

Annex A: Complaints of harassment against College non-academic, academic related staff and Fellows

1. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College non-academic staff, academic related staff or Fellow, or who has an association with a particular college, short of an employment contract. The Domestic Bursar will have oversight of all cases involving College non-academic staff, and will take the lead as appropriate in liaising with other parts of the collegiate University. In cases involving academic related staff or Fellows holding College only posts, the Senior Tutor will take the lead as appropriate including liaising with other parts of the collegiate University. In cases of a complaint against a Fellow holding a joint appointment, the complaint will normally be referred to the University.
2. Where the complainant is a student, support during this process will be provided by the Dean of Welfare and, where relevant, 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 to ask for help in achieving a resolution of the problem. Academic related staff and Fellows should approach the Senior Tutor for help. Students should seek support from the Dean of Welfare. At no time should a student or staff member feel obliged to approach an alleged harasser.

Complaints procedure

5. 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. If the complainant is a Fellow or academic related staff, the complaint should be submitted to the Senior Tutor. If the complainant is a student, the complaint should be submitted to the Dean of Welfare who will then communicate it to the Domestic Bursar or Senior Tutor. A student complainant may also seek support as relevant from the University Director of Student Welfare and Support Services. In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the Domestic Bursar or Senior Tutor, or wishes to make a complaint against the Domestic Bursar or Senior Tutor, advice may be sought from Harassment Advisors or the Dean of Welfare. 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

6. In the submission to the Domestic Bursar, Senior Tutor or Dean of Welfare, 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.

7. 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.

8. 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.
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9. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Domestic Bursar, Senior Tutor or Dean of Welfare 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 Domestic Bursar or Senior Tutor on receipt of a complaint

10. On receipt of a complaint, the Domestic Bursar or Senior Tutor will, in consultation with the Dean of Welfare in the event of a student complainant, 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 him or her;
- 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.

11. The Domestic Bursar or Senior Tutor 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.

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

Investigation

13. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. The President shall appoint a Senior Member as Investigator.

14. As a general rule, the Investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may, if specifically requested to do so by the Domestic Bursar or Senior Tutor, make recommendations on possible courses of action.

15. The Domestic Bursar or Senior Tutor will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the Domestic Bursar or Senior Tutor intends to take; and (iii) of the reasons for any such action.

16. The Domestic Bursar or Senior Tutor will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Investigation procedure

17. 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 President, usually with a copy to the Domestic Bursar or Senior Tutor, and, if the complainant is a student, normally to the Dean of Welfare. In cases involving students, consent should be sought from
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the complainant to inform their department particularly in matters affecting academic performance. The Dean of Welfare will ensure that appropriate support is available to students following an investigation.

Possible outcomes of a complaint [Note: this paragraph is still subject to final University legal advice and may be revised accordingly in the future.]

18. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Domestic Bursar or Senior Tutor, in consultation with the President, and in the President's absence, the Vice-President and, in the event of a student complainant, the Dean of Welfare, 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 Domestic Bursar or Senior Tutor is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Domestic Bursar or Senior Tutor will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant head of department.
or
- d) In rare cases disciplinary action may be instituted against the complainant if the Domestic Bursar or Senior Tutor is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal from the Domestic Bursar's or Senior Tutor's decision

19. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the time scales specified. For staff see the Staff Handbook and for students see the Junior Member Handbook and College Rules. If the complainant is a student, a Completion of Procedures letter should be issued.

20. 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

21. 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

22. 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.

23. 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

24. The College and all those involved in this process must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
25. 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.
26. The Domestic Bursar and Senior Tutor, and if the student is a complainant, the Dean of Welfare, should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.
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