



# Jesus College Oxford

## Procedure for Complaints of Harassment by Students

*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

This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context.

Complaints of harassment brought by students against College-only staff will be dealt with under the staff Procedure above, and complaints by students against University staff will be dealt with under the University Procedure.

In all cases a student complainant may approach the Academic Director to seek guidance and, if appropriate, the Director of Student Welfare and Support Services. If a student is unsure whether a particular instance of harassment falls under the University's procedures or College procedures, they should seek advice from Academic Director, DSWSS or a [Harassment Advisor](#).

If a member of College staff wishes to make a complaint of harassment against a student, in the first instance they should seek guidance from the Human Resources Director, who will consult with the Academic Director and possibly the Student Welfare Lead and/or DSWSS as relevant.

The Academic Director and Harassment Advisors can provide support to students requiring advice on student cases. The Academic Director will have oversight<sup>1</sup> of all cases referred to them under this Procedure, and will take the lead as appropriate in liaising with other parts of the collegiate University. The Academic Director will act as a source of information and advice for the College on student cases of harassment, and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to their office under this Procedure.

In serious cases, it is likely to be appropriate to proceed directly to stages 2 and 3 of this Procedure.

### 2. Complaints Procedure

#### Stage 1 - Informal action

In some cases, a student who feels that they are being harassed by another student may feel able to approach the person in question to explain what conduct they find upsetting,

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<sup>1</sup> Oversight in this context refers to the Academic Director being aware of all cases so as to ensure the provision of appropriate support to students.



## Jesus College Oxford

offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been harassed is responsible for rectifying the situation. It may often be appropriate to proceed directly to stages 2 and 3 of the procedure.

Before taking informal action, the student could discuss the situation with a [College Harassment Advisor](#). If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor [here](#) or by e-mailing [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk). Harassment Advisors will not approach the alleged harasser on behalf of an individual.

Other sources of advice when considering informal resolution include relevant College Officers, JCR and MCR welfare representatives or Officers], Student Peer Supporters, and Oxford SU's [Advice Service](#) (or [e-mail enquiries@oxfordsu.ac.uk](mailto:e-mail_enquiries@oxfordsu.ac.uk)).

These sources of support and advice are also available to students who have been accused of harassment.

### **Stage 2 - Student Welfare and Support Services**

If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the behaviour, the Academic Director and Harassment Advisors are available for advice and guidance to any student who feels that they are being harassed. Students can contact the Academic Director by [e-mail: academic.director@jesus.ox.ac.uk](mailto:academic.director@jesus.ox.ac.uk).

The Academic Director will refer the student to a Harassment Advisor. The Harassment Advisor will be available to support the student throughout the process, including if they decide to move to stage 3 and make a formal complaint, and will also provide support following the outcome of any formal complaint. The Academic Director will oversee all cases, and will advise and take action as appropriate. Actions taken will vary depending on the case. Actions taken by the Harassment Advisor may include:

- a) Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take;
- b) Referring the student to appropriate support services (such as the [Student Counselling Service](#), [Sexual Harassment and Violence Support Service](#), [Harassment Advisors](#) and [Oxford SU Student Advice Service](#)).

Actions taken by the Academic Director may include:

- c) Facilitating a mediation or conciliation process between the student and the alleged harasser, if both parties agree. An experienced mediator or conciliator acceptable to both parties will normally be nominated by the Academic Director, who may seek advice from the University's Director of Student Welfare and Support Services.
- d) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the College environment and within the University environment



## Jesus College Oxford

- e) Ensuring that relevant members of staff within the collegiate University are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality owed to others.

Support from the Harassment Advisors, or those designated by them is also available to students against whom complaints of harassment have been made. The support will be equivalent to that available to a student who feels that they are being harassed by another student, including referral to appropriate support services, and facilitation of a mediation or conciliation process if both parties agree. The Academic Director will ensure that, where a complainant and a student complained against are both seeking support, they will be dealt with by different members of staff, who will maintain appropriate confidentiality.

Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the principles of the Data Protection Act 1998<sup>2</sup>. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

### **Stage 3 - Formal written complaint**

In some cases, it may be appropriate to proceed directly to stage 3 without having been through stages 1 and 2.

If action taken at stages 1 or 2 does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the student should make a formal written complaint to the Academic Director who will instruct the Dean to investigate.

The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any resolution attempts made at stages 1 and 2.

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) where possible, 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 where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking. If the complainant has already made a statement about the behaviour under stage 2, this may be sent as their formal written complaint, with the proviso that the Investigator may request further information.

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<sup>2</sup> [www.jesus.ox.ac.uk/about-jesus-college/public-documents](http://www.jesus.ox.ac.uk/about-jesus-college/public-documents)



## Jesus College Oxford

The Investigator or another person appointed by them, will investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include:

- a) informing the person against whom a complaint has been made of the allegations against them;
- b) meeting separately with the complainant and the alleged harasser;
- c) speaking to other relevant people on a confidential basis; and/or
- d) obtaining further relevant information.

At all times both parties will have the right to be accompanied at meetings by another student member of the College, a member of the College Welfare Team, or a member of staff from the College or Oxford SU's Student Advice Service.

Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of six weeks. Both the complainant and the student who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.

Both the complainant and the student complained against will be kept informed of proceedings, and will be referred as appropriate to sources of support and advice. Both parties will be informed in writing of the outcome of the investigation of the complaint.

In some circumstances, in the interests of the complainant and/or the student complained about, it may be necessary for interim action to be taken, pending the outcome of the investigation. This may include making arrangements to limit contact between the parties concerned.

Potential outcomes of an investigation of a formal written complaint of harassment can include:

- No further action; or
- 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
- 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;
- Referring either or both parties to appropriate support services
- Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the college environment and within the University environment;
- In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.



## Jesus College Oxford

### 3. 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. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision using relevant College procedure/Conference of Colleges Appeals Tribunal if applicable or, if they have exhausted all mechanisms of appeal within College, apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. The complainant may seek advice from Academic Director or a Harassment Advisor if they are considering taking this action. If applying to the OIA they must do so within three months of the date of the Completion of Procedures letter.

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

Following the outcome of the complaint, the Academic Director will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Academic Director considers 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 member may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

### 4. Referrals

On occasion, complaints of harassment which should be considered under this Procedure may be made to staff other than the Academic Director. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Academic Director, so that they can receive support from a trained staff member, or submit a formal written complaint.

If a student does not wish to seek support and advice, or to make a complaint, under stages 2 or 3 of this Procedure, or if there are queries about the procedure to be followed, staff can contact the Academic Director or DSWSS for advice on a confidential basis<sup>3</sup>.

There may be occasions where a student does not wish to seek support and advice or to make a complaint under stages 2 or 3 of this Procedure, but where the Academic Director considers that the implications for the individual and/or for others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In such circumstances the Academic Director may initiate an investigation and make a decision on further action on the basis of such evidence as is

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<sup>3</sup> Any member of the collegiate University can also contact the Proctors for advice and information on any matter.



## Jesus College Oxford

available. The individual's consent will normally be sought if disclosure is to be made, and a decision on disclosure would be made at a senior level.

### 5. Potentially criminal misconduct

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. Where the complaint is of potentially serious criminal behaviour by a student, the College should consider whether it would be appropriate for the University to investigate, given the University's access to experienced external investigators. Further guidance on cases of sexual assault and harassment may be found at the University's [Sexual Harassment and Violence Support Service](#). Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Support for any student affected by such an incident may be sought from the Academic Director, Harassment Advisors, and other relevant College Officers.

In addition, the Academic Director will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary.

### 6. 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. 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.

### 7. Records

The College and all those involved in this Procedure must comply with the principles of the Data Protection Act 1998<sup>4</sup>. 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 by the investigator 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. All notes will be preserved

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<sup>4</sup> [www.jesus.ox.ac.uk/about-jesus-college/public-documents](http://www.jesus.ox.ac.uk/about-jesus-college/public-documents)



## Jesus College Oxford

during the process and until such time as the College's internal processes and any external processes are concluded.

The Academic Director should be consulted about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.