassment which should be considered under this procedure may be made to staff other than the Welfare Dean. In this situation, college postholders should explain the procedure, and refer the student to the Welfare Dean.

18. If a student does not wish to seek support and advice, or to make a formal report, or if there are queries about the procedure to be followed, staff can contact the Welfare Dean or Director of Student Welfare and Support Services for advice on a confidential basis ([director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)).

19. There may be occasions when it is appropriate for the Welfare Dean to make recommendations to appropriate bodies, including the Dean(s) and Senior Tutor, 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 study and accommodation/social activity may need to be considered.

### **Potentially criminal misconduct**

20. This Procedure, or parts of this procedure, may not be applicable where the reports 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 serious assault. The Welfare Dean (or the Dean for Stage 3) will decide whether this procedure is applicable, having regard to all relevant circumstances including any police involvement.

### **Confidentiality**

21. 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 report 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.

22. 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 reporter of harassment’s agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

*Agreed by Reuben College Governing Body, 24<sup>th</sup> May 2023*