

## Annex 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 Dean of Welfare and, if appropriate, the University 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 Dean, the Dean of Welfare, the University Director of Student Welfare Support Services, or a College or University Harassment Advisor.
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, who should consult the Dean, Dean of Welfare or the University Director of Student Welfare and Support Services as relevant.
3. The Dean of Welfare and College and University Harassment Advisors can provide support to students, and to staff requiring advice on student cases. The Dean of Welfare will have oversight<sup>1</sup> 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 Dean of Welfare 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 along with the Academic Registrar 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

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 College Harassment Advisor. If the student 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](mailto: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](http://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 Senior Tutor, Senior Member Welfare Tutors, Tutor for Graduates, JCR and MCR officers, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail [advice@ousu.org](mailto:advice@ousu.org)). Junior Members should note that reporting an incident of harassment to another Junior Member does not constitute reporting it to the College authorities.
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 Dean of Welfare and College and University Harassment Advisors are available for support and advice to any student who feels that they are being harassed.
11. The Dean of Welfare 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. The Dean of Welfare will oversee all cases, facilitating access to welfare and support for all parties concerned and will advise and

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<sup>1</sup> Oversight in this context refers to the Dean of Welfare and Academic Registrar being aware of all cases so as to ensure the provision of appropriate support to students.

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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 Dean of Welfare may include:

- a) 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
- b) 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 Dean of Welfare and Harassment Advisors, or those designated by them 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. The Dean of Welfare 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 Dean of Welfare and 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 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.

### **Stage 3 - Formal 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 complaint to the 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.

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, preferably in writing, in their first or second meeting with the Dean

- 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 a formal written complaint, with the proviso that the Dean may request further information. A transcript, signed by the individual interviewed, will be made of any interview conducted by the Dean pertaining to the complaint.

18. The Dean 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

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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:

- Deciding that the alleged harasser should face disciplinary procedures<sup>2</sup>
- Taking actions in College, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The President or head of department will have responsibility for implementing and monitoring any actions. The Dean and Dean of Welfare and University Director of Student Welfare and Support Services will be available to advise
- Referring either or both parties to appropriate support services
- 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.
- 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
- 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 the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision using the **College Disciplinary Procedure in the Junior Member Handbook and College Rules or Conference of Colleges Appeals Tribunal** if applicable or, if they have exhausted all mechanisms of appeal within College, apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. The complainant should seek advice from the Dean of Welfare, the Dean or a Harassment Advisor if they are considering taking this action. If applying to the OIA they must do so within three months of the date of the Completion of Procedures letter.

24. Following the outcome of the complaint, the Dean 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 Dean 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.

## **Referrals**

26. On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Dean of Welfare. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Dean of Welfare, 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 Dean of Welfare or the University Director of Student Support Services for advice on a confidential basis<sup>3</sup>.

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 Dean or Dean of Welfare 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 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.

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<sup>2</sup> See [Junior Member Handbook](#) and College Rules (2015), Section II.1-5:

<sup>3</sup> Any member of the collegiate University can also contact the Proctors for advice and information on any matter.  
<http://www.admin.ox.ac.uk/proctors/>

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## 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 will refer the case to 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 Dean of Welfare, Harassment Advisors and other relevant senior member College Officers.

31. In addition the Dean of Welfare will consider whether it is appropriate to make recommendations to the Senior Tutor (in some cases it may be appropriate for the Senior Tutor to contact appropriate departmental officers), subject tutors, and Domestic Bursar 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 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.

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 Academic Registrar should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.

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