



Jesus College Oxford

Procedure for Complaints of Harassment by College Employees

This Procedure should be read in conjunction with the College's Policy on Harassment, Sexual Harassment, and Victimisation, which can be found on both the College [website](#) and [intranet](#).

1. Overview

The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff (academic or non-academic), or who has an association with a particular College, short of an employment contract. The Human Resources Director or Academic Director will have oversight of all cases, and will take the lead as appropriate in liaising with other parts of the collegiate University.

Throughout this section of the policy where the complaint relates to an academic member of staff, generally the Academic Director will have oversight, and where it relates to a non-academic member of staff the Human Resources Director will have oversight. On occasion, it may be necessary to vary this.

Where the complainant is a student, support during this process will be provided by the Academic Director and, where relevant, the Director of Student Welfare and Support Services.

2. Initial action

Informal complaint

We recognise that complaints of harassment, sexual harassment, or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through a normal grievance or formal complaints procedure. In these circumstances you are encouraged to raise such issues with a senior member of the College of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

- If you experience harassment or sexual harassment and you feel comfortable to do so, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this. At no time should a student or staff member feel obliged to approach an alleged harasser.
- In addition, you may also choose to raise concerns during your regular communication with your manager or supervisor, for example, in a 1-2-1 meeting. Your manager or supervisor



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will listen to you and take your concerns seriously if you do this, but may encourage you to follow the reporting procedures set out below. They may also contact a Harassment Advisor.

- Academic Staff may also contact a Harassment Advisor.

Mediation or conciliation

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

In the case of a complaint involving two members of staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the Human Resources Director/Academic Director. This may be someone in house or an externally appointed person. In the case of a joint appointment, advice may be sought from the University's Director of Human Resources. In the case of a complaint involving a member of staff and a student, the Human Resources Director and Academic Director will liaise and may seek advice from the Director of Student Welfare and Support Services, as appropriate.

All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

3. Complaints procedure

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.

- If the complainant is a member of non-academic staff, the complaint should be submitted to the Human Resources Director.
- If the complainant is a student or academic member of staff, the complaint should be submitted to the Academic Director who will then communicate with the Human Resources Director and/or relevant Head of Department.

In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the Human Resources Director/Academic Director or wishes to make a complaint against either the Human Resources Director/Academic Director, advice may be sought from Harassment Advisors or the other Director.

Students and staff can seek support from College Harassment Advisors throughout the complaints process.



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If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor via email on harassment.line@admin.ox.ac.uk.

Submission of the complaint

In the submission to the Human Resources Director or Academic Director, the complainant should set out as clearly and succinctly as possible:

- a. the nature of the behaviour that they are concerned about;
- b. the effect of this behaviour on them; and
- c. the resolution they are seeking.

The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.

Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the investigation within six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate fully with the College. In exceptional cases, an investigation may take longer than six weeks, and both parties will be kept updated about the progress of the investigation.

Both parties to the complaint have the right to be accompanied by a colleague of their choice from within the College, or a trade union representative, at any meeting held under this procedure. If the complaint involves a student they may be accompanied by another student member of the College or a member of the College's welfare team, a senior member of the College, or a member of staff from OUSU's Student Advice Service. All involved must maintain appropriate confidentiality.

There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Human Resources Director or Academic Director consider that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the Head of House or other Senior College Officer may initiate an investigation.

4. Complaint Received

On receipt of a complaint, the Human Resources Director/Academic Director will take such steps as they think necessary or appropriate to determine whether immediate action is required (in advance of any investigation). These steps may include:

- a. informing the person against whom a complaint has been made of the allegations against him or her;



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- b. meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
- c. speaking to other relevant people on a confidential basis; and/or
- d. obtaining further relevant information.

The Human Resources Director/Academic Director will then decide whether it is necessary to commission an investigation. In the event that an investigation is necessary an Investigating Officer, and as appropriate a Deciding Manager, will be appointed.

5. Investigation

The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.

As a general rule, the Investigator should not have had previous involvement with the issues in the case.

The Investigator will investigate and prepare a report, they may, if specifically requested to do so make recommendations on possible courses of action.

The procedure for an investigation will normally be as follows, but may be adapted by the Investigator to meet the needs of the case:

1. The Investigator will meet the complainant to confirm the details of the complaint;
2. The Investigator will write to the person complained about forwarding the clarified complaint along with any other relevant material;
3. The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence;
4. The Investigator will meet the person complained against to hear their response to the complaint, providing them with any further evidence that has come to light and seeking their response to such information;
5. Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising;
6. The report will be forwarded to the Deciding Manager and to the Human Resources Director/Academic Director.

In cases involving students, the Academic Director will ensure that appropriate support is available to students and will seek consent from the complainant to inform their department of the complaint, if appropriate.



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The Deciding Manager will review the investigation and recommendations and reach a final decision on the outcome of the complaint.

The Deciding Manager will liaise with the Human Resources Director and Academic Director before informing the complainant and the person who is the subject of the complaint of the following:

- a. the conclusions reached;
- b. any subsequent action.

The Human Resources Director/Academic Director will inform any other parties who have been asked to participate in the investigation that the investigation has been concluded.

If the complainant is a student, a Completion of Procedures letter should be issued.

6. Possible outcomes of a complaint

Potential outcomes can include:

- a. No further action; or
- b. It may be necessary to implement or suggest steps that would help to restore reasonable professional relationships between the parties. (e.g specific training, implementing practical arrangements to improve professional relationships etc.); or
- c. Disciplinary proceedings. In rare cases this may be against the complainant if the complaint of harassment is unfounded and is deemed not to have been made in good faith.

7. Appealing the decision

If the complainant does not agree with the complaint decision they may appeal the decision, details of the appeal, including the timescales, will be provided in the outcome letter.

Any action for potential misconduct taken against either party under the Disciplinary policy will give rise to an appeal under that policy.

If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. They must do so within three months of the date of the Completion of Procedures letter.



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8. Potentially criminal conduct

This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. The Human Resources Director/Academic Director will reach a decision on this.

9. What to do if you witness sexual harassment or victimisation

If you witness sexual harassment or victimisation, you are encouraged to take action appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the HR Director (non-academic staff) or the Academic Director (Academic staff) in writing. Alternatively, you can report instances of sexual harassment by emailing harassment.line@admin.ox.ac.uk or by visiting <https://edu.admin.ox.ac.uk/harassment-advice>.

Your concerns will be handled by the HR Director/Academic Director who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

10. Confidentiality

Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, the University, or to external bodies.

Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts. The College will not normally report a matter to the police without the complainant's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.



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11. Records

The College and all those involved in this process must comply with the principles of the Data Protection Act 1998¹. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

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.

The Human Resources Director/Academic Director should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

12. Complaints of harassment of College employees by Third Parties

Third-party sexual harassment occurs when one of our workforce is subjected to sexual harassment by someone who is not part of our workforce, but who is encountered in connection with work. This includes students, contractors, suppliers, members of the public, friends and family of colleagues, delegates at a conference or College event, etc.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, the College takes reasonable steps to prevent third-party sexual harassment from occurring. These include:

- a. **attaching signage to the walls of the areas within the Lodge and near other College entrances where all third parties enter the College to warn that sexual harassment of our staff is not acceptable**
- b. **informing third-parties – including visitors to the College site, suppliers, etc. – of our zero-tolerance sexual harassment policy**
- c. **clearly communicating our expectations to third parties attending College events**

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.

Students are treated as Third Parties in cases involving College staff. Should a student harass a member of

College staff then the above procedure for claims by College staff applies.

¹ www.jesus.ox.ac.uk/about-jesus-college/public-documents