



Jesus College Oxford

POLICY ON HARASSMENT, SEXUAL HARASSMENT, AND VICTIMISATION

To make a complaint under this Policy, the College's complaints procedures can be found on the [website](#) as well as on the College's [intranet](#).

Introduction

1. Jesus College does not tolerate any form of harassment or victimisation, and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected.
3. The aims of the College as reflected in this Policy are to:
 - a. Promote a positive environment in which people are treated fairly and with respect;
 - b. Make it clear that harassment is unacceptable and that all members of the College have a role to play in creating an environment free from harassment;
 - c. Provide a framework of support for staff and students who feel they have been subject to harassment; and
 - d. Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
4. Many people within the College, such as the Principal, Tutorial Fellows, College Officers, members of the Welfare Team, Welfare Fellow, Dean, and Harassment Advisors, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and associated Procedures on appointment. All senior members of the College have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas for which they are responsible and that, if they do occur, any concerns are investigated promptly and effectively.
5. All members of the College community have the right to expect professional behaviour from others, and have a corresponding responsibility to behave professionally towards others. All members of the College community have a personal responsibility for complying with this Policy, and must demonstrate an active commitment to this Policy by:
 - a. Treating others with dignity and respect;
 - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable; and
 - c. Supporting any member of the College who feels they have been subject to harassment.



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6. Part of being treated with dignity and respect in our place of work also means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise. Sexual harassment takes many forms, but whatever form it takes, it is prohibited conduct under the Equality Act 2010 as amended, and it will not be tolerated.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. The College is committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available on the College intranet.

7. The College's duty to its staff and students extends to harassment and sexual harassment, and for staff in particular, harassment of any sort by Third Parties in a College context.
8. This Policy and associated Procedures are designed to deal with harassment which occurs primarily within the College environment. Incidents of harassment that occur outside the College environment and/or solely within the University environment will normally be dealt with under the appropriate [University procedure](#). If there is doubt as to whether the College or University procedure applies, you are advised to seek advice from those responsible within College, as described in the relevant College Procedure, the Director of Student Welfare and Support Services, or the University's Harassment Line.
9. For College employees, we would like to remind you that further support is available by contacting our Employee Assistance Programme – Health Assured – that provides you with a confidential advisory and counselling service that can be accessed over the phone or online.

This service can be accessed by phone on 0800 0280199, or online via [Wisdom](#) – their online wellbeing portal that you can also use to access your free 24/7, 365 confidential helpline number as well as a range of other wellbeing features. Use organisation code MHA294189 to log in.

For those on joint appointments with the University, an alternative [Employee Assistance Programme](#) service is provided.

10. This Policy and associated Procedures should be read alongside other [Jesus College policies and procedures](#).
11. Any student member of the College community who feels they have been subject to harassment can also contact the [University Harassment Advisory Service, or their local Harassment Advisor](#), for support. The Service is also available to those against whom an allegation of harassment has been made. There are also other sources of [help and advice](#).

12. Definitions

December 2025



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12.1. Harassment

In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

A person subjects another to harassment where they engage 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 person¹.

Harassment related to a protected characteristic:

This type of harassment is unwanted behaviour related to any of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

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

Harassment can take a variety of forms:

a) 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 college's regulations relating to the use of Information Technology Facilities²
- directly to the person concerned, or to a third party

b) Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

¹ Statute XI: University Discipline (www.admin.ox.ac.uk/statutes/352-051a.shtml#_Toc28142342)

² <http://intranet.jesus.ox.ac.uk/acceptable-usage-.aspx>



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

- a) unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
 - inappropriate body language
 - sexually explicit remarks or innuendoes
 - unwanted sexual advances and touching
- b) offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats: these include all forms of harassment and abuse on the grounds of disability, race or sexual orientation
- c) insulting, abusive, embarrassing or patronising behaviour or comments
- d) humiliating, intimidating, and/or demeaning criticism
- e) persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- f) constantly criticising an individual without providing constructive support to address any performance concerns
- g) persistently overloading an individual with work that they cannot reasonably be expected to complete
- h) posting offensive comments on electronic media, including using mobile communication devices
- i) threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- j) deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- k) isolation from normal work or study place, conversations, or social events
- l) publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

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

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



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Freedom of speech and academic freedom³ 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.

12.2. Sexual harassment

The Equality Act 2010 defines sexual harassment as unwanted behavior of a sexual nature that violates someone's dignity or creates an intimidating, hostile, degrading or offensive environment. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex. It can be a one-off act or a pattern of behavior.

Sexual harassment may be committed by a fellow worker or student, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g. Whatsapp. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- a) sexual comments or jokes, which may be referred to as 'banter'
- b) displaying sexually graphic pictures, posters or photos
- c) suggestive looks, staring or leering
- d) propositions and sexual advances
- e) making promises in return for sexual favours
- f) sexual gestures
- g) intrusive questions about a person's private or sex life or a person discussing their own sex life
- h) sexual posts or contact in online communications including on social media
- i) spreading sexual rumours about a person
- j) sending sexually explicit emails, text messages or messages via other social media
- k) unwelcome touching, hugging, massaging or kissing

12.3. 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.

Harassment and bullying are often confused. Bullying behaviour can be harassment if it meets the definitions in this Policy.

12.4. Less favourable treatment

Less favorable treatment is defined as treating someone worse than another person because of a protected characteristic. Protected characteristics include age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

³ The College's Code of Practice for the Freedom of Speech may be found at: www.jesus.ox.ac.uk/about-jesus-college/public-documents



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12.5. **Victimisation**

The College seeks to protect any member of the College community from victimisation. Victimation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
- b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
- c) making an allegation that someone has breached the Equality Act 2010, or
- d) doing anything else in connection with the Equality Act 2010

The College will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:

- a) made an allegation of harassment, or
- b) indicated an intention to make such an allegation, or
- c) assisted or supported another person in bringing forward such an allegation, or
- d) participated in an investigation of a complaint, or
- e) participated in any disciplinary hearing arising from an investigation, or
- f) taken any other steps in connection with this Policy and associated Procedures, or
- e) is suspected of having done so.

Examples of victimisation may include:

For College staff:

- a) Failing to consider someone for promotion because they have previously made a harassment or sexual harassment complaint
- b) Dismissing someone because they accompanied a colleague to a meeting about a harassment or sexual harassment complaint
- c) Excluding someone from a work or student meeting because they gave evidence as a witness for another employee as part of a formal/legal process about harassment.

For students:

- d) A student losing access to resources, funding or opportunities because they have previously made a harassment or sexual harassment complaint
- e) A student being ostracised by others because they have previously made a harassment or sexual harassment complaint



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13. Circumstances that are covered

This policy covers behaviour that occurs in the following situations:

13.1. Staff

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions
- outside of a work situation but involving a colleague or other person connected to the College, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

13.2. Students

- Incidents on College property
- Incidents beyond College property but related to College activities
- Note that incidents involving non-College members will not be covered by this College policy but advice can be sought from a Harassment Advisor about alternative procedures

13.3. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

13.4. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.

13.5. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

14. Third Party Harassment (relevant to College employees)

14.1. Third party harassment occurs when one of our workforce is subjected to harassment by someone who is not part of our workforce, but who is encountered in connection with work. For College employees, this includes our students, suppliers, members of the public. Third party harassment of our workforce will not be tolerated.

14.2. Should you be subjected to third party harassment, you are encouraged to report this as soon as possible to your Line Manager, or to the HR Director / Academic Director as appropriate.

15. Training

15.1. Training is provided for all College staff and students on harassment to ensure there is a clear understanding of, amongst other things, what harassment is, how it may occur; that it will not be tolerated, and the expected levels of behaviour.

15.2. Harassment training should be completed on an annual basis by all College staff. All new students are required to complete compulsory training.



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Support Staff: Details about how to access the training will be provided by HR when the training is due. New starters will be required to complete the training as part of their induction process.

Academic Staff: Details about how to access the training will be provided by the Academic Director. New starters will be required to complete the training as part of their induction process. For those on joint appointments, the University training may be completed. You are not required to attend the training twice, but may need to provide the College with proof that you have attended the training for compliance purposes.

Students: Harassment training can be accessed here: <https://edu.admin.ox.ac.uk/harassment-training>

15.3. College staff will be required to carry out other relevant training, as well as regular refreshers, throughout their employment.

16. Application of this Policy

16.1. Harassment is a serious offence. The College is committed to ensuring that there is no harassment, sexual harassment, or victimisation in the College environment. Allegations of harassment, sexual harassment, and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures.

16.2. Any member of the College community who feels they have been subject to harassment, sexual harassment, or victimisation can make a complaint via the appropriate College Procedure:

- Procedure for Complaints of Harassment by College Employees
- Procedure for Complaints of Harassment by Students

These procedures are available under separate cover on the College [website](#) and [intranet](#).

16.3. Where a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but are not limited to, serious assault or threat of serious assault. Further guidance on dealing with cases of sexual assault or sexual violence is available from the [University](#).

16.4. Student members can seek advice from Harassment Advisors, the Academic Director, the Director of Student Welfare and Support Services and/or approach the Police directly; and Staff members can seek advice from Harassment Advisors (where available) and in the case of non-academic staff, from the Human Resources Director, and in the case of academic staff members, from the Academic Director, University Harassment Advisors and/or approach the Police directly.



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- 16.5. Incidents of harassment that occur outside of the college environment and within the University environment will normally be dealt with under the appropriate [University procedure](#).
- 16.6. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and in such circumstances disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.
- 16.7. 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. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.
- 16.8. This Policy and associated Procedures may be found at www.jesus.ox.ac.uk/about-jesus-college/public-documents as well as on the College intranet. It can also be made available in hard copy from the Academic Office and Human Resources Office. Copies in alternative formats will be made available on request.
- 16.9. This Policy and associated Procedures will be subject to regular review by the Academic and Human Resources Committee(s), at least every three years.