

Harassment Policy

Harassment – Introduction and Definitions

Somerville College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

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.

Somerville subscribes fully to the University Harassment Policy and adopts the same definitions and principles in respect of harassment that are outlined in that policy. Some definitions are copied here for convenience.

A person subjects another to harassment where s/heⁱ engages in unwanted and unwarranted conduct which has the purpose or effect of:

- violating another person's dignity, or
- 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.

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.

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.

The College seeks to protect any member of the College community from victimisation, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because s/he has, in good faith:

- made an allegation of harassment, or
- indicated an intention to make such an allegation, or
- assisted or supported another person in bringing forward such an allegation, or
- participated in an investigation of a complaint, or
- participated in any disciplinary hearing arising from an investigation, or

- asserted a statutory right, or
- taken any other steps in connection with this Policy and Procedure, or
- is suspected of having done so.

Behaviours

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

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.

Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

Harassment can take a variety of forms:

- through individual behaviour;
- face to face, either verbally or physically ;
- through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach;
- directly to the person concerned, or to a third party;
- 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.

Examples of behaviour which may amount to harassment under this Policy include (but are not limited to) the following:

- unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
 - inappropriate body language;
 - sexually explicit remarks or innuendoes;
 - unwanted sexual advances and touching;
- offensive comments or body language, including insults, jokes or gestures and malicious rumours;
- open hostility, verbal or physical threats;
- insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism;
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual;
- constantly criticising an individual without providing constructive support to address any performance concerns;
- persistently overloading an individual with work that s/he cannot reasonably be expected to complete;
- posting offensive comments on electronic media, including using mobile communication devices;
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission;

- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history;
- 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.

Stalking may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- following a person;
- contacting or attempting to contact, a person by any means where this is unwanted;
- publishing any statement or other material, without the individuals' consent:
 - relating or purporting to relate to a person, or
 - purporting to originate from a person;
- monitoring the use by a person of the internet, email or any other form of electronic communication (where this would fall outside of normal work-related IT policies);
- loitering in any place (whether public or private);
- interfering with any property in the possession of a person;
- watching or spying on a person including through the use of CCTV or electronic surveillance.

Procedure

Somerville uses the University's procedure wherever that applies. This procedure applies to Somerville students. College-only staff are subject to the staff harassment policies and procedures. The policy and definitions of harassment are the same as the University's in all cases.

Regardless of the situation in respect of the College harassment procedure, it is important to emphasise that anyone who feels they have been the victim of a criminal offence can contact law enforcement at any stage.

A member of the College or member of staff who wishes to complain of harassment should consult one of the College's four Harassment Advisers:

- The Senior Tutor, Dr Stephen Rayner
- Professor Damian Tyler, GB Fellow
- The HR Manager, Salome Hughes (for staff harassment procedures)
- The Welfare Officer, Jo Ockwell (for student harassment procedures)

Student members of the college may consult The Senior Tutor, Professor Tyler or The Welfare Officer. Staff may consult The Senior Tutor, Professor Tyler or The HR Manager.

It is essential that all those involved in a complaints procedure (including complainants) observe the strictest confidentiality consistent with operating that procedure; an accusation of harassment is potentially defamatory. Welfare information is only shared in accordance with the College's Confidentiality Policy, which means that information could be passed on if a student is in serious danger or constitutes a serious danger to others.

Complaints about harassment will be responded to promptly. The College hopes that most allegations of harassment can be dealt with informally, to the satisfaction of the complainants. To this end, an Adviser who has been consulted will attempt to help the complainant to clarify the nature of his or her complaint, and will usually use his or her good offices where appropriate to try to resolve the matter by informal consultation. There is, however, no requirement to pursue an

informal resolution and there may be situations where it would be inappropriate to even attempt an informal resolution.

Where in the opinion of the College Harassment Adviser it is not appropriate or possible to resolve the matter informally, either because of the seriousness of the allegation or because the complaint is made against an employee or member of the College other than a Student Member, the member of the Committee will refer the matter to the Principal or the Dean as appropriate. A complaint involving any employee or member of the College other than a Student Member will, where appropriate, be referred to HR in the first instance and, if necessary, be referred to the Principal.¹ A complaint involving a Student Member of the College may be referred to the Principal or the Dean. In either case the Principal or the Dean as appropriate may attempt to resolve the matter informally or may instigate the relevant disciplinary procedure. Notwithstanding advice to the contrary, it is always open to any Student Member or member of staff to take a complaint directly to the Principal or the Dean.

A student who is subject to a formal complaint under this procedure will usually be required to avoid all direct contact with the complainant. In some cases, this may require restrictions on movement. For instances, it would be reasonable to require the subject of a complaint to avoid the immediate neighbourhood of the complainant's residence. As far as possible, while a complaint is still being considered, restrictions should be the minimum necessary to provide reassurance to the complainant while not unduly restricting the movement of the alleged harasser. Restrictions on the alleged harasser while a complaint is being resolved should be seen as precautionary and not a presumption of guilt.

Where a complaint involves members of the University outside of the College, the University's procedure should be used. Somerville students will still be able to consult harassment contacts within the College for advice and guidance.

College Harassment Advisers will have received received training regarding harassment and mediation, and must refresh that training every three years. Governing Body Harassment Advisers will serve for a period of three years, then a new Governing Body Harassment Adviser will be elected.

Authored by Jo Ockwell, Welfare Support and Policy Officer and Salome Hughes, HR Manager,
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Approved by Governing Body, Trinity term 2022

¹ More information can be found in the Employee Handbook, available from the HR Manager.