

Regent's Park College

Policy and Procedure on Harassment and Bullying

A. Policy

General principles

1. The College is committed to maintaining a working, learning and social environment in which the rights and dignity of all members of the College community are respected. This includes staff, students, and visitors to the College.
2. The College expects all members of the College community to treat each other with respect, courtesy and consideration. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others.
3. Harassment is a serious offence which is subject to the College's disciplinary procedures. Where necessary, complaints of harassment, bullying or other inappropriate behaviour will be investigated in line with the appropriate procedures. Allegations of harassment or bullying which arise within the college environment will normally be dealt with under the appropriate college procedure.
4. All members of the College community have a personal responsibility for complying with this code and people in positions of authority have particular responsibilities under this policy, including to set a good personal example, to have regard to the principles of the policy, and to familiarise themselves with the procedures.
5. This policy, and the procedure which follows in Part B, are based upon, and should be read in conjunction with, the University of Oxford's Policy on Harassment and Bullying which may be found on the University's website at <http://www.admin.ox.ac.uk/eop/har/>
6. The policy and procedure will be subject to regular review by the College's Governing Body in consultation with the Fellows and other appropriate College committees, taking into account any changes made in the University policy and procedure upon which they are based.

Definition of harassment (including bullying)

Harassment

7. A person subjects another to harassment where s/he engages in unwanted and unwarranted conduct which has the purpose or effect of:
 - violating that other's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.
8. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
9. Harassment on grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination [1]. 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.
10. Reasonable and proper management instructions administered reasonably, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment or bullying.
11. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

Bullying

12. Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Behaviour

13. Examples of behaviour which may amount to harassment and bullying include (but are not limited to) the following:

- offensive comments or body language
- verbal or physical threats
- insulting, abusive, embarrassing or patronising behaviour or comments
- humiliating, intimidating, and/or demeaning criticism
- open hostility
- deliberately undermining a competent person by overloading with work and constant criticism
- isolation from normal work or study place, conversations, or social events
- publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures or other materials
- unwanted physical contact, ranging from an invasion of space to a serious assault.

Many of these examples of behaviour may occur through the use of the internet, email, social networking sites, or telephone.

14. All of the examples above may amount to bullying, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

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

Intention or motives

16. The intention or motives of the person whose behaviour is the subject of a complaint are not conclusive in deciding if behaviour amounts to harassment or bullying.

Victimisation

17. Victimisation occurs where a person is subjected to detrimental treatment because s/he has, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has 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.

18. The College seeks to protect any member of the College community from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in a disciplinary process.

Malicious or vexatious complaints

19. If a complaint is judged to be vexatious or malicious [\[2\]](#), disciplinary action may be taken against the complainant; however, such action will not be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

Confidentiality

20. All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. 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.

B. Procedure for dealing with complaints of Harassment and Bullying

21. Wherever possible, the aim is to resolve complaints of harassment promptly and effectively so that good working relationships and normal social interactions can be resumed as quickly as possible. The College and its staff can turn for advice on these issues to (i) the University's Personnel Services, and (ii) Peninsula, an employment law specialist with whom a number of Oxford colleges has a contract including Regent's Park College. In certain circumstances it may be necessary to take formal legal advice from the college solicitor. Within the college the Principal is finally responsible for personnel matters and the Principal's PA keeps the personnel files and is available for advice on a range of personnel issues.

22. Incidents of harassment that occur within the college environment will normally be dealt with under this college procedure. There may be certain circumstances in which the University procedure referred to in paragraph 5 above is more properly used.

23. For the purposes of this procedure, 'harassment' is taken to include bullying and victimisation.

24. The references in this procedure to a 'supervisor' refer to the appropriate line manager or member of staff responsible for the area of work in which the complaint arises [3], or the person to whom a supervisor has formally delegated his/her responsibility.

25. All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action in accordance with the policy on harassment and bullying.

Sources of advice

26. The sources of advice set out below are available to anyone who believes that s/he may be being harassed, and who wishes to discuss any concerns in confidence. These sources of advice are also available to anyone who has been told that his/her conduct is perceived as harassing.

- The College has appointed three harassment advisors who may be consulted in confidence for advice and support. They are Dr Lynn Robson and Dr Anthony Clarke, and Mrs Enid King (member of Governing Body). These harassment advisors may draw attention to the college's policy, and help the individuals decide whether or not to make a complaint, and how that may be done within the procedures outlined here. These advisors are not part of the process of investigation or resolution but remain independent advisors to individuals who think that they may have been subject to behaviour which constitutes harassment.
- The University's Harassment Advisory Service - details may be found at www.admin.ox.ac.uk/eop/har/advisornet.shtml
- Other sources of more general help are listed on the harassment advice website which can be found at <http://www.admin.ox.ac.uk/eop/har/>

Complaints of harassment against students

27. Complaints of harassment against students which arise within the college environment will normally be dealt with under the college disciplinary code. Other complaints of harassment against students may be considered by the Proctors under Statute XI.

28. Advice may be sought from the Proctors' Office if the subject of the complaint is a student.

Complaints of harassment against College staff

29. Any complaints against college staff relating to college teaching or supervision will be dealt with under college procedures as outlined below.

30. The procedure below also applies in all cases where the person who is the subject of the complaint is a member of College staff.

Initial action

31. An individual who feels that s/he is being harassed in the course of their College activities such as work or studies or College leisure activities may feel able to approach the person in question to explain what conduct s/he finds upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. Such an informal approach may be all that is required to resolve the issue. The College does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

32. If the complainant is unable or reluctant to approach the person complained against, s/he may approach his or her immediate supervisor to ask for help in achieving a resolution of the problem. Advice may be sought at this point from the Principal's PA, or the college's harassment advisor.

Mediation

33. In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation 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.

34. An experienced mediator acceptable to both parties will normally be nominated by the Principal's office, who may seek advice from the University's Personnel Services or Peninsula. The mediator 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). To avoid confusion any agreed outcome will normally be recorded in writing.

35. All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove fruitful, or is taking an unacceptably long time to achieve resolution, either party may withdraw from the process.

Complaints procedure

36. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint to his or her supervisor or, if the complainant feels it is not appropriate to approach that person, the Principal. If any of the parties considers that the supervisor has a conflict of interest in the complaint, the complaint may be referred to the Principal. In cases where it is not immediately clear to whom a complaint should be addressed, advice may be sought from the Principal's PA or a college harassment advisor.

Submission of the complaint

37. The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behaviour on him/her; and (iii) the resolution s/he is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome s/he is seeking.

38. A copy of all written complaints should be sent to the Principal for information.

39. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result.

40. Both parties to the complaint have the right to be accompanied and supported by a colleague of his or her choice from within the College at any meeting held under this procedure. If the complaint involves a student s/he may be accompanied, for example, by a college tutor or equivalent. These people must maintain appropriate confidentiality.

41. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the supervisor considers that the implications for the aggrieved person or others actually or potentially affected are serious. In this case, the supervisor may consult the Principal, the University's Personnel Services, or Peninsula, and may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by the supervisor on receipt of a complaint

42. On receipt of a complaint, the supervisor (or his or her nominee) will in consultation with the Principal, University's Personnel Services, or Peninsula, take such steps as s/he thinks necessary or appropriate to understand the nature of the complaint and the outcome sought including:

- informing the person against whom a complaint has been made of the allegations against him or her;
- meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
- speaking to other relevant people on a confidential basis; and /or
- obtaining further relevant information.
- The supervisor will then decide how to proceed and will inform the parties in writing. S/he may make such enquiries as are necessary to determine the complaint, or may commission an investigation.

Investigation

43. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See section 52 below for the procedure for investigations.)

44. 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 supervisor, make recommendations on possible courses of action.

45. The supervisor will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions she or he has reached having reviewed the evidence, including any investigation report; (ii) of the action the supervisor intends to take; and (iii) of the reasons for any such action.

46. The supervisor will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Possible outcomes of a complaint

47. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the supervisor, in consultation with the Principal, the University's Personnel Services, or Peninsula, will either:-

- i. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working 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.

ii. Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve working 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 a department that require management attention.

Or

iii. Institute disciplinary proceedings where the supervisor is reasonably satisfied that there is sufficient evidence to support allegations of harassment of a sufficiently serious nature as to merit disciplinary action.

iv. In rare cases disciplinary action may be instituted against the complainant if the supervisor is satisfied that the complaint of harassment is unfounded and not made in good faith [\[4\]](#).

Appeal from the supervisor's decision

48. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), s/he may invoke the relevant grievance procedure [\[5\]](#) with the relevant time scales specified in that procedure save that where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of that person's response to the disciplinary proceedings.

Records

49. The College and all those involved in this process must comply with the principles of the Data Protection Act 1998 [\[6\]](#). These include ensuring that personal data is kept accurate and up-to-date, held securely, not passed on to unauthorised third parties, and not kept for longer than necessary.

50. 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.

51. The Principal's PA should be consulted about filing and retaining any notes and documents all of which must be held in confidence.

Investigations

52. The procedure for an investigation will normally be as follows but may be adapted by the investigator to meet 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 supervisor has.
- c. The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
- d. The investigator will meet the person complained against to hear his/her response to the complaint and any further evidence that has come to light.

- e. The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- f. Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of his/her findings, in relation to which she or she may check relevant sections in draft with the parties before finalising.
- g. The report will be forwarded to the supervisor and usually a copy will be sent to the Principal's PA.

Appendix: List of contact numbers outside the College

Governing Body

Enid J King – contact information available from the Principal's PA.

Oxford Sexual Abuse and Rape Crisis Centre

01865 726295 (Oxford); freephone: 0800 783 6294 (24 hours)

<http://www.oxfordrapecrisis.net/>

Police

General contact telephone number 0845 505505 (St. Aldate's). Calls concerning sexual assault may be directed to the Domestic Violence Unit, tel. Oxford 335165 (answerphone when office not staffed). Calls concerning racial harassment or assault may be directed to Community and Race Relations, tel. Oxford 335124 (answerphone if out), or the Racism Action Line, tel: Oxford 815121.

Department, faculty and College advisers

Information on harassment advisers in each department, faculty and College should be available from the administrator or may be obtained by telephoning (01865) (2)70760 or by sending an e-mail to harassment.line@admin.ox.ac.uk. This number and e-mail address should be used if you wish to seek the name of an adviser outside your department/faculty/unit or college.

Equal and Diversity Unit

01865 (2)89830 enquiries

Proctors and Assessor

01865 (2)80190

Oxford University Offices

Wellington Square

Oxford

University Student Counselling Service

<http://www.admin.ox.ac.uk/shw/counserv.shtml>

01865 (2)70300 11 Wellington Square

OUSU

<http://www.ousu.org/main/advice>

01865 (2)88450 Thomas Hull House

New Inn Hall Street

Nightline

<http://users.ox.ac.uk/~nightln/>

01865 (2)70270 (reversed charges are accepted)

16 Wellington Square

Victim Support Scheme

This offers advice and practical support to victims of any crime. 45 The Slade, Headington (tel: 01865 751514, fax 01865 751513).

Oxfordshire Racial Equality Council

Can advise or refer in cases of racial harassment and potential racial discrimination. 01865 791891.

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1. Harassment and bullying may occur not only on grounds of characteristics or perceived characteristics of the recipient of the behaviour but also on grounds of the characteristics or perceived characteristics of a person associated with him or her.
 2. This phrase means the complainant knew or could reasonably have been expected to know that the complaint was unfounded.
 3. Within the College Administration and Services (UAS) the head of department will normally be the director or head of the relevant division or section within UAS. Within ASUC the head of department will normally be the directors of OULS, OUCS, and the College's museums.
 4. This phrase means where the complainant knew or could reasonably have been expected to know that the complaint was unfounded.
 5. In the case of the complainant, this would be the appeal stage of the appropriate grievance procedure. For academic and academic related staff see http://www.admin.ox.ac.uk/ps/managers/grievance/griev_ar.shtml for support staff see <http://www.admin.ox.ac.uk/ps/staff/handbooks/8/84snc.shtml>
 6. The University's Data Protection policy is available at: <http://www.admin.ox.ac.uk/councilsec/dp/policy.shtml>
 7. The college's Data Protection policy is available at: <http://www.rpc.ox.ac.uk/downloadlibrary/DataProtection.010.pdf>