

## **Wadham SU Guide to complaints and procedure on harassment (15/10/20)**

This short guide, compiled by the Wadham SU Women's officers, is offered as a quick reference for Wadham students. A summary of official policy and procedure documents on complaints and harassment issued by both Oxford University and Wadham College, current as of Michaelmas 2020, it does not replace these documents, which should always be consulted directly in their current versions when a student is considering whether to make a complaint.

### **Criminal misconduct**

Please note that if a criminal offence has been committed, which may include but is not limited to hate crime, serious assault, or threat of serious assault, the procedures below may not be appropriate. As well as approaching the Police directly, students can seek advice at Wadham from the College Harassment Advisors and Welfare Dean, and also as appropriate from the university Director of Student Welfare and Support Services, Sexual Harassment and Violence Support Service, and Harassment Line (details provided below).

### **Procedure on complaints and harassment within the university**

Consult, in the first instance, the university's flowchart of harassment procedure:

<https://edu.admin.ox.ac.uk/files/harrasmentflowchartstudents>

Complaints about incidents (including harassment) which are alleged to have occurred primarily within the setting of the university, and involving students or staff at other colleges, should be directed through the university's procedures.

The university's procedures on student complaints:

<https://academic.web.ox.ac.uk/files/universitystudentcomplaintsprocedure2020pdf>

### **Wadham's procedure on complaints and harassment within College:**

For full information about Wadham's policies and procedures on complaints and harassment that occur primarily within the setting of the College, please consult the College's official documents below.

Wadham's policy and procedure on harassment:

[https://www.wadham.ox.ac.uk/docs/Wadhamcollegeharrass\\_1468320711.pdf](https://www.wadham.ox.ac.uk/docs/Wadhamcollegeharrass_1468320711.pdf)

Wadham's procedure on student complaints (SCP):

[https://www.wadham.ox.ac.uk/docs/StudentComplaintsPro\\_1541080008.pdf](https://www.wadham.ox.ac.uk/docs/StudentComplaintsPro_1541080008.pdf)

### **Short(er) guide to Wadham's Student Complaints Procedures (SCP)**

Please note that the SCP is *not* used for student complaints regarding other students, but only regarding the College.

<b>Complaints about the following can be made via the SCP</b>	<b>Complaints about the following <i>cannot</i> be made via the SCP</b>
The College's academic provision	Any complaint involving criminal allegations, which should normally be reported to the Police – if the student concerned is unsure about this course of

	action, the Dean or Welfare Dean are available for consultation
The College's pastoral provision	Another student (including visiting students) of Wadham College – instead see the College's <a href="#">disciplinary code and procedures</a>
The College's domestic provision	The actions of any Wadham SU officers, representatives or committees – instead see the complaints procedure in the <a href="#">Wadham SU constitution</a>
The College's financial provision	Bullying or harassment – instead see the harassment procedure linked above
The College's provision for students with a disability (as defined by the Equality Act 2010)	A person who is not a member of the College, an employee of the College, or an individual providing teaching or a service on the College's behalf – instead see the <a href="#">university's SCP</a>
The behaviour of any of the College's employees or any individual providing teaching or a service on the college's behalf	A service which is not provided by the College – instead see the university's SCP (above)
Any other aspect of College life, where the matter is alleged to have specially impacted on the individual student complainant	A private dispute with a member of the College (i.e. a matter not arising from the member's role at the college)
	A disciplinary decision made by the College – instead see the College's disciplinary code and procedures (above)
	A matter affecting a wider circle of students, where there is no special individual impact on the complainant – please raise instead via the relevant SU or MCR Committee member
	Admissions decisions
	Requests for new or different services or provision

### Informal SCP:

- A complaint made under the informal SCP can initially be made anonymously, though the complainant should be aware that in some cases it may not be possible to investigate the complaint properly if they maintain anonymity
- Do not include unnecessary personal information, especially about third parties, in complaints, because the College is obliged to keep records of complaints in line with the Data Protection Act 2018
- An informal complaint is made in writing to one of the College officers (e.g. Senior Tutor, Welfare Dean, Domestic or Finance Bursar, etc.); if the complaint is about one of these officers or the Warden, it can be made to the Sub-Warden
- The recipient of the complaint should respond within 5 working days, and may transfer the student to another officer if they feel they are not the most appropriate officer to deal with the complaint
- The officer should seek to understand the nature of the issue, conduct any relevant inquiries, offer advice, try to find a resolution where the complaint is found to have merit, and record the outcome in a written response to the complainant (and verbally to the subject of the complaint if they were involved)

### Formal SPC:

- The complaint needs to be raised **no more than three months after** an isolated incident has occurred or, in the case of a gradually emerging problem, more than three months after the

issue(s) that according to the complainant brought the issue to a head. If there has been a delay, the student complainant should explain why this is the case

- Formal complaints can never be made anonymously, and usually the formal SCP is only used when the informal SCP has not resolved the issue or the complainant was not satisfied with the outcome; the formal complaint must be made within 20 working days of the complainant being informed of the outcome of the informal SCP
- Formal complaints must be made in writing to the most appropriate College officer or Sub-Warden (as per the informal SCP), identified by the heading “formal complaint”, and must include the following:
  - A description of what gave rise to the complaint including dates and times
  - If applicable, the name of the subject of the complaint
  - Details of steps already taken to try to resolve the complaint
  - If applicable, an explanation of why the complainant is dissatisfied with the outcome of the informal SCP
- The recipient of the complaint must acknowledge receipt within 10 working days and either confirm that a more detailed investigation will follow or explain to the complainant why the complaint falls outside of the SCP (NB: as per the informal SCP, the recipient may transfer the complaint to another officer)
- Where a complaint is to proceed to the formal SCP, the subject of the complaint is entitled to see the written complaint and to respond in writing
- The College officer must notify the subject of the complaint and the Sub-Warden, who will within 10 working days appoint a fellow and a member of the College to a three-person panel, normally chaired by the Sub-Warden (unless the Sub-Warden is unavailable or the subject of the complaint, in which case it will be chaired by the most senior academic fellow of Governing Body who does not have a conflict of interest)
- The complainant and any subject of the complaint will be informed of the identities of the panel before appointments are made and given reasonable opportunity to object to any member; alternative member(s) may be appointed if the Sub-Warden feels the grounds for objection are reasonable
- The panel will make inquiries
- The subject of the complaint will be entitled to appear before the panel if they so choose, and may be accompanied by an appropriate third party, such as a union representative or a Staff Peer Supporter
- Notes will be taken of all interviews, and, as per the informal SCP, the College is obliged to keep records of complaints in line with the Data Protection Act 2018
- The panel will aim to complete the investigation within 20 working days, the subject matter and academic calendar allowing
- The panel will produce a written report, which will be provided to the complainant and to the subject of the complaint within 10 working days of the completion of inquiries; both parties will be invited to submit written comments or objections within a further 5 working days
- After this the College officer will receive the report and any supporting documentation or evidence, along with any written comments or objections, and will consider the complaint and make a decision as to action to be taken
- The student complainant and the subject of any complaint will be notified of the outcome of the formal SCP, along with the reasons for it, within 10 working days of the officer receiving the panel’s report

#### **Review:**

- If the complainant or subject of the complaint is dissatisfied with the outcome of the formal SCP, they can request a review by writing to the Warden under the heading “application for review of handling of formal complaint”, within 10 working days of the date of the letter from the College officer informing the complainant and the subject of the complaint of the outcome of the formal

SCP (NB: if the Warden is the subject of the complaint, a review should be requested via the Senior Tutor, Domestic Bursar, or Finance Bursar)

- A review will only consider: whether the appropriate procedures were followed; whether the outcome was reasonable in all circumstances; any new and material evidence which the complainant was unable, for valid reasons, to provide earlier in the process
- The subject of the complaint, or the complainant, as the case may be, must be notified that a review has been requested and the grounds of the request, and can submit a response to those grounds
- The outcome of the review and the reasons for the decision will be communicated in writing to the student complainant and subject of the complaint within 20 working days of delivery of the request for a review
- Once the College's review has been completed, the complainant is entitled to complain to the Office of the Independent Adjudicator (OIA), an independent review body, and ask the OIA to review the outcome of the College's complaints process
- A request for an OIA review should normally be submitted to the OIA within 3 months of the date of the written communication of the outcome of the review stage
- The OIA looks at issues such as whether the College followed its procedures, whether these procedures were reasonable, and whether the College's decision was reasonable in all the circumstances

#### Short(er) guide to Wadham's harassment procedures:

##### *What constitutes harassment?*

- The College considers that 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 person
  - Bullying or victimising
- The recipient does not need to have explicitly stated that the behaviour was unwanted
- Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment
- The intentions of the alleged harasser are not always determinative of whether harassment has taken place
- Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment
- Harassment can occur through the behaviour of an individual or through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying
- Examples of behaviour which may amount to harassment include (but are not limited to) the following:
  - Unwanted physical contact, ranging from an invasion of space to an assault
  - All forms of sexual harassment, including inappropriate body language, sexually explicit remarks or innuendoes, and unwanted sexual advances and touching
  - Offensive comments or body language, including insults, jokes or gestures and malicious rumours, open hostility, verbal or physical threats
  - Insulting, abusive, embarrassing or patronising behaviour or comments
  - Humiliating, intimidating, and/or demeaning criticism
  - Persistently shouting at, insulting, threatening, disparaging or intimidating an individual
  - Constantly criticising an individual without providing constructive support to address any performance concerns
  - Persistently overloading an individual with work that they cannot reasonably be expected to complete

- Posting offensive comments on electronic media
- Threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- Deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- Isolation from normal work or study place, conversations, or social events
- 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:
  - Following a person
  - Contacting, or attempting to contact, a person by any means
  - Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person;
  - Monitoring the use by a person of the internet, email, or any other form of electronic communication
  - Loitering with intent in any place
  - Interfering with any property
  - Watching or spying on a person

### *Sources of support*

- Students may consult the College's trained Harassment Advisors confidentially about issues with harassment, and seek advice from them without invoking a formal complaints procedure:
  - The Chaplain, Jane Baun: [chaplain@wadham.ox.ac.uk](mailto:chaplain@wadham.ox.ac.uk)
  - Welfare Advisor, Annie Lawson: [welfare.advisor@wadham.ox.ac.uk](mailto:welfare.advisor@wadham.ox.ac.uk)
  - Jane Griffiths, Tutor for Undergraduates: [jane.griffiths@wadham.ox.ac.uk](mailto:jane.griffiths@wadham.ox.ac.uk)
  - Ankhi Mukherjee, Tutor for Women: [ankhi.mukherjee@wadham.ox.ac.uk](mailto:ankhi.mukherjee@wadham.ox.ac.uk)
  - Philip Bullock, Tutor for Equality and Diversity: [philip.bullock@wadham.ox.ac.uk](mailto:philip.bullock@wadham.ox.ac.uk)
- Other sources of advice when considering informal resolution may include College officers, SU and MCR welfare representatives, Student Peer Supporters, and OUSU's Student Advice Service ([advice@ousu.org](mailto:advice@ousu.org)); please be aware that these sources, as well as the Welfare Dean and harassment advisors, are also available to students accused of harassment
- If the student or staff member does not feel comfortable contacting a College Harassment Advisor, they can contact the university Harassment Line for details of another advisor (Tel. 01865 270760 or email [harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk))
- The university's Sexual Harassment and Violence Support Service is a key source of professional specialist support, both immediately after an incident and in exploring options for response: <https://www.ox.ac.uk/students/welfare/supportservice>
- The Welfare Dean will oversee all cases where a complaint of harassment has been made against a student, and 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

### *Complaints of harassment against College staff*

- For student complaints against College staff, the Human Resources Lead (the HR Manager for non-academic staff, and the Senior Tutor for academic staff) will oversee the

case, and support will be provided for the student complainant by the Welfare Dean and, where relevant, the HR Manager, Domestic Bursar, Senior Tutor, and/or the Director of Student Welfare and Support Services

- If informal action does not resolve the problem or would not be appropriate given the nature of the complaint, the student complainant should make a written complaint to the Welfare Dean which sets out:
  - The nature of the behaviour that they are concerned about
  - The effect of this behaviour on them
  - The resolution they are seeking
  - Dates and details of any witnesses to any incidents referred to, and any documentary evidence
  - What attempts, if any, have been made to resolve the difficulties
- The aim is to conclude the investigation within 6 weeks
- Both parties have the right to be accompanied and supported by an individual to all meetings; for a member of staff, this person may be a trade union representative or a colleague, and for a student it may be another student member of the College, 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; these people must maintain appropriate confidentiality
- The Human Resources Lead in charge of the case will take action to understand the nature of the complaint and the resolution sought, which may include:
  - Informing the subject of the complaint about the allegations
  - Meeting separately with the complainant and subject of the complaint
  - Speaking with other relevant people on a confidential basis and obtaining further relevant information
- The Human Resources Lead will then decide how to proceed and inform the parties in writing; they may make inquiries or commission an investigation, and may also determine that immediate interim action is necessary pending the outcome of the formal process
- The procedure for an investigation will normally be as follows:
  - The Investigator (who should have no previous involvement with the case) will meet the complainant to confirm the details of the complaint
  - The complaint will be forwarded to the person complained against with any other relevant material that the Investigator has
  - The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence
  - The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light
  - The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence
  - Having considered all the evidence, the Investigator will prepare a written report, and may check relevant sections in draft with the parties before finalising it
  - The report will be forwarded to the Human Resources Lead, usually with a copy to the Head of House / other relevant College officer(s), and normally to the Welfare Dean; consent should be sought from the complainant to inform their department if appropriate
- The Human Resources Lead will then inform the complainant and the subject of the complaint in writing of the conclusions they have reached having reviewed the evidence, (including any investigation report), the action they intend to take, and the reasons for any such action
- NB: in rare cases disciplinary action may be instituted against the complainant if the Human Resources Lead is satisfied that the complaint was unfounded and that the

complainant knew or could have been reasonably expected to know that the complaint was unfounded, and so the allegation of harassment is judged to be malicious; no action will be taken if the complaint is judged to be unfounded but made in good faith

- If either party does not accept the outcome of the complaint, they may make an appeal (see: <https://www.wadham.ox.ac.uk/students/wadham-college-student-handbook/wadham-college-student-handbook/appendices>), and may be able to apply to the Office of the Independent Adjudicator (OIA) for a review of the case, within 3 months of the date of the Completion of Procedures letter
- As with the SCP, appropriate confidentiality must be maintained by all parties involved, with information only being shared on a need-to-know basis, and records will be kept in accordance with the Data Protection Act 2018

### *Complaints of harassment against other Wadham College students*

The process for complaints of harassment against other Wadham College students is divided into three stages. (For complaints against students from other colleges, see the university Harassment Procedure flowchart link above.)

- Stage 1: informal action
  - The student may feel able to approach the person causing them distress to explain what conduct they find unacceptable and ask them to stop – but remember that no student should feel obliged to approach an alleged harasser or feel responsible for rectifying the situation, and it may often be appropriate to proceed to stage 2
- Stage 2: student welfare and support services
  - Students can contact the Welfare Dean ([welfare.dean@wadham.ox.ac.uk](mailto:welfare.dean@wadham.ox.ac.uk)) to be referred to a staff member trained in dealing with harassment cases, usually a harassment advisor
  - The actions of this staff member may include giving advice and referring the student to appropriate support services; actions taken by the Welfare Dean may include referring a case to the university if it turns out that the alleged harassment took place within the university rather than the College environment, and ensuring that relevant members of staff are informed of the case if appropriate, with the student's consent, and having due regard for obligations of confidentiality
  - The Welfare Dean and harassment advisors may facilitate mediation or conciliation if both parties agree to this
- Stage 3: formal written complaint
  - A formal written complaint should be made to the Dean as soon as possible after the event(s) to which it refers, or normally within 1 month of the completion of any resolution attempts made at stages 1 and 2
  - Other than the case being handled by the Dean instead of the Human Resources Lead and the aim being to conclude the complaint within 1 month rather than 6 weeks, the process of the formal written complaint is the same as is set out above for complaints of harassment against College staff