



ST. HUGH'S COLLEGE, OXFORD

HARASSMENT POLICY

Date Policy Ratified by Governing Body: 12 February 2025

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Date to be reviewed by: 12 February 2027

Harassment Policy

Introduction

1. This policy applies to all members of College, including all employees, staff, students, and fellows. This policy should be read in conjunction with the Prevention of Sexual Harassment Policy.
2. The College is committed to fostering an inclusive culture which promotes equality, values diversity, and maintains a working, learning, and social environment in which the rights and dignity of all members of the College community are respected. The College does not tolerate any form of harassment or victimisation.
3. The College expects all members of the College community, its visitors, and contractors to treat each other with courtesy and consideration.
4. The aims of the College 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 and victimisation are unacceptable, recognising that those behaviours may cause harm, physically or emotionally, and that all members of the College have an active role to play in creating an environment free from harassment and victimisation;
 - c. provide a framework of support for staff and students who feel they have been subject to harassment or victimisation, and;
 - d. provide a mechanism by which complaints can wherever possible be addressed appropriately and in a timely way.
5. Those in positions of authority, such as senior Officers of the College, managers, and members of the Governing Body, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy on appointment. All managers have a duty to implement this Policy and to make all reasonable efforts to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible; and that if they do occur, any concerns are taken seriously and dealt with appropriately under this Policy and the relevant Procedure.

Definitions

6. Harassment is defined in law as unwanted conduct meeting one or more of the following criteria:
 - a. unwanted conduct relating to a **protected characteristic** (age; disability; gender reassignment; marriage or civil partnership; pregnancy; maternity; race; religion or belief; sex; or sexual orientation), that has the purpose or

effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment;¹

- b. unwanted conduct of a **sexual nature** that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment,² or;
 - c. a **course of conduct** on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each; in this context, harassment includes causing a person alarm or distress where this is not a reasonable course of conduct in the particular circumstances.³
7. Victimisation in a College context means subjecting someone to detrimental treatment because they have done, or you believe that they have done or may do, one of the following:
- a. made an allegation of harassment or discrimination;
 - b. indicated an intention to make such an allegation;
 - c. assisted or supported another person in bringing forward such an allegation;
 - d. participated in an investigation of a complaint;
 - e. participated in any disciplinary hearing arising from an investigation, or;
 - f. taken any other steps in connection with this Policy.⁴
8. Stalking is a **course of conduct** that falls within the definition of harassment set out in paragraph 5 of this Policy and that also involves acts associated with stalking, for example:
- a. following a person;
 - b. contacting, or attempting to contact, a person by any means;
 - c. publishing a statement or any other material –
 - i. relating or purporting to relate to another 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;

¹ Summarised from Equality Act 2010 section 26(1).

² Summarised from Equality Act 2010 section 26(2).

³ Summarised from Protection from Harassment Act 1997 section 8(1), (3) & (4).

⁴ Summarised from Equality Act 2010 section 27, translated into actions that might arise in a College context.

- g. watching or spying on a person.⁵
- 9. Freedom of speech and academic freedom are central tenets of College life as set out in our Code of Practice on Freedom of Speech. With appropriate regard for the time, place, and manner of its expression, lawful speech is unlikely to amount to harassment under this policy, including in situations where members of College are confronted with views that they or others find upsetting, extreme, or offensive. However, in some cases otherwise-lawful speech can amount to harassment if the time, place, and/or manner of its expression is inappropriate. For example, speech which is acceptable as part of a formal debate on a controversial topic might nonetheless constitute harassment if delivered unprompted to a student with a relevant protected characteristic in the College bar.
- 10. The College does not tolerate any form of bullying. Although in some cases the same conduct may constitute both bullying and harassment, bullying is separate from harassment and is outside the scope of this policy. Anyone who believes that they are being subjected to or has witnessed bullying should speak with the Dean (in the case of alleged bullying by a student of the College), to a member of the Human Resources team or any manager (in the case of alleged bullying by a member of College staff), or to the Principal (in the case of alleged bullying by a Fellow of the College) who will signpost in cases of alleged bullying and provide advice on options for reporting and for informal resolution where appropriate. The College's Harassment Advisors can also provide support and give confidential advice.

Responsibilities

- 11. The Governing Body has overall responsibility for this Policy and for ensuring that the College takes all reasonable steps to promote and maintain an environment where neither harassment nor victimisation is tolerated.
- 12. Responsibility for the operation and application of this Policy is delegated to the Dean in respect of the conduct of student members; to the Principal in respect of the conduct of Fellows of the College; and to the Bursar in respect of the conduct of employees of the College.
- 13. People Subcommittee, reporting into the Finance and General Purposes Committee, is responsible for:
 - a. overseeing the actions in respect of this Policy of those to whom responsibility under this Policy has been delegated, and;
 - b. receiving assurance and reporting on the application and effectiveness of this Policy for onward reporting to Governing Body.

⁵ Summarised from Protection from Harassment Act 1997 section 2A.

14. The College's Harassment Advisors are trained to support any member of the College and can provide confidential advice and signposting to anyone who is experiencing or has concerns about harassment or victimisation.
15. All members and employees of the College are responsible for familiarising themselves with and adhering to this Policy.

Behaviours

16. Harassment may involve repeated forms of behaviour, but a one-off incident can also amount to harassment where it relates to a protected characteristic.
17. 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.
18. Being under the influence of alcohol or drugs, or otherwise intoxicated, is not an excuse for harassment.
19. Harassment can take a variety of forms:
 - a. face to face, either verbally or physically;
 - b. through other forms of communication, including but not limited to written communications and communications via any form of electronic media or mobile communication device;
 - c. directly to the person concerned, or to a third party.
20. 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 personal space to an assault, including all forms of sexual harassment, including:
 - i. inappropriate body language;
 - ii. sexually explicit remarks or innuendoes;
 - iii. unwanted sexual advances and touching;
 - b. engaging in any of the following either persistently or in relation to a protected characteristic:
 - i. offensive comments or body language, including insults, jokes or gestures and malicious rumours;
 - ii. open hostility, verbal or physical threats (which may also amount to other forms of misconduct subject to disciplinary investigation in their own right);
 - iii. insulting, abusive, or patronising behaviour or comments, or behaviour that unreasonably embarrasses someone;

- iv. humiliating, intimidating, and/or demeaning criticism;
 - v. shouting at, insulting, threatening, disparaging, or intimidating an individual;
 - vi. posting offensive comments on electronic media, including via mobile communication devices;
 - vii. criticising an individual without providing constructive support to address any performance concerns;
 - viii. overloading an individual with work that they cannot reasonably be expected to complete;
 - ix. isolating someone from normal work- or study-place conversations or social events;
- c. threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission;
 - d. harassment relating to gender reassignment, including deliberately using the wrong name or pronoun, or persistently referring to someone's gender identity history;
 - e. publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials;
 - f. stalking as defined in paragraph 8 of this Policy.

Application of this Policy

21. Harassment is a serious form of misconduct. Members of the College community who feel that they have been subject to harassment or who have witnessed harassment can make a report to the Dean (in the case of alleged harassment by a student of the College), to a member of the Human Resources team or any manager (in the case of alleged harassment by a member of College staff), to the Principal (in the case of alleged harassment by a Fellow of the College); or to any manager or senior Officer of the College (in the case of alleged harassment by a third party).
22. Members of the College community who feel that they have been subject to harassment can also contact one of the Harassment Advisors for support, confidential advice, and signposting, including advice on options for reporting and for informal resolution where appropriate. The Harassment Advisors can also provide support to those against whom an allegation of harassment has been made.
23. Incidents of harassment that occur within a University context will normally be dealt with under appropriate University procedures and policy. This includes alleged harassment by students of a college other than St Hugh's, in which case a report can be made to the Proctors. The Dean and/or Harassment Advisors can provide advice and support for any member of College on how to make a report to the Proctors.

24. The College will ensure that appropriate support is offered to anyone who has been subjected to alleged harassment; to anyone who has been accused of harassment; and where appropriate to anyone reporting or witnessing alleged harassment.
25. Where the responsible officer or manager judges a report to have sufficient grounds for investigation, the College will investigate and if necessary take action under the Student Non-Academic Disciplinary Procedure (in the case of alleged harassment by a student of the College); the Employee Disciplinary Procedure (in the case of alleged harassment by a member of College staff); or Statute XVII (in the case of alleged harassment by someone subject to the provisions of that Statute).
26. Where appropriate and where the person who has been subjected to alleged harassment wishes, reports of harassment may be resolved informally without recourse to formal investigation or other procedures.
27. Wherever possible, the College will be guided by the wishes of those who have been subjected to alleged harassment in determining whether or not to begin formal procedures. However, in some circumstances the College may investigate in the absence of a report from the person who has been subjected to alleged harassment or where they do not wish any action to be taken (for example, where the alleged behaviour indicates a risk to others in the College community).
28. Where necessary, the College may also implement precautionary measures to ensure the safety of those involved or others on the College site. These may include (but are not limited to) precautionary measures under the Safeguarding Policy and/or Appendix E of the College Bylaws, or suspension or action short of suspension under the Employee Disciplinary Procedure.
29. A member of the College community who is dissatisfied with the College's actions regarding a report of alleged harassment may make a complaint under the Student Complaints Procedure (if the person who is dissatisfied is a student of the College); or raise a Grievance under either the Employee Grievance Procedure (if the person who is dissatisfied is a member of College staff) or Statute XVII (if the person who is dissatisfied is subject to the provisions of that Statute).
30. No action will be taken against someone making a report of harassment which proves to be unfounded if the report is judged to have been made in good faith. However, if someone is deemed to have known or to have reasonably been expected to know that a report was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken in accordance with the relevant procedure.
31. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or other members of the College community, and/or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Where possible, those involved in advising complainants should 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.

32. This Policy will be subject to regular review by the People Subcommittee of Governing Body reporting into the Finance and General Purposes Committee.