HERTFORD COLLEGE

CODE OF PRACTICE CONCERNING HARASSMENT

ADVISORY PANEL

2013-2014

Alison Woollard (SCR, Dean)
James Lazarus (Bursar)
Graham May (Deputy Bursar)
Christopher Tyerman (SCR, Tutor for Graduates)
Alison Young (SCR, Tutor for Women)
Tatiana Cutts (Main site Junior Dean)
Andrew Dean (Folly Bridge site Junior Dean)
Kerrie Thornhill (North Oxford Junior Dean)
Gareth Hughes (Chaplain)
Yo Davies (College Nurse)
Sue Finch (Non-academic staff, Academic Administrator)
Ellen Cheetham & Gabriel Nicklin (JCR Welfare Officers)
Astrid Knight (MCR Welfare Officer)

Members of College are also welcome to speak directly to: the Dean (problems involving students); the Principal or Senior Tutor (problems involving Senior Members); or the Bursar (problems involving members of the non-academic staff).
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COLLEGE RULES

The Disciplinary Bye-Law is published separately and is given to all members of the College. It provides among other things as follows:

No Junior Member of the College shall:

II(f) Engage in violent, indecent, disorderly, threatening or offensive behaviour or in threatening or offensive language directed towards members, employees or agents of the College or members of the public, or engage in the harassment of any such person;

Harassment is defined as follows:

I(f) 'Harassment' shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person.

Statement of Policy

1. The college regards harassment of its members or employees as demeaning and damaging, not only to the victim but also to the college. It will not be tolerated. Both the JCR and MCR have recently passed unanimously motions supporting this principle.

2. Harassment includes behaviour falling into one or more of the following categories, though they are not exhaustive:

   (i) Aggressive behaviour, be it physical or verbal, which is intended to make the recipient feel out of place by reason of gender, sexual orientation, ethnicity or disability, or which reasonably has that effect.

   (ii) Belittling or denigratory behaviour, which is intended to make the recipient feel out of place by reason of gender or sexual orientation, ethnicity or disability, or which reasonably has that effect.

   (iii) Exploitive behaviour with a sexual motive, particularly the requesting of sexual favours where that carries an express or implied threat of penalty for refusal or promise of reward for acquiescence.

   (iv) Importunate behaviour of a sexual nature; pestering.

In addition, behaviour which between equals might not be seen as sexual harassment may become so where there is sufficient inequality between the persons concerned for the recipient reasonably to feel unable to put a stop to it easily. Abuse of a position of authority or trust is a serious aggravating
factor in any case of sexual harassment. Even more so is the threat, express or implied, of reprisals if complaint is made.

3. Given the range of this behaviour, and the difficulty of defining it precisely, the college hopes that such instances of harassment as do occur may be dealt with informally to the satisfaction of complainants. Serious instances, however, will be breaches of college rules and will be dealt with as disciplinary offences.

4. University departments and most other colleges have their own codes dealing with harassment by their members, which members of Hertford may use. If college members believing themselves to be the victims of harassment by members of the university who are not members of Hertford would like assistance in bringing a complaint, they are encouraged to consult the Tutor for Women or another member of the Advisory Panel, who will in turn consult the Principal or the Dean as appropriate. The college, through the Principal or Dean, will take the matter up with the Head or Dean of the other college concerned, or with a Head of Department, or with whomever seems appropriate.

5. In the operation of the procedures confidences must always be kept, anonymity preserved so far as is consistent with the resolution of any complaint, and every step taken to safeguard complainants from the fear of reprisal for having complained.

6. In the Code that follows, ‘senior member’ includes anyone acting in a tutorial capacity, whether or not a Fellow.

**The Advisory Panel on Harassment**

7. The Governing Body has appointed an Advisory Panel on harassment, consisting of the Tutor for Women (who shall chair it), the JCR and MCR Women’s Officers, and other members appointed by the Governing Body. Of the members of the Panel, two must be male, at least one must be a member of the MCR and at least one must be a non-academic employee of the College.

8. It is the role of the members of the Advisory Panel to help and advise members and employees of the college believing themselves to be victims of harassment. In addition the Tutor for Women may convene the panel from time to time to discuss the general issue and to make whatever recommendations to the Governing Body it thinks appropriate.

9. Any person seeking help or advice concerning any case of sexual harassment should approach any member of the Advisory Panel, either directly or through an intermediary. The member so approached must preserve confidences.

10. Where appropriate, and with the consent of the person seeking help or advice, the member of the Advisory Panel should attempt to reach an informal resolution of the matter in a way that the person seeking help or advice thinks satisfactory. This may, for example, involve securing from the person engaging in the acts of harassment an apology, an undertaking not to repeat the behaviour, or such other reparation as seems appropriate.
11. Where it is not appropriate to seek informal resolution of the matter, or where an attempt has been made but has failed, the member of the Advisory Panel concerned should advise the person seeking help or advice about the complaints procedure and offer help in activating it. The member of the Advisory Panel from whom help or advice has been sought may not initiate the complaints procedure without the consent of the person who sought it, unless it can be done without disclosing that person’s name and without breaking any confidences, nor may any other member of the Advisory Panel who has been involved in the case.

12. In fulfilling these roles, a member of the Advisory Panel who has been asked for help or advice may, with the consent of the person so asking, seek the assistance of another member of the Advisory Panel.

**Complaints Procedure**

13. Anyone may bring a complaint, whether or not a member of the college, subject only to the partial disqualification of members of the Advisory Panel, as explained in paragraph 11.

14. No complainant or accused shall be part of, or participate in the selection of, any committee of judgement on his or her case.

**Complaints against junior members**

15. Complaints against a junior member of harassment should be made to the Dean, either directly by the complainant or with the assistance and through the medium of a member of the Advisory Panel.

16. In deciding whether to deal with the case under the Dean's own powers or whether to refer it instead to the Governing Body, the Dean shall consult a member of the Advisory Panel not already involved in it. If there is a difference of opinion between the Dean and the adviser as to how the case should be dealt with, the question shall be referred by them to a committee consisting of themselves, the Principal and another member of the Advisory Panel chosen by the Principal, who shall be the Tutor for Women if she is not the member consulted by the Dean (and whether or not she is already involved in the case). The Principal shall chair the committee, but shall not have a casting vote. The committee shall decide that a Disciplinary Committee shall be set up under clause 9 of the Disciplinary Bye-Law, unless it decides, by a majority if necessary, that the matter shall be dealt with under the Dean's own powers.

17. All committees appointed under clause 9 of the Disciplinary Bye-Law to investigate cases containing an element of sexual harassment shall include at least one woman.

18. If the case has been dealt with under the Dean's own powers, and if the Dean has found that a case of harassment has been substantiated, the Dean shall consult any member of the Advisory Panel who has been helping or advising the complainant, concerning an appropriate sanction. The Dean shall report the outcome of the case to the complainant. The junior member concerned will have the usual right of appeal.
Complaints against senior members

19. Complaints against a senior member of harassment should be made to the Principal or the Senior Tutor, at the option of the complainant, either directly by the complainant or with the assistance and through the medium of a member of the Advisory Panel.

20. On receipt of such a complaint, the Principal or Senior Tutor shall refer it to a committee consisting of themselves, the Tutor for Women (whether or not already involved in the case) and another member of the Advisory Panel (not already involved in the case), chosen by the Principal. The Principal shall chair the committee, but, except as allowed in the next paragraph, shall not have a casting vote. This committee shall refer the matter for investigation and report to the Governing Body, unless they decide, by a majority if necessary, that it should be dealt with in some other way. If the matter is dealt with otherwise than by investigation and report to the Governing Body, the Principal shall report its final outcome to the complainant and to any member of the Advisory Panel who has been helping and advising the complainant.

21. If a complaint against a senior member is to be investigated for report to the Governing Body, the committee referred to in paragraph 20 above shall establish a committee for that purpose. It shall consist of the Principal, who shall chair it, and three other senior members not so far involved in the case. If the committee to whom the complaint was first referred cannot agree upon the membership of this committee, the Principal shall have a casting vote, where the votes would otherwise be equal. On the establishment of the investigating committee, or earlier at the request of either party, any tutorial relationship between the parties shall be suspended.

22. The investigating committee shall decide upon its own procedure, taking such advice as seems to it necessary in order to accord with the principles of natural justice. It may decide any matter by a majority, and where the Principal has a vote (s)he shall also have a casting vote where the votes are otherwise equal. But the questions whether a complaint of harassment has been substantiated and what recommendation should be made to the Governing Body shall be decided solely by the members of the committee other than the Principal, who must be absent from that discussion and who shall have no vote upon them.

Complaints against employees

23. Complaints against an employee of harassment should be made to the Bursar, either directly by the complainant or with the assistance and through the medium of a member of the Advisory Panel.

24. The Bursar shall investigate the matter and take whatever action seems appropriate and consistent with employment law, but bearing in mind always that the college's policy is not to tolerate the harassment of its members or employees. The Bursar shall report the outcome to the complainant, to any adviser involved under paragraph 23 above, and, if the complainant is a junior member, to the Tutor for Women.
University Rules

Even where the complainant and the person complained about belong to the same College the University rules also apply. In such a case complaints should be made to the College in the first instance, however.

The University Code of Practice relating to Harassment is published in the Proctors' Handbook, which is given to all students on arrival. The University also publishes a pamphlet called "Harassment: what it is and how you can deal with it" which is available from the University or from the College Office on request.

The telephone number for the University Advisory Panel on Harassment is: 2-70760 and for the Proctor's Office is: 2-70097.

Race Relations (Amendment) Act 2000

The College is required to issue a policy statement under this Act which is of course to be taken seriously. All Colleges and the University are required to do this.

No doubt it overlaps with our Harassment Code, but if there is any conflict, the policy statement takes precedence.

August 2003

Hertford College Race Equality Policy Statement

Equal Opportunities Policy statement

The College welcomes diversity amongst its students, staff and visitors, recognising the particular contributions to the achievement of the College’s mission that can be made by individuals from a wide range of backgrounds and experiences.

In relation to staff, the policy and practice of the College require that all the staff are afforded equal opportunities within employment and that entry into employment with the College and the progression within employment will be determined only by personal merit and the application of criteria which are related to the duties of each particular post and the relevant salary structure. In all cases, ability to perform the job is the primary consideration. Subject to statutory provisions, no applicant or member of staff will be treated less favourably than another because of his or her sex, marital status, sexual orientation, racial group, or disability.

In relation to students the College aims to provide education of excellent quality at undergraduate and postgraduate level for able students, whatever their background. In pursuit of this aim, the College is committed to using its best endeavours to ensure that all of its activities are governed by principles
of equality of opportunity, and that all students are helped to achieve their full academic potential. This statement applies to recruitment and admissions, to the curriculum, teaching and assessment, to welfare and support services, and to staff development and training.

This policy statement is supported by equal opportunities policies and codes of practice for staff and students, the collegiate University’s code of practice on harassment, and the College’s race equality policy.

Race Equality Policy

1. The College is committed to promoting equality of opportunity and good race relations and avoiding racial discrimination.

Background

2. The Race Relations (Amendment) Act 2000, has placed a general duty on public authorities, including the College, to promote race equality and in particular:
   - eliminate unlawful racial discrimination
   - promote equality of opportunity; and
   - promote good relations between people of different racial groups

3. The Act has placed further specific duties on Higher Education Institutions to publish a Race Equality Policy and an action plan for its implementation, and to put in place appropriate monitoring and audit to allow for effective assessment of the impact of the policy and constructive development of new policies and the enhancement of existing policies.

4. This policy has been developed with regard to the guidance and code of practice issued by the Commission for Racial Equality.

Commitment

5. To support these aims the College will ensure that in the conduct of all its activities, steps are taken to avoid the occurrence of racial discrimination, whether direct or indirect, and to promote good relations between different racial groups.

6. Any discriminatory behaviour, including harassment or bullying by individuals or groups, will be regarded extremely seriously and could be regarded as grounds for disciplinary action, which may include expulsion or dismissal.

Consultation

7. At all stages in the implementation and review of this policy, consultation will be a key feature. This will include all staff and students and in particular those from different racial groups, junior members, union representative bodies, and other interested and relevant groups within the College.
Community partnership

8. The College will work in partnership with the community and racial equality organisations and networks to develop a positive environment in which diversity and difference are valued.

Training

9. Proper training of members of staff at all levels is essential to ensure that the College’s commitment to race equality is fully achieved. The purpose of training is to inform individuals and also to ensure that principles underlying the Race Equality Policy underlie decision-making processes throughout the College.

Monitoring and auditing

10. The College has in place arrangements to monitor, by reference to different racial groups, the selection and recruitment of members of staff and the admission of students. The results of this monitoring process are collated by the College’s Bursar and reported to the Governing Body.

11. In addition to the monitoring and assessment arrangements already in place, the College is putting in place procedures to ensure that such additional monitoring is undertaken as is necessary to ensure that the College is able to identify possible improvements in its practices, whether in relation to teaching, learning and assessment; management and governance; admissions, access and participation; students’ support and guidance; behaviour and discipline; partnership and community links; staff recruitment, training and career development; and service delivery.

12. The Race Equality committee established in MT 2002 under the College’s Race Equality Action Plan has recommended to Governing Body the widening of the membership of the committee from MT 2003. The recommended composition of the committee is as follows: Principal, Bursar, Dean, Tutor for Graduates/Admissions (on a rota basis), Senior Tutor (only for complaints), Chaplain, Academic Administrator, Member of the MCR representing the student body, Staff representative.

Responsibilities

13. The Governing Body is responsible for securing compliance with the general and specific duties and for overseeing implementation of the Action Plan.

14. The Principal is responsible for providing consistent and high quality leadership in the promotion and implementation of the Action Plan.

15. The Colleges Race Equality Committee is responsible to the Governing Body for the development, implementation, monitoring, prioritisation and review of equal opportunities policies generally.

16. All College Committees are responsible for ensuring that this policy is embedded in their duties and functions in relation both students and staff.
17. *All managers* have a duty to take forward specific actions under this policy as identified in the action plan in addition to the general duties under the Act.

**Contractors and service providers**

18. The College will impose on contractors and service providers requirement to comply with the race equality policy as set out in the contract or agreement.

**Publication**

19. The College will publish the Race Equality Policy and the results of the monitoring and assessments undertaken. This will include providing information on consultation undertaken as part of the assessment process, and the report will be presented to the Governing Body annually in Michaelmas term and published.

**Review**

20. The Race Equality Policy will be reviewed annually to assess its effectiveness. Governing Body will undertake the review during Hilary Term, through regular monitoring of the action plans and the reports prepared by the Bursar.

July 2005