

University Policy and Procedures on Harassment

- Approved by Council on 1 December 2014
- Minor revisions approved by Personnel Committee on 21 April 2017

Introduction

1. The University does not tolerate any form of harassment or victimisation and expects all members of the University community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The University 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 University community are respected.
3. The aims of the University 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 University 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, such as heads of division, heads of department, chairs of faculty boards and their equivalents, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All heads of department and equivalent, and all other managers, have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are investigated promptly and effectively.
5. All members of the University community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the University community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
 - a. Treating others with dignity and respect.
 - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable.

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

Definitions

6. 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.¹

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

7. 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 them².
8. **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.
9. The University seeks to protect any member of the University community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The University will regard as victimisation any instance where a person is subjected to detrimental treatment because that person has, in good faith:
 - made an allegation of harassment, or
 - indicated an intention to make such an allegation, or
 - assisted or supported another person in bringing forward such an allegation, or
 - participated in an investigation of a complaint, or
 - participated in any disciplinary hearing arising from an investigation, or
 - taken any other steps in connection with this Policy and Procedure, or
 - is suspected of having done so.

Behaviours

¹ The University's definition of harassment is set out in Statute XI: University Discipline (www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342). 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.

² <https://tinyurl.com/ycd6k97>

10. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
11. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.
12. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
13. Harassment can take a variety of forms:
 - 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 University's Regulations Relating to the use of Information Technology Facilities.³
 - directly to the person concerned, or to a third party
 - 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.
14. Examples of behaviour which **may** amount to harassment under this Policy include (but are not limited to) the following:
 - unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
 - i. inappropriate body language
 - ii. sexually explicit remarks or innuendoes
 - iii. unwanted sexual advances and touching
 - offensive comments or body language, including insults, jokes or gestures and malicious rumours, for example on the basis of race and religion or belief
 - open hostility, verbal or physical threats
 - insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism

³www.admin.ox.ac.uk/statutes/regulations/196-052.shtml

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

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

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

Application of the Policy

16. Harassment is a serious offence. Members of the University community who feel that 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.

17. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice from the Director of Student Welfare and Support Services' office and /or approach the Police directly; and staff members can seek advice from the Director of Human Resources and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure.
18. Incidents of harassment that occur within the college environment will normally be dealt with under appropriate college procedures, while reflecting the principles of this Policy.
19. 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 in Annexe C, and at: www.admin.ox.ac.uk/eop/harassmentadvice.
20. 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.
21. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.
22. This Policy and Procedure may be found at www.admin.ox.ac.uk/eop/harassmentadvice or are available in hard copy from the Equality and Diversity Unit: tel. 01865 (2)89825 or email equality@admin.ox.ac.uk. Copies in alternative formats are available on request.
23. This Policy and Procedure will be subject to regular review by the General Purposes Committee of Council in consultation with the Education and Personnel Committees, the Proctors, and any other appropriate committees.

Policy owner: Personnel Committee (in respect of staff) and Education Committee (in respect of students)

Annexe A: Complaints of harassment against University staff—the Staff Procedure

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of University staff. The Director of Human Resources will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.
2. Any complaints against college staff will normally be dealt with under the appropriate college procedure.
3. The references in this procedure to the ‘head of department’ should be taken to mean the head of department, faculty board chair, head of division or their equivalent, or the person to whom any of these has formally delegated responsibility⁴. The references also apply where appropriate to the Vice-Chancellor, Pro Vice-Chancellors and Registrar, and other senior University officers.
4. Where the complainant is a student, support during this process will be provided by the Director of Student Welfare and Support Services’ office⁵.
5. Both parties to a complaint should be kept updated by the investigator, Personnel Services or the department at appropriate intervals throughout the complaint.
6. If a complaint falls across more than one University procedure, the University will deal with the matter as flexibly, fairly and proportionately as possible. In particular, if a student’s complaint relates to matters which fall within the University’s complaints or academic appeals procedures, there should be a discussion between the department and the Proctors’ Office regarding the most appropriate way forward, in consultation with the Director of Human Resources. It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or conflicting decisions. The complainant 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 wishing to seek informal resolution should approach their immediate supervisor, departmental administrator, or head of department or equivalent to ask for help in achieving a resolution of the problem. Students should seek support from the Director of Student Welfare and Support Services’ office. At no time should a student or staff 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

⁴ Within the University Administration and Services (UAS) the head of department will normally be the director or head of the relevant division or section within UAS. Within ASUC the head of department will normally be the directors of the Bodleian Libraries and the University’s museums.

⁵ Students can contact the Director of Student Welfare and Support Services’ office by e-mail: director.swss@admin.ox.ac.uk.

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 complaint by a member of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Director of Human Resources. In the case of a complaint by a student, the Director of Human Resources will consult the Director of Student Welfare and Support Services. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.
10. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

Complaints procedure

11. 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 written complaint to the subject of the complaint's head of department or, if the complainant feels it is not appropriate to approach that person, the relevant head of division (or analogous unit within UAS or ASUC). If any of the parties considers that the head of department has a conflict of interest in the complaint, the complaint may be referred to the head of division. 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 head of division or a senior University officer, or wishes to make a complaint against a head of division or senior University officer, advice may be sought from the Director of Human Resources, or in the case of a student complainant, from the Director of Student Welfare and Support Services. Students can seek support from the Director of Student Welfare and Support Services' office when wishing to make a complaint against a member of staff to a head of department, and support will be available to them throughout the complaints process. Staff can seek support from a harassment advisor; if the staff member does not feel comfortable contacting a local advisor in their college or department, 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

12. In the submission to the head of department, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that the complainant is concerned about; (ii) the effect of this behaviour on the complainant; and (iii) the resolution that the complainant is 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.
13. A copy of all written complaints should be sent to the Director of Human Resources for information. In the case of a complaint by a student against a member of staff, the

Director of Human Resources, with the student's permission, will normally forward the complaint to the Director of Student Welfare and Support Services.

14. 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 University 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.
15. If the complaint is brought by a member of staff, the complainant has the right to be accompanied and supported by a trade union representative⁶ or by a colleague of the complainant's choice from within the University at any meeting held under this procedure. The same is true of the member of staff who is the subject of the complaint. Any student involved in a complaint has the right to be accompanied by another student member, a member of Congregation, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.
16. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the head of department 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 head of department will consult the Director of Human Resources, and in the case of a student complainant, the Director of Student Welfare and Support Services, and may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by the head of department on receipt of a complaint

17. On receipt of a complaint, the head of department will in consultation with the Director of Human Resources and, in the event of a student complainant, the Director of Student Welfare and Support Services, take such steps as the head of department thinks necessary or appropriate to understand the nature of the complaint and the outcome sought which may include:
 - informing the person against whom a complaint has been made of the allegations against that person;
 - meeting separately with the complainant and the alleged harasser (at which meetings they may be accompanied);
 - speaking to other relevant people on a confidential basis; and/or
 - obtaining further relevant information.

⁶ Information on recognised trade unions at the University is available at www.admin.ox.ac.uk/personnel/staffinfo/joint.

18. The head of department will then decide how to proceed and will inform the parties in writing. The head of department may make such enquiries, or commission an investigation, as necessary to determine the complaint.
19. The head of department may also determine that immediate interim action is necessary pending the outcome of a formal process.

Investigation

20. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See section 36 below for the procedure for investigations.)
21. 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 head of department, make recommendations on possible courses of action. The head of department will consider the scope and findings of the investigation and whether any further investigation is required before making a decision.

Head of department's decision

22. The head of department will inform the complainant in writing:
 - (i) whether the complaint has been upheld, partially upheld or not upheld
 - (ii) any recommendations they are making in relation to the complainant
 - (iii) about any right to appeal the head of department's decision, and
 - (iv), if the complainant is a student and the complaint has been upheld or partially upheld, about their option of taking their complaint to the Proctors (see paragraph 29 below).
23. The head of department will inform the person who is the subject of the complaint in writing:
 - (i) of the conclusions that the head of department has reached having reviewed the evidence;
 - (ii) of the action the head of department intends to take;
 - (iii) of the reasons for any such action; and
 - (iv) of any right to appeal the head of department's decision under the appropriate grievance procedure (see paragraph 26 below).

The head of department 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 complaint

24. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the head of department, in consultation with the Director of Human Resources and, in the event of a student complainant, the Director of Student Welfare and Support Services, will either:-
- i. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties.
or
 - ii. 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
 - iii. Institute disciplinary proceedings against the subject of the complaint where the head of department 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 head of department will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant college.
or
 - iv. In rare cases disciplinary or other appropriate action may be instituted against the complainant if the head of department is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal against the head of department's decision

25. If the complaint is upheld or partially upheld, the subject of the complaint may invoke the relevant grievance or complaint 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 of the complaint, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.
26. If the complaint is not upheld or only partially upheld, the complainant may invoke the appeal stage of any applicable grievance or complaint procedure within the time scales specified in that procedure (see paragraphs 27 and 28 below) save that, where the decision is to refer the matter for disciplinary action against the complainant, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.
27. In the case of a staff complainant, the complainant's route of appeal would be the appeal stage of the appropriate grievance procedure. For academic related staff see: www.admin.ox.ac.uk/personnel/staffinfo/handbook_acrel. For support staff see: www.admin.ox.ac.uk/personnel/staffinfo/handbook_support.
28. A student complainant would need to appeal to the Registrar, normally within 14 days of being informed of the outcome of the complaint. 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.

29. If the outcome of a formal complaint made by a student under this procedure is that the complaint is upheld or partially upheld, and (a) the subject of the complaint does not appeal in accordance with paragraph 25 or (b) that appeal has been concluded and any allegations of harassment have been upheld, then the student may take their complaint to the Proctors who will determine any appropriate redress from the University. A student who wishes to refer a matter to the Proctors may only do so if they
- (i) have decided not to appeal the head of department's decision to the Registrar under paragraph 28 above; or
 - (ii) any appeal by the student to the Registrar has been completed.

Potentially criminal misconduct

30. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. The Head of Department will in consultation with the Director of Human Resources for staff or Director of Student Welfare and Support Services for students, decide which procedure is appropriate.

Confidentiality

31. 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 University, within certain colleges, or to external bodies.
32. 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 University 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

33. The University and all those involved in this process must comply in accordance with the General Data Protection Regulation and associated data protection legislation⁷. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

⁷ The University's Data Protection policy is available at:

www.admin.ox.ac.uk/councilsec/compliance/gdpr/universitypolicyondataprotection

34. 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.
35. The Director of Human Resources, and if the student is a complainant, the Director of Student Welfare and Support Services, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Investigations

36. 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 meet the person complained against to hear that person's response to the complaint 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 head of department, usually with a copy to the Director of Human Resources, and, if the complainant is a student, normally to the Director of Student Welfare and Support Services. In cases involving students, consent should be sought from the complainant to inform the complainant's college if appropriate. The Director of Student Welfare and Support Services will ensure that appropriate support is available to students following an investigation.

Annexe B: Complaints of harassment against students—the Student Procedure

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in a University context. Complaints of harassment against students which arise purely within the college environment will normally be dealt with under appropriate college procedures (see www.admin.ox.ac.uk/eop/harassmentadvice/collegeharassmentpolicies), while reflecting the principles of the University harassment Policy. Complaints of harassment brought by students against University staff will be dealt with under the staff Procedure, but with the students supported by the Director of Student Welfare and Support Services.
2. If a member of staff wishes to make a complaint of harassment against a student, this will normally be dealt with through [Statute XI](#). In the first instance, a member of staff should seek support and guidance from that person's head of department or line manager.
3. All references within this Procedure to the Director of Student Welfare and Support Services should be understood to refer to the Director or the Director's nominee. The Director of Student Welfare and Support Services' office can provide support to students, and to staff requiring advice on student cases. The Director will have oversight⁸ of all cases referred to the Director's office under this Procedure, and will take the lead as appropriate in liaising with other parts of the collegiate University. The Director will act as a source of information and advice for the collegiate University on student cases of harassment, and will make referrals as appropriate. The Director will also be responsible for recording and reporting of cases referred to her/his office under this Procedure.
4. In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.
5. This Procedure is separate from Statute XI on University Discipline. Complaints of harassment made under stage 3 of this Procedure (formal written complaint) may sometimes result, following an investigation, in a decision that the alleged harasser should face disciplinary procedures under Statute XI.

Stage 1—Informal action

6. In some cases, a student who feels harassed by another student may feel able to approach the person in question to explain what conduct the first student finds 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 University does not wish to suggest that students who feel 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.

⁸ Oversight in this context refers to the Director of Student Welfare and Support Services being aware of all cases so as to ensure the provision of appropriate support to students.

7. Before taking informal action, the student could discuss the situation with a harassment advisor. If the student does not feel comfortable contacting a local advisor in their college or department, 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/eop/harassmentadvice/advisornetwork.
8. Other sources of advice when considering informal resolution include college Deans or other college officers with pastoral responsibilities, JCR and MCR welfare representatives, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.ox.ac.uk).
9. These sources of support and advice are also available to students who have been accused of harassment.

Stage 2—Student Welfare and Support Services

10. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Director of Student Welfare and Support Services' office is available for support and advice to any student. Students can contact the Director of Student Welfare and Support Services' office by e-mail: director.swss@admin.ox.ac.uk.
11. The Director of Student Welfare and Support Services' office will refer the student to a staff member trained in dealing with harassment cases. This staff member will be available to support the student throughout the process, including if the student decides to move to stage 3 and make a formal complaint, and will also provide support following the outcome of any formal complaint. The Director of Student Welfare and Support Services will oversee all cases referred to Student Welfare and Support Services, and will advise and take action as appropriate. Actions taken will vary depending on the case. Actions taken by the trained staff member may include:
 - Giving advice on options for ways to proceed, and helping the student to make decisions on the action that the student wants to take
 - Referring the student to appropriate support services (such as the Student Counselling Service).

Actions taken by the Director of Student Welfare and Support Services may include:

- Facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree. An experienced mediator or conciliator acceptable to both parties will normally be nominated by the Director of Student Welfare and Support Services. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing. All those

involved in the mediation or conciliation process must maintain appropriate confidentiality

- Referring a case to a college, if it transpires that the alleged harassment did in fact take place purely within the college environment
 - 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.
12. Support from the Director of Student Welfare and Support Services' office 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 harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The Director of Student Welfare and Support Services 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.
13. Support from the Director of Student Welfare and Support Services' office is also available to students who wish to make or have made a complaint of harassment against a member of staff, under the staff Procedure in Annexe A.
14. Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the General Data Protection Regulation and associated data protection legislation⁹. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Stage 3—Formal written complaint

15. If action taken at stages 1 or 2 does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the student should make a formal written complaint to the Proctors. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the complainant has not already contacted the Director of Student Welfare and Support Services' office, the Proctors will normally seek the complainant's consent to being referred, so that the complainant can be offered appropriate support from a trained member of staff.
16. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any resolution attempts made at stages 1 and 2.

⁹ The University's Data Protection policy is available at:

www.admin.ox.ac.uk/councilsec/compliance/gdpr/universitypolicyondataprotection

17. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that the complainant is concerned about; (ii) the effect of this behaviour on the complainant; and (iii) where possible, the resolution that the complainant is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties. If the complainant has already made a statement about the behaviour under stage 2, this may be sent as their formal written complaint, with the proviso that the Proctors may request further information.
18. One of the Proctors, or another person appointed by them, independent of the college and department/faculty of the students involved, will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include holding meetings with both the complainant and the alleged harasser, and speaking to other relevant people on a confidential basis. At all times both parties will have the right to be accompanied at meetings. This could be by a member of Congregation or a member of staff from OUSU's Student Advice Service.
19. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of one month. Both the complainant and the student who is the subject of the complaint will be expected to co-operate with the University in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.
20. At all times both the complainant and the student complained against will be kept informed of proceedings, and will be referred as appropriate to sources of support and advice. Both parties will be informed in writing of the outcome of the investigation of the complaint.
21. In some circumstances, in the interests of the complainant and/or the student complained about, it may be necessary for interim action to be taken, pending the outcome of the investigation. This may include making arrangements to limit contact between the parties concerned.
22. Investigation of a formal written complaint of harassment may result in:
 - Deciding that the alleged harasser should face disciplinary procedures under Statute XI
 - Recommending to a department/faculty or college actions to take, including making arrangements to limit contact between the parties concerned. The head of department or Head of House will have responsibility for implementing and monitoring any actions, and for reporting to the Proctors that action has been taken. The Director of Student Welfare and Support Services will be available to advise departments/faculties and colleges
 - Referring either or both parties to appropriate support services

- Referring a case back to the Director of Student Welfare and Support Services' office, for the complainant to receive support from a trained member of staff
 - Referring a case to a college, if it transpires that the alleged harassment did in fact take place purely within the college environment
 - Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties
 - In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.
23. If the subject of the complaint is referred to face disciplinary procedures under Statute XI, then at the conclusion of such procedures the complainant will be informed whether the outcome of the disciplinary procedure was that their complaint was upheld, partially upheld or not upheld. The complainant will not usually be told what sanctions, if any, were imposed on the subject of the complaint.
24. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint or any subsequent disciplinary process, the complainant 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.
25. The Director of Student Welfare and Support Services will be kept informed of the outcomes of all formal written complaints of harassment made to the Proctors under stage 3 and will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

Referrals

26. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Director of Student Welfare and Support Services' office or the Proctors. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Director of Student Welfare and Support Services' office, so that they can receive support from a trained staff member, or whether they would like it referred to the Proctors as a formal written complaint.
27. 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 Director of Student Welfare and Support Services' office for advice on a confidential basis.¹⁰

¹⁰ Any member of the University can also contact the Proctors for advice and information on any matter.

28. There may be occasions where a student does not wish to seek support and advice or to make a complaint under stages 2 or 3 of this Procedure, but where the Director of Student Welfare and Support Services or the Proctors consider that the implications for the individual and/or for others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In such circumstances the Director may ask the Proctors to initiate an investigation and make a decision on further action on the basis of such evidence as is available, or the Proctors may themselves decide to initiate such an investigation. The individual's consent will normally be sought if disclosure is to be made, and a decision on disclosure would be made at a senior management level.

Potentially criminal misconduct

28. This Procedure, or parts of this Procedure, may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but would not be limited to, cases of serious assault or threat of serious assault. The Proctors, in consultation with the Director of Student Welfare and Support Services (as appropriate), will decide whether this Procedure is applicable, having regard to all relevant circumstances including any police involvement. Support for any student affected by such an incident may be sought from the office of the Director of Student Welfare and Support Services.
29. In addition the Director of Student Welfare and Support Services will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary¹¹. Further guidance on cases of sexual assault and sexual violence, including support available, is available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure . Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Confidentiality

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

¹¹ The powers of the Proctors in relation to action pending the outcome of criminal proceedings are laid down in Statute XI: University Discipline.

Records

32. The University and all those involved in this Procedure must comply in accordance with the General Data Protection Regulation and associated data protection legislation¹². These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
33. Those interviewed in the course of any investigation by the Proctors will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions. All notes will be preserved during the process and until such time as the University's internal processes and any external processes are concluded.
34. The Director of Student Welfare and Support Services should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.

¹² The University's Data Protection policy is available at:
www.admin.ox.ac.uk/councilsec/compliance/gdpr/universitypolicyondataprotection

Annexe C: Sources of advice

1. The sources of advice set out below are available to:
 - those who believe that they may be being harassed, and who wish to discuss any concerns in confidence
 - those who have been told that their conduct is perceived as harassing.
2. The University's Harassment Advisory Service is available to staff and students. It comprises a network of around 460 voluntary advisors, supported by the University's Equality and Diversity Unit (EDU). Each department and college is expected to have at least two advisors, one man and one woman. Their details will be featured on noticeboards and websites, and those experiencing or accused of harassment are encouraged to contact their local advisor for support in the first instance.
3. If a local advisor is not available or it would not be appropriate to contact them (for example, if the individual were a close colleague or manager or supervisor) the central Harassment Line will provide details of another advisor, in confidence. Contact: (2)70760, or harassment.line@admin.ox.ac.uk.
4. The role of a harassment advisor is to listen non-judgementally to individuals' concerns and provide them with support by:
 - Guiding them through this Policy and relevant procedures, clarifying the options open to them and assisting them to resolve the matter informally where possible;
 - Where requested, supporting them through the resolution process, whether formal or informal;
 - Dealing with all cases with the utmost confidentiality except where there is an unacceptable risk to a student, a member of staff or to the institution; and
 - Referring them to another advisor where necessary or to other agencies or support systems as appropriate.
5. Harassment advisors do not:
 - Approach the alleged harasser in an attempt to mediate or resolve the matter;
 - Act as a representative or advocate; or
 - Act as a party to any formal stage of the complaint process, except in the role of providing support.

Full details may be found at www.admin.ox.ac.uk/eop/harassmentadvice.
6. Members of staff may also contact local trade union representatives for support – details may be found at www.admin.ox.ac.uk/personnel/staffinfo/joint.
7. Students may also contact:
 - Sexual Harassment and Violence Support Service
www.ox.ac.uk/students/welfare/supportservice?wssl=1
supportservice@admin.ox.ac.uk

- The Director of Student Welfare and Support Services' office
director.swss@admin.ox.ac.uk
 - The relevant college Welfare Officer
 - OUSU's Student Advice Service is independent from the University and provides impartial advice and guidance
www.oxfordsu.org/wellbeing/student-advice
advice@oxfordsu.ox.ac.uk
 - The Proctors' Office
www.admin.ox.ac.uk/proctors/contact
proctors.office@proctors.ox.ac.uk
01865 (2)70090
 - The Student Counselling Service
www.ox.ac.uk/students/welfare/counselling
counselling@admin.ox.ac.uk
01865 270300
 - Student Peer Supporters in the relevant college or department
 - Nightline
oxfordnightline.org
01865 270 270
Skype: 'oxford nightline'
8. Other sources of general help, and information on how the Harassment Service is monitored and evaluated, can be found at:
www.admin.ox.ac.uk/eop/harassmentadvice