Report to the History Faculty Board of the Complaints Procedures Working Group
Hilary Term, 2022

Summary of report and recommendations:
The Complaints Procedures Working Group (CPWG) was constituted by the History Faculty Equality and Diversity Committee at its TT2021 meeting (1 June) and expanded in MT2021. The objectives of the CWPG were:

- To review the Faculty's guidance and procedures with respect to complaints and make recommendations for improvement in the short and long term
- To promote discussion of University policies and procedures
- To propose practical measures that foster a more inclusive culture where bullying and harassment are not tolerated

The group has met five times over the course of MT2021 – HT2022, reviewed a wide range of reports and policy documents, and heard from specialist advisors. It has concluded that there are significant weaknesses with respect to the dissemination of information about harassment and about complaints procedures, that more action could be taken to foster a culture in which no Faculty member can ever feel licensed to behave in ways that violate another person's dignity, and that there are weaknesses in the University's procedures and policies which should urgently be addressed. The costs of not doing so are significant, especially to those who are subject to bullying, but also to the Faculty and the University as a whole.

The CPWG has identified three key areas for action at Faculty, Divisional, and University level:
1) Communication
- A range of measures to ensure that staff and students are better informed about bullying and harassment, and about mechanisms for support and making complaints
- Updates to the website
- Regular briefings for Faculty Board
- Training & information on harassment incorporated into PLTO & Advice for tutors o how to respond to a student with concerns to be circulated
- Adopt the Humanities Division action checklist for Faculties [Appendix II]
- University & Divisional level: overhaul of relevant webpages, coordinated social media campaigns to inform students and staff

Note: these communication measures are not in themselves a sufficient response to the issues raised in the report. More fundamental changes to procedure and policy are needed.
2) Culture and climate
- A range of measures to ensure staff and students are better able to challenge unprofessional behaviour and to foster an inclusive culture
- Enhanced advice to tutors and to seminar convenors
- Regular training on Inclusive Chairing and Bystander Interventions delivered by professionals for new postholders and all Faculty Officers
- Adopt the Humanities Division action checklist for Faculties [Appendix II]
- University level: extension of University Harassment policy, written policy on Staff/Student relationships, environmental investigations where there are a cluster of reports concerning unacceptable behaviour, strengthened recruitment procedures

3) Complaints [University level]
- Independent review and update of all policies to ensure that they are fair for complainants
- Improved record-keeping and information sharing
- Introduction of mechanisms for group complaints and 'Report and Support'
- Extended training and support for Heads of Department and Harassment Advisors
- Use of panels to determine interim protections and outcomes in the case of a complaint
- Investigations to be carried out by fully trained and independent professional investigators
- Greater transparency about outcomes, about numbers of complaints, and focus on duty of care

At its 2nd Hilary Term meeting on Thursday 10th March 2022, Faculty Board
1) **approved and agreed to facilitate the implementation of our Faculty-level recommendations**
2) **endorsed our Divisional and University-level recommendations, which should now be put to the relevant University and Divisional bodies for consideration**

Report to the History Faculty Board of the Complaints Procedures Working Group
Hilary Term, 2022
Full Report

The CPWG

The Complaints Procedures Working Group (CPWG) was constituted by the History Faculty Equality and Diversity Committee at its Trinity Term 2021 meeting (1 June), picking up on concerns raised by the 2019 Athena-SWAN submission, the Gender Equality Working Group and the Harassment Officers, as well as the Race Equality Action Group. In Michaelmas Term 2021, student and staff concerns raised in response to the *Degrees of A*buse Report by Al Jazeera on harassment in the History Faculty underlined the need for extending the membership and activities of this group and for bringing forward the reporting process. The objectives of the CWPG were:

- To review the Faculty's guidance and procedures with respect to complaints and make recommendations for improvement in the short and long term
- To promote discussion of University policies and procedures
- To propose practical measures that foster a more inclusive culture where bullying and harassment are not tolerated

Context

In 2019, the Faculty's Athena-SWAN submission noted that '*reviewing qualitative responses to surveys and existing research on harassment in universities, we have realised that we fall short of the consistent and effective handling of complaints that ought to be expected. While complaints are often well-handled, knowledge of our procedures is not widely-enough disseminated among Faculty officers and ordinary staff members, leading to some regrettable inconsistencies and failures in the handling of complaints. Student responses to a question in the GEQ were sometimes vehement in their criticism of the Faculty. Tackling ignorance of policies is a high priority to avoid future buck-passing, hand-washing, and inadvertent complicity with harassers'.*[1] The information provided on the History Faculty website and OHH was significantly enhanced in light of this report.

Notwithstanding the changes introduced in response to the Athena-SWAN report, more recent surveys and discussions suggest that there continues to be considerable uncertainty about how to respond to harassment both among staff and among students, and dissatisfaction with aspects of the complaints procedure. In response to the 2021 Gender Equality Questionnaire, of the 67 student respondents, 28 (42%) were not confident about how to address the situation if they were to hear a report of harassment or bullying. Similarly, in response to the 2021 Race Equality Action Group Questionnaire (52 postgraduate responses, 96 undergraduate responses) students converged on two reasons as being key to not reporting where discrimination had been observed: not being able to judge whether the incident was serious enough to report, and lack of confidence that the incident would be addressed. The 2021 Staff Experience Survey found a similar lack of confidence over how to respond to harassment: 60% of divisional respondents who had experienced harassment did not report their experiences, being unclear as to how to do so, and lacking confidence that anything would be done. While the response rates for the survey data cited above are relatively low, they do suggest a concerning lack of understanding of and confidence in complaints procedures. These data are additionally supported by concerns articulated by staff and students in numerous conversations over the course of Michaelmas Term 2021, and in particular during a Listening Exercise in the History Faculty (12.11.2021). The general sense of the meeting (attended by c.35 students) was that students do not know where to find information about complaints processes, find the information that is available difficult to interpret and/or insufficient, and feel that there is insufficient support and protection offered to students during and in the aftermath of a complaint. It was emphasised

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[1] History Faculty Department Application – Bronze and Silver Award, Athena-SWAN Faculty of History, April 2019, p.67

that students are unlikely to report because of these difficulties, and because they have little confidence in a constructive outcome.[2]

Alongside this lack of clarity about procedures, there is evidence to suggest that all forms of harassment and discrimination are affecting staff and students in the History Faculty. In a 2018 report to Faculty Board on staff responses to the Gender Equality Questionnaire, the Athena-SWAN panel noted that 22% of women and 5% of men (of 122 respondents) reported having been subjected '*to harassment in connection with their membership of the Faculty. This has included unacceptable "outbursts of anger", tirades delivered by email, attempts to induce guilt, being shouted at, unwanted touching and over-familiar greetings, inappropriate sexual comments, and disrespect of privacy and confidences amongst other things.*' The panel noted that '*a larger proportion of women than men (35% as against 23%) report having witnessed the harassment and bullying of others in the Faculty.*' Among the 49 staff (administrative & academic) who responded to the 2021 GEQ, 16 (33%) reported witnessing sexist comments and behaviour in interactions amongst or between the academic staff, administrative staff and students. Of 73 History staff responding to the University's Staff Experience survey in 2021, 7 (5%) reported having experienced bullying or harassment in the past year. In 2021, of the 67 students responding to the GEQ questionnaire, 8 (12%) reported having been subject to sexual assault, 24 (36%) had been subject to harassment, 20 (29%) reported having witnessed harassment, and 27 (40%) reported having witnessed sexist comments or non-verbal signals between academic staff, administrative staff and students during their time as a student in Oxford.[3] 23 (29%) of the 96 undergraduate respondents to the REAG survey reported having witnessed racism in interactions amongst or between academic staff, administrative staff and students, as did 16 (30%) of the 52 graduate respondents. These figures and the qualitative evidence supplied to the Athena-SWAN panel suggest the persistence of bullying and harassment at all levels of the Faculty that existing provisions are failing to tackle. Beyond the Faculty, the University Harassment Administrator estimates that the central harassment line receives on average 4 contacts / week. Given that, as noted above, many staff and students are unaware of this and other resources, this figure should be understood as reflecting only a small portion of the instances of harassment and bullying occurring every week in the University as a whole.

The limitations of Faculty and University procedures, and the damage to students, staff and the Faculty as a whole of this situation, were starkly highlighted by the dissatisfaction which arose around the case which was the subject of the Al Jazeera report, a dissatisfaction which, as noted above, prompted the extension of the membership and remit of the CPWG. The complex complaints procedure was followed and those involved acted on expert advice given, but the complainants' experience of this long drawn-out process was deeply distressing. The disjuncture between what was understood to be the process and what took place further exacerbated this distress, as did the perception that no action had been taken in response to the complaint being upheld. When the *Degrees of Abuse* was published by Al Jazeera, bringing the complaint to the attention to the wider Faculty, additional distress was caused by the sense that the response to previous informal complaints had been inadequate, further undermining confidence in the Faculty and University's procedures.

This case highlighted the destructive impact of any case of harassment and bullying, and sexual misconduct, especially on those who have been specifically targeted by the perpetrator, but also on the wider cohort of students (all genders) who witness such conduct and may be affected by their

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[2] Notes from this meeting and minutes of all the CPWG meetings are available on request from complaintsgroup@history.ox.ac.uk

[3] NUS *Power in the Academy: staff sexual misconduct in UK higher education* (2018) reported that of 1839 respondents to a survey, 752 (41% had experienced at least one instance of sexualised behaviour from staff)

association with the perpetrator. It also highlighted the impact on staff who may themselves be subject to misconduct, but can in addition find that they have to change their working arrangements, and take on more work, in order to try to protect students from harm. At the same time, it underscored the significant costs of inadequate procedures for responding to bullying, harassment, and sexual misconduct:

- costs to students whose mental and physical health may suffer, not only from the original misconduct, but also from the challenges of pursuing a complaint, who may be obliged to change the course of their studies, leave the institution, or leave academia altogether, often also incurring a financial loss
- costs to teaching staff who may suffer from the strain of supporting students through a difficult process, and pursuing it themselves, while also taking on more teaching if a colleague has been distanced from students, and who may have to manage reputational damage to the institution caused by a colleague in their field
- costs to those administering and supporting students during a time-consuming, difficult and stressful process, which may give rise to further dissatisfaction, and which makes it difficult to pursue ordinary business effectively
- costs to Faculty-wide efforts to foster an inclusive and supportive culture
- costs to the wider reputation of the Faculty and a potential impact on admissions and recruitment

Over the course of the past three months, the CPWG has thought deeply about such costs, about the critical importance of ensuring that the Faculty and University respond more effectively to complaints of harassment, bullying and sexual misconduct, and works harder to foster an environment and culture in which no Faculty member can ever feel licensed to behave in ways that violate another person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for others. In reflecting on these questions, we have:

- reviewed the policies and procedures of the University of Oxford
- reviewed the policies and procedures of other institutions [see Appendix I for a summary of the suggestions drawn from consultation with colleagues at UCL & Goldsmiths]
- reviewed the History Faculty's 2019 Athena-SWAN submission and survey data collected for that report and by the Athena-SWAN Coordinators and Race Equality Action Group
- reviewed the information available on the History Faculty Website and OHH
- consulted the UUK Changing the Culture reports (2016-22)[4] and the reports and guidance of the 1752 Group[5]
- consulted colleagues in the English Faculty who are similarly reviewing their policies and processes
- consulted colleagues in Human Resources and the Equality and Diversity Unit who are seeking to take forward actions in relation to harassment policy and procedures endorsed by Personnel Committee
- gathered ideas and suggestions from the *Silence Will Not Protect Us Symposium* organised in March in part by Oxford Students, an event which attracted widespread attention and highlights a sense of crisis among our own student body shared by students across the UK and the world. Appendix IV provides more information about this symposium
- consulted Caroline Kennedy – Equality and Harassment Administrator of the University of Oxford

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[4] UUK, Changing the culture. Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students (2016)
[5] Bull, Anna, and Rachel Rye, 'Silencing Students: Institutional responses to staff sexual misconduct in UK higher education. The 1752 Group/ University of Portsmouth' (Portsmouth, 2018), The 1752 Group and McAllister Olivarius, *Sector Guidance to Address Staff Sexual Misconduct in UK Higher Education*, March 2020.

- consulted Mia Liyanage – former student in the History Faculty, complainant in the 2019 case and Race Equality Charter Officer, Goldsmiths University of London
- drawn on the findings and recommendations of the Oxford History Graduate Network

On the basis of this information, we have identified **three key areas for action**. The remainder of this report will focus on these three areas, in each case first reporting on action already taken under the aegis of the CPWG, second making recommendations for further action at Faculty level, and finally making recommendations for action at University Level which members of the CPWG wish to take to the relevant bodies for consideration with the backing of Faculty Board.

We ask that Faculty Board:
1) **approve and facilitate the implementation of our Faculty-level recommendations and**
2) **endorse our Divisional and University-level recommendations, so that they can be put to the relevant bodies for serious consideration[6]**

I) Communication
As the opening discussion reveals, students and staff in the History Faculty are uncertain about policy and procedures, and about what support is available to them. The CPWG repeatedly had the experience of discovering that students were not aware of the various welfare and support services the University provides, while also finding the presentation of policy information unhelpful and confusing. Lecturers and Tutors (from Postholders to PLTO tutors) were also uncertain about policies and about how best to respond to student concerns. There were further concerns about the accuracy of the information provided by the University about procedures. We were also increasingly aware of the damaging effect that poor communication can have on confidence in procedures – for example, a declaration of 'zero-tolerance' in the wake of a situation where misconduct has been ongoing, and without an explanation of what 'zero-tolerance' would imply – can seem dismissive, however well-intentioned.
Note: while the CPWG emphasises the importance of improving communication around these issues at Faculty, Divisional and University level, these measures are <u>not</u> in themselves a sufficient response to the issues raised in this report. A more fundamental review of procedures and policy, engaging with the recommendations raised here is essential (and will require subsequent updates to the communication strategies proposed).

Actions initiated by the CPWG:

	Action initiated	Follow up in TT22 >>	Responsibility of
1	Posters providing information about Faculty Harassment Advisors are now displayed throughout the Faculty, in toilets as well as in classrooms.	Add QR codes linking to relevant webpage Display at HFL	CdeB & SM
2	Extensive update to Faculty E&D, Welfare & Harassment pages, adopting more 'person first' approach, with clearer & more direct information about who to approach and what to expect	Continue to refine	CdeB & Laura Spence
3	Briefing on Harassment and Bullying, and how to respond to complaints at Faculty Board by Isabelle Pitt (EDU	Introduce as regular annual item at FB	IP & Vice-Chair of FB [part of recommendations from Humanities

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[6] The CPWG Report and Recommendations were approved at the second Hilary Term meeting of Faculty Board, on 10 March 2022. Some limited amendments have been made to the report prior to publication to reflect the discussion.

	Officer of Hums Division). Briefing notes posted on sharepoint		Division – Appendix II, hereafter Hums Div II]
4	PLTO Equality & Diversity in Teaching Practice session & information on harassment and bullying	Establish as regular and compulsory element of PLTO & ECR Induction	PLTO Director, ECR Champion with Athena-SWAN coordinators
5	Flyer for tutors on how to respond to student with concerns [See Appendix III]	Circulate in hard-copy to all postholders, lecturers, ECR and PLTO tutors Post on Sharepoint teaching pages	PLTO Director, ECR Champion, Laura Spence [also part of Hums Div II]

Recommendations for ongoing action at History Faculty Level
 ➢ Continue with follow-up on actions already initiated, and update website in conjunction with central University website updates (the hope being that the University pages will be improved to such an extent that the Faculty can simply provide information about Harassment Advisors and link to central pages) [Action: Vice-Chair of FB & Laura Spence]
 ➢ Adopt the Humanities Division checklist of action for Faculties which includes a range of strategies for better communication [Appendix II]

Recommendations for action at University Level
  1) Overhaul of Welfare, Harassment, Complaints pages to include more person-first information, rather than long dense texts; videos to guide students who may be in distress and unable to process complex documents. The UCL Report + Support pages provide a good example of a more direct and person-first approach.

  2) Links to all policy documents should be checked (many lead nowhere), all policies should be available as a downloadable PDF, be dated, and indicate date of next review.

  3) Advice to complainants must be clear and unambiguous, information presented in flowcharts and diagrams must cohere with policy as practiced.

  4) Coordinated social media campaign across University & Colleges annually to ensure staff and students across Oxford know where to go for help and to whom they can talk.

  5) The response to the expression of concern cannot simply be a statement of zero tolerance; if concerns are raised, those making statements need to recognise problems, explain how they will respond, and explain what 'zero-tolerance' means.

II) Climate and Culture
The History Faculty has adopted a statement of values which expresses our commitment to creating '*an environment in which everyone – at every academic level from undergraduate to professor, and among professional and support staff, regardless of background and identity – can fulfil their potential*'. This is an important commitment, and is further supported by the recognition that '*there are no excuses for treating any colleague or student with a lack of respect*'. We need to ensure that these commitments are realised day to day by providing clear guidance to all Faculty members

about expectations of conduct and about how to manage situations where these expectations are not being met. This is in the interests of, and for the protection of, both students and staff. It is particularly necessary in an Oxford context which wishes to preserve the benefits of informal and small-group tutorial teaching, and where Colleges foster informal academic sociability and exchange that brings students and staff together.

Actions initiated by the CPWG:

	Action initiated	Follow up in TT22 >>	Responsibility of
1	Briefing on Harassment and Bullying at Faculty Board (as noted above)	Introduce as regular annual item at FB	IP & Vice-Chair of FB [part of recommendations from Humanities Division – Appendix II, hereafter Hums Div II]
2	Complaints & Harassment to become a standing item at FB and E&D Committee	Report on follow-up work of CPWG, regular reports from Harassment Officers on No of contacts/term	Vice-Chair of FB, Harassment Officers
3	Training session on Inclusive Chairing	All Committee chairs & seminar convenors expected to attend	IP & Chair of FB [part of recommendations from Hums Div II]
4	Bystander training	All Faculty members, ECRs and PLTO tutors expected to take part	IP & Chair of FB [part of recommendations from Hums Div II]

Recommendations for Action at Faculty Level

➢ Make Training on Inclusive Chairing and Bystander Interventions a regular and mandatory part of induction for new postholders and all Faculty Officers. For those on one-year contracts, the time dedicated to such training should be remunerated. [Action: Vice-Chair of FB]

➢ Faculty Advice to Tutors document should be enhanced to underline that tutorials and individual meetings with students should be held in appropriate professional settings, and focus on intellectual exchange and academic matters; this updated advice should be circulated to all tutors. [Action: DUS, Working Groups, Vice-Chair of FB]

➢ Faculty Advice to Seminar convenors should be enhanced to encourage convenors to consider offering alternatives to alcohol-centred social events and gatherings in licensed premises. [Action: Teaching Committee with support from Working Groups]

➢ Update the Statement of Values drawing on expert advice from the Humanities Division Equality and Diversity Officer to shift away from a 'deficit' model, which emphasises equality despite background and identity, towards an 'asset' model which celebrates background and identity. [Action: Athena-SWAN coordinators & Vice-Chair of FB]

➢ Adopt the Humanities Division checklist of Actions for Faculties [Appendix II]

➢ Continue regular meetings of the CPWG over 2022-2023 to review and monitor the implementation of recommended measures [Action: CPWG]

Recommendations for action at University level

1) Humanities Division <u>Advice to PGT and PGR Supervisors should be enhanced</u> to underline that tutorials and individual meetings with students should be held in appropriate professional settings and should focus on intellectual exchange and academic matters.

2) <u>University Harassment policy to be extended</u> to refer to Grooming, Banter and Microaggressions.[7]

3) The introduction of a <u>new written policy on Staff/Student relationships</u> applying to all current teaching and research staff, including those on fixed-term contracts, which prohibits intimate relationships between such staff and any student for whom they currently have direct or indirect teaching or pastoral responsibilities. The policy should acknowledge that even where there are no such responsibilities, freedom to consent on the part of a student may be impinged if:

- they are being threatened with violence (by the perpetrator and/or by someone else);
- they are being threatened with humiliation;
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refuse;
- they are being black-mailed;
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.
  [Definition used in UCL policy]

Note: In a survey of 1839 students for the NUS Report Power in the Academy on Staff Student Misconduct, 80% of student respondents indicated that they would be very or somewhat uncomfortable with staff having sexual or romantic relationships with students.[8]

4) Where there are a number of reports concerning unacceptable behaviour, the <u>University should conduct an environmental investigation</u> with staff and/or students within a department or faculty to understand behaviours in more detail and identify and target appropriate support and interventions.
   Caroline Kennedy reported that at present, if she notes that a number of complaints or contacts have been made with Harassment Advisors or the Harassment Line from a particular Faculty or Department (e.g. three cases in 6 months), she will contact the HR Partner for that Department to inform them. This needs to be regularised and made more systematic, so that a clear process for an environmental investigation is set in train.

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[7] Grooming: someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation. [Definition used in UCL policy]; Banter: the exchange of teasing remarks. Communication which some may consider to be banter is not acceptable if it falls into the categories of bullying and/or harassment. Banter may affect the person the comments are directed towards, and others who overhear the comments. Examples may include (without limitation): making jokes about a person's appearance; publicly humiliating a person in front of others; and using 'pet names' such as 'love' or 'sweetheart [Definition used in KCL policy]; Microaggressions: brief and repetitive verbal, behavioural and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights and insults to a person or group. Examples may include (without limitation): asking a person 'where are you *really* from?'; a teacher in the classroom asking for a 'strong man' to help carry equipment; and comments such as 'you look so normal' to a person with a disability [Definition used in KCL policy]

[8] NUS *Power in the Academy: staff sexual misconduct in UK higher education* (2018) p.11

5) <u>Recruitment procedures</u> should include a check that they appropriately take into account a candidate's ability to contribute to a harassment-free research and teaching environment. Candidates should be required to sign a declaration that they have not been subject to a formal complaint that was upheld and/or are not currently under formal investigation, and/or are not currently under informal review.

III) Complaints

Recent experience of the current University Complaints processes has suggested a number of limitations of these procedures, many of which place significant pressure on complaining parties whose position is often extremely vulnerable. Particular problems arise around the following issues:

- Record-keeping and information-sharing when informal complaints have been made. This is particularly important consideration if the University continues to seek to encourage informal resolution where possible, and where the evidence suggests that it is frequently the case that those engaging in sexual misconduct target more than one person and may do so serially[9]
- Record-keeping and information-sharing across the University, Colleges and Research Institutes of both informal and formal complaints, for the reasons stated above.
- No provision for complaints by Alumni – complainants may not feel able to come forward until after they have completed their studies
- No regularised mechanism to put in place interim protections for students who might come into contact with the subject of the complaint
- The complexity of the process which can require complainants to repeatedly rehearse distressing experiences
- The length of the process which in some cases might conclude only after the graduation of the student, thereby impacting their entire period of study.
- An interpretation of duties of confidentiality which may in practice prioritise the subject of the complaint over the needs of complainants, duty of care to all students, and which impedes effective management of the ongoing situation

Complaints policies are approved by Council, and its procedures are determined and managed at the University level by HR in the case of a harassment complaints against a member of staff, and by the Proctors in the case of a harassment complaints against a student. The CPWG does therefore not make recommendations for action at University level but strongly urges Faculty Board to endorse its recommendations in order to allow members of the group to push for changes that would address the issues highlighted above, and in particular to recommend measures along the lines suggested below.

1) The 1752 Sector Guidance to Address Staff Sexual Misconduct in UK Higher Education advocates 2 key principles which we argue should apply for all complaints cases:
   i) **Processes must be modified to ensure that they are fair for complainants** (rather than operating on an adversarial basis which focuses on fairness to the subject of complaints)
   ii) **The process must accord equal rights to complainants and respondents.**
   The University should commission an independent review and update of all complaints policies to ensure that these principles are enshrined in our policies and procedures.

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[9] Bull, Anna, and Rachel Rye, 'Institutional responses to staff sexual misconduct in UK higher education. The 1752 Group/ University of Portsmouth' (Portsmouth, 2018), p.3

2) **Record-keeping and information-sharing:** The University, Colleges and Research Institutes must agree a protocol for the sharing of information about complaints under investigation and about the findings of such investigations.
Procedures must be developed for record-keeping in the case of informal complaints and a mechanism must be developed whereby information from informal complaints can be drawn on in a formal investigation.

3) **Group complaints and complaints by alumni:** The University, Colleges and Research Institutes must agree to develop frameworks for handling group complaints made by several individuals made about the same staff-member, and it must be possible for alumni to contribute to such cases.

4) **Report and Support:** The University, Colleges and Research Institutes must collaborate in adopting and developing Report and Support, which would allow students and staff to make and record complaints without having to make a formal complaint, while ensuring that complainants are offered appropriate support. There should also be a mechanism for anonymous complaints which would not be acted on but which might, if they accumulate, prompt an environmental investigation. The system would be monitored by a specially trained triage team [See Appendix I for further information].

5) **Training and support:** Heads of Department and Harassment Advisors should receive regular and specific training delivered by EDI and harassment professionals on how to respond to informal and formal complaints, what actions to take in support of complainants and the subjects of complaints, and on policy and procedures. In the case of a formal complaint, peer-supporter from outside the Faculty/Department should be appointed to assist a Head of Department or Harassment Advisor and provide a confidential sounding-board during the process. Further Counselling and support should also be made available to Harassment Advisors.

6) **Interim protections:** Following a report that requires an investigation, an interim measures panel should be established to assess support needs and to consider how to protect the interests of all parties and members of the university community who may be impacted by the case. A risk assessment should be carried out that will consider the academic, welfare and support needs of the parties and any other members of the University who may be affected. The panel should include an EDI Officer in an advisory capacity, advocates for the complainant and the subject of the complaint (who may be Harassment Advisors) and senior members from both the college and the Faculty/Department of the individuals concerned, an independent senior academic/and or senior professional services manager from a trained pool and the relevant HR Partner or SU Sabbatical officer. A single point of contact should be appointed for the complainant and for the subject of the complaint to offer support and guidance throughout the process and ensure that relevant professional support is provided where appropriate.

7) **Interim teaching arrangements:** If a staff member is not in a position to meet their teaching obligations during an investigation, and/or subsequent to a complaint being upheld, Faculties and Departments should be able to draw on emergency funding from the University to cover the cost of recruiting replacement teaching, rather than additional burdens being distributed to existing postholders.

8) **Investigations:** Investigations should be carried out by fully trained, independent professional investigators, and every effort should be made to ensure that complainants are

not required to rehearse their experiences multiple times. A commitment should be made in the documents outlining these procedures as to the <u>maximum length</u> of time such processes will take.

9) **Outcomes:** When a complaint is upheld, the <u>action to be taken should be decided by a panel</u> constituted on the same basis as proposed for determining interim protections, rather than by any single individual. A risk assessment should be carried out that will consider the academic, welfare and support needs of the parties and any other members of the University who may be affected. Both <u>complainants and the subject of the complaint should be informed in writing of the outcome of the complaint and of any ensuing action to be taken</u>. The panel should also make considered recommendations as how to monitor the actions to be taken and identify which other parties should be informed of these actions.

10) **Confidentiality:** As recommended in the recent UUK Guide on 'Tackling Staff-to-Student Sexual Misconduct' <u>the University and Colleges should not use NDAs or confidentiality clauses in settlement agreements</u> in cases of sexual misconduct or sexual harassment. Legal advice should be taken on how to ensure that <u>information that must be shared in order to meet the duty of care obligations of the University and Colleges to staff and students</u> can be made available to relevant parties. GPDR requirements and/or the situation of those who are subject to complaints must not be allowed to impede the sharing of information required to protect staff and students.

11) **Reporting:** The University and Colleges should <u>systematically collect data on incidents of harassment, bullying and sexual misconduct</u>. This data should include numbers of complaints and reports, including those resolved informally and anonymously, and anonymised data on action taken. This <u>data should be annually publicly reported at College, Faculty/Department and University level</u>.

We encourage Faculty Board to endorse the recommendations of the Complaints Procedures Working Group. The CPWG thanks all those who have contributed to our discussions. The senior members of the committee particularly wish to thank the student members for their insight, thoughtfulness and generosity in these discussions, and Laura Spence for her help in updating the website. We thank all those who have spoken up to express their concerns, often at cost to themselves, in order to ensure that future staff and students do not experience bullying and harassment.

Complaints Procedures Working Group[10], 03.03.22

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[10] Christina de Bellaigue (Convenor & Vice-Chair of Faculty Board), Conrad Leyser (Harassment Officer), Sloan Mahone (Harassment Officer), Hannah Skoda (Co-coordinator of Athena-SWAN), Isabelle Pitt (Humanities Division Equality and Diversity Officer), Stephanie Cavanaugh (ECR Representative), Shelley Castle (OHGN Welfare Officer), Mary Hitchman & Laura Smith (Graduate Representatives), Johan Orly & Kalli Dockrill (Undergraduate Representatives), Cheryl Birdseye (Staff Representative and clerical support).

Appendix I

Preliminary report on Good Practice in Harassment Policy and Procedure
Sloan Mahone (February 2022)

Contributors:

Elisabeth Hill
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Mia Liyanage,
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Vicki Baars
Acting Head of Equality, Diversity and Inclusion
University College London

Summary of the exercise
The goal was to speak with some professionals in EDI work, including those with experience with developing or reforming sexual violence, sexual harassment, and sexual misconduct policies. Both UCL and Goldsmiths have undergone significant reflection and revision largely due to adverse publicity and calls for change. There are lessons to be learned from other institutions. There is also a growing body of policy and practice literature readily available from advocacy groups like *The 1752 Group* or Universities UK. This literature is now becoming so detailed and accessible that departments, divisions, and the university could appoint task forces to implement a multitude of strategic aims. Some take aways from these various discussions:

'Good practice' is only as good as its interpretation and implementation.
"On paper, Oxford looks great, but in practice…."
It became very clear that while some policies are overly bureaucratic, HR-focused, or convoluted, even when there were seemingly robust policies in place, they bore little resemblance to what happens in practice. There may be myriad reasons for this, including; those in charge of enacting policies do not have a clear grasp on what the policy is or what its intended effect should be; interpretations of policies are the first (and sometimes only) goal and the victim of harassment or abuse is quickly overwhelmed or forgotten while the 'rights' of the accused are described and privileged; damage control is highly valued; complainants are subjected to speculative explanations of what the perpetrator 'probably meant'; it is generally unclear who is in charge when a complaint is made (Head of Department? Human Resources? the central Harassment Office?).

Decision makers do not have strong awareness, experience, or training in handling harassment complaints.
Without trained professionals advising this process, Heads of Department, HR professionals, appointed 'investigators' could well be either dismissive or hostile to complaints they do not personally believe, OR they could be well-meaning but still liable to be dismissive or insensitive in handling complaints. For example, there is a widespread notion that an individual who has been found guilty of misconduct will alter their behaviour when spoken to sternly behind closed doors. This never works.

Leadership in changing culture, policy, and approaches to supporting victims of harassment and abuse must come from the very top.

Even with a will to reform policies and improve a toxic workplace culture – departments cannot implement serious change without the acknowledgement, support, authority and funding from university leadership. If Vice Chancellors, for instance, refer only to boilerplate policy statements when faced with repeated instances of misconduct and a widespread belief that the work/study space is unsafe – then this attitude will prevail at all other levels.

In December 2021, Universities UK published:

[Combat Misconduct: a toolkit for vice-chancellors](#) **[34 pages with a 4-page quick guide]**

The Toolkit includes 9 Practical Steps for senior leaders:

1. Publicly acknowledge that sexual harassment, misconduct and all forms of hate exist in universities
2. Set the tone for culture change
3. Adopt a whole university approach
4. Get others on board
5. Seek support from the governing body
6. Invest in learning and professional development
7. Capture and publish data and evidence
8. Practise inclusive leadership and create a safe team environment
9. Recognise the impact on mental health

[The 1752 Group](#) (founded from Goldsmiths, University of London) has become influential in advocacy and education around sexual misconduct in higher education. However, it's unclear how well or how quickly universities engage in real reform *without being forced to by serious negative publicity*. Sexual misconduct in higher education is under-reported and the Group works to provide educational materials, but also much-needed peer-reviewed research. **Recent work, for example:**

Bull, A. & Page, T. (2021). Students' accounts of grooming and boundary-blurring behaviours by academic staff in UK higher education. *Gender and Education*.

Bull, A., Page, T., (2021). The governance of complaints in UK higher education: critically examining 'remedies' for staff sexual misconduct. *Social & Legal Studies*.

Bull, A., Calvert-Lee, G., Page, T. (2020). Discrimination in the complaints process: introducing the sector guidance to address staff sexual misconduct in UK higher education. *Perspectives: Policy and Practice in Higher Education*.

Bull, A. & Rye, R. 'Silencing students: institutional responses to staff sexual misconduct in UK Higher Education' (2018)

Approaches and implementation

There is no 'one size fits all' approach to tackling sector-wide systemic misconduct, nor is there an easy fix to changing deeply entrenched attitudes and deeply ingrained (failed) policy approaches. Without a doubt, real change happens over the course of years, not a few academic terms. Change must involve the highest levels of university leadership, must be transparent and acknowledge what has gone wrong, and must engage with professionals, survivors, and the broader community who support **survivor led** (not departmental or HR led) perspectives.

Both Goldsmiths and UCL have begun to do this work – much of which would be instructive for similar initiatives in Oxford. For instance, in 2016 Goldsmiths launched a **10 Point Plan** (see below) which was updated in 2018 and continues to be reviewed.

Goldsmiths 10-point plan (2016) (as reported in *The Guardian*, for example).

1. **Creation of a new post** to review and improve the framework around reporting and addressing sexual harassment
2. **Updating the definition of sexual harassment** with input from stakeholders across the university
3. Establishment of an **Advisory Board** with members drawn from across the university
4. **Training and awareness for students** which includes acknowledgement of i**ntersectionality**
5. **Training and awareness for staff** to include briefings, communications, and induction trainings
6. **Reporting sexual harassment – students**. Review and revision of complaints procedures.
7. **Reporting sexual harassment – staff**. Review and revision of complaints procedures.
8. **Leading the HE response** – to include work and collaboration across the sector.
9. **Policies and guidance** – to be updated for both students and staff.
10. **Working with our communities and partners** – in a commitment **to become a leader** in tackling sexual harassment in higher education.

Report and Support

Both Goldsmith and UCL have implemented the Report and Support tool which is an online platform for choosing to report anonymously (about incidents or culture, for example) or to make a report with details. The online tool is supported by a specially trained 'triage' team which monitor the site and act on complaints appropriately as needed. All members of the Triage Team receive specialist training. The team at Goldsmiths comprises, for example;

    A senior member of Human Resources or a suitable deputy
    A senior member of Student Experience or a suitable deputy
    A senior member of Governance and Legal Services or a suitable deputy
    The Chair of the Against Sexual Violence Board or a suitable deputy

Additional resources offer specific support available for: sexual violence, sexual harassment, stalking, sexual misconduct, etc. There are also links to Active Bystander training and Staff training as well as Policies and Procedures and 'what to expect' (including a 4 minute video) when reporting. Report and Support also has a mechanism for staff who have heard disclosures to have a means of documenting them.

https://reportandsupport.gold.ac.uk/support
https://report-support.ucl.ac.uk

Again, Report and Support is not intended to be a quick-fix or an easy one size fits all solution. There are strong proponents of Report and Support, but it also has its critics. Anonymous reporting is becoming more common and allows for much greater awareness of 'culture' and toxic environments as well as environments where incidences occur regularly. Crucially, there is a provision to create better statistics and to understand negative patterns.

Some 'takeaways'

There are some brief takeaways that are consistent when speaking with professionals in this area. I have outlined a few below. The comments on the right are an amalgamation of advice given from a variety of individuals and media.

Recognition of the institution's role in fostering or permitting toxic cultures	This must move well beyond boiler plate statements about taking sexual harassment seriously
Commitment to transparency	Defensive communications and first instincts to damage control are counter-productive (and destructive).
Acknowledgement of past failures in policy	This should be specific – and is not adequately addressed with a statement that 'abuse happens in every industry'.
Provision of Active Bystander training	This may also include training in inclusive chairing, and general awareness raising
Recognition/awareness of the breadth of behaviours that fall under harassment or misconduct	Toxic and abusive behaviours can start 'small' and escalate. They are also cumulative. Grooming, for instance, can affect a student over the course of a term – with a cumulative pattern of persistent behaviours that cause serious harm.
Written policy on personal relationships	Staff-student relationships must be addressed centrally
Recognise the need to minimise the number of times one must re-tell details of a complaint	When policies, not survivors of abuse, are at the centre the complainant can be re-traumatised with each new meeting – often described as an 'interrogation'
The reporting party has input on what they would like to happen (if a complaint moves forward)	This is 'true' on paper – but in practice there is little clarity and consistency to how the process unfolds and how to communicate what to expect.
Presumption of truth on the part of the reporting party	False reports are rare. Hesitancy to come forward with information about misconduct is heightened when such complaints are downplayed or dismissed as 'not that serious'.
Awareness of the possibility of (or fear of) retaliation after a report is made	This includes understanding the range of what might be considered retaliation or on-going harm, such as a complainant being told to avoid certain meetings, events, or spaces
Importance of record-keeping of disclosures or reports made	Annual or termly statistics about incidences/reports should be held and made available
Appointment of a staff person to review, advise and assist with implementing policy and training	The scale of the problem warrants professionals in post who can assist with multiple levels of training, awareness raising, and development of good practice
Review of Confidentiality language and policy, including the use of NDAs	Confidentiality clauses as practiced almost always protect the abuser. This cannot be used to demand perpetual silence from complainants. The university does not own a complainant's right to their story, nor does 'confidentiality' legally trump duty of care or safeguarding responsibilities
Statement about harassment up front on job adverts	Zero tolerance of misconduct means from the point of hire and such statements help to set a tone for work spaces
'Buy in' must come from THE TOP and must include FUNDING	But this does not mean that grassroots, individuals, students, and departments are not influential.

Appendix II

Humanities Division - Bullying and Harassment: Actions for faculties [Draft]

Bullying and Harassment: Actions for faculties

Reducing bullying and harassment needs a multifaceted approach. This checklist offers some potential actions that a Faculty can take to:
- Encourage and reassure individuals so that they feel they can report bullying and harassment when it occurs
- Develop a stronger awareness in the Faculty of what constitutes bullying and harassment, how individuals can report instances, and potential outcomes of reporting.
- Encourage individuals to reflect on their own practice by recognising interactions with colleagues and students that are inclusive and respectful and acknowledging moments where these could be improved.

What?	When?	Who?
Communications: meetings		
Bullying and Harassment briefing	At the first Faculty Board of the year	Division – in person
Statement of commitment to prevent bullying and harassment	At the first meeting of major faculty committees each term	Division - template
Communications: visual/in Faculty		
Bullying and Harassment reporting procedure flowchart	Posters in range of locations by beginning of academic year	Central - flowchart
QR code stickers linked to website landing page (see below)	Specific to each faculty – stuck to flowchart posters	Faculty to produce
Ensure visibility and accessibility of faculty harassment advisors, and ability to access wider network if desired	Add to any comms about bullying and harassment, incl QR code, webpage, student and staff induction	Faculty
'Quick Reference Guide' for all staff, with information on 'what to do if someone reports bullying/harassment' Incl links to webpage.	Soft copy sent to all staff members and all teaching staff. Hard copies available in Faculty By beginning of academic year	Division – template (based on History's)
Communications: emails		
Email confirming commitment to preventing bullying and harassment, introducing Harassment Officers.	Beginning of the academic year To all staff and all students.	Faculty - template
Email recognising staff groups' particularly high reporting of bullying and harassment – eg P&S staff, and reaffirming commitment to support of those reporting bullying and harassment	Any staff groups that SES analysis suggests are particularly at risk	
Email to share 'email etiquette' paper	To all staff – could be combined with above. More regularly sent?	Faculty – template (email)

		Division - paper
Email to share 'Teams etiquette' paper (to be written)	To all staff – could be combined with above. More regularly sent?	
Faculty office-holders Board members, other key Faculty figures to include a statement and a link to the landing page (below) in their faculty office email signature	FB to commit to timeframe	Division - template
Communications: webpage		
TBC: Bullying and Harassment landing page that is 'user focused'. Linked to central University support	As rolled out	Template to be designed
Promote new webpage regularly in student and staff comms	At least once a term	Faculty
Ensure that harassment officers are visible and accessible		
Training		
Responsible Bystander/Active bystander training		TBC
Harassment Officers – new	All Harassment Officers should be trained by the central EDU team	Central EDU
Harassment Officers - refresh	All Harassment Officers should have refresher training every two years, and should not serve for more than six	Central EDU
Inclusive Chairing	*TBC – ideally workshops would be interfaculty, with one held exclusively for students: four a year?*	Divisional
PLTO/CTL Inclusive Teaching	Annually	
TBC – Inclusive Language Teaching		
TBC – 'Teaching challenging subjects'	*As per English – what can be learned from their work on this?*	
TBC – Humanities specific anti-bullying training	*As in MedSci.*	
Faculty Culture		
Faculty Board, through consultations with staff and students, and with reference to the Staff Exp Survey, to create and agree a Statement of Values		Faculty
Statement of Values to be revisited regularly	*Every five years - somehow tied to Faculty Review*	Faculty
Faculty to reflect on cultural norms that may enable harassment to take place – for example seminars followed by drinks; staff/student interactions in pubs		Faculty (with Divisional guidance)

Appendix III

> **What to do if someone shares that they have experienced sexual violence, sexual harassment, stalking, domestic violence and/or sexual misconduct:**
>
> Listen non-judgmentally
>
> Acknowledge what someone has shared with you
>
> Respond in good faith that they are telling the truth
>
> Understand that the person disclosing is choosing to share something personal and often painful
>
> Be led by the person disclosing
>
> Create a space for the person disclosing to decide what they want to do next
>
> Be honest about what you can and cannot do – be clear about the boundaries of your role
>
> Let someone know what further support is available
>
> Understand that you are not investigating so you do not need to take a detailed statement from the person disclosing
>
> **What if the person wants to take action?**
>
> If the person disclosing to you wants to explore action that can be taken, you should refer them to a faculty harassment officer, the university harassment office, or if they wish, to the police. ***The decision to take action should be led by the person disclosing*** and you should not encourage or discourage them either way.
>
> In the case of instances of sexual violence, the University's Sexual Harassment and Violence Support Service are trained to receive formal disclosures.
>
> If an emergency the police can be called on 999, otherwise 111 or a local police station number should be used. It may be preferable for someone to report to a sexual assault referral centre where information and evidence can be taken by specially trained staff.
>
> Resources
> https://www.ox.ac.uk/students/welfare/supportservice
> https://www.history.ox.ac.uk/student-welfare

Appendix IV

Silence Will Not Protect Us – Symposium (Sponsored by Transformingsilence.org)

On Friday, 25 February 2022 a student-designed and directed symposium took place at Somerville College, Oxford and via the Discord online platform. The event was attended by c.70 people in Oxford and with c.800 online registrations. Attendees were asked to commit to a strict code of conduct and to declare that they were not under investigation for harassment or related complaints. The online event was closely monitored and secure. The programme for the day was deeply thought out and sensitive as were the additional measures taken to ensure safety and inclusivity. Speakers represented a very broad spectrum of experiences, backgrounds, and areas of expertise. This included student activists, Equality and Diversity experts, feminist scholars, legal professionals, journalists, and survivors of sexual violence, harassment, or misconduct. The symposium was followed widely on Twitter and social media. Its immediate and lasting impact is perhaps yet to be determined, but it must be said that the extraordinary ambition, quality, and sensitivity of the programme overall (including the deep engagement of its various audiences) was remarkable.

Welcome and Opening Remarks Madeleine Foote	**Transforming Silences: Language and Collective Action**
	Professor Sundari Anitha
Navigating Silence[s]: Personal and Political Histories of Harassment and Activism	Dr Alice Corble
Susuana Amoah	Deborah Davies
Dr Mara Keire	
Dr Nicole Gipson	

Enforcing Silence: Complaint Processes, Institutional Betrayal and Retaliation	Supporting One Another as Students and Early Career Scholars
Dr Anna Bull	Kaelyn Apple
Dr Adrija Dey	Mia Liyanage
Georgia Calvert-Lee	Nicole Gipson
Senior Scholars, Power, and Solidarity	**Refusing Reform: Enacting Cultures of Radical Change in Academia**
Professor Elizabeth Frazer	Mia Liyanage
Professor Kalwant Bhopal	Professor Alison Phipps
Professor Priyamvada Gopal	

Digital copy and a PDF of the full programme (36 pages)

The organisers opened by setting out their ***Five Demands***, which are now being widely circulated. In summary, these demands are that the University should:

1) Prohibit the use of NDAs, confidentiality clauses, and any other language which prevents victims of harassment, sexual misconduct, and/or discrimination from speaking publicly about their experiences.
2) Change the University's legal definition of harassment, which has been adopted by many of the colleges in their bylaws. Currently this definition understands harassment as both unwanted and unwarranted.
3) Establish a robust policy prohibiting, regardless of duration, intimate (sexual and romantic) relationships between staff and students.
4) Publish annually and publicly the number of complaints of sexual misconduct, discrimination, and violence across the University. This report must include staff-staff complaints, student-staff complaints, and student-student complaints.
5) Require that all final job candidates for University and college(s) posts, both temporary and permanent, must sign a declaration that they have never been the subject of adverse findings in discrimination, retaliation or harassment proceedings, lawsuits, administrative or legal complaints or disciplinary actions and that they are not currently the subject of an open investigation or proceedings related to professional misconduct, such as a discrimination or harassment lawsuits or administrative complaints.

Faculty Board will note that many of these demands coincide with recommendations made by the CPWG. The CPWG endorses the Five Demands of the Transforming Silence collective.