

APPENDIX H - HARASSMENT

I. ST HUGH'S COLLEGE STATEMENT OF POLICY AND CODE OF PRACTICE

1. Harassment is an unacceptable form of behaviour, demeaning to the victim and damaging to the environment of mutual respect and equality of opportunity which the College is committed to maintaining. Complaints of such conduct will be taken seriously and may lead to disciplinary action. All members and staff have a personal responsibility to ensure that their behaviour is not contrary to this code and are encouraged to ensure the maintenance of a working environment in the College which is free from harassment.
2. Harassment may be broadly understood to consist of unwarranted behaviour towards another person, so as to disrupt the work or reduce the quality of life of that person, by such means as single or successive acts of bullying, verbally or physically abusing, or ill-treating him or her, or otherwise creating or maintaining a hostile or offensive studying, working, or social environment for him or her. Forms of harassment covered by this code include harassment relating to another's sex, sexual orientation, religion, race, or disability.

Unacceptable forms of behaviour may include unwelcome sexual advances, unwelcome requests for sexual favours, offensive physical contact or verbal behaviour, or other hostile or offensive acts or expressions relating to people's sex, sexual orientation, religion, race, or disability. The abuse of a position of authority, as for example that of a tutor or supervisor, is an aggravating feature of harassment.

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

3. A Member of the College or member of academic staff who wishes to complain of harassment should consult one of the College's two designated Harassment Officers, details of whom shall be posted on the college website.
4. It is essential that all those involved in a complaints procedure (including complainants) observe the strictest confidentiality consistent with operating that procedure; an accusation of harassment is potentially defamatory.
5. Complaints about harassment will be responded to promptly. The College hopes that most allegations of harassment can be dealt with informally, to the satisfaction of the complainants. To this end, an Adviser who has been consulted will attempt to help the complainant to clarify the nature of his or her complaint, and use his or her good offices where appropriate to try to resolve the matter by informal consultation.
6. Where in the opinion of the Harassment Officer it is not appropriate or possible to resolve the matter informally, either because of the seriousness of the allegation or because the complaint is made against an employee or member of the College other than a Student Member, the Harassment Officer will refer the matter to the Principal or the Dean as appropriate. A complaint involving any employee or member of the College other than a Student Member will in every case be referred to the Principal. A complaint involving a Student Member of the College may be referred to the Principal or the Dean. In either case the Principal or the Dean as appropriate may attempt to resolve the matter informally or may instigate the relevant disciplinary procedure. Notwithstanding advice to the contrary, it is always open to any Student Member or member of staff to take a complaint directly to the Principal or the Dean (see Appendix N).
7. The College is prepared to consider complaints about harassment which involve other members of the University. The University has its own Code of Practice Relating to Harassment, which applies to University Departments, Faculties and Libraries. Other colleges

have their own codes. If a Member of the College or a member of staff wishes to complain of harassment by a member or employee of the University or of another college, he or she should use the same consultation process as outlined above. In this case the Harassment Officer will consult the Principal or the Dean as appropriate. The Principal or the Dean may take the matter to the Head or Dean of the other institution involved, or to whomever seems appropriate.

8. The College is prepared to consider complaints about harassment against its members and employees by other members or employees of the University. In this case the College would expect the complaint to be made to the Principal or the Dean.
9. At the end of each academic year the members of the Committee shall jointly compile an abstract summarising the complaints made in the course of the year. The abstract shall be submitted to the Principal.
10. In implementing this Code of Practice, Harassment Officers and other officers of the College shall have regard to the College's Statement of Policy on Equal Opportunities.

II. UNIVERSITY POLICY ON HARASSMENT AND BULLYING

General principles

1. The University is committed to maintaining a working, learning and social environment in which the rights and dignity of all members of the university community are respected. This includes staff, students, and visitors to the University.
2. The University expects all members of the university community to treat each other with respect, courtesy and consideration. All members of the university 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 University'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 university community have a personal responsibility for complying with this code and people in positions of authority, such as heads of division, heads of department, chairs of faculty boards and their equivalents, 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 accompanying procedure may be found on the website at <http://www.admin.ox.ac.uk/eop/harassmentadvice>
6. This policy will be subject to regular review by the General Purposes Committee of Council in consultation with other appropriate committees, including the Personnel Committee.

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:
 - a. violating that other's dignity, or

- b. 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.

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.

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 University seeks to protect any member of the university 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 malicious², 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.

² This phrase means the complainant knew or could reasonably have been expected to know that the complaint was unfounded.