

**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.

¹ Regulation P6 was amended by Council decisions of 9 November 2022 and 21 February 2024.

3. As provided in the University's Code of Conduct for Students in Respect of Harassment and Sexual Misconduct, online harassment may take the form of intimidating, offensive, or graphic posts on social media sites or chat rooms, or communications by email, text, or instant messaging.
4. 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;
 - (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.
5. This Regulation shall apply to acts or conduct (including via a virtual platform) 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 and College procedures for harassment, including sexual misconduct

6. Further to Ordinance C,XIII,6, the College shall take the appropriate steps to advise students wishing to raise a formal complaint of harassment against another student or against a College Fellow under the University procedures for harassment and sexual misconduct.
7. A student who is considering making a formal complaint against another student or against a College Fellow may make a disclosure to 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.

8. In cases where the University does not have jurisdiction to hear a formal complaint of harassment by a student against a College Fellow, such a complaint may be brought, depending on its nature:
 - (a) to the Senior Tutor, as a complaint against the College following the procedure laid down in Regulation P12; or
 - (b) to the Master, as a charge of misconduct, serious misconduct or gross misconduct following the procedures laid down in Ordinance C,II (for Academic Staff) and Ordinance C,VI (for Fellows other than Academic Staff); provided that, whenever an Academic Disciplinary Committee is constituted to hear a claim of serious or gross misconduct, the student bringing the charge shall be added as a party to the proceedings pursuant to Ordinance C,II,22,c.

Confidentiality

9. Subject to [13] below, Fellows, academic and support staff of the College shall normally treat in confidence any disclosure of harassment or misconduct.
10. 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 disclosure or formal complaint, to the individual or individuals against whom such disclosure or complaint is made or to some other person, the student shall be informed in advance and their consent sought. Where consent is refused, the CA-HO will make it clear to the disclosing student that College is unable to take safeguarding action, and that the disclosing student shall be understood to have refused College assistance in this regard.
11. The student making the disclosure or formal complaint and the person against whom such disclosure or complaint 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.
12. Any member or member of staff of the College, including any student who makes a disclosure or formal complaint or any person against whom such disclosure or complaint is made, who inappropriately discloses the nature of a disclosure or 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

13. 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 or Fellow 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 a disclosure or formal complaint.

14. The College shall exercise its rights under paragraph [13] only where the College reasonably considers that:
 - (a) there is an immediate and serious risk to the safety of the student making a disclosure or formal complaint 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 disclosure or complaint.In any such case, the College shall inform the student making the disclosure or complaint and explain its reasons.

Safeguarding measures upon receipt of a disclosure

15. Where a student makes a disclosure of harassment or sexual misconduct, the safeguarding measures under paragraphs [16-18] may apply for the benefit of the student and, as appropriate, of the person against whom such disclosure or complaint is made.

16. The first person having authority in the College to whom a disclosure of harassment or sexual misconduct by a student is reported, such as a Porter or a member of the Wellbeing 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.

17. Safeguarding measures shall aim to provide:
 - (a) practical and pastoral support, both immediate and longer-term, including advice under paragraph [7] above;

(b) continuation of the educational, social and other services of the College, where possible without substantial change to normal arrangements.

18. For the purposes of minimising the risk that the future acts or conduct of either the student making a disclosure or a student against whom such disclosure is made might give occasion to a further connected disclosure or a formal complaint, in particular, of behaviour of a similar seriousness, the Senior Tutor, acting as the College Discrimination and Harassment Contact, and consulting at the earliest opportunity with at least one of the Pastoral Leads or Principal Officers, 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.
19. Any restrictions imposed under paragraph [18] 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.
20. In cases where a charge is brought against a College Fellow under Ordinance C,II, and pursuant to paragraphs [17] to [19] of that Ordinance, such Fellow may be suspended if the charge alleged would, if proven, amount to gross misconduct.

Relationship with College and University procedures, including precautionary measures upon receipt of a formal complaint

21. A formal 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.
22. 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.
23. Where a student raises a formal complaint of harassment or sexual misconduct under any University procedures, the College, once informed, shall:

- (a) ensure that any student involved in those procedures is given appropriate pastoral support;
- (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; and
- (c) take any appropriate steps at the College level to implement the decision or the recommendations of the University, including any precautionary measures imposed by the University in accordance with University Special Ordinance D(v); provided that the College shall accept the University's findings of fact as definitive.