



## College Harassment Policy

### Introductory remarks and scope

1. Harassment is an unacceptable form of behaviour. The College is committed to protecting members, staff, and any other person for whom the College has a special responsibility from any form of harassment which might inhibit them from pursuing their work or studies, or from making proper use of College facilities. Complaints of harassment will be taken seriously and may lead to disciplinary proceedings. All members of the Balliol community have a personal responsibility to ensure that their behaviour is not contrary to this code and are encouraged to ensure the maintenance of a working environment in the College which is free from harassment.

2. For the purposes of this code, harassment may be broadly understood to consist of unwarranted behaviour towards another person, so as to disrupt the work or reduce the quality of life of that person, by such means, whether by single or successive acts, as bullying, ill-treating, or verbally or physically abusing, a person, or otherwise creating or maintaining a hostile or offensive studying, working or social environment for a person. Forms of harassment covered by this code include harassment relating to another's sex, sexual orientation, religion, race, disability and other protected characteristics under the Equality Act 2010.

Unacceptable forms of behaviour may include unwelcome sexual advances, unwelcome requests for sexual favours, offensive physical contact or verbal behaviour, or other hostile or offensive acts or expressions relating to people's sex, sexual orientation, religion, race, or disability. Full definitions may be found in Addendum 1.

Whilst serious sexual misconduct is formally classed as a type of harassment, the College notes that the term may inadvertently appear to belittle the gravity of the offence. The College acknowledges that such cases may initially come under this procedure but that complainants should then be encouraged to take them to an external authority as in clause 13. Such a route does not preclude the College taking further internal action once external investigations and cases are concluded, regardless of the outcome.

3. The presence of aggravating features may cause the harassing conduct to be more harshly judged:

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

(b) Harassing conduct will be judged as worse if motivated by hostility on account of a protected characteristic.

(c) Conduct will be judged as worse if characterised by an abuse of the trust

reposed in the accused by the complainant, or abuse of a position of authority, as for example that of a tutor or supervisor or line manager.

### **Prohibition of victimisation**

4. The College takes complaints seriously. No complainant will suffer any disadvantage as a result of making a complaint in good faith. (It should be noted, however, that making a complaint which is vexatious or malicious is likely to be a breach of that person's obligations to the College and may result in disciplinary action).

### **Harassment Officers**

5. The College has appointed two Harassment Officers, one male and one female, with either of whom questions (whether or not amounting to a complaint) of harassment may be raised in the first instance. The names and contact details of these people are available on the [College welfare webpages](#) and in the [College Handbook](#). They will respond promptly to all enquiries. Other College officers involved in the various disciplinary procedures may also be approached.

### **Obligation of confidentiality**

6. All members of the Balliol community covered by this policy may seek personal support and advice from the Welfare team at any point.

Complainants may also seek private support from family, friends and advisers. However, they should recognise the importance of not publicising allegations more widely, and should not allow those with whom they discuss it to publicise it.

Parties involved in a complaint are reminded that those who publicise allegations are subject to other jurisdictions, including but not limited to the University and rules on the use of electronic facilities, as well as the laws concerning defamation and data protection.

All parties involved in a complaint should maintain the confidentiality of the process, in order to protect the privacy of individuals. 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 nevertheless be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.

### **Stages of action**

7. Anyone who feels their safety or that of others is threatened should make the officers to whom they turn aware of this at the earliest opportunity so that appropriate action, which may include rapid escalation to a formal complaint, can be taken.

8. A Harassment Officer or any other relevant College officer to whom an issue is reported will at first seek to discover whether there exists an informal non-

disciplinary action (e.g. mutually agreed mediation by a College officer) which might successfully resolve the issue to the satisfaction of both parties. Such an action during the informal stage will not put any College officer in the position of disciplining any person covered by this policy.

9. If the Harassment Officer or relevant College officer wishes, they may, subject to the written consent of the complainant, discuss the question with the person against whom the complaint is made.

10. Complainants are free during the informal stages to use any College channel of complaint, as may seem to them most appropriate (e.g. a College counsellor, College officer or personal tutor). They are also at liberty to consult appropriate officers in confidence to discuss whether or not the behavior of another may amount to harassment, and what their options might be. Discussion of such options does not commit them to making a formal complaint.

11. Where necessary, for example on account of the gravity of the allegation or because of the intractability of the problem, the adviser may, with the consent of the complainant, involve the relevant Lead Officer (see Addendum 2).

12. Where the complaint is not resolved on an informal basis under the procedure set out in paragraph 8, the Lead Officer, if satisfied that there is a *prima facie* case of harassment, and if the complainant consents, will set in motion the relevant disciplinary procedures of the College.

13. If at any stage the complaint becomes the basis for a criminal investigation, an investigation by the Proctors of the University, or investigation or action by any other external authority, then the College's own procedures other than teaching changes under clause 15 will be suspended and resumed without prejudice when the external authority has concluded its case.

14. The relevant College procedures are as follows:

a) Complaints against a student will be dealt with under the offence definition, capacity definition and procedural sections of the Non-Academic Disciplinary Procedure, a link to which can be found in the [College Handbook](#), although it may progress straight to Stage Two if the Dean (and/or if relevant Praefectus) is/are satisfied that all possible attempts to resolve the matter informally have already been made and that neither side would be disadvantaged by such a move.

Anyone wishing to make a formal complaint of harassment against a student must do so in writing to the Dean/Praefectus as appropriate.

b) Complaints against a non-academic member of staff will be dealt with under the [Non-Academic Staff Harassment Procedure](#).

c) Complaints against those defined as academic staff in Statute X of the Balliol College Statutes, together with all those who teach or provide academic supervision or advice for the College, will be dealt with under the [Academic Staff Harassment Procedure](#).

d) Complaints against a member of the University who is not covered by these procedures should be made via the [University Policy and Procedure on Harassment](#).

15. If an allegation of harassment is made about a teaching member of the Balliol community by one of their current students or academic advisees, the Master will be informed without delay. The Master will as soon as possible take a decision about whether or not alternative provision will be made *pro tem* for that student or advisee and others within the College. This will be made without prejudice as to the facts of the case: the Master should, if possible, seek legal advice and may consult the Visitor and/or other advisers before taking such a decision.

16. The College has adopted (and based this code on the principles of) the [University's Harassment Policy and Procedure](#), which includes information on the following:

- Procedure for student complaints of harassment against other students
- Procedure for complaints of harassment against University staff
- Guidance for cases of potentially criminal misconduct
- Guidance for staff on handling cases of sexual assault or sexual violence
- Sources of advice and support

## Rights

17. Nothing in this Code shall detract from the position and jurisdiction of the Proctors or the right of free access to them by all junior and senior members of the University.

## Addendum 1

### Definition of Harassment

- A person subjects another to harassment where they engage in unwanted and unwarranted conduct which has the purpose or effect of:
  - > violating that other's dignity, or
  - > creating an intimidating, hostile, degrading, humiliating or offensive environment for that other
- Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
- Harassment on the ground of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation 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 provision of Protection from Harassment Act 1997.

### Examples of bullying and/or harassing behaviour

- Offensive comments or body language
- Verbal or physical threats
- Insulting, abusive, embarrassing or patronising behaviour or comments
- Humiliating, intimidating, and/or demeaning criticism
- Open hostility

- Deliberately undermining a competent person by overloading with work and constant criticism
- 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
- Unwanted physical contact, ranging from an invasion of space to a serious assault

**Please note:**

Reasonable and proper management instructions issued properly, or reasonable and proper review of a person's work and/or academic or work-related performance will not constitute harassment or bullying.

Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

## Addendum 2

\*The relevant Lead Officer referred to in paragraph 11 is as follows:

1. In cases involving only junior members, either or both the Dean (with reference to undergraduates) and the Praefectus (with reference to graduates).
2. In cases involving only non-academic domestic staff, the Domestic Bursar.
3. In all other cases, the Master, who may refer the issue to other college officers under paragraph 14.

June 2018