

Key Personnel:

Vice-Regent: Fr. Bruno Clifton

Senior Tutor: Dr. Clare Broome Saunders

Senior Dean: Prof. Michael Scott

Welfare Officers: Fr. Robert Gay, Sr. Winnie McGarry

Harassment Advisors: Dr. Elizabeth Hutton, Dr. Nicholas Waghorn

Hall Bursar: Mrs Anneli Chambliss Howes

Complaints of Harassment against Hall Personnel

The Procedure below applies in all cases where the person who is the subject of the complaint is a member of Hall staff (to include Fellows, Academic, and Non-Academic staff).

Initial Action

The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a member of the Hall wishes to seek informal resolution, s/he should approach the Hall Harassment Advisors. Members of staff may also approach the Senior Tutor to ask for help in achieving a resolution of the problem, and Hall students may approach the JCR/MCR Welfare Representative or Welfare Officers. At no time should a member of the Hall feel obliged to approach an alleged harasser.

In addition, if the student or staff member does not feel comfortable contacting a Hall Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk).

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 can be appointed – the University’s Equality and Diversity Unit (EDU) has access to a pool of trained mediators. In the case of a complaint involving a member of staff and a student, a Hall Officer may consult with the Welfare Officers, the EDU (01865 270760, e-mail harassment.line@admin.ox.ac.uk) and/or the office of the University’s 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.

Complaints Procedure

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, if the complainant feels it is not appropriate to approach that person, the Vice Regent. 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 a senior Hall officer, or wishes to make a complaint against a head of department or senior Hall officer, advice may be sought from the Welfare Officers, the EDU (01865 270760, e-mail harassment.line@admin.ox.ac.uk) and/or the office of the University's Director of Student Welfare and Support Services. Students and staff can seek support from the Hall Harassment Advisors throughout the complaints process. If the student or staff member does not feel comfortable contacting a Hall Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or email harassment.line@admin.ox.ac.uk).

Submission of the complaint

In the written submission of their complaint, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behavior on her/him; and (iii) the resolution s/he 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 and the outcome s/he is seeking.

Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint 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 Hall in achieving that result.

Both parties to the complaint have the right to be accompanied and supported by a trade union representative or by a colleague of his or her choice from within the Hall at any meeting held under this procedure. If the complaint involves a student s/he may 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.

There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but senior members of the Hall 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 Senior Tutor or the Moderators may initiate an investigation and make a decision on further action on the basis of such evidence as is 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 Hall Officers as appropriate, take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which may include:

- a) informing the person against whom a complaint has been made of the allegations against them;
- b) meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
- c) speaking to other relevant people on a confidential basis; and/or
- d) obtaining further relevant information.

The Senior Tutor (or Vice Regent) will then decide how to proceed and will inform the parties in writing. S/he may make such enquiries as are necessary to determine the complaint, or may commission an investigation, where circumstances preclude her or him from concluding the matter in a timely fashion.

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 the relevant factual evidence in connection with the allegation(s) made by the 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 inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions she or he has reached having reviewed the evidence, including any investigation report; (ii) of the action the Senior Tutor (or Vice Regent) intends to take; and (iii) of the reasons for any such action.

The Senior Tutor (or Vice Regent) will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Investigation Procedure

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 interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- d) The investigator will meet the person complained against to hear his/her response to the complaint and any further evidence that has come to light.
- e) The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- f) Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of her/his findings, in relation to which s/he may check relevant sections in draft with the parties before finalising.
- g) The report will be forwarded to the Senior Tutor (or Vice Regent), and, if the complainant is a student, normally to the Welfare 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 Hall Officers and the Welfare 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 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

ii. 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 Hall that require management attention.

Or

iii. Institute disciplinary proceedings where the Senior Tutor (or other relevant senior member), is reasonably satisfied that 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 Hall Officers.

Or

iv. In some cases disciplinary action may be instituted against the complainant if the Senior Tutor (or Vice Regent), is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal process

If either party does not accept the outcome of the complaint (including any judgment that the complaint was vexatious), s/he 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, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

Confidentiality

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 Hall, the University, or to external bodies.

Those to whom disclosure may be made outside the Hall include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts. The Hall 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

The Hall 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 kept for longer than necessary.

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.

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

Complaints of Harassment against students

This Procedure is designed to deal with student complaints of harassment by other students that arise in a Hall context. Complaints of harassment brought by students against Hall-only staff will be dealt with under the staff Procedure above, and complaints by students against University staff will be dealt under the University. In all cases a student complainant may seek support from the Harassment Advisors, the Welfare Officers 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 Hall procedures, they should seek advice from the Welfare Officers, a Harassment Advisor, or the Director of Student Welfare and Support Services.

If a member of Hall staff wishes to make a complaint of harassment against a student, this will normally be considered as a disciplinary issue. In the first instance, a member of staff should seek support and guidance from the Senior Tutor or the Vice Regent, who should consult the Welfare Officers and/or the Director of Student Welfare and Support Services as relevant.

In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

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, serious assault or threat of serious assault. This Procedure therefore focuses on complaints of harassment which can be dealt with within the Hall environment. However, it also includes the procedure for informing and receiving support from the Hall in cases where there is police involvement.

Stage 1 - Informal Action

In some cases, a student who feels that s/he is being harassed by another student may feel able to approach the person in question to explain what conduct s/he 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 Hall does not wish to suggest that a student who feels that s/he has been harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.

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 the Hall, 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 or on the Blackfriars website.

Other sources of advice when considering informal resolution include the Welfare Officers, JCR and MCR Welfare Representatives, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or email advice@ousu.org).

These sources of support and advice are also available to students who have been accused of harassment.

Stage 2 - Student Welfare and Support Services

If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Welfare Officers and Harassment Advisors are available for support and advice to any student who feels that they are being harassed.

The Welfare Officer will refer the student to a staff member trained in dealing with harassment cases, normally a Harassment Advisor. This staff member will be available to support the student throughout the process, including if they decide to move to stage 3 and make a formal complaint, and will also provide support following the outcome of any formal complaint.

Actions taken will vary depending on the case. Actions taken by the trained staff member 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).

Actions taken by the Harassment Advisors or Welfare Officers may include:

- a) 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 identified by the Hall. 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.
- b) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the Hall environment and within the University environment.
- c) Ensuring that relevant members of staff within the University are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

Support from the Welfare Officers and the Harassment Advisors 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 that they are being harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The Welfare Officer or Harassment Advisor 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.

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 kept for longer than necessary.

Stage 3 - Formal Written Complaint

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 Senior Dean. 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.

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.

The complainant should set out as clearly and succinctly as possible (i) the nature of the behavior that s/he is concerned about; (ii) the effect of this behaviour on her/him; and (iii) where possible, the resolution s/he 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 and, where possible, the outcome s/he is seeking. 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 Senior Dean may request further information.

The Senior Dean, or another person appointed by him/her, will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include:

- a) informing the person against whom a complaint has been made of the allegations against him or her;
- b) meeting separately with the complainant and the alleged harasser;
- c) speaking to other relevant people on a confidential basis; and/or

d) obtaining further relevant information.

At all times both parties will have the right to be accompanied at meetings by another student member of the Hall, a Welfare Officer or JCR/MCR Welfare Representative a senior member of the Hall, or a member of staff from OUSU's Student Advice Service.

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 Hall in achieving that result. If it is not possible to resolve the issue within this time frame, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.

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.

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.

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

a) Deciding that the alleged harasser should face disciplinary procedures.

b) Taking actions in Hall, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The Senior Tutor will have responsibility for implementing and monitoring any actions. The Welfare Officers and University Director of Student Welfare and Support Services will be available to advise.

c) Referring either or both parties to appropriate support services.

d) Referring a case to the University, if it becomes apparent that the alleged harassment did in fact take place outside of the Hall environment and within the University environment.

e) 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.

f) In some 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.

g) Referring either or both parties to appropriate support services.

If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, s/he may be able to apply to the Proctors Office for a review of the case.

Following the outcome of the complaint, the Welfare Officers 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

On occasion, complaints of harassment which should be considered under this Procedure may be made to members of the Hall other than the Senior Dean, Welfare Officers, or the Harassment Advisors. In this situation, the complainant should be asked if they would like the case referred to the Senior Dean and/or the Welfare Officers, and/or the Harassment Advisors, so that they can receive support from a trained member of the Hall.

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, members of the Hall can contact the Director of Student Welfare and Support Services' office for advice on a confidential basis.

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 Senior Dean or Hall Officers 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 Senior Dean may initiate an investigation and make a decision on further action on the basis of such evidence as is available. 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 level within the Hall.

Potentially Criminal Misconduct

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. In the first instance such allegations will normally be a matter for police investigation and action.

Support for any student affected by such an incident may be sought from the Welfare Officers which may take advice from the office of the Director of Student Welfare and Support Services.

In addition the Senior Dean, the Welfare Officers, and the Harassment Advisors (in consultation with 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 necessary. Issues including

but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Confidentiality

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 Hall or to external bodies.

Those to whom disclosure may be made outside the Hall include the police, the Office of the Independent Adjudicator (“OIA”) and the civil and criminal courts. The Hall 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

The Hall and all those involved in this Procedure 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 kept for longer than necessary.

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 Hall’s internal processes and any external processes are concluded.

The Data Protection Officer should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.