

Blackfriars Studium Harassment Procedure

A - Complaints against studium personnel

The procedure below applies in all cases where the subject of the complaint is a member of studium staff (including Fellows, academic, and non-academic staff).

Initial action

A complainant wishing to seek an informal resolution to a complaint may seek assistance from the Harassment Advisers, the Senior Tutor or the Pastoral Officers. Studium students may also seek help from the Studium Representative.

At no time should a complainant feel obliged to approach an alleged harasser.

Stage 1 – Informal action

Mediation or conciliation

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.

In the case of a complaint involving two members of staff, an experienced mediator or conciliator acceptable to both parties may be appointed. In the case of a complaint by a student against a member of staff, a Studium Officer may consult the Pastoral Officers. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties, although this period may be extended by agreement. Any agreed outcome will ordinarily be recorded in writing.

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

Stage 2 – Formal Action

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 Senior Tutor or the Vice Regent. A complainant wishing to complain against a senior Studium Officer may refer his or her complaint to the Regent.

Submission of the complaint

The complainant should set out clearly and succinctly in writing the following:

i) the nature of the behaviour about which he or she is complaining;

- ii) the effect of this behaviour;
- iii) the resolution he or she is seeking.

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

Every effort will be made to achieve a prompt resolution to the complaint, wherever possible within a period not exceeding six weeks. Both the complainant and the subject of the complaint will be expected to co-operate with Studium Officers in achieving a resolution within this period.

Both parties to the complaint have the right to be accompanied and supported by a representative or colleague of their choice at any meeting held under this procedure. If the complaint is made by a student, he or she may be accompanied by another student member. Any supporting individual must maintain appropriate confidentiality.

If an aggrieved party is not willing to make a formal complaint, but Studium Officers consider the matter to be serious or potentially serious, they may initiate an investigation and make a decision on further action on the basis of the evidence available.

Action by the Senior Tutor or Vice Regent on receipt of a complaint

On receipt of a complaint, the Senior Tutor or Vice Regent will, in consultation with Studium Officers as appropriate, take such steps as he or she thinks necessary or appropriate, including

- a) informing the staff member against whom a complaint has been made of the allegations;
- b) meeting separately with the complainant and the staff member, at which meetings both parties have the right to be accompanied;
- c) consulting other relevant people confidentially;
- d) obtaining further relevant information.

The Senior Tutor or Vice Regent may make such enquiries as are necessary to determine the complaint, or may commission an investigation and will inform the parties in writing of any decisions.

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

Investigation

The purpose of an investigation is to establish relevant factual evidence in connection with any allegation made by a complainant.

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 Senior Tutor or Vice Regent, make recommendations on possible courses of action.

The Senior Tutor or Vice Regent will notify in writing to the complainant and the subject of the complaint

- (i) the conclusions he or she has reached, including any investigation report;
- (ii) the action he or she intends to take;
- (iii) the reasons for any such action.

The Senior Tutor or Vice Regent will also inform any other parties involved in an investigation when the investigation has been concluded.

Investigation Procedure

Ordinarily, the investigator will

- a) meet the complainant to confirm the details of the complaint;
- b) forward the complaint to the subject of the complaint, together with any other relevant material that the he or she deems relevant;
- c) interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence;
- d) meet the subject of the complaint to hear his or her response to the complaint and any further evidence;
- f) prepare a written report of his or her findings;
- g) report on the investigation to the Senior Tutor or the Vice Regent, and, ordinarily where the complainant is a student, to the Pastoral Officers.

Possible outcomes of a complaint

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Senior Tutor or Vice Regent, in consultation with Studium Officers and the Pastoral Officers, 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. This approach will ordinarily be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

or

ii. initiate resolution of the issues, for example by requiring that 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 ordinarily be appropriate where the evidence does not support a claim of harassment, but where it is clear that either party has demonstrated behaviour that is likely to lead to further issues if unresolved or, alternatively, that there are structural issues within the studium requiring management attention.

or

iii. institute disciplinary proceedings where there is adequate evidence to vindicate allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Senior Tutor or Vice Regent will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with Studium Officers.

or

iv. institute disciplinary action against the complainant if the complaint of harassment is considered to be unfounded.

Appeal process

If either party does not accept the outcome of the complaint, including any judgment that the complaint was vexatious, he or she may invoke the relevant grievance or complaint procedure within the period specified in that procedure, except that in cases where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of a response to the disciplinary proceedings.

Confidentiality

Information concerning allegations of harassment will be shared only as strictly necessary and must, so far as is reasonable, be held in confidence by those with whom it is shared. Unwarranted disclosure of such allegations may attract disciplinary sanction. If a formal complaint is pursued, it may become necessary for information to be provided to others within the studium, the University, or to external bodies.

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

Records

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 reasonable.

The studium and all those involved in this process must comply with the principles of the EU General Data Protection Regulation and the UK Data Protection Act 2018. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not retained for longer than necessary.

The Data Protection Officer should be consulted about storage and retention of any notes and documents, all of which must be held in confidence.

Blackfriars Studium Harassment Procedure

B - Complaints against studium students

The procedure below applies in all cases where the subject of the complaint is a student of the studium.

In all cases both a student complainant and the subject of the complaint may seek advice and support from the Harassment Advisers and the Pastoral Officers.

A complaint of harassment by a member of the studium staff against a studium student will ordinarily be considered as a disciplinary issue. In the first instance, a member of staff should seek support and guidance from the Senior Dean or the Vice Regent, who may consult the Pastoral Officers.

In serious cases, it may be appropriate to proceed direct to stages 2 and 3 of this procedure.

This complaints procedure may not be applicable where the allegations are of behaviour that may attract criminal sanction, including, but not limited to, serious assault or threat of serious assault. This procedure principally addresses complaints of harassment which can be dealt with within the studium environment, but also where cases involve the police.

Stage 1 – Informal Action

A student who considers himself or herself to have been harassed by a studium student may choose to meet the alleged harasser to explain that certain behaviour has been upsetting, offensive or unacceptable, and to request that such behaviour is not repeated, but at no time should a complainant feel obliged to approach an alleged harasser.

Stage 2 – Advice, mediation or conciliation

If informal action does not succeed in resolving the situation, or if it would not be appropriate given the nature of the behaviour, the Pastoral Officers and the Harassment Advisers remain available to give support and advice to any student who feels that he or she is being harassed or to any student who is the subject of a complaint of harassment. The Pastoral Officers and the Harassment Advisers will support individuals throughout the process and following the outcome of any formal complaint. Where both a complainant and an alleged harasser are seeking support from studium staff, different staff members will support each party, and will maintain appropriate confidentiality.

Actions taken by the Pastoral Officers or other staff will vary according to the particular case, and may include advising on ways to proceed or referring the student to appropriate support services.

Actions taken by the Harassment Advisers may include:

a) facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree to this. An experienced mediator or conciliator acceptable to both parties will normally be identified by Studium Officers. 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 period 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.

b) ensuring that relevant members of staff within the studium are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

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 principles of the EU General Data Protection Regulation and the UK Data Protection Act 2018. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not retained for longer than necessary.

Stage 3 – Formal action

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 Senior Dean or the Vice Regent.

Submission of the complaint

The complainant should set out clearly and succinctly in writing the following:

- i) the nature of the behaviour about which he or she is complaining;
- ii) the effect of this behaviour;
- iii) the resolution he or she is seeking.

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

Every effort will be made to achieve a prompt resolution to the complaint, wherever possible within a period not exceeding four weeks. Both the complainant and the subject of the complaint will be expected to co-operate with Studium Officers in achieving a resolution within this period.

Both parties to the complaint have the right to be accompanied and supported by a representative or colleague of their choice at any meeting held under this procedure. If the complaint is made by a student, he or she may be accompanied by another student member. Any supporting individual must maintain appropriate confidentiality.

If an aggrieved party is not willing to make a formal complaint, but Studium Officers consider the matter to be serious or potentially serious, they may initiate an investigation and make a decision on further action on the basis of the evidence available.

Action by the Senior Dean or Vice Regent on receipt of a complaint

On receipt of a complaint, the Senior Dean or Vice Regent will, in consultation with Studium Officers as appropriate, take such steps as he or she thinks necessary or appropriate, including

- a) informing the staff member against whom a complaint has been made of the allegations;
- b) meeting separately with the complainant and the staff member, at which meetings both parties have the right to be accompanied;
- c) consulting other relevant people confidentially;
- d) obtaining further relevant information.

The Senior Dean or Vice Regent may make such enquiries as are necessary to determine the complaint, or may commission an investigation and inform the parties in writing of any decisions.

The Senior Dean or Vice Regent may also determine that immediate interim action is necessary pending the outcome of a formal process.

Investigation

The purpose of an investigation is to establish relevant factual evidence in connection with any allegation made by a complainant.

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 Senior Dean or Vice Regent, make recommendations on possible courses of action.

The Senior Dean or Vice Regent will notify in writing to the complainant and the subject of the complaint

- (i) the conclusions he or she has reached, including any investigation report;
- (ii) the action he or she intends to take;
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The Senior Dean or Vice Regent will also inform any other parties involved in an investigation when the investigation has been concluded.

Investigation Procedure

Ordinarily, the investigator will

- a) meet the complainant to confirm the details of the complaint;
- b) forward the complaint to the subject of the complaint, together with any other relevant material that the he or she deems relevant;

- c) interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence;
- d) meet the subject of the complaint to hear his or her response to the complaint and any further evidence;
- f) prepare a written report of his or her findings;
- g) report on the investigation to the Senior Dean or the Vice Regent, and, ordinarily where the complainant is a student, to the Pastoral Officers.

Possible outcomes of a complaint

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Senior Dean or Vice Regent, in consultation with Studium Officers and the Pastoral Officers, 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. This approach will ordinarily be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

or

ii. refer either or both parties to appropriate support services;

or

iii. initiate resolution of the issues, for example by requiring that individuals undergo specific training, or implementing practical arrangements to improve relationships, or limiting contact between parties. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will ordinarily be appropriate where the evidence does not support a claim of harassment, but where it is clear that either party has demonstrated behaviour that is likely to lead to further issues if unresolved, or that there are structural issues within the studium requiring management attention.

or

iv. institute disciplinary proceedings where there is adequate evidence to vindicate allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Senior Dean or Vice Regent will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with Studium Officers.

or

iv. institute disciplinary action against the complainant if the complaint of harassment is considered to be unfounded.

Appeal process

If either party does not accept the outcome of the complaint, including any judgment that the complaint was vexatious, he or she may invoke the relevant grievance or complaint procedure within the period specified in that procedure, except that in cases where the decision is to refer

the matter for disciplinary action, any matters of dispute will usually be considered as part of a response to the disciplinary proceedings.

Confidentiality

Information concerning allegations of harassment will be shared only as strictly necessary and must, so far as is reasonable, be held in confidence by those with whom it is shared. Unwarranted disclosure of such allegations may attract disciplinary sanction. If a formal complaint is pursued, it may become necessary for information to be provided to others within the studium or to external bodies.

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

Records

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 reasonable.

The studium and all those involved in this process must comply with the principles of the EU General Data Protection Regulation and the UK Data Protection Act 2018. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not retained for longer than necessary.

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