

**THE WHITE BOOK
REGULATIONS (PROCEDURES)**

REGULATION P6¹

Harassment and Sexual Misconduct

Harassment, including sexual misconduct

1. Further to Ordinance C,XIII,5, and in accordance with Chapter II of the University Ordinances, harassment shall include single or repeated incidents involving unwanted or unwarranted conduct towards another person which is reasonably likely to have the effect of:
 - (a) violating the dignity of that person; or
 - (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2. As provided in the University's Code of Conduct for Students in Respect of Harassment and Sexual Misconduct, the following types of conduct, whether in person, via a virtual platform or through other methods of contact, may constitute harassment:
 - (a) making sexually offensive comments about dress or appearance, the display or distribution of sexually explicit material, or demands for sexual favours;
 - (b) engaging in harassment on the grounds of a person's sexuality, or assumptions about a person's sexuality, including making derogatory homophobic, transphobic, or biphobic remarks or jokes aimed at a particular person, offensive comments relating to a person's sexuality, refusal to acknowledge a person's gender or identity, or threats to disclose a person's sexuality to others;
 - (c) making offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups;
 - (d) ignoring, disparaging, or ridiculing a person because of mistaken assumptions about their capabilities, or making offensive reference to an individual's appearance, in the context of their disability; or
 - (e) controlling or coercive behaviour, such as pressure to subscribe to a particular political or religious belief.

3. As provided in the University's Code of Conduct for Students in Respect of Harassment and Sexual Misconduct, sexual misconduct includes the following, whether or not within a sexual or romantic relationship, including where consent to some form of sexual activity has been given and then withdrawn, or if consent has been given on previous occasions:
 - (a) sexual intercourse or engaging in a sexual act without consent;

¹ Regulation P6 was amended by Council decision of 4 December 2019

- (b) attempting to engage in sexual intercourse or engaging in a sexual act without consent;
 - (c) sharing private sexual materials of another person without consent;
 - (d) kissing without consent;
 - (e) touching inappropriately through clothes without consent;
 - (f) inappropriately showing sexual organs to another person;
 - (g) repeatedly following another person without good reason; or
 - (h) making unwanted remarks of a sexual nature.
4. This Regulation shall apply to acts or conduct in the course of any academic, sporting, social, cultural, or other activity within the College or the Precincts of the University, or anywhere else where the act or conduct takes place in the context of the complainant student's membership of the College or University.

University procedures for harassment, including sexual misconduct

5. Further to Ordinance C,XIII,6, the College shall take the appropriate steps to advise students wishing to raise a complaint of harassment against another student under the University procedures for harassment and sexual misconduct.
6. A student who wishes to make a complaint against another student should contact one of the College Anti-Harassment Officers (CA-HOs), whose names shall be published annually on the College website. The CA-HO shall provide information, advice and support to the student complainant.

Confidentiality

7. The College, including all members and all members of staff, shall normally treat any allegation of harassment in confidence.
8. Where the CA-HO reasonably considers that, for the purposes of protecting the student, it is necessary to reveal the student's identity, or the nature of the complaint, to the individual or individuals against whom the complaint is made or to some other person, the student shall be informed in advance and their consent sought. Where consent is refused, the student shall be understood to have refused College assistance in this regard.
9. The student making the allegation and the person against whom the allegation is made shall be advised that the College may be required to provide as evidence, in any subsequent criminal investigation or court proceedings, any information gained by the College in the course of providing assistance under this Regulation; including information or admissions provided confidentially, and information gained during the course of any other College proceedings such as fitness to study or discipline.
10. Any member or member of staff of the College, including any student who makes an allegation or any person against whom an allegation is made, who inappropriately discloses the nature of a complaint, the identity of the persons involved, or any

information acquired in the course of the College providing assistance under this Regulation, shall commit a disciplinary offence and shall be referred to the appropriate disciplinary procedures.

Initiation of formal proceedings by the College

11. In view of its general duty of care to all its members, employees and visitors, including the legislative duties for health and safety, mental health, equality and non-discrimination, the College reserves the right:
 - (a) to initiate College or University disciplinary or fitness to study procedures in respect of any student against whom a *prima facie* criminal offence is alleged; and/or
 - (b) in exceptional circumstances, to report a *prima facie* criminal offence to the police or other external agency;
without the consent of the student making the allegation.
12. The College shall exercise its rights under paragraph [11] only where the College reasonably considers that:
 - (a) there is an immediate and serious risk to the safety of the student making the allegation or other persons; and/or
 - (b) it is necessary in the best interests of the whole College community, having taken into account the views and wishes of the student making the allegation.In any such case, the College shall inform the student making the allegation and explain its reasons.

Safeguarding measures

13. Where a student makes an allegation of harassment or sexual misconduct, the safeguarding measures under paragraphs 15-17 may apply for the benefit of the student and, as appropriate, of the person against whom the allegation is made.
14. The first person having authority in the College to whom an allegation of harassment or sexual misconduct is reported, such as a Porter or a member of the Pastoral Team, shall as soon as is reasonably possible inform the Senior Tutor, acting as the College Discrimination and Harassment Contact, who may thereupon determine which, if any, College safeguarding measures are necessary.

Safeguarding measures

15. Safeguarding measures shall aim to provide:
 - (a) practical and pastoral support, both immediate and longer-term, including advice under paragraph [6] above;
 - (b) continuation of the educational, social and other services of the College, where possible without substantial change to normal arrangements.
16. For the purposes of minimising the risk that the future acts or conduct of either the student making the allegation or the person against whom the allegation is made might give occasion to a further connected allegation, in particular, of behaviour of a similar

seriousness, the Senior Tutor, acting as the College Discrimination and Harassment Contact, shall have power to exclude either or both from, or restrict their access, to:

- (a) any part or parts of the College buildings or grounds, including specified residential accommodation, other than the main College site;
- (b) the use or enjoyment of specified College facilities, including where necessary teaching or learning facilities.

17. Any restrictions imposed under paragraph [16] shall be subject to regular review, at intervals of not more than one month. Any affected student may appeal to the Master, who shall determine the matter as expeditiously as possible. Restrictions shall remain in place pending the outcome of any such appeal.

Relationship with College and University procedures

18. A complaint of harassment or sexual misconduct raised initially under the student complaints procedure, Ordinance C,XV,3(d) or 3(e), shall normally be referred by the Student Complaints Officer to the procedures under Ordinance C,XIII,5 and this Regulation; and no further steps shall be taken under Ordinance C,XV.

19. Under Regulation P9,6(c), the Dean will normally refer any disciplinary incident which involves harassment and/or sexual misconduct to this Regulation. No further steps in relation to those aspects of the incident shall normally be taken under Regulation P9.

20. Where a student raises a complaint of harassment or sexual misconduct under any University procedures, the College shall:

- (a) ensure that any student involved in those procedures is given appropriate pastoral support; and
- (b) reserve the right to find proven any charges laid against any student under College disciplinary procedures, or to make any decision it considers appropriate under College fitness to study procedures, irrespective of the outcome of the University procedures.