# Understanding harassment and sexual misconduct: What you need to know

**The University of Oxford is committed to fostering a safe environment where all students can thrive. Harassment and sexual misconduct are not tolerated here.**

For full information on the University's policies, procedures, and support services related to harassment and sexual misconduct, please see Supporting Students at Oxford: Preventing Harassment and Sexual Misconduct.

This guide explains:

- what harassment and sexual misconduct mean in the context of complaints against students;
- how they're defined under the University policy;
- what your options are if you're affected; and
- where to go for support.

It also includes a summary of key University policies and reporting procedures. Promoting understanding of these issues and what you can do if you are affected is an essential step to fostering a safe community at Oxford.

Oxford is a collegiate University, which means most (but not all) students are members of both the University and a college or Permanent Private Hall. This guide outlines University-wide and College policies and procedures. You are encouraged to familiarise yourself with both University and college-specific approaches to harassment and sexual misconduct and this guide also includes college-specific information which in some ways differs from University-wide policies and procedures. You are encouraged to make use of both University and college-based support services and to speak to University and college staff if you have questions or concerns.

## What we mean by harassment and sexual misconduct:

The following guidance relates to complaints of harassment against students, where "harassment" is defined by reference to both: the definition in the Equality Act 2010 and the Protection from Harassment Act 1997.

### Harassment

For full definitions and guidance view the Student Disciplinary Procedure (Non-Academic Cases).

Under the **Equality Act 2010** harassment is:

- Unwanted conduct of a sexual nature *or* relating to a protected characteristic (listed below) which has the purpose or effect of

- Violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

**OR**

- Less favourable treatment as a result of the person either rejecting or submitting to harassing behaviour that is related to gender reassignment, sex or of a sexual nature.

Where the conduct is of a sexual nature this is described as "sexual harassment".

For the purposes of investigating a formal report or in deciding whether the conduct has the effect of violating someone's dignity or creating an intimidating hostile, degrading, humiliating or offensive environment, each of the following are taken into account: the perception of the person who is subject to the conduct, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.[1]

Protected characteristics include:

Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation.

Under the **Protection from Harassment Act 1997**, repeated unwanted behaviour towards another person (or people), including causing them distress or fear may also be considered harassment, even if not related to a protected characteristic.

Harassment can take the form of individual behaviour, including:

- 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 communication device.
- Directly to the person concerned, or to a third party.

### Examples of behaviour which may amount to harassment relating to a protected characteristic:

- Jokes, gestures or derogatory comments, for example, about a student's disability.
- Verbal and physical threats, intimidating, disparaging or insulting behaviour linked, for example, to gender reassignment, sex or sexual orientation.
- Assaulting someone, for example, targeting someone with violence because of their race, religion or gender reassignment.
- Posting offensive comments on electronic media, including using mobile devises, for example, sending memes that mock another student's religion directly to that student.

[1] You do not need to make or be involved in a formal report, or meet any thresholds, or definitions to access support. Even if you're not sure what happened, you can arrange a meeting with a service (listed in Supporting Students at Oxford: Preventing and Responding to Harassment and Sexual Misconduct | University of Oxford) to receive some practical and emotional support.

- Isolating someone from University-organised academic activities, for example, excluding another student from group work due to perceived religious, cultural, or gender differences.

### Examples of behaviour which may amount to sexual harassment:

- Invading someone's space, for example, by standing unnecessarily close to them.
- Inappropriate body language, for example, looking or staring at them in a way that feels uncomfortable or intimidating.
- Sending unwanted sexual messages that are humiliating, insulting, abusive and/or intimidating.
- Publishing, circulating or displaying pornographic or sexual images, or other sexual content.
- Making sexually explicit comments or innuendos, for example, about someone's body or appearance.
- Unwanted sexual advances and physical contact, for example, placing a hand on someone's thigh, lower back, or shoulder.

Harassment can also include being treated less favourably as a result of rejecting or submitting to harassing behaviour in relation to gender reassignment, sex or of a sexual nature.

### Examples of behaviour which may amount to harassment in this context:

- Being excluded, criticised or ignored in group work as a result of rejecting or submitting to unwanted sexual advances.

### Examples of behaviour which may amount to harassment under the Protection from Harassment Act

- Sending a threatening message to more than one person.
- Repeatedly sending someone threats of violence or harm.
- Repeatedly shouting at, insulting, disparaging or intimidating a person.
- Repeatedly sending graphic content, for example, sending violent or hateful images, to someone.

Stalking is a form of harassment and may be characterised by any of the following repeated and unwanted behaviours that cause distress or fear in a person:

  - Following or watching someone, in person or online.
  - Making calls, or sending messages or emails.
  - Loitering in any place, for example, waiting outside someone's residence, classroom or study area without a legitimate reason, in order to watch or approach them.
  - Publishing statements or sharing personal details without consent.
  - Watching or spying on a person including through the use of CCTV or electronic surveillance.

- Interfering with someone's property, for example, repeatedly tampering with or hiding their belongings.

### Sexual Misconduct and Consent

Sexual misconduct is defined as any unwanted conduct of a sexual nature. For a full definition of sexual misconduct and what constitutes consent, plus guidance, view the Student Disciplinary Procedure (Non-Academic Cases).

Sexual misconduct occurs where:

- Consent was not given, and
- The person accused of sexual misconduct did not reasonably believe that consent had been given.

What is consent?
Consent is the agreement to engage in an activity, by choice, and with the freedom and capacity to make that choice.

A person cannot consent if:

- They are incapacitated, and unable to make a decision and communicate that decision. This may be due to, for example, the influence of drink, drugs, age or disability.
- They are not in a position to make a choice freely and without constraint in all the circumstances (e.g., because of threat or coercion).
- They are incapacitated or unable to make a choice freely because they have been given a substance without their knowledge or agreement.
- They are asleep or otherwise unconscious.

## If you have a concern and need support

The University recognises that experiencing or witnessing harassment or sexual misconduct can have a significant impact. Support is available to anyone affected - whether you have experienced something directly, witnessed an incident, been named in a report, or are seeking help for related reasons.

You don't need to make or be involved in a formal report, or meet any thresholds, or definitions to access support. Even if you're not sure what happened, you can arrange a meeting with a service to receive some practical and emotional support.

A full list of support services is available in Supporting Students at Oxford: Preventing Harassment and Sexual Misconduct.

University support services (all free to access):

- **Sexual Harassment and Violence Support Service –** independent, confidential specialist support if you have experienced sexual harassment or violence, domestic/relationship abuse or stalking.

- **Independent Sexual Violence Advisor (ISVA)** – Independent of the University, including colleges/departments, offering advocacy and guidance if you're reporting sexual violence to the University, college or police.
- **Reported Student Service** – Confidential support if you have been informally accused of sexual misconduct or named in a formal report.
- **Harassment Advisor Network** – Trained advisors across the University offering confidential advice and guidance to anyone affected by harassment, including if you have been accused of harassment.

### Additional support

- **Oxford SU Student Advice Service-** Independent, confidential advice on accessing support, navigating processes, or responding to incidents of harassment and sexual misconduct.

### College support

- **College welfare teams –** Colleges offer their own support, which may include welfare officers, peer supporters, Chaplains (for all faiths and none) and nurses. These teams can offer confidential support and help with access to further support if needed.

  Information for St Anne's can be found at Student Welfare Support | St Anne's College, Oxford.

## Options for addressing a concern:

If you've been affected by harassment or sexual misconduct you have both informal and formal options. There is no single right way to respond, you can choose what feels right for you.

### Informal resolution

In some cases, informal resolution may be appropriate. This could include a structured conversation, clarification of expectations, or other practical steps. It can be facilitated by a Head of Department, Director of Graduate Studies, or Senior Tutor.

### Formal reporting

Formal reports can be made to the University or your college, depending on the situation.

- Reports involving students from another college:
  Formal reports are submitted to the Proctors' Office under the University's *Student Disciplinary Procedure (Non-Academic Misconduct)*.
  You can submit a report by email or request a meeting with the Proctors' Office (casework@proctors.ox.ac.uk) first, to ask questions or talk through your options.

- Reports involving University staff:
  Reports are submitted to the relevant Head of Department and considered under the University's *Procedure for Complaints of Harassment Against University Staff*.
  You can choose to email a written report or meet with the Head of Department beforehand to discuss your concerns and get advice on next steps.

- College-specific procedure for reports involving members of the same college:
  Please note that colleges have their own procedures for reporting concerns about students and college staff and responding to harassment and sexual misconduct. You are encouraged to consult your college for further guidance and support related to college-specific matters.

In general: Colleges usually handle reports when both individuals are from the same college. The University usually takes the lead when individuals are from different colleges.

For full reporting guidance, consult Supporting Students at Oxford: Preventing Harassment and Sexual Misconduct.

## Policies and procedures to know about

The University has a number of policies that outline expectations for behaviour and how concerns are addressed, including the:

- Harassment Policy
- Statute XI: Code of Discipline
- Student Disciplinary Procedure (Non-Academic Misconduct)
- Procedure for Complaints of Harassment Against University Staff
- Policy Concerning Relationships Between Staff and Students
- Code of Practice on Freedom of Speech.

You can find and read all relevant policies in Supporting Students at Oxford: Preventing Harassment and Sexual Misconduct.

You can find and read all relevant policies and Guidelines and Guidance Notes for the College, and St Anne's College Regulations Governing Junior Members here.