

## **Name of Policy: St John's College Harassment Policy Statement**

**RESPONSIBLE COMMITTEE:** Equality Committee

**RESPONSIBLE OFFICER:** Principal Bursar

**LINKED DOCUMENTS: College:** n/a

**LINKED DOCUMENTS: Other:** n/a

**Annual Review date:** First meeting of Hilary Term

## **POLICY HISTORY**

<i><b>Date of GB approval</b></i>	<i><b>Brief summary of changes</b></i>	<i><b>Confirmation that linked documents have updated if necessary</b></i>	<i><b>College policy register updated</b></i>
HT 2018	Policy reviewed by Committee and subsequently approved by GB	na	Yes (Sandra Campbell)
TT 2018	Additional link added to Annex D providing information on how to support staff and students that have experienced sexual assault	na	Yes (Sandra Campbell)

St John's College is committed to promoting equality and diversity, and aims to provide an environment in which all students, employees, contractors, and visitors are treated with dignity and respect, and in which they can work and study free from any type of discrimination, harassment, or victimisation. Those in positions of seniority within the College, e.g. the President, Principal Bursar, Senior Tutor and Senior Dean, will do their utmost to ensure that this commitment is upheld by all members of the College.

If you think you are being harassed the College strongly encourages you to do something about it. The College recommends that you should discuss the situation with a harassment adviser before taking any other steps in response to the alleged harassment. Talking through the events and your feelings with the adviser will help you decide on the best way to deal with the behaviour and will clarify the options available to you.

The College's harassment policy and procedure can be downloaded at:

<https://www.sjc.ox.ac.uk/discover/about-college/legal/college-policies/>

## **St John's College Harassment Advisers for 2017/18**

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## **St John's College Harassment Policy**

### **Introduction**

St John's College is committed to promoting equality and diversity, and aims to provide an environment in which all students, employees, contractors, and visitors are treated with dignity and respect, and in which they can work and study free from any type of discrimination, harassment, or victimisation. Those in positions of seniority within the College, e.g. the President, Senior Tutor and Senior Dean, will do their utmost to ensure that this commitment is upheld by all members of the College.

This section outlines the College's policy on harassment and subsequent sections provide guidance for anyone who believes they are or have been the subject of harassment. Please note that wherever harassment is referred to below this should be taken to include bullying, which is a form of harassing behaviour.

Information concerning allegations of harassment should be treated in the strictest confidence. Breaches of confidentiality may give rise to disciplinary action.

## **POLICY**

### **Responsibilities**

All Fellows, staff and students are responsible for upholding this policy and should act in accordance with the policy guidance in the course of their day-to-day work or study, ensuring an environment in which the dignity of other Fellows, staff, students, and visitors is respected. Offensive behaviour will not be tolerated.

Harassment is a serious offence for which there are sanctions under the College's disciplinary procedures.

Academics, staff who are heads of department and their equivalents, those with significant supervisory duties, and others in positions of responsibility or seniority, including students who fall into these categories, have specific responsibilities. These include setting a good personal example, making it clear that harassment will not be tolerated, being familiar with, explaining, and offering guidance on this policy and the consequences of breaching it, investigating reports of harassment, taking corrective action if appropriate, and ensuring that victimisation does not occur as a result of a complaint.

Instances of harassment should be brought to the attention of an appropriate person in authority, such as a head of department or a College Officer.

Staff and students should also bring to the attention of their head of department or other appropriate person in authority any form of harassment or victimisation committed by third parties using College facilities (e.g. conference delegates, contractors, etc.).

## **Publication**

St John's College is committed to promoting awareness and understanding of this policy (and the accompanying guidance) amongst its Fellows, staff and students, and has therefore made this information available via its website. In addition, hard copies are available from heads of department and in the Bursary.

The policy will form a part of every employment and student contract, and/or relationship, and/or contract for services. The College will endeavour to encourage a culture of non-tolerance of any form of harassment.

This policy and the accompanying guidance, which should be read in conjunction with the College's Equality Policy, <https://www.sjc.ox.ac.uk/documents/357/Equality-Policy-HT2017.pdf> will be the subject of regular review by the Governing Body in consultation with other appropriate committees, including the Equality Committee.

## **Behaviour attracting criminal sanctions**

This Policy and 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. However, informing a Harassment Adviser will allow the College to support you, and make accommodations on your behalf if desired. Further guidance on dealing with cases of sexual assault or sexual violence is available in Annex D ('Guidance in cases of sexual violence'). Informal resolution or mediation is very unlikely to be appropriate in such cases.

## Harassment – Definitions

A person subjects another to **harassment** where that person engages 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.

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

Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under the provisions of the Protection from Harassment Act 1997.

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.

## Behaviours

You may be unsure whether certain behaviour amounts to harassment.

Discussing the situation with a harassment adviser may help in making this assessment. The adviser can also provide further information on the steps that can be taken if the behaviour in question does not appear to be harassment under the terms of this guidance.

A list of advisers is provided at the end of this document (ANNEX).

Students may also consult the Senior Dean or Junior Deans or OUSU's Student Advice service. Set out below is information to help you to decide if particular kinds of behaviour may be harassment. Harassment may involve repeated instances of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

Regardless of the intentions of the alleged harasser, the complainant's perception of harassment is important and relevant in determining whether harassment has taken place.

Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment and may be regarded as an aggravating feature.

Harassment can take a variety of forms:

- 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 Regulations Relating to the use of Information Technology Facilities (See: <http://www.admin.ox.ac.uk/statutes/regulations/196-052.shtml>)
- directly to the person concerned, or to a third party
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic, sexist or racist jokes.

Examples of behaviour which **may** amount to harassment under this Policy include (but are not limited to) the following:

- unwanted physical contact, ranging from an invasion of space to an assault, and all forms of sexual harassment, including:
  - i. inappropriate body language
  - ii. sexually explicit remarks or innuendoes
  - iii. unwanted sexual advances and touching
- offensive comments or body language, including insults, jokes or gestures, malicious rumours, open hostility, verbal or physical threats
- insulting, abusive, embarrassing and/or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- constantly criticising an individual without providing constructive support to address any performance concerns
- persistently overloading an individual with work that that individual cannot reasonably be expected to complete
- posting offensive comments on electronic media,
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history

- making comments that seek to demean a person based on their race or ethnicity
- isolation from normal work or study place, conversations, or social events
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

## Stalking

**Stalking may** also be a form of harassment and may be characterised by any of the following unwanted behaviours, especially if repeated:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material –
  - Relating or purporting to relate to a person, or
  - Purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private) in the vicinity of a person;
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

## Bullying

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.

## Victimisation

- 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, regardless of the outcome of the original complaint of harassment. Victimisation occurs specifically when a person is penalised or treated less favourably because that person has asserted their rights under this or other relevant guidance, either in making a complaint or in assisting a complainant in an investigation. The College



will endeavour to protect any Fellow, member of staff, student, or visitor from victimisation for bringing a complaint or assisting in an investigation. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because that person has, in good faith: made an allegation of harassment, or

- indicated an intention to make such an allegation, or
- assisted or supported another person in bringing forward such an allegation, or
- participated in an investigation of a complaint, or
- participated in any disciplinary hearing arising from an investigation, or
- taken any other steps in connection with this Policy and Procedure, or
- is suspected of having done so.

## PROCEDURE

### **1. ROLE OF HARASSMENT ADVISER**

If you think you are being harassed the College strongly encourages you to do something about it. This section of the guidance sets out information on the help available to you. There are also flowcharts available to guide you visually through this process.

The College recommends that you should discuss the situation with a harassment adviser before taking any other steps in response to the alleged harassment. All College harassment advisers have received training to equip them to help you. Talking through the events and your feelings with the adviser will help you decide on the best way to deal with the behaviour and will clarify the options available to you.

#### *What can the harassment adviser do?*

The harassment adviser has three main functions: to listen effectively and discuss the situation with you; to give you clear information, help and guidance about the options available to you, the next steps to take, and how best to take them; and to support you through the resolution process.

The harassment adviser cannot: approach the alleged harasser in an attempt to mediate or resolve the matter for you; act as your representative or advocate; or be involved in any formal stage of the process, be it in writing the formal complaint, the investigation,

disciplinary or grievance procedures, except by way of giving you the support you need during this time.

**2. INFORMAL RESOLUTION** In some cases, an individual who feels that they are being harassed by another individual 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 you feel obliged to approach an alleged harasser, and the College does not wish to suggest that an individual who feels that they have been harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to a Formal Complaint.

In the first instance, the College recommends that you discuss the situation with a harassment adviser before taking any other steps in response to the alleged harassment. Talking through the events and your feelings with the adviser will help you decide on the best way to deal with the behaviour and will clarify the options available to you. If you do not feel comfortable contacting a Harassment Adviser through College or your department, you can contact the Harassment Line for details of another adviser (Tel. 01865 270760 or e-mail [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk)).

Other sources of advice for students when considering informal resolution include college Deans or other college officers with pastoral responsibilities, JCR and MCR welfare representatives, Student Peer Supporters, and OUSU's Student Advice Service (Tel. 01865 288466 or e-mail [advice@ousu.ox.ac.uk](mailto:advice@ousu.ox.ac.uk)).

Other sources of advice for staff and Fellows are suggested on p. 18 below.

These sources of support and advice are also available to anyone who has been accused of harassment.

Regardless of whether you succeed in resolving the matter informally, or decide to bring a formal complaint, try to keep a factual record of the offending behaviour including dates, times and a description of what happened and how it made you feel. It is easy to forget details after the event and such a record will help you when seeking advice, in deciding whether to make a complaint, in formulating the complaint and in giving evidence at any subsequent hearing.

If the behaviour continues regardless of your requests to stop, or if attempting an informal resolution is not appropriate in the first place, the next stage will be to make a formal complaint.

**Physical attacks and criminal acts:** Any member of the College, or visitor, who has been physically, or sexually, assaulted should seek help as soon as they feel able. Options going forward include going to the Police or visiting a Sexual Assault Referral Centre (SARC). Details of these and other support services in response to sexual violence can be found in Annex D ('Guidance in cases of sexual violence').

No further action will normally be taken on behalf of the individual unless that individual has first been informed and has given express permission.

If you decide to go to the police, you can be accompanied if you wish.

### **3. COLLEGE VERSUS UNIVERSITY COMPLAINT PROCEDURE**

This will depend on the circumstances, and specifically on whether or not the harassment took place primarily within the college environment. Harassment Advisers are able to help you understand whether any particular instance counts as 'primarily within the college environment'. Whichever procedure you choose, you are encouraged to get in touch with the Director of Student Welfare and Support Services ([director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)).

### **4. FORMAL COMPLAINT**

The decision to bring a formal complaint is one which you are advised to take only after discussion with your harassment adviser. Your adviser will be able to explain to you what issues you ought to take into account when making your decision on whether to make a formal complaint.

You do, however, have the right to make a formal complaint on your own initiative, without advice from a harassment adviser, if you prefer to do so.

It is recognised that formal resolution of a complaint may be the only means of bringing harassment to an end. Whether or not the complaint is upheld, any adverse reaction towards you by the alleged harasser or by others on the alleged harasser's behalf is likely to constitute further harassment and/or victimisation which is itself a serious offence.

The College's commitment to non-tolerance of harassment applies equally strongly to victimisation and any such incident will be taken extremely seriously and dealt with under the College's disciplinary procedures.

## **5. ADDRESSING THE FORMAL COMPLAINT**

This will depend upon the status of the person or the persons complained against as set out below. The Fellow for Equality or your harassment adviser can advise you with regard to the appropriate person to whom a formal complaint should be directed:

If the person complained against is a Fellow or member of the College's academic staff, you should write to the Senior Tutor.

If the person complained against is a member of the non-academic staff, you should write to the Head of Department or the relevant Manager or Fellow (for example, the Domestic & Conference Manager or Domestic Bursar, the Estates Manager or the Establishment Bursar.)

If the person complained against is a student member, you should write to the Senior Dean.

If the person complained against is a visiting academic, advice should be sought from the President or Vice President.

If the person complained against is a student or staff member from another college, the University procedure or the procedure of the other College applies and advice should be sought from the Director of Student Welfare and Support Services ([director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)), or University Harassment Advisers.

If you do not know the status of the alleged harasser and therefore the correct person to whom to address your complaint, you should consult a harassment adviser; they can guide you as to the correct procedure. Be assured that regardless of who addresses your complaint, they will act professionally and with impartiality.

You will need to make sure that your written complaint is accurate and clear. The sort of details you need to include are: the description of the behaviour complained about; the dates of any relevant events in chronological order; and information about any witnesses to the events.

You should also explain how the behaviour or incident made you feel. This will help the person to whom the complaint is addressed to make a speedy decision on whether or not an investigation should take place. You should also mention any potential conflicts of interests that might arise at the investigative stage, including College advisers, and anyone with a teaching or supervisory role.

You should keep a copy of the complaint and of any evidence you send with it. You should also treat all information relating to your complaint as strictly confidential. The harassment adviser cannot write the complaint for you but the adviser can guide and support you in drawing up your complaint.

## **6. THE NEXT STEP**

The person to whom the complaint is addressed will consider the matter and will let you know as soon as possible and normally within 10 days whether an investigation into the complaint is to be held or not. Accommodations, including but not limited to those around teaching, living, and social arrangements, may be put in place in order to support complainants at this stage.

It may be decided not to carry out a formal investigation, for example, because the complaint contains sufficient evidence to invoke disciplinary proceedings immediately; because it does not appear to disclose grounds for a claim of harassment; or because it would be more appropriately dealt with under a different procedure. If no investigation is to take place, you will be told why and what other action may be taken, if any, including a right to ask for a review of the decision.

Once you have made a formal complaint and it is decided to set up an investigation, the person complained against will be informed of your identity and the nature of your complaint. Without disclosing such information, it would not be possible for a full investigation to take place or for the alleged harasser to know, and to prepare to defend, the case against them.

It will be made clear to the alleged harasser and any other relevant party that any attempt at victimisation as a result of making the complaint will be treated extremely seriously under the College's disciplinary procedures.

If you have any concerns about possible victimisation, you should bring them to the attention of your harassment adviser and/or the investigating body to ensure that (i) these matters are taken into account in the investigation; (ii) appropriate steps are taken to eradicate any victimisation pending the outcome of the investigation; and (iii) any additional disciplinary procedures are considered and/or undertaken.

## **7. INVESTIGATION**

If an investigation is to take place, it will be carried out by a nominee of the Head of Department or relevant Fellow for cases against staff, by the

Senior Dean or the Senior Dean's representative in the case of allegations against a student member, and by the Senior Tutor or a nominee in the case of academic staff. In the case of visitors, appropriate steps will be considered in each case, depending on the nature of the relationship between the individual and the College and any third party that might have authority to take action.

The purpose of the investigation is to determine whether there is a case for the alleged harasser to answer. An investigation normally precedes any formal disciplinary procedure. Exceptionally, however, the case may be so serious or the available evidence sufficiently clear that immediate disciplinary or other action is warranted.

You will normally be given information about the expected timescale when you are informed that an investigation is to take place. Every attempt will be made to complete the investigation as quickly as possible and normally it will be completed within six weeks. If this is not possible, you will be given the reasons why and be given further information about the expected completion date.

Both you and the alleged harasser, along with any relevant witnesses, will normally be interviewed. However you and the alleged harasser will not be interviewed together.

A written record of the interview will be taken; you will be provided with a copy of this record and will be given the opportunity to check the wording.

(Notes will also be taken of the interviews with the alleged harasser and any witnesses, and they will be given the opportunity to review the written records of their own interviews).

If you are a student you may choose to be accompanied at the interview by an adviser or colleague (representatives from the OUSU Student Advice Service are also regarded as colleagues). If you are a member of non-academic staff, you may request to be accompanied at the interview by a trade union representative or a work colleague. If you are a Fellow or member of academic staff you may be accompanied by a trade union representative or a colleague from inside or outside the College. If you are the alleged harasser, then you have the same right to request to be accompanied.

The investigator may ask you or others to produce additional material, for example to respond to a point that has been made by someone else.

Where this is done, the investigator will give you reasonable notice, normally five days.

Once the relevant facts have been ascertained, the investigator will make a report on their investigation. This will be submitted to the person to whom you submitted your formal complaint, and that person will make a decision on whether, based on the matters disclosed in the investigation, there is a case to be answered by the alleged harasser. You may ask for a second nominee to review the information gathered as a part of the investigation if you are dissatisfied with the outcome of this decision. Both you and the alleged harasser will receive written notice of the decision as soon as possible after the completion of the investigation.

## **8. OUTCOME**

If the investigation reveals that there is a case to be answered, the College's disciplinary process may be invoked. The report of the investigation and material gathered in the course of the investigation will form part of the documentation for consideration in the disciplinary process. The complainant may be asked if they are willing to give evidence in the disciplinary proceedings.

It may be that whilst the investigation does not lead to disciplinary proceedings, it nevertheless reveals development and/or training needs and/or other issues which need to be addressed. In this case you will be informed of any recommended action, subject (where appropriate) to the duty of confidentiality to the person complained against.

The person about whom you have complained will also be given full details of any action to be taken in the light of the investigation.

Regardless of the outcome, the College will endeavour to make accommodations to support the welfare of the individuals involved in this process if necessary.

While it hopes that the following situation will never arise, the College recognises the possibility that complaints of harassment may be made that are unfounded and not in good faith. It is possible that such a complaint may result in disciplinary action against individuals in accordance with the guidelines set down by the College and with potentially serious consequences.

## **9. IF NO CASE IS FOUND**

If you are dissatisfied with this outcome, you should discuss this matter with a harassment adviser; they will be able to tell you what further action may be possible, such as review of the case material by a second nominee.



## **10. DISCIPLINARY PROCEEDINGS**

In serious cases the alleged harasser could be suspended until the disciplinary hearing takes place. Suspension is not in itself a disciplinary penalty; for example, it may be used to protect you or others from potential harassment or victimisation. If a disciplinary hearing takes place, it is likely that you will be required to tell the disciplinary panel about your complaint via video link if you do not wish to be in the presence of the alleged harasser and to answer any questions (through the convener of the panel) that the alleged harasser or their representative wants to ask you. Your harassment adviser will be able to provide you with support through this process but will not be able to represent you.

Otherwise, you are unlikely to play any formal part in the disciplinary proceedings; for example you will not be present when the disciplinary panel makes its decision. You will, however, be kept updated wherever possible.

If you are the subject of the disciplinary hearing, your harassment adviser will also remain available to provide you with support throughout the process although your adviser cannot represent you during this process.

If you are the person who has complained of harassment, then you may be told in outline what the outcome of the disciplinary proceedings is though you will not be entitled to full details if these breach the duty of confidentiality to the person complained of.

If you are unsatisfied with the outcome, and you are the person who has made the original complaint, then you should discuss this matter with the convenor of the disciplinary panel.

If you are the subject of the disciplinary proceedings, and the charges against you have been substantiated, then you have a right of appeal. You will be provided with further information on this when notified of the outcome of the disciplinary hearing.

## **ANNEX**

### **FREQUENTLY ASKED QUESTIONS**

#### **A. TO HELP YOU DECIDE IF HARASSMENT HAS TAKEN PLACE**

1. *My tutor persistently asks me personal questions unrelated to my work and sits very close to me at tutorials, which makes me visibly uncomfortable. Is this harassment?*



This is unwanted and unwarranted behaviour which is affecting your quality of life and therefore constitutes harassment.

*2. I feel as though my tutor is always critical of me in tutorials and/or of my written work. Does this amount to harassment?*

Your tutor will clearly have high expectations as regards academic standards. Sometimes, what you may perceive as criticism of you will be the direction of these high expectations towards your academic work. So, provided that the way in which your tutor expresses views about your work is proper, fair and reasonable, the comments you may perceive as criticism are unlikely to amount to harassment.

However, it is particularly important for tutors to bear in mind that not all students will have high levels of confidence in their academic work, and that criticism of a student's work may in some cases greatly affect a student's feeling of self-worth. If you are feeling troubled, unhappy or humiliated about your tutor's behaviour or manner towards you, you should seek to talk the matter through. It may be possible to speak with the tutor in question about your feelings. If this would not be appropriate, you may wish to speak with one of the Junior Deans, another tutor in your subject, the Senior Tutor, a member of staff at your department, a harassment adviser, or OUSU's Student Advice Service.

*3. I am a graduate student and my supervisor regularly sends emails to others about me in which jokes are made about my personal appearance. Is this harassment?*

This is likely to be regarded as harassing behaviour if the jokes are perceived as humiliating, degrading or otherwise offensive. In most cases, problems with a graduate supervisor will fall under the University's procedure.

*4. I feel as though the person I report to in the department is unnecessarily critical when reviewing my work and/or I sometimes feel bullied by their instructions to me. Does this amount to harassment?*

Reviewing your performance is an important part of your line-manager's job, and an important function of any performance review is to identify areas that require improvement, and discuss possible ways of attaining such improvement. Provided a performance review is carried out in a proper, fair and reasonable way, comments you may perceive as criticism will be unlikely to amount to harassment.

It is also the job of your manager to provide you with instructions. Clearly there will be times where the manager will be able to sit down with you and explain their instructions fully. At other times, that person may be under pressure and may not be able to devote time to explaining matters

to you as clearly as might be desired. Provided that instructions are given in a proper, fair, and reasonable way they are unlikely to amount to harassment.

However, if you are feeling troubled, unhappy or humiliated about your manager's behaviour or manner towards you, you should seek to address and resolve these matters. It may be possible to speak with your supervisor but, if you feel unable to do so or consider that this would not be appropriate, you may wish to speak with the Bursary Manager/ Domestic & Conference Manager / Estates Manager or one of the harassment advisers.

*5. My manager constantly sets targets for me to complete work and when I fail to complete on time, s/he uses it as an opportunity to criticise me in front of colleagues or students. Is this bullying?*

Whilst the setting of reasonable targets which you are not able to meet is unlikely to constitute bullying, using this failure as an opportunity to criticise and to denigrate your work in front of others may be a form of bullying.

## **B. ABOUT CONFIDENTIALITY ISSUES**

*1. Will what I say to the harassment adviser be kept confidential?*

Confidentiality underpins the role of a harassment adviser. Harassment advisers fully understand that coming forward to talk about the subject of harassment can be extremely difficult, and that many people would not come forward and seek advice unless they had complete trust in the confidentiality of the adviser. It is for this reason that, aside from limited exceptional circumstances (explained below), an adviser cannot, without specific consent, disclose either the identity of any party revealed in the course of dealing with a matter or even general facts relating to the allegation if doing so might compromise the anonymity of any party.

*2. What are the exceptional circumstances referred to above?*

The adviser will normally be bound by confidentiality unless the adviser believes, on the basis of the information you have provided, that a serious criminal offence has been committed, and/or that harm may result to you or to another person. In such circumstances, provided the adviser has used all reasonable efforts to persuade you to agree to the release of the information, the adviser is permitted to disclose your identity and that of the alleged harasser to appropriate persons or authorities without your consent. Except in the case of emergencies, the adviser will always endeavour to discuss this with you first.

Very rarely cases of harassment can result in legal proceedings. Despite being confidential, the information may have to be disclosed in the course of such proceedings if it is relevant to them.

### *3. Can I talk to others about my allegations?*

If you feel that you are being harassed, it is recommended that you speak to a harassment adviser before taking any other steps. The harassment adviser will urge you, and any person who accompanies you at any stage of any complaints procedure, to treat all information relating to your complaint in a strictly confidential manner.

An allegation of harassment made in good faith and expressed in confidence within the context of a complaints procedure, which includes seeking advice from a harassment adviser, should not amount to defamation, even if the allegation is not substantiated. However, indiscriminate discussion of your complaint could result in a counter complaint being made against you for defaming, victimising, or harassing the alleged harasser. If you feel you need to talk to someone other than your adviser you can talk to the OUSU Student Advice Service or one of the other appropriate people suggested as alternatives below (p. 18) . If an allegation is malicious, it may be subject to a defamation claim even if made in confidence to a proper authority. However, the mere fact that a complaint is not upheld in an investigation or subsequent disciplinary procedure will not normally make it malicious.

### *4. Will the harassment adviser keep records of our meetings?*

It is important for advisers to keep a factual record of meetings, advice given, and actions taken for their own use, and to ensure that they can give the best possible advice and support. Ideally, record keeping should commence when the adviser receives your initial request for assistance.

As with your records of events, advisers' records may be of importance if they are subsequently asked to give an account of their actions or if the complaint in question progresses to a formal disciplinary hearing. All records will be kept in strict confidence and in the adviser's own possession for as long as the adviser considers appropriate.

### *5. Can I, or anyone else, ask to see the records?*

Under the Data Protection Act 1998 any individual has the right to see their own personal data held by the College subject to the rights of confidentiality of any third parties in that information.

## **C. WHAT SHOULD I DO IF A COMPLAINT OF HARASSMENT IS MADE AGAINST ME?**

You have the right to seek advice from a confidential harassment adviser and the College recommends that you do so. The same harassment adviser consulted by the complainant will not be able to advise you in relation to the complaint.

If you are aware that someone is unhappy with your behaviour and is contemplating a formal complaint, an adviser can discuss with you the possibility of reaching an informal resolution. It may be that you will consider the complaint to be unjustified, but if on reflection you accept that it has some justification in the first instance informal resolution may involve offering a verbal or written apology to the complainant, and/or explaining that you had not realised the effect of your behaviour, and giving an undertaking not to repeat the behaviour in future. You should keep a factual record of what you say, a copy of any letter you write and a note of the response of the complainant. This will be useful to you if a formal complaint is subsequently made and an investigation undertaken.

Not every allegation of harassment is well-founded. Malicious or vexatious allegations may give grounds for disciplinary proceedings against the complainant, but this will not include ill-founded allegations which were nonetheless made in good faith.

### **Harassment advisers**

It may be that you have recently experienced an incident of harassment for the first time and want advice on trying to prevent further incidents from occurring. Alternatively, you may have suffered a prolonged period of harassment in silence and feel as though you have finally reached breaking point. Whatever stage or circumstance, there are a number of people who are available to help you.

You may, in the first instance, want to discuss the matter in confidence with a friend or colleague who is familiar with the setting in which you work or study. If you are a member of staff, you may also want to discuss the matter informally with your head of department, the Domestic & Conference Manager, the Estates Manager, the Domestic Bursar or the Establishment Bursar. Alternatively, the Bursary Manager can be contacted in confidence on 01865 277321. Information about grievance procedures can be found in the Staff Handbook.

If you are a student, you may want to discuss the matter with your tutor, the Senior or Junior Deans, the Fellow for Women, the Fellow for Equality, the Fellow for Ethnic Minorities or another College Officer. For JCR and MCR members, the welfare officers or peer supporters may be useful contacts. OUSU's Student Advice Service also provides a confidential and impartial listening and advice service, whilst the University has approximately 280 harassment advisers. Details of the harassment advisers will be posted on the College website.

If you are a student or University employee, you can opt to speak with an adviser entirely unconnected with your department, faculty, or College. You should telephone the designated harassment telephone line (01865270760) to be put in touch with a different harassment adviser, or you can send an e-mail to [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk). The University Harassment Policy can be found at:

<http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

Information on other help available to you is provided on

<http://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/>

## **D. Guidance in Cases of Sexual Violence**

The College's Harassment Policy and Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. In such cases, you can seek advice from a Harassment Adviser and/or the Director of Student Welfare and Support Services' office and/or approach the Police directly.

This link will direct you to further information about services available if you are a survivor of sexual violence.

<https://www.ox.ac.uk/students/welfare/sexual-violence?wssl=1>

In addition, the following link provides information on how to support staff and students that have experienced sexual assault:

<http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/>

## **St John's College Harassment Advisers for 2017-2018**

Kate Doornik ([kate.doornik@sjc.ox.ac.uk](mailto:kate.doornik@sjc.ox.ac.uk)) – Fellow for Equality  
Theresa Burt de Perera ([theresa.burt@sjc.ox.ac.uk](mailto:theresa.burt@sjc.ox.ac.uk)) – Fellow for Women  
Philip Maini ([philip.maini@sjc.ox.ac.uk](mailto:philip.maini@sjc.ox.ac.uk)) – Fellow for Ethnic Minorities  
Nikolaj Lübecker ([nikolaj.lubecker@sjc.ox.ac.uk](mailto:nikolaj.lubecker@sjc.ox.ac.uk)) – Fellow for Graduates  
Ashby Hope ([ashby.hope@sjc.ox.ac.uk](mailto:ashby.hope@sjc.ox.ac.uk))  
Ruth Ogden ([ruth.ogden@sjc.ox.ac.uk](mailto:ruth.ogden@sjc.ox.ac.uk))  
Michelle Carter ([michelle.carter@sjc.ox.ac.uk](mailto:michelle.carter@sjc.ox.ac.uk))

### **University Harassment Advisers:**

<http://www.admin.ox.ac.uk/eop/harassmentadvice/advisernetwork/>

### **Other sources of support:**

University Counselling Service  
(<http://www.ox.ac.uk/students/welfare/counselling>)

Peer Supporters in College

Welfare Officers in JCR and MCR

Junior Deans: Giustina Monti, Jacob Taylor, Nina Schneider, Sa'eed Husaini ([junior.dean@sjc.ox.ac.uk](mailto:junior.dean@sjc.ox.ac.uk))

Proctors: [proctors.office@proctors.ox.ac.uk](mailto:proctors.office@proctors.ox.ac.uk)

OUSU's Student Advice Service ([advice@ousu.ox.ac.uk](mailto:advice@ousu.ox.ac.uk))