



ST. HUGH'S COLLEGE, OXFORD

PREVENTION OF SEXUAL HARASSMENT POLICY

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Prevention of Sexual Harassment Policy

Introduction

1. St Hugh's College ('the College') is committed to fostering an environment which ensures that everyone is treated with dignity and respect and afforded equal treatment. This means freedom from sexual harassment, feeling safe and supported, and having access to redress if such behaviour does arise.
2. Sexual harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 as amended.
3. The College takes any complaint of sexual harassment extremely seriously. Sexual harassment undermines the core values of St Hugh's and can have a serious and negative effect on the health, confidence, morale and performance of those affected by it.
4. The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. We encourage the reporting of sexual harassment so that we can deal with the matter swiftly.
5. Governing Body has overall responsibility for the operation of this policy but may delegate elements of implementation or decision making to the Bursar and or Senior Tutor. Our managers will maintain an open-door policy. All of our staff have a responsibility to behave in line with the requirements of this policy.
6. Instances of sexual harassment or victimisation may lead to disciplinary action including termination of employment.
7. The College may investigate concerns it becomes aware of even if these are based on anonymous reporting or complaints are withdrawn. Our ability to investigate and take action may be restricted in these circumstances, and we will act with respect and empathy towards any person who has raised a concern but no longer wishes to be involved in the process. As an employer, we may still pursue matters if it is appropriate and proportionate to do so. This is important to ensure that we can tackle concerns about potential sexual harassment within the College.
8. This policy is reviewed regularly to ensure it remains up to date and in order to monitor its effectiveness. Any changes required will be implemented and communicated to our workforce.

Scope

9. We condemn all forms of sexual harassment and seek to ensure that the working environment is safe and supportive to all those who work for us. This includes employees, workers, agency workers, volunteers and contractors in all areas of our College.

10. This policy also applies to all teaching, research, administrative and domestic staff of the College, as well as to graduate students employed by the College to tutor undergraduates, whether at Senior Tutor's Rates or as Stipendiary or Non-Stipendiary Lecturers. Henceforward, all references to 'staff' in this policy refer to staff as defined in this paragraph.
11. All staff (as defined above) are bound by this policy, irrespective of whether the conduct complained of takes place on College premises or elsewhere.
12. This policy operates alongside and is not intended in any way to limit or override, the College's general Harassment Policy and Procedure, the Prevention of Bullying and Harassment at Work Policy, and the College's Staff-Student Relationship Policy.

Definition

Sexual Harassment

13. Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex.
14. Sexual harassment may be committed by a fellow worker or a third party. It does not need to occur in person. It can occur via digital means including social media sites or channels e.g., WhatsApp. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:
 - a) sexual comments or jokes, which may be referred to as 'banter'
 - b) displaying sexually graphic pictures, posters or photos
 - c) suggestive looks, staring or leering
 - d) propositions and sexual advances
 - e) making promises in return for sexual favours
 - f) sexual gestures
 - g) intrusive questions about a person's private or sex life or a person discussing their own sex life
 - h) sexual posts or contact in online communications including on social media
 - i) spreading sexual rumours about a person
 - j) sending sexually explicit emails, text messages or messages via other social media
 - k) unnecessary physical contact, including contact to which an individual has not consented or which they have not been given an opportunity to reject (this can include simple touching as well as serious assault)
 - l) following, stalking or spying
 - m) any conduct which has the purpose or the effect of interfering with the student's work performance, violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

15. Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.
16. The protected acts are:
- a) making a claim or complaint under the Equality Act 2010 (for example, for discrimination or harassment)
 - b) helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act 2010
 - c) making an allegation that someone has breached the Equality Act 2010, or
 - d) doing anything else in connection with the Equality Act 2010
17. Examples of victimisation may include:
- a) Failing to consider someone for promotion because they have previously made a sexual harassment complaint
 - b) Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
 - c) Excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.
18. The effect of the unwanted behaviour on the victim will be an important factor to be taken into account, whether or not the behaviour was intended to be harmful, together with whether it was reasonable for the conduct to have had that effect.

Circumstances which are covered

19. This policy covers behaviour which occurs in the following situations:
- a) a work situation
 - b) a situation occurring outside of the normal workplace or normal working hours which is related to work, for example, a working lunch, a business trip or social functions outside of a work situation but involving a colleague or other person connected to the College, including on social media
 - c) against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

Responsibilities regarding sexual harassment

20. All staff have a personal responsibility to ensure that their behaviour is not contrary to this policy. All St Hugh's College members are encouraged to reinforce the maintenance of a College environment free from sexual harassment.

Reporting sexual harassment or victimisation

21. We are committed to ensuring that there is no sexual harassment or victimisation in our workplace. Allegations of sexual harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available from Human Resources.

Informal complaint

22. We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through the College's grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.
23. If you experience sexual harassment and you feel comfortable to do so, you should make it clear to the perpetrator on an informal basis that their behaviour is unwelcome and ask the perpetrator to stop. If you feel unable to do this verbally then you should hand a written request to the perpetrator, and your confidential helper can assist you in this.
24. In addition, you may also choose to raise concerns during your regular communication with your manager, for example, in a 1:1 meeting. Your manager will listen to you and take your concerns seriously if you do this, and may seek advice from Human Resources in how to handle your complaint.
25. Although your wishes will be adhered to wherever possible in order to maintain an informal approach, there may be circumstances where the harassment is of such a serious nature that the College will need to take action because of the high immediate risk to the safety of staff or students. In such situations, the College will put in place appropriate safeguards, such as instigating a formal investigation with suspension, or temporary transfer of the alleged perpetrator, to prevent further harassment or victimisation of the complainant.

Formal complaint

26. If informal action does not stop the sexual harassment, or a formal report is made, a formal procedure should be initiated in line with the grievance process outlined in the College's grievance procedure.
27. If possible, you should keep notes of what happened so that the written complaint can include:
 - a) the name of the alleged perpetrator;

- b) the nature of the alleged harassment;
 - c) the dates and times when the alleged harassment occurred;
 - d) the names of any witnesses; and
 - e) any action already taken by you to stop the alleged harassment.
28. On receipt of a formal complaint, we will take action to separate you from the alleged perpetrator to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged perpetrator to another work area or suspension with contractual pay until the matter has been resolved.
29. The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.
30. On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.
31. You have the right to appeal against the findings of the investigator. If you wish to appeal you must inform the manager next in line within ten working days. You will then be invited to a further meeting. As far as reasonably practicable, the College will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).
32. Following the appeal meeting, you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.
33. Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.
34. You will not be victimised for having brought a complaint.

What to do if you witness sexual harassment or victimisation

35. If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support

to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

36. If reporting the incident, you should bring the matter to the attention of a Senior Manager in writing. Alternatively, you can report instances of sexual harassment by emailing hr@st-hughs.ox.ac.uk. The inbox is regularly monitored.
37. Your concerns will be handled by a Senior Manager who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-Party Sexual Harassment

38. Third-party sexual harassment occurs when one of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our students, suppliers, members of the public, friends and family of colleagues, delegates at a conference, audiences, and self-employed contractors.
39. Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties.
40. The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.
41. In order to prevent third-party sexual harassment from occurring, we will:
- a) attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our staff is not acceptable
 - b) inform third-parties i.e., conference guests of our zero-tolerance sexual harassment policy within our documentation
42. If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to a Senior Manager.
43. Should a customer sexually harass a member of our workforce, we will take action that may include banning the individual/s from the College site. Any criminal acts will be reported to the police.
44. We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action including termination of employment.

Disciplinary Action

45. If the decision is that the allegation of sexual harassment or victimisation is well founded, the perpetrator/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including summary dismissal. An employee who receives

a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

- 46. When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.
- 47. If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against you.

Training

- 48. We provide training to all our staff on sexual harassment to ensure there is a clear understanding of, amongst other things, what sexual harassment is and how it may occur, that it will not be tolerated, expected levels of behaviour, how they can report any incidents of having been sexually harassed or having witnessed it and that acts of harassment will be dealt with under the disciplinary procedure potentially resulting in dismissal.
- 49. We ensure that all levels of management are trained on implementing this policy including preventing and managing sexual harassment in the workplace, and the procedure to follow if an allegation is reported.
- 50. We will regularly review the effectiveness of our training and provide refresher training as appropriate.

Police Investigations

- 51. Alleged criminal conduct should be reported to the police but the behaviour may also fall within this policy, or may engage the College's Harassment Policy, in the case of academics, or Prevention of Bullying and Harassment at Work policy in the case of non-academic staff.
- 52. Where there is an active police investigation the College will proceed in stages and may defer action to avoid compromise to the criminal law process.
- 53. Where a criminal offence is proved, or the accused is acquitted, to the criminal standard, it may be treated as presumptive evidence of the underlying facts.
- 54. A decision by the police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the College's investigation and/or disciplinary action.
- 55. An internal investigation is focused exclusively on whether a breach of this policy and/or other applicable obligations or policies has occurred. The internal process may therefore be considering different issues from a police investigation or criminal prosecution. This is

why it may, depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

56. Where a staff member is convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of this policy, they must declare this to the College. The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the College. Appropriate measures may be taken (if they have not already) under the College's disciplinary procedure.

Confidentiality

The College recognises the sensitivities involved in a complaint of sexual harassment and will take all reasonable steps to keep the matter confidential to the extent practicable and appropriate. Information about the allegations will only be given to those who strictly need to know about the issues raised. However, the College has a duty to deal with all complaints justly; thus no complaint can be made anonymously and the person complained about will always be entitled to know the name of their accuser and the details of the allegation.

Employee Assistance Programme

57. We would like to remind you that further support is available by contacting our Employee Assistance Programme, a confidential 24-hour telephone counselling service, which can be accessed on 0800 072 7 072. Further information is also available at axabesupported.co.uk (username sthughscollege and password supported).