

Code of Practice on Harassment

Part I – Introduction

1. Magdalen College is committed to providing an environment in which all senior and junior members of College, all employees and contractors ('staff'), and those for whom the College has a special responsibility (for example visiting academics, visiting students, and students from other colleges when on College premises – henceforth referred to as 'visitors') are treated with dignity and respect. The College is committed to protecting its members, staff, and visitors from any form of harassment which might inhibit them from pursuing their work or studies, or from making proper use of College facilities. Forms of harassment covered by this Code include harassment relating to another's sex (including gender reassignment), sexual orientation, religion, race, age, or disability.

2. Harassment is a serious offence for which there are sanctions under the College's disciplinary procedures.

3. Nothing in this Code shall remove the power of the Deans of Arts to deal with examples of abusive, offensive, or aggressive behaviour whether or not amounting to harassment. Attention is drawn to the relevant provisions of the *Information & Regulations for Members of the College* on the role of the Deans of Arts and on the College's Non-Academic Disciplinary Procedures.

4. Acts of harassment may be unlawful. Harassment on grounds of sex (including gender reassignment), race, religion, disability, sexual orientation, pregnancy and maternity, or age may amount to unlawful discrimination.

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 or the Sexual Offences Act 2003.

5. When a criminal offence may have been committed, the College's Harassment Code and procedures may not be appropriate. Such cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice from the College's Deans of Arts or Harassment Advisers and/or approach the Police directly. Staff members can seek advice from the Human Resources Adviser and/or approach the Police directly.

6. All senior and junior members, members of staff, and visitors have a personal responsibility to ensure that their behaviour is not contrary to this Code and are encouraged to ensure the maintenance of an environment in the College which is free from harassment. Offensive behaviour will not be tolerated.

All senior members of College, staff who are heads of department and their equivalents, those with significant supervisory duties, and others in positions of responsibility or seniority, including students who fall into these categories, have specific responsibilities.

These include setting a good personal example, making it clear that harassment will not be tolerated, being familiar with, explaining, and offering guidance on this policy and the consequences of breaching it, investigating reports of harassment, taking corrective action if appropriate, supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate and ensuring that victimisation does not occur as a result of a complaint.

7. This Code of Practice is designed to help any junior or senior member of the College, member of staff, or visitor who has concerns about harassment. It should be read in conjunction with the College's policies on Equality and Freedom of Speech. These can be found at:

www.magd.ox.ac.uk/equality/
www.magd.ox.ac.uk/other-policies/.

8. The College is committed to promoting awareness and understanding of its policy on harassment amongst its senior and junior members, staff, and visitors, and has therefore made this Code of Practice available via its website.

9. The College has adopted (and based this Code on the principles of) the University's Harassment Policy and Procedure, available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/, which includes guidance for cases of potentially criminal misconduct and has Annexes on the following matters:

- A: Procedure for complaints of harassment against University staff
- B: Procedure for student complaints of harassment against other students
- C: Sources of advice and support
- D: Guidance for staff on handling cases of sexual assault or sexual violence.

Part II – Defining Harassment

1. For the purposes of this Code, harassment may be broadly understood to consist of unwarranted behaviour towards another person 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.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a single incident can also amount to harassment. The recipient does not need to have explicitly stated that the behaviour was unwanted.

2. Harassment may be deliberate and conscious but also unintentional. 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. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

3. Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment.

4. **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.

5. The College seeks to protect any member of the College community from **victimisation**, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because he or she has, in good faith,

- made an allegation of harassment, or
- indicated an intention to make such an allegation, or
- 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, or
- taken any other steps in connection with this Code of Practice,

or because he or she is suspected of having done any of these things.

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

- suggestive comments or body language;
- verbal or physical threats;
- insulting, abusive, embarrassing, or patronising behaviour or comments;
- offensive gestures, language, rumours, gossip, or jokes;
- humiliating, intimidating, demeaning, and/or persistent criticism;
- open hostility;
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history;
- isolation or exclusion 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.

All these examples may amount to **bullying**, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

Many of the above examples of behaviour may occur through the use of internet, email, other electronic media, or telephone.

Further examples of behaviour which may amount to harassment are given in the

University's Harassment Policy and Procedure, available at www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/, including information about **stalking**, an offence under the Protection from Harassment Act.

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

Part III – Sources of Advice

1. The sources of advice set out below are available to:

- those who believe that they may be being harassed, and who wish to discuss any concerns in confidence;
- those who have been told that their conduct is perceived as harassing.

2. Advice may be sought or complaints pursued through any appropriate channel. Undergraduates may prefer to raise any concerns with their subject tutor and graduates with their college adviser. Those approached will direct enquirers elsewhere, if that seems most likely to meet the enquirer's needs. In addition to other officers, the following people have been specially appointed as Harassment Advisers, to give advice in this connection and to answer questions (whether or not amounting to a complaint):

Dr Jennifer Castle (New Building II.4; 01865 276067)
Prof. Robert Douglas-Fairhurst (St Swithun's VII.5; 01865 276058)

Members of staff may approach the Human Resources Adviser (01865 276080)

Those protected by this Code may appropriately seek advice in relation to harassment even if the conduct in question is not sufficiently serious to warrant the institution of disciplinary proceedings. Either of the Harassment Advisers listed above may be approached in the first instance.

3. The role of a Harassment Adviser is to listen non-judgementally to individuals' concerns and provide them with support by:

- Guiding them through this Code and relevant procedures, clarifying the options open to them and assisting them to resolve the matter informally where possible;
- Where requested, supporting them through the resolution process, whether informal or formal;
- Dealing with all cases confidentially, except where there is an unacceptable risk to a student, to a member of staff, or to the College; and
- Referring them to another adviser where necessary, or to other agencies or support systems as appropriate.

4. Harassment Advisers do not:

- Approach the alleged harasser in an attempt to mediate or resolve the matter;

- Act as a representative or advocate; or
- Act as a party to any formal stage of the complaint process, except in the role of providing support.

5. This Policy is 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, advice can be sought from the relevant sources of advice listed above or the University's Harassment Line.

Any member of the University community who may have been subjected to harassment can contact the University's Harassment Advisory Service. Details may be found at: www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/. The Service is also available to those against whom an allegation of harassment has been made.

Members of staff may also contact local trade union representatives for support. Details may be found at www.admin.ox.ac.uk/personnel/staffinfo/joint.

6. Other sources of help and advice can be found at:
www.admin.ox.ac.uk/eop/harassmentadvice.shtml.

These include:

- The Proctors' Office

www.admin.ox.ac.uk/proctors/contact
proctors.office@proctors.ox.ac.uk
01865 270090

- The Student Counselling Service

www.ox.ac.uk/students/welfare/counselling
counselling@admin.ox.ac.uk
01865 270300

- OUSU

ousu.org/advice/student-advice-service
advice@ousu.org
01865 288466

Further guidance on resources in cases of sexual assault or sexual violence is available at:

www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/guidance/.