

# All Souls College Policy and Procedure on Harassment

[Approved by General Purposes Committee/SGM on 5 March 2016].

## 1. Introduction

- 1.1. All Souls College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.
- 1.2. 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.
- 1.3. 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.
- 1.4. Those in positions of authority within the College, such as the Domestic Bursar and Manciple have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All Fellows and 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.
- 1.5. All members of the College community and visitors 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.
- 1.6. This Policy and Procedures are designed to deal with harassment which occurs primarily within the environment of All Souls College. Incidents of harassment that occur outside the All Souls College environment and/or solely within the University environment will

normally be dealt with under the appropriate other college or University procedure.<sup>1</sup> If there is doubt as to whether the All Souls College or University procedure applies, you are advised to seek advice from the relevant college officers described in this Procedure, the nominated Fellows' informal advisers<sup>2</sup>, members of the College's Harassment Advisory Panel, the University's Director of Student Welfare and Support Services or the University's Harassment Line.

- 1.7. This Policy and Procedures should be read alongside other All Souls College policies and procedures, including College disciplinary procedures as set out in the Statutes and By-Laws and the Employee Handbook. These can be found on the College intranet or through <https://www.asc.ox.ac.uk/freedom-information-act-2000-publication-scheme>.
- 1.8. Any member of the College community or visitor who feels they have been subject to harassment can also contact the University Harassment Advisory Service, or their local/own College Harassment Adviser, 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).

## 2. Definitions

- 2.1. A person subjects another to harassment where they engages 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>3</sup>The recipient does not need to have explicitly stated that the behaviour was unwanted.
- 2.2. Freedom of speech and academic freedom<sup>4</sup> are protected by law and in the College Freedom of Speech Policy [and code on external speakers] although 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.
- 2.3. 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.

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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> See Intranet for details

<sup>3</sup> Statute XI: University Discipline [Statute XI: University Discipline | Governance and Planning \(ox.ac.uk\)](http://www.admin.ox.ac.uk/governanceandplanning/)

<sup>4</sup> Links to revised code of conduct on external speakers to be added following review of policies to meet PREVENT requirements.

- 2.4. 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:
- 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.

### **3. Behaviours**

- 3.1. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
- 3.2. 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.
- 3.3. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
- 3.4. Harassment can take a variety of forms:
- 3.4.1. 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 All Souls College IT policy as set out in the Employee Handbook;
  - directly to the person concerned, or to a third party;
- 3.4.2. 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.
- 3.5. Examples of behaviour which may amount to harassment under this Policy include (but are not limited to) the following:
- 3.5.1. 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;

- 3.5.2. rumours, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of sex, age, disability, religion, race or sexual orientation;
  - 3.5.3. insulting, abusive, embarrassing or patronising behaviour or comments;
  - 3.5.4. humiliating, intimidating, and/or demeaning criticism;
  - 3.5.5. persistently shouting at, insulting, threatening, disparaging or intimidating an individual;
  - 3.5.6. constantly criticising an individual without providing constructive support to address any performance concerns;
  - 3.5.7. persistently overloading an individual with work that they cannot reasonably be expected to complete;
  - 3.5.8. posting offensive comments on electronic media, including using mobile communication devices;
  - 3.5.9. threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission;
  - 3.5.10. deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history;
  - 3.5.11. isolation from normal work or study place, conversations, or social events;
  - 3.5.12. publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.
- 3.6. Stalking may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:
- 3.6.1. following a person;
  - 3.6.2. contacting, or attempting to contact, a person by any means;
  - 3.6.3. publishing any statement or other material
    - relating or purporting to relate to a person, or
    - purporting to originate from a person;
  - 3.6.4. monitoring the use by a person of the internet, email or any other form of electronic communication;
  - 3.6.5. loitering in any place (whether public or private);
  - 3.6.6. interfering with any property in the possession of a person;
  - 3.6.7. watching or spying on a person including through the use of CCTV or electronic surveillance.

#### **4. Application of the Policy**

- 4.1. Harassment is a serious offence. Any member of the College community who feels they have been subject to harassment can make a complaint via the appropriate Procedure: see Annexe A for the Procedure in relation to complaints about Fellows and staff. Complaints from or about students from other colleges, should normally be dealt with through their own college.

- 4.2. 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. Fellows and staff members can seek advice from the College Harassment Advisors or Domestic Bursar and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at [Guidance for staff on handling cases of sexual assault or sexual violence](#).
- 4.3. 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/).
- 4.4. 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.
- 4.5. 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.
- 4.6. This Policy and Procedure may be found at [College Policies | All Souls College \(ox.ac.uk\)](#), on the Intranet or are available in hard copy from the Bursary. Copies in alternative formats are available on request.
- 4.7. This Policy and Procedure will be subject to regular review by the General Purposes Committee at not less than five year intervals, the next review taking place in or before 2021.

## **Annex A:**

### **Procedure for making and handling complaints of harassment at All Souls or involving members of the College community**

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a Fellow, member of College staff, or has an association with the College, short of an employment contract. The Domestic Bursar will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.
2. Where the complainant is a student<sup>5</sup> or other visitor to the College, the complainant should either approach the All Souls Domestic Bursar directly or via the nominated lead for harassment complaints in their own college, or where relevant, the University's Director of Student Welfare and Support Services.
3. This complaints Procedure may not be applicable where the allegations are of behaviours 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.

#### **Informal approach (optional)**

4. Any Fellow, member of staff or other member of the College community who wishes to pursue an informal approach, e.g. to obtain assistance in drawing the problem to the subject of the complaint may either approach the Domestic Bursar, Manciple, or a College Harassment Adviser<sup>6</sup> for help in achieving an informal resolution of the problem, which may include the use of mediation or conciliation as set out below. At no time should a student, Fellow or other staff member feel obliged to approach an alleged harasser themselves unless they wish to do so. The Complaints Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach.

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<sup>5</sup> All Souls comprises Fellows only, not students but these procedures may also be followed where necessary by students attending lectures, seminars or tutorials in the College.

<sup>6</sup> See Appendix 1 for a description of the role of the Harassment Adviser and the support and assistance they can provide.

### **Mediation or conciliation**

5. 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.
6. In the case of a complaint involving two Fellows or other members of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Domestic Bursar or Manciple, who may seek advice from the University's Director of Human Resources if appropriate, for example, in the case of a University appointment. In the case of a complaint involving a Fellow or other member of staff and a student, the Domestic Bursar will consult a College Harassment Adviser, 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.
7. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

### **Complaints procedure**

8. 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. If the complainant is a member of staff, the complaint should be submitted to the Domestic Bursar or Manciple. If the complainant is a student from another college, the complaint should be submitted to the Domestic Bursar. A student complainant may also seek support as relevant from their own college (who should contact the All Souls Domestic Bursar) or the University Director of Student Welfare and Support Services. 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 Domestic Bursar, or wishes to make a complaint against the Domestic Bursar, advice may be sought from one of the College Harassment Advisers who will provide support throughout the complaints process. If the student or staff member does not feel comfortable contacting a College Harassment Adviser, they can contact the University Harassment Line for details of another adviser (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).

### **Submission of the complaint**

9. In the submission to the Domestic Bursar, Manciple, or a College Harassment Adviser the complainant should set out as clearly and succinctly as possible:
  - 9.1 the nature of the behaviour that they are concerned about;
  - 9.2 the effect of this behaviour on them; and

9.3 the resolution they are seeking.

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

10. Every effort will be made to achieve a prompt resolution to the complaint - the aim being to conclude the investigation (see paragraph 20 below) within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.
11. Both parties to the complaint have the right to be accompanied and supported if applicable: by a trade union representative or by a colleague of their choice from within the College at any meeting held under this procedure. If the complaint involves a student they may be accompanied by another student member of their college or a member of their college's welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service. These people must maintain appropriate confidentiality.
12. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Domestic Bursar or College Harassment Advisers consider 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 Warden or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

#### **Action by the Domestic Bursar on receipt of a complaint**

13. On receipt of a complaint, the Domestic Bursar or Manciple will, in consultation with an appropriate All Souls College Harassment Adviser in the event of a student or Fellow complainant, take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which may include:
  - 13.1 informing the person against whom a complaint has been made of the allegations against him or her;
  - 13.2 meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
  - 13.3 speaking to other relevant people on a confidential basis; and/or
  - 13.4 obtaining further relevant information.
14. The Domestic Bursar or Manciple will then decide how to proceed and will inform the parties in writing. They may make such enquiries as are necessary to determine the complaint, or may appoint a suitable alternative person to conduct the investigation where this is necessary to



maintain appropriate separation of duties or circumstances preclude them from concluding the matter in a timely fashion.

15. The Domestic Bursar may also determine that immediate interim action is necessary pending the outcome of a formal process.

### **Investigation**

16. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.
17. 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 Domestic Bursar, make recommendations on possible courses of action.
18. The Domestic Bursar will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the Domestic Bursar intends to take; and (iii) of the reasons for any such action.
19. The Domestic Bursar will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

### **Investigation procedure**

20. The procedure for an investigation will normally be as follows, but may be adapted by the Investigator to meet the needs of the case:-
  - 20.1 The Investigator will meet the complainant to confirm the details of the complaint.
  - 20.2 The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.
  - 20.3 The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
  - 20.4 The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
  - 20.5 The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
  - 20.6 Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
  - 20.7 The report will be forwarded to the Domestic Bursar, usually with a copy to the Warden or other relevant college officer(s). In cases involving students, consent should be sought from the complainant to inform their department or own college if appropriate. The Student

Welfare Lead in the student's own college will be asked to ensure that appropriate support is available to students following an investigation.

**Possible outcomes of a complaint** [*this paragraph is still subject to final University legal advice*]

21. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Domestic Bursar, in consultation with the Warden or other College officers and Manciple where appropriate and, in the event of a student complainant, the Student Welfare Lead in the student's own college, will either:
  - 21.1 Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.  
or
  - 21.2 Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve professional relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within the College that require management attention.  
or
  - 21.3 Institute disciplinary proceedings where the Domestic Bursar is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Domestic Bursar will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the Manciple, or relevant department.  
or
  - 21.4 In rare cases disciplinary action may be instituted against the complainant if the Domestic Bursar is satisfied that the complaint of harassment is unfounded and not made in good faith.

**Appeal from the Domestic Bursar's decision**

22. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the time scales specified. For staff see the Employee Handbook and for Fellows see procedures set out in By-Law XXXVI. If the complainant is a student, a Completion of Procedures letter<sup>7</sup> should be issued.

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<sup>7</sup> [update](#)

23. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they should write to the Warden of All Souls College, after which they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. They must do so within three months of the date of the Completion of Procedures letter.

### **Potentially criminal conduct**

24. 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.

### **Confidentiality**

25. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, the University, or to external bodies.
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 process must comply with the principles of the Data Protection Act 1998 and the College's [Data Protection Policy](#). 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 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.
29. The Domestic Bursar should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

# **Appendix 1**

## **Role of the All Souls College Harassment Advisers/Harassment Advisory Panel**

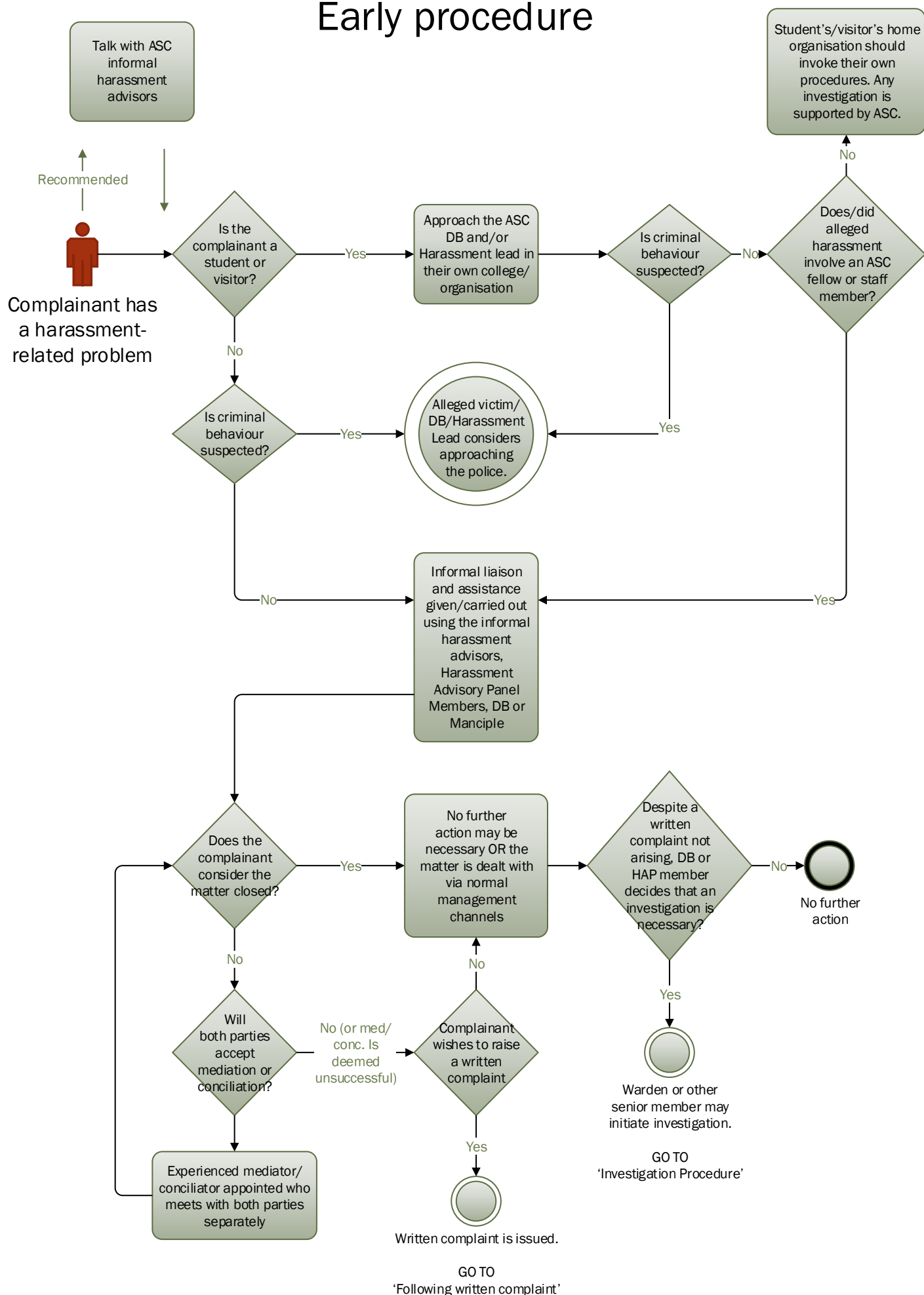
### **What can the Harassment Adviser(s) do:**

- Listen to Fellows, staff and 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 and provide similar support to those accused of harassment.
- Where requested, support individuals throughout the resolution of their concerns. This may include discussing with the individual what s/he may wish to say or write to the person whom s/he considers has harassed or bullied her/him or to a senior member of staff. This list is not exhaustive, but includes empowering and supporting the individual.
- Deal with all cases with the utmost confidentiality except in cases where there is an unacceptable risk to a member of staff, student or to the institution.

### **What the Harassment Adviser(s) cannot do:**

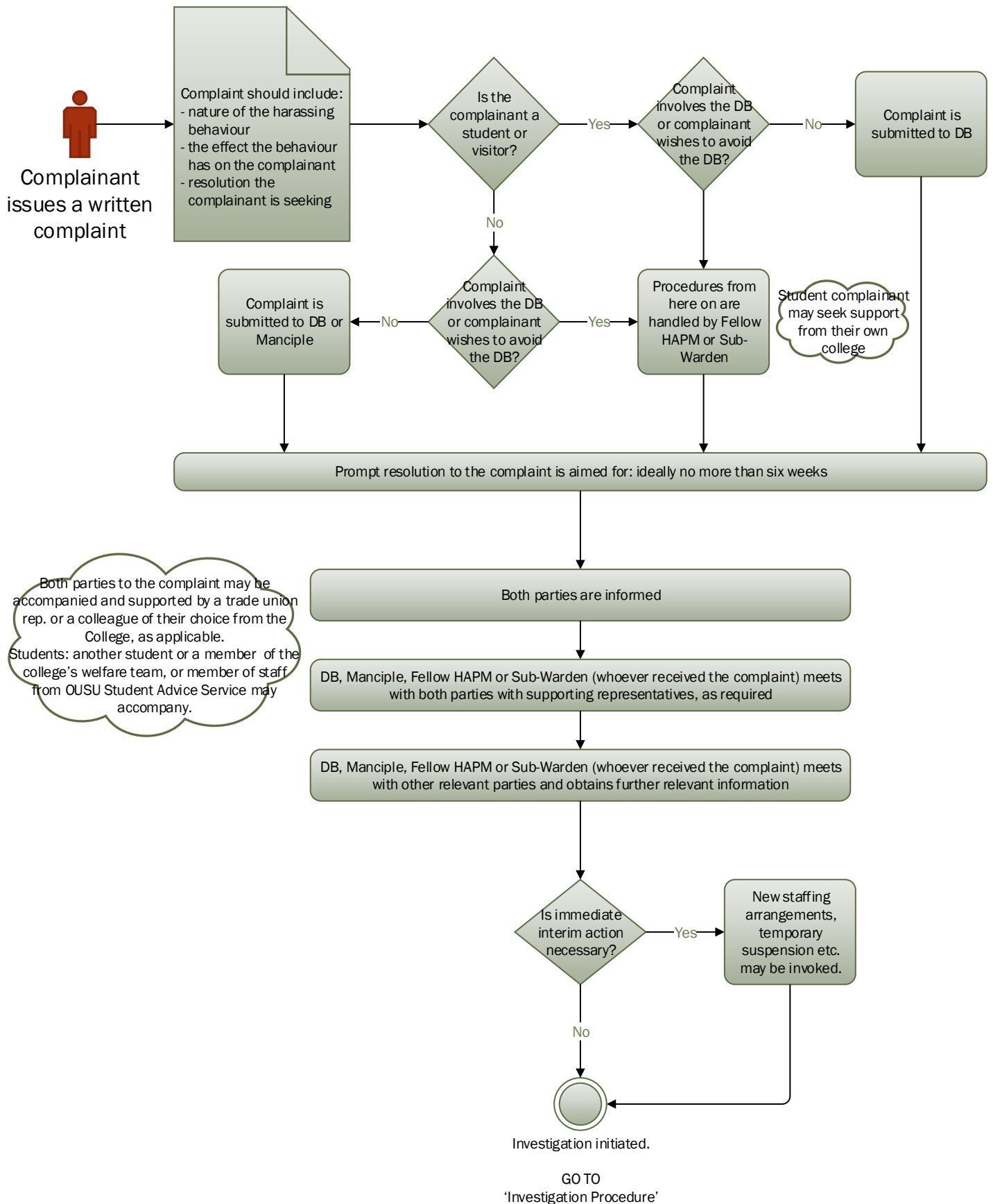
- Make statements to the effect that particular behaviour definitely constitutes harassment that will lead to disciplinary action or to the effect that a particular behaviour is NOT harassment.
- Approach the alleged harasser in an attempt to mediate or resolve the matter for you.
- Act as your representative or advocate; or
- be involved in any formal stage of the process, be it in writing the formal complaint, the investigation, disciplinary or grievance procedures, except by way of giving you the support you need during this time.

# Early procedure

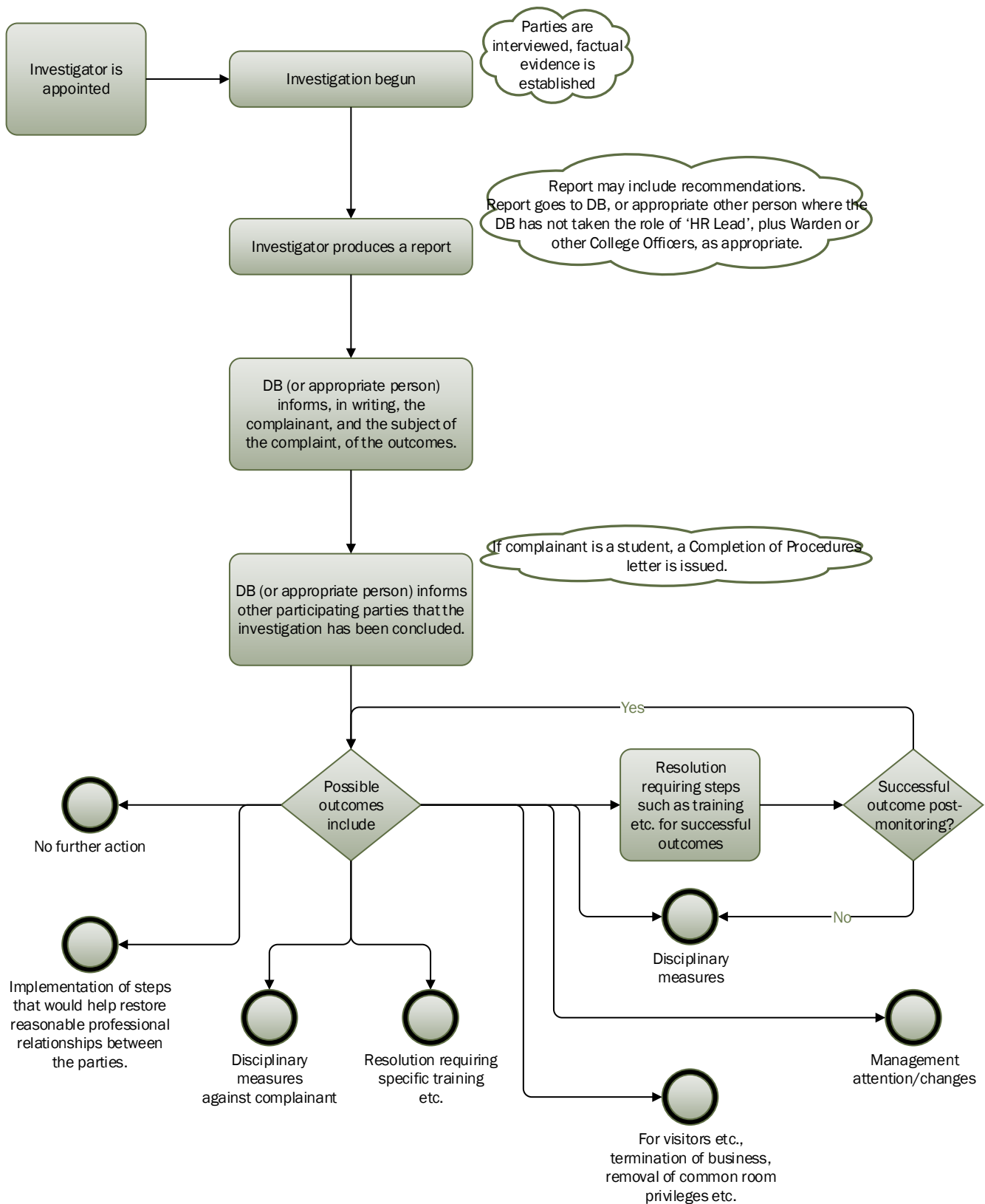


# Following written complaint

(after informal procedures are exhausted or bypassed)



# Investigation procedure



# Appeals procedure

