

Merton College, Oxford

Policy and Procedure on Harassment

Introduction

1. Merton College does not tolerate any form of harassment, bullying, or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

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. Members of the Governing Body and those in positions of authority within the College, such as College Officers, Heads of Department, and all other managers, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. College Officers, Heads of Department, and all other managers, have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas 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) Advising any member of the College who may wish to bring a complaint of this procedure, and providing appropriate assistance to any member of College who wishes to make a formal complaint.

6. This Policy and Procedure is designed to deal with harassment which occurs primarily within the environment of one or more colleges. Incidents of harassment that occur outside the college environment and/or solely within the University environment will normally be dealt with under the appropriate University procedure.¹ If there is doubt as to whether the College or University procedure applies, 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. This Policy and Procedures should be read alongside other Merton College policies and procedures, including Bylaw XIB: Concerning Discipline for Serious Misconduct, and any other relevant policies and procedures. These can be found at:

https://intranet.merton.ox.ac.uk/sites/intranet.merton.ox.ac.uk/files/page_attachment/Merton-College-Bylaws.pdf.

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: www.admin.ox.ac.uk/eop/harassmentadvice.shtml

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.²

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

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.

¹ www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/

² Statute XI: University Discipline (www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342)

11. **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.

12. 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:

- 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; or
- g) is suspected of having done any of the above.

Behaviours

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

14. 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.

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

16. 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 (and therefore the College's) Regulations relating to the use of Information Technology Facilities;
 - 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.

17. 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 disability, race or 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) setting impossible deadlines or imposing unmanageable workloads, for example by persistently overloading an individual with work that they cannot reasonably be expected to complete within the required timescales;
- 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.

18. **Stalking** may also be a form of harassment and may be characterised by 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.

Application of the Policy

19. 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 staff or Fellows; and Annexe B for the Procedure in relation to complaints about students.

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 Junior Members' Harassment Advisors, the Chaplain, or the University's Director of Student Welfare and Support Services and/or approach the Police directly; and staff members can seek advice from the Staff Harassment Advisors, the Domestic Bursar, or the HR Manager and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/>.

21. 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/

22. 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.

23. 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.

24. This Policy and Procedure may be found at www.merton.ox.ac.uk/college-policies or is available in hard copy from the Sub Warden's Office. Copies in alternative formats are available on request.

Procedures

Annexe A: Complaints of harassment against College staff or Fellows

Annexe B: Complaints of harassment against students

Annexe C: Sources of advice

Annexe A: Complaints of Harassment against College staff or Fellows

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff, or who has an association with a particular college, short of an employment contract. The Domestic Bursar will have oversight of all cases relating to members of College staff, and the Sub Warden will have oversight of all cases relating to Fellows. In each case the relevant Officer will take the lead as appropriate in liaising with other parts of the collegiate University.

2. Where the complainant is a student, support during this process will be provided by the Chaplain or one of the Junior Members' Harassment Advisors and, where relevant, the office of the 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.

Initial action

4. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a member of staff wishes to seek informal resolution, they should approach the Domestic Bursar (in the case of College staff), the Sub Warden (in the case of Fellows), or the Staff Harassment Advisors to ask for help in achieving a resolution of the problem. Students should seek support from the Junior Members' Harassment Advisors or from the Chaplain. At no time should a student or staff member feel obliged to approach an alleged harasser. In cases where it is not immediately clear to whom an approach should be addressed, or if the complainant feels it is not appropriate to approach the Domestic Bursar or the Sub Warden, or wishes to make a complaint against one of these Officers, advice may be sought from the Harassment Advisors or from the Chaplain. In addition, if the student or staff member does not feel comfortable contacting a College 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

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 members of staff, an experienced mediator or conciliator acceptable to both parties can be appointed - there are trained mediators in the colleges and 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 College Officer may consult with the Chaplain, the EDU (01865 270760, e-mail harassment.line@admin.ox.ac.uk) and/or the office of the Director of Student Welfare and Support Services. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.

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 the Sub Warden (see paragraph 1 above). If the complainant is a student, the complaint should be submitted to the Chaplain who will then communicate it to the Domestic Bursar or the Sub Warden as appropriate. A student complainant may also seek support as relevant from the 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 the Sub Warden, or wishes to make a complaint against one of these Officers, advice may be sought from the Harassment Advisors or from the Chaplain. Students and staff can seek support from College Harassment Advisors throughout the complaints process. If the student or staff member does not feel comfortable contacting a College 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).

Submission of the complaint

9. In their submission, the complainant should 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) 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 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 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 the College or a member of the 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 College Officer who is taking the lead in the case considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the Head of House 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 College Officer Lead on receipt of a complaint

13. On receipt of a complaint, the College Officer Lead will, in consultation with College Officers as appropriate and/or the HR Manager, 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.

14. The College Officer Lead 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 commission an investigation, where circumstances preclude them from concluding the matter in a timely fashion.

15. The College Officer Lead 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 College Officer Lead, make recommendations on possible courses of action.

18. The College Officer Lead 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 College Officer Lead intends to take; and (iii) of the reasons for any such action.

19. The College Officer Lead 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:

- 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 their 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 their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
- g) The report will be forwarded to the College Officer Lead and, if the complainant is a student, normally to the Chaplain. In cases involving students, consent should be sought from the complainant to inform their department if appropriate. The Chaplain will ensure that appropriate support is available to students following an investigation.

Possible outcomes of a complaint

21. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the College Officer Lead, in consultation with other relevant College Officers including, in the event of a student complainant, the Chaplain, will either:

- a) 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
- b) 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

- c) Institute disciplinary proceedings where the College Officer Lead 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 College Officer Lead will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department.

or

- d) In rare cases disciplinary action may be instituted against the complainant if the College Officer Lead is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal from the College Officer Lead'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 Grievance Procedure in the *Staff Handbook* and for students see the Junior Members' Complaints Procedure in the *Handbook for Junior Members*. If the complainant is a student, a Completion of Procedures letter should be issued.

23. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, 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 EU General Data Protection Regulation and the UK Data Protection Act 2018.³ 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 Data Protection Officer should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

³ www.merton.ox.ac.uk/privacy

Annexe B: Complaints of harassment against students

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context. Complaints of harassment brought by students against College-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 will be supported by the Chaplain 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 the Chaplain, a Junior Members' Harassment Advisor, or the Director of Student Welfare and Support Services.

2. If a member of College 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 Domestic Bursar (in the case of College staff) or the Sub Warden (in the case of Fellows), who should consult the Chaplain and/or the Director of Student Welfare and Support Services as relevant.

3. The Chaplain and the Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Chaplain will have oversight⁴ of all cases referred to them under this Procedure, and will take the lead as appropriate in liaising with other parts of the collegiate University. The Chaplain will act as a source of information and advice for the College on student cases of harassment, and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to their office under this Procedure.

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

5. This 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.

Stage 1 - Informal action

⁴ Oversight in this context refers to the **Chaplain** being aware of all cases so as to ensure the provision of appropriate support to students.

6. 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 stages 2 and 3 of the procedure.

7. Before taking informal action, the student could discuss the situation with a Junior Members' Harassment Advisor. If the student does not feel comfortable contacting a Harassment Advisor, they can contact the University 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/media/global/wwwadminoxacuk/localsites/equalityanddiversity/documents/harassment/role.pdf.

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

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

Stage 2 - Student Welfare and Support Services

10. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Chaplain and Junior Members' Harassment Advisors are available for support and advice to any student who feels that they are being harassed. Students can contact the Chaplain by e-mail: simon.jones@merton.ox.ac.uk.

11. The Chaplain will refer the student to a staff member trained in dealing with harassment cases, normally a Junior Members' 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. The Chaplain will oversee all cases, and will advise and take action as appropriate. Actions taken will vary depending on the case. Actions taken by the trained staff member may include:

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

12. Support from the Chaplain and the Junior Members' 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 Chaplain will ensure that, where a complainant and a student complained against are both seeking support, they will be dealt with by different members of staff, who will maintain appropriate confidentiality.

13. Support from the Chaplain and the Junior Members' Harassment Advisors is also available to students who wish to make or have made a complaint of harassment against a member of staff, under the Staff Procedure in Annexe A.

14. Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the principles of the EU General Data Protection Regulation and the UK Data Protection Act 2018.⁵ These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

⁵ www.merton.ox.ac.uk/privacy

Stage 3 - Formal written complaint

15. If action taken at stages 1 or 2 does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the student should make a formal written complaint to the Principal of the Postmasters. 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.

16. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any resolution attempts made at stages 1 and 2.

17. The complainant should 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 2, this may be sent as their formal written complaint, with the proviso that the Principal of the Postmasters may request further information.

18. The Principal of the Postmasters or another person appointed by them, 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 College, a member of the College welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service.

19. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of one month. Both the complainant and the student who is the subject of the complaint will be expected

to co-operate with the 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.

20. At all times both the complainant and the student complained against will be kept informed of proceedings, and will be referred as appropriate to sources of support and advice. Both parties will be informed in writing of the outcome of the investigation of the complaint.

21. In some circumstances, in the interests of the complainant and/or the student complained about, it may be necessary for interim action to be taken, pending the outcome of the investigation. This may include making arrangements to limit contact between the parties concerned.

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

- a) Deciding that the alleged harasser should face disciplinary procedures.⁶
- b) Taking actions in College, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The Principal of the Postmasters or head of department will have responsibility for implementing and monitoring any actions. The Chaplain 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 transpires that the alleged harassment did in fact take place outside of the college 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 rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.

23. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may invoke the Junior Members' Complaints Procedure in the *Handbook for Junior Members*. A Completion of Procedures letter should be issued. If a student complainant is not satisfied with the outcome following the investigation of the formal written

⁶ See Bylaw XIB: Concerning Discipline for Serious Misconduct:
https://intranet.merton.ox.ac.uk/sites/intranet.merton.ox.ac.uk/files/page_attachment/Merton-College-Bylaws.pdf

complaint, 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. The complainant should seek advice from the Chaplain or a Junior Members' Harassment Advisor if they are considering taking this action.

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

25. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Chaplain considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the Head of House or other senior member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Referrals

26. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff or College Officers other than the Chaplain. In this situation, staff or College Officers should explain the Procedure, and ask the complainant if they would like the case referred to the Chaplain, so that they can receive support from a trained staff member, or submit a formal written complaint.

27. If a student does not wish to seek support and advice, or to make a complaint under stages 2 or 3 of this Procedure, or if there are queries about the procedure to be followed, staff can contact the Chaplain or the Director of Student Welfare and Support Services for advice on a confidential basis.⁷

28. There may be occasions where a student does not wish to seek support and advice or to make a complaint under stages 2 or 3 of this Procedure, but where the Chaplain considers 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 Chaplain 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.

⁷ Any member of the collegiate University can also contact the Proctors for advice and information on any matter.

Potentially criminal misconduct

29. 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. 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:

<http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/>. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

30. Support for any student affected by such an incident may be sought from the Chaplain, the Junior Members' Harassment Advisors or any other College Officer as appropriate.

31. In addition the Chaplain 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

32. 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 College, the University, or to external bodies.

33. 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

34. The College 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 2018.⁸ These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

35. 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.

36. 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.

⁸ www.merton.ox.ac.uk/privacy

Annexe C: Sources of advice

1. The sources of advice set out below are available to:

- anyone who believes that they be being harassed, and who wishes to discuss any concerns in confidence;
- anyone who has been told that their conduct is perceived as harassing.

2. The College has a number of Harassment Advisors who for 2018-2019 are as follows:

- Junior Members' Harassment Advisors: Professor Rhiannon Ash and Dr Matt Hosty
- Staff Harassment Advisors: Rev'd Canon Dr Simon Jones and Dr Rachel Buxton

3. The University's Harassment Advisory Service is also available to staff and students. It comprises a network of around 300 voluntary advisors, supported by the University's Equality and Diversity Unit (EDU).

4. If a local advisor is not available or it would not be appropriate to contact them (for example, if the individual were a close colleague or manager or supervisor) the central Harassment Line will provide details of another advisor, in confidence. Contact: (2)70760 or harassment.line@admin.ox.ac.uk.

5. The role of a Harassment Advisor is to listen non-judgementally to individuals' concerns and provide them with support by:

- Guiding them through this Policy and relevant procedures, clarifying the options open to them and assisting them to resolve the matter informally where possible;
- Where requested, supporting them through the resolution process, whether formal or informal;
- Dealing with all cases with the utmost confidentiality except where there is an unacceptable risk to a student, a member of staff or to the College; and
- Referring them to another advisor where necessary or to other agencies or support systems as appropriate.

6. Harassment advisors do not:

- Approach the alleged harasser in an attempt to mediate or resolve the matter;
- Act as a representative or advocate; or

- Act as a party to any formal stage of the complaint process, except in the role of providing support.

Full details may be found at www.admin.ox.ac.uk/eop/harassmentadvice.

7. Students may also contact:

- The College Welfare Team: www.merton.ox.ac.uk/welfare;
- JCR or MCR Welfare Representatives;
- Student Peer Supporters;
- The Director of Student Welfare and Support Services' office:
director.swss@admin.ox.ac.uk
- OxSU's Student Advice Service, which is independent from the University and provides impartial advice and guidance:
<https://www.oxfordsu.org/resources/0/Harassment-Supporter-Resources/>
- The Proctors' Office: www.admin.ox.ac.uk/proctors/contact
email: proctors.office@proctors.ox.ac.uk, telephone: 01865 (2)70090
- The Student Counselling Service:
www.ox.ac.uk/students/welfare/counselling
email: counselling@admin.ox.ac.uk, telephone: 01865 270300
- Nightline: users.ox.ac.uk/~nightln, telephone: 01865 270 270, Skype: 'oxford nightline'

8. Other sources of general help, and information on how the University's Harassment Service as a whole is monitored and evaluated, can be found at: www.admin.ox.ac.uk/eop/harassmentadvice.shtml.

9. Further guidance on resources in cases of sexual assault or sexual violence is available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure.