

Harris Manchester College Policy and Procedure on Harassment

Approved by Governing Body:	15 June 2022
Review date:	June 2027
Policy Lead:	The Dean

Introduction

1. Harris Manchester 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. This standard applies to the behaviour of students towards each other, staff towards students, students toward staff, and staff towards each other.
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 complaints can wherever possible be addressed in a timely way.
4. Those in positions of authority within the College, such as the Dean, Bursar, Principal, Senior Tutor, Tutor for Graduates, Junior Dean and Harassment Officers, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All senior members 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 complaint if appropriate.
6. These Policy and Procedures are designed to deal with cases of harassment by members of the College community, whether they occur on College premises, University Premises or elsewhere. Incidents of harassment that occur outside the College environment and/or solely within the University environment may instead (and/or also) be dealt with under the appropriate University

procedure or by the police. Details of the University's procedures can be found at: <https://edu.admin.ox.ac.uk/university-policy-on-harassment> www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/ If it is unclear, in any given case, whether a situation is best referred to the College, the University or the police, 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. These Policy and Procedures should be read alongside other Harris Manchester policies and procedures. These can be found at: <https://www.hmc.ox.ac.uk/college-policies-and-governance>.

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: <https://edu.admin.ox.ac.uk/harassment-advice>

Definitions

9. A person subjects another to **harassment** where they engage in unwanted and unwarranted conduct which has the purpose or effect of

- violating another person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

The recipient does not need to have explicitly stated that the behaviour was unwanted. (See also clause 14 below)

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.

11. The College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith, or are suspected of having:

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

Behaviours

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

13. 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.

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

15. Harassment can take a variety of forms:

- a) Through individual behaviour
 - face to face, either verbally or physically
 - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of the University's regulations relating to the use of Information Technology Facilities (see <https://www.it.ox.ac.uk/rules>).
 - directly to the person concerned, or to a third party
- b) Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

16. 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, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- c) insulting, abusive, embarrassing or patronising behaviour or comments
- d) 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 unreasonably 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.

17. Stalking is a form of harassment. Stalking may involve (but is not limited to) 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.

For the avoidance of doubt, this policy applies only where harassment within the meaning of section 9 has occurred.

18. Bullying is another 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. For the avoidance of doubt, this policy applies only where harassment within the meaning of section 9 has occurred.

Application of the Policy

19. Harassment is a serious offence. Students who feel they have been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the procedure in relation to complaints about students and Annex B for the procedure in relation to complaints about staff.

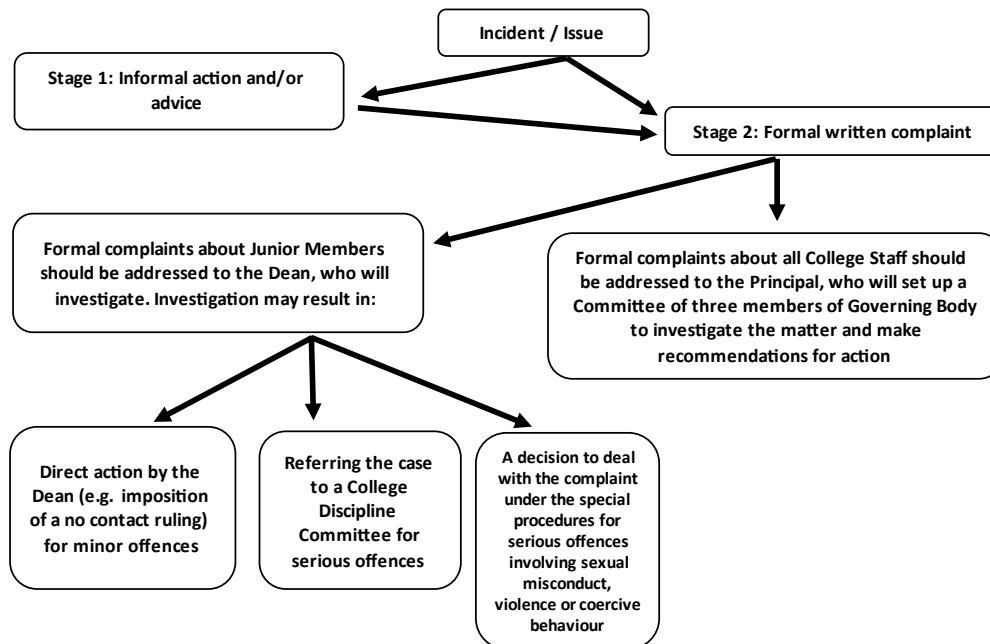
20. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice from the Tutor for Graduates, Dean, Senior Tutor, Harassment Advisor, or Director of Student Welfare and Support Services and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at [Sexual Harassment and Violence Support Service | University of Oxford](#) .

21. 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.

22. 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.

23. This Policy and Procedure may be found at <https://www.hmc.ox.ac.uk/college-policies-and-governance>. Copies in alternative formats are available on request.

Summary of procedures for dealing with complaints of harassment made against Students (Annex A) and made against staff (Annex B)



Annex A: Complaints of harassment against students

1. This Procedure is designed to deal with complaints of harassment made against students that arise in a College context. It covers complaints against students made by other students or made by members of College staff. Complaints of harassment brought by students against College staff will be dealt with under Annex B, and complaints by students against University staff will be dealt under the University Harassment Policy [<https://edu.admin.ox.ac.uk/university-policy-on-harassment>]. In all cases a student complainant will be supported by the Senior Tutor, 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 Senior Tutor, DSWSS (University Director of Student Welfare and Support Services) or Harassment Advisor.

2. The policy describes a two-stage complaints procedure. In serious cases (other than those dealt with under the regulations for serious offences involving sexual misconduct, violence or coercive behaviour [as set out in the student handbook sections 6.7 to 6.18]) it is likely to be appropriate to proceed directly to stage 2 of this procedure.

3. This complaints Procedure may not be applicable where the allegations are of behaviour that may attract criminal sanction. These cases may include, but are not limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police

investigation and action. This complaints Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment. However, it also covers procedures for informing the university and/or the police, and support mechanisms and resources available in such cases.

Stage 1 - Informal action and/or advice

4. In some cases, a student who feels that they are being harassed by another student may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to stage 2 of the procedure.

5. Before taking informal action, the student could discuss the situation with the Junior Dean, JCR and MCR welfare representatives or officers, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org).

6. Other sources of advice when considering informal resolution include the Senior Tutor, the college Women's Officer, and the College Harassment Advisors. Details of the role of the harassment advisor can be found at: <https://www.hmc.ox.ac.uk/welfare-contacts>.

Actions taken by these trained staff members may include:

- a) Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take
- b) Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and OUSU Student Advice Service).
- c) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside the college environment and within the University environment
- d) Ensuring that relevant members of staff within the collegiate University are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

7. If the student does not feel comfortable contacting a College Officer or Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk).

8. These sources of support and advice are also available to students who have been accused of harassment. Actions taken will vary depending on the case, but the support will be equivalent to that available to a student who feels that they are being harassed by another student, including referral to appropriate support services. 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.

Stage 2 - Formal written complaint

9. If informal action and/or advice does not succeed in resolving the situation or would not be appropriate given the nature of the behaviour, the student may make a formal written complaint to

the Dean. This may be either electronic or on paper. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the complainant has not already been offered appropriate support from a trained member of staff, this will happen.

10. 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 Stage 1.

Formal complaints will not normally be considered three months after the event which has occasioned the complaint.

11. Anonymous complainants or complaints made on behalf of someone else will not be considered, unless there are compelling reasons for doing so. Such reasons should be clearly stated by the College, if it nevertheless decides to act.

12. The complainant should state explicitly that they wish to make a formal complaint, and set out as clearly and succinctly as possible

- a) the nature of the behaviour that they are concerned about;
- b) the effect of this behaviour on them; and
- c) where possible, the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking. If the complainant has already made a statement about the behaviour under Stage 1, this may be sent as their formal written complaint, with the proviso that the Dean may request further information.

13. The Dean should acknowledge the complaint, informing the complainant of what steps will be taken, investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. The Dean may appoint another person to investigate the matter, who must not be the Supervising or Subject Tutor(s)/College Advisor/Supervisor of either the complainant or the student complained about. In carrying out their investigation the investigator should:

- a) inform the person against whom a complaint has been made of the allegations against him or her;
- b) meet separately with the complainant and the alleged harasser;
- c) speak to other relevant people on a confidential basis; and/or
- d) obtain further relevant information.

At all times either party will have the right to be accompanied at meetings by any current member of the College, senior or junior (except the Senior Tutor or any tutor who has taught him/her), or a representative of OUSU, or may ask the Principal to appoint a member of the Governing Body to represent him/her. A student may attend a meeting in person or by electronic link.

14. Every effort will be made to achieve a prompt outcome to the complaint, the aim being to conclude the complaint within a period of one month. Both the complainant and the student who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.

15. 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. The result of the investigation will be conveyed in writing. The written decision will include all the relevant facts. A copy of it will be given to both parties.

16. 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.

17. Investigation of a formal written complaint of harassment may result in:

(a) Direct action by the Dean as set out in the Student Handbook under minor offences [Sections 5.1 to 5.4]. This may include rulings to limit contact between the parties concerned, such as a no contact rule, or barring one or both parties from certain parts of College.

(b) A decision to refer the complaint to a disciplinary committee as set out in the Student Handbook under the regulations for serious offences. [Sections 6 to 6.6]

(c) A decision that the case should be dealt with disciplinary procedures under the regulations for serious offences involving sexual misconduct, violence of coercive behaviour [as set out in the student handbook sections 6.7 to 6.18]

(d) 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.

(e) Within the bounds of the law, recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The Principal or head of department will have responsibility for implementing and monitoring any actions. The Senior Tutor and University Director of Student Welfare and Support Services will be available to advise.

(f) Referring either or both parties to appropriate support services.

(g) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside the college environment and within the University environment.

(h) 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.

18. If either the complainant or the student complained about is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision. The relevant appeal procedure is set out in Section G of the Student Regulations, Disciplinary, Intercalation, Fitness to Study and Complaints Procedures. [See <https://www.hmc.ox.ac.uk/college-handbook>]

19. If a student is unhappy with the decision of the College Appeal Committee following the appeal procedure, then depending on the issue he/she may be able to request that the decision is considered by the APPEALS Panel of the Conference of Colleges (CCAT). The student may appeal to the CCAT not more than 5 days after the decision of the College Appeal Committee. The Conference of Colleges may be contacted via its Secretariat in the University Offices, or at [Welcome to the Conference of Colleges, in the University of Oxford](#).

20. Once the College and any relevant University appeals procedures have been exhausted the student will be given a Completion of Procedures letter by the College. At that point the student

may appeal to the [Office of the Independent Adjudicator](#), Second Floor, Abbey Gate, 57–75 Kings Road, READING RG1 3AB; telephone O118 959 9813. There is a time limit for such appeals. Please note that complaints relating to student discipline and academic matters are also within the scope of the OIA. However, complaints relating to matters of academic judgement (i.e. about academic performance or admissions) cannot be dealt with by the OIA.

21. Following the outcome of the complaint, the Dean will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

Potentially criminal misconduct

22. This Procedure may not be applicable where the allegations are of behaviour that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. Where the complaint is of potentially serious criminal behaviour by a student, the college should consider whether it would be appropriate for the University to investigate, given the University's access to experienced external investigators. Further guidance on cases of sexual assault and sexual violence, including support available, is available from the University at [Sexual Harassment and Violence Support Service | University of Oxford](#). Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

23. Support for any student affected by such an incident may be sought from the Senior Tutor, Harassment Advisor and Dean.

24. In addition the Senior Tutor will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary.

Confidentiality

25. Information concerning allegations of harassment will be held in confidence by the College so far as is reasonably possible. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, the University, or to external bodies. Such information will be shared on a need-to-know basis only.

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

Records

27. The College and all those involved in this Procedure must comply with the principles of the Data Protection Act 2018 (GDPR). These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

28. Those interviewed in the course of any investigation by the investigator will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions. All notes will be preserved during the process and until such time as the College's internal processes and any external processes are concluded.

Annex B: Complaints of harassment against staff

1. This Procedure is designed to deal with complaints of harassment made by students against College staff. Complaints of harassment brought by students against students will be dealt with under Annex A, and complaints by students against University staff will be dealt under the University Harassment Policy. 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 Senior Tutor, or Harassment Advisors.

2. College staff include all fellows of the College (Governing Body and non Governing Body), College lectures, outside tutors, administrative, domestic and maintenance staff.

3. This complaints Procedure may not be applicable where the allegations are of behaviour that may attract criminal sanction. These cases may include, but are not limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action. This complaints Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment. However, it also includes the procedure for informing and receiving support from the College in cases where there is police involvement.

Stage 1 - Informal action and/or advice

4. In some cases, a student who feels that they are being harassed by a member of staff may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been harassed is responsible for rectifying the situation.

5. Before taking informal action, the student could discuss the situation with the Junior Dean, JCR and MCR welfare representatives of officers, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail advice@ousu.org).

6. Other sources of advice when considering informal resolution include the Senior Tutor, the college Women's Officer, and the College Harassment Advisors. Details of the role of the harassment advisor can be found at : [Harassment Advisor Network | Equality and Diversity Unit \(ox.ac.uk\)](#)

Actions taken by these trained staff members may include:

- a) Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take
- b) Referring the student to appropriate support services (such as the Student Counselling Service, Harassment Advisors and OUSU Student Advice Service).
- c) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside the college environment and within the University environment

- d) Ensuring that relevant members of staff within the collegiate University are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

7. If the student does not feel comfortable contacting a College Officers or Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk).

Stage 2 - Formal written complaint

10. If informal action and/or advice does not succeed in resolving the situation or would not be appropriate given the nature of the behaviour, the student may make a formal written complaint. Any formal complaints about College staff should be made in writing to the Principal. (If the Principal is implicated in a claim of harassment then the Vice-Principal will act in his/her place.)

11. The complainant should state explicitly that they wish to make a formal complaint, and set out as clearly and succinctly as possible

- a) the nature of the behaviour that they are concerned about;
- b) the effect of this behaviour on them; and
- c) where possible, the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking.

12. The Principal should acknowledge the complaint, and set up a Committee of three members of Governing Body to investigate and make recommendations for action to the Principal as appropriate.

- (a) If the complaint concerns anyone involved in teaching, the committee must include the Senior Tutor (or, if the complaint concerns the Senior Tutor, the vice Principal)
- (b) If the complaint is about anyone employed by the College, the committee must include the Bursar (or, if the complaint concerns the Bursar, the vice Principal)

13. The Principal should offer and arrange for appropriate welfare support for anyone making a complaint about a member of College staff.

14. The committee should:

- a) inform the staff member against whom a harassment complaint has been made of the allegations against him or her;
- b) meet separately with the complainant and the alleged harasser;
- c) speak to other relevant people on a confidential basis; and/or
- d) obtain further relevant information.

At all times either party will have the right to be accompanied at meetings by any current member of the College, senior or junior, or a representative of OUSU, or a member of their Union, or they may ask the Principal to appoint someone to represent him/her.

15. At the conclusion of the investigation and any action resulting from it, the Principal should write to the complainant informing them of the outcome.

16. If either the complainant or the member of College staff complained about is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision. The relevant appeal procedure is set out in Section G of the Student Regulations, Disciplinary, Intercalation, Fitness to Study and Complaints Procedures. [See <https://www.hmc.ox.ac.uk/college-handbook>]