

Policy on the use of personal information under the Procedure for Handling Cases of Student Harassment and Sexual Misconduct

A copy is to be provided to the Complainant, the Respondent, and any witnesses at the earliest contact.

1. The overall purpose of processing personal data in the context of the investigation and resolution of complaints of harassment and sexual misconduct is to decide what steps can appropriately be taken in response to such complaints. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. Such persons may include the Head of OSCCA, the Pro-Vice-Chancellor (Education), the Secretary of the Senior Tutors' Committee, the Academic Secretary, members of the Harassment and Sexual Misconduct Panel, the investigator assigned to the case, solicitors in the University's Legal Services Office, the University Advocate (or other relevant officer), and members of any committee constituted under the procedure for the purposes of considering a review. An investigation under the procedure is not intended to arrive at a conclusion as to whether a breach of disciplinary regulations has been committed. In the circumstances, documentation generated in the course of an investigation under the procedure may not be disclosed in full to the Complainant and the Respondent except in so far as is reasonably necessary to conduct and to progress a fair investigation or a person has explicitly consented to the disclosure of personal data to the extent that the data relate to her or him.
2. In the interest of fairness to all parties, the University will not normally accept an anonymous complaint under this procedure. Where a complaint is brought under the procedure, the identity of the Complainant may be provided to the Respondent (and the Respondent's supporter and legal representative, if applicable), together with sufficient information to enable the Respondent to understand the gist or substance of the complaint. If you have concerns about the sharing of information between the Complainant and Respondent you should seek advice from the Head of OSCCA.
3. For both the student making the complaint and the student against whom the complaint has been made, the University will seek your written consent before providing the following people with a summary of the complaint, including your name, so that they are aware of the complaint and able to assist in providing you with support:
 - Your College Senior Tutor
 - Your Personal Tutor or Graduate TutorIn some cases, your written consent may also be sought to disclose information to the following:
 - Your Head of Department or Faculty
 - Your Supervisor (if you are a research student)
4. The investigator's report will normally be released to the Complainant and the Respondent, but the minutes of any individual meetings will not usually be disclosed with the report. If the matter subsequently becomes the subject of disciplinary proceedings and the decision is taken to charge the Respondent, the Complainant's written complaint and the minutes of any individual meetings with the Complainant and the Respondent and/or with any witnesses will form part of the evidence in those proceedings and can therefore be expected to be disclosed to both sides in full at that point.
5. The University will normally respect the wishes of a person who is the victim of a crime and does not wish to report the matter to the police. However, in exceptional circumstances, where the facts as they emerge give rise to concerns that there is a significant risk to members of the community, the Head of OSCCA may decide to refer the matter to the police. Unless there are exceptional reasons related to the case, the Head of OSCCA will normally inform the Complainant of the intention to report the matter to the police and give reasons before doing so.
6. **The University may be required to provide as evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the complaint,**

including any admission made in the course of this procedure (and/or any made during mediation or any subsequent disciplinary proceedings). Any admission made in the course of this procedure may also be used as evidence in University disciplinary proceedings, save that the University will abide by the confidentiality of any mediation and anything which is said in the course of mediation will not be used in evidence in any University disciplinary proceedings.

7. Following completion of the procedure, the investigator's report and a record of the outcome, including any conduct agreement entered into by the Respondent, will be retained securely by the Head of OSCCA usually for not more than one year beyond the Respondent's period of study at the University. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any complaint is subsequently submitted under this procedure by the same Complainant, or by a different complainant, in respect of the same Respondent, giving the University reasonable cause for concern regarding an emerging pattern of potential harassment and/or sexual misconduct, this information may be taken into account by the Head of OSCCA or the Harassment and Sexual Misconduct Panel, as appropriate, in reaching a decision under paragraph 6.3.3 of the procedure, and may also be provided to the University Advocate or other relevant officer if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 3.5 of this procedure.
8. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under the Data Protection Act 1998 or otherwise.
9. If you have any questions or concerns about this policy, please contact the Head of OSCCA in the first instance.