

OUSU Policy and Procedure on Harassment

Introduction

1. Oxford University Student Union (OUSU) does not tolerate any form of harassment or victimisation and expects all OUSU Staff¹, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. OUSU is committed to fostering an inclusive culture that promotes equality, values diversity and maintains a working and social environment in which the rights and dignity of all Members of OUSU² are respected. This is in accordance with our Organisational Values.³
3. The aims of OUSU 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 OUSU have a role to play in creating an environment free from harassment;
 - c. Provide a framework of support for Members of OUSU 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. Those in positions of authority within OUSU, such as the Chief Executive Officer (CEO)⁴ and Chair of Trustees, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedure on appointment. The CEO has a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur and, that if they do occur, any concerns are investigated promptly and effectively.
5. All Members of OUSU have the right to expect appropriate behaviour from OUSU Staff, and OUSU staff have a corresponding right to expect appropriate behaviour from all Members of OUSU. All OUSU Staff and all Student Members of OUSU who are interacting with OUSU Staff have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate 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.

¹ 'OUSU Staff' refers to all staff and all Sabbatical Officers.

² 'Members of OUSU' refers to all OUSU staff and all Student Members of OUSU. (Sabbatical Officers, for the purposes of this Policy and Procedure, are considered to be members of OUSU Staff.)

³ We are: Professional; Dynamic; Democratic; Respectful. We believe in: Empowerment; Common Endeavour. Full details are available on the OUSU website. www.ousu.org/your-union/mission-vision-values

⁴ Throughout this Policy and Procedure, 'CEO' should be taken to mean the CEO, or another delegated member of staff.

- c. Supporting any Member of OUSU who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate, by signposting them to the relevant advice and support services.
6. This Policy and Procedure deals with harassment that involves a member of OUSU Staff, that is:
 - a. All cases where a complaint is made by a Member of OUSU about a member of OUSU Staff, and
 - b. All cases where a complaint is made by a member of OUSU Staff about a Member of OUSU (including other members of OUSU Staff).

Harassment that involves Student Members of OUSU but does not involve OUSU Staff is covered by the University's Policy and Procedure on Harassment⁵, or by the Policy of the relevant College.

Definitions

7. A person subjects another to **harassment** where they engage in unwanted and unwarranted conduct which has the purpose or effect of:
 - a. violating another person's dignity, or
 - b. creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.The recipient does not need to have explicitly stated that the behaviour was unwanted.
8. Freedom of speech and academic freedom 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.
9. **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.
10. OUSU seeks to protect all Members of OUSU from **victimisation** in relation to this Policy and Procedure, which is a form of misconduct that may itself result in a disciplinary process. OUSU 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 Procedure, or
 - g. is suspected of having done so.

⁵ <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

Behaviours

11. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
12. 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. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.
14. Harassment can take a variety of forms:
 - a. Through individual behaviour
 - i. face to face, either verbally or physically.
 - ii. through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device.
 - iii. 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.
15. 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, such as:
 - i. inappropriate body language;
 - ii. sexually explicit remarks or innuendoes;
 - iii. 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.
 - c. insulting, abusive, embarrassing or patronising behaviour or comments, including behaviour or comments that particularly relate to characteristics protected by the Equality Act 2010.
 - 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, gender identity 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.

16. **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 –
 - i. Relating or purporting to relate to a person, or
 - ii. 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.

Application of the Policy

17. Harassment is a serious offence. Any Member of OUSU who feels they have been subject to harassment by a member of OUSU Staff can make a complaint via the Procedure. Any member of OUSU Staff who feels they have been subject to harassment by a Member of OUSU (including another member of OUSU Staff) can also make a complaint via the Procedure.⁶

⁶ A Student Member of OUSU cannot use this Procedure to make a complaint about another Student Member of OUSU. They should use the University's Policy and Procedures on Harassment (<http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>) or the Policy and/or Procedure of the relevant College.

18. When a criminal offence may have been committed, the Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student Members can seek advice from the OUSU Student Advice Service⁷ or the University Harassment Advisory Service⁸ and/or approach the Police directly; and OUSU Staff can seek advice from the OUSU Student Advice Service, the University Harassment Advisory Service or the CEO⁹ and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the University at [Guidance for staff on handling cases of sexual assault or sexual violence](#).
19. Any Member of OUSU who feels they have been subject to harassment can contact the University Harassment Advisory Service for support. The Service is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found at: www.admin.ox.ac.uk/eop/harassmentadvice.shtml
20. 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 disciplinary action may be taken against them. No action will be taken if a complaint that proves to be unfounded is judged to have been made in good faith.
21. 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.
22. This Policy and Procedure may be found on the OUSU website or is available in hard copy from OUSU¹⁰. Copies in alternative formats are available on request.
23. The Policy and Procedure are subject to regular review by the OUSU Trustee Board.

⁷ advice@ousu.ox.ac.uk

⁸ harassment.line@admin.ox.ac.uk

⁹ chiefexecutive@ousu.ox.ac.uk

¹⁰ Contact enquiries@ousu.ox.ac.uk or 01865 288 452

OUSU Harassment Procedure

1. The Procedure below applies in all cases that involve a member of OUSU staff, that is:
 - a. All cases where a complaint is made by a Member of OUSU about a member of OUSU Staff, and
 - b. All cases where a complaint is made by a member of OUSU Staff about a Member of OUSU (including other members of OUSU Staff).

Harassment that involves Student Members of OUSU but does not involve OUSU Staff is covered by the University's Policy and Procedure on Harassment¹¹, or by the Policy of the relevant College.

2. Support during this process will be offered by the OUSU Student Advice Service¹² and the University Harassment Advisory Service.¹³

Initial action

3. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a Member of OUSU wishes to seek informal resolution, they should approach the OUSU Student Advice Service and/or CEO to ask for help in achieving a resolution of the problem.¹⁴ At no time should any Member of OUSU feel obliged to approach an alleged harasser.

Mediation or conciliation

4. 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.
5. In the case of a complaint involving a Student Member of OUSU, an experienced mediator or conciliator acceptable to both will normally be nominated by the CEO, in consultation with the OUSU Student Advice Service.
6. In the case of a complaint involving two member of OUSU Staff, an experienced mediator or conciliator acceptable to both parties will normally be nominated by the CEO.
7. The mediator or conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.
8. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

Complaints procedure

9. If neither initial action nor mediation/conciliation succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make

¹¹ <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

¹² advice@ousu.ox.ac.uk

¹³ harassment.line@admin.ox.ac.uk

¹⁴ advice@ousu.ox.ac.uk; chiefexecutive@ousu.ox.ac.uk

a written complaint to the CEO. If the complainant feels it is not appropriate to approach the CEO, or wishes to make a complaint against the CEO, a complaint may be made instead to the Chair of Trustees.¹⁵ In the case that the complaint is made to the Chair of Trustees, they should follow the Procedure as outlined for the CEO.

10. All Members of OUSU can seek support from the OUSU Student Advice Service and the University Harassment Advisory Service throughout the complaints process.¹⁶

Submission of the complaint

11. In the submission to the CEO, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) 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.
12. To assist with this submission, the complainant may use the 'OUSU Harassment Procedure Form'. This form is found at the end of this document, and is also available on the OUSU website and from enquiries@ousu.ox.ac.uk or by calling 01865 288 452.
13. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with OUSU in achieving that result.
14. Both parties to the complaint have the right to be accompanied and supported by any of the following: a trade union representative; a member of staff from the OUSU Student Advice Service; in the case of a Student Member of OUSU, another Student Member of OUSU of their choice; in the case of a member of OUSU Staff, a colleague of their choice from within OUSU. These people must maintain appropriate confidentiality.
15. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the CEO 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 CEO may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Action by the CEO on receipt of a complaint

16. The CEO may nominate an external member of the Trustee Board to act as their nominee throughout this process. Throughout paragraphs 16-31 below, 'CEO' should be understood to refer to the CEO or their nominee.
17. On receipt of a complaint, the CEO will take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought, including:
 - a. informing the person against whom a complaint has been made of the allegations against them;

¹⁵ Contact enquiries@ousu.ox.ac.uk or 01865 288 452 for the appropriate contact information.

¹⁶ advice@ousu.ox.ac.uk; harassment.line@admin.ox.ac.uk

- 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.
18. The CEO will then decide how to proceed and will inform the parties in writing. They may make such enquiries as are necessary to determine the complaint, or may commission an investigation, where circumstances preclude them from concluding the matter in a timely fashion.
19. The CEO may also determine that immediate interim action is necessary pending the outcome of a formal process.

Investigation

20. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See section 31 below for the procedure for investigations.)
21. As a general rule, the investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The investigator will prepare a report and may, if specifically requested to do so by the CEO, make recommendations on possible courses of action. The Investigator will normally be either an external member of the OUSU Trustee Board, a member of University staff recommended by the Head of Student Welfare and Support Services or the Director of Human Resources, or someone recommended by OUSU's external Human Resources Support.
22. The CEO will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the CEO intends to take; and (iii) of the reasons for any such action.
23. The CEO will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Possible outcomes of a complaint

24. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the CEO, in consultation with relevant University and/or College Officers, will either:-
- a. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.
- or
- b. Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours

that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within OUSU that require management attention.

or

- c. Institute disciplinary proceedings where the CEO is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the CEO will determine what intermediate measures are necessary, including any re-allocation of duties. In cases in which the person who is the subject of the complaint is a Student Member of OUSU, the CEO will normally liaise with their College and/or the University.

or

- d. In rare cases disciplinary action may be instituted against the complainant if the CEO is satisfied that the complaint of harassment is unfounded and not made in good faith. In cases in which the complainant is a Student Member of OUSU, the CEO will normally liaise with their College and/or the University.

Appealing against the CEO's decision

- 25. If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the 'Appeal Stage' of the OUSU Complaints Procedure.¹⁷

Confidentiality

- 26. 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 OUSU, the University, or to external bodies.
- 27. 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. OUSU 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.

Records

- 28. OUSU and all those involved in this process must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

¹⁷ The OUSU Complaints Procedure can be found on the OUSU website (www.ousu.org) or can be obtained from OUSU by emailing enquiries@ousu.ox.ac.uk or calling 01865 288 452.

29. 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.
30. The CEO may be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Investigations

31. The procedure for an investigation will normally be as follows, but may be adapted by the investigator to meet the needs of the case:-
 - a. The investigator will meet the complainant to confirm the details of the complaint.
 - b. The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the investigator has.
 - c. The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
 - d. The investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
 - e. The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
 - f. 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.
 - g. The report will be forwarded to the CEO. In cases involving students, consent should be sought from the complainant to inform the University, their College and/or their Department if appropriate. The CEO will liaise with the OUSU Student Advice Service to ensure that appropriate support is available to students following an investigation.