

Institute of European and Comparative Law

CODE OF CONDUCT AND COMPLAINTS PROCEDURE RELATING TO VISITORS

The Institute of European and Comparative Law (IECL) aims to create a safe and respectful environment for the IECL community, which includes all staff members, students, research visitors, academic affiliates, early career fellows and anyone visiting the IECL. Accordingly, all members of the IECL community are expected to maintain the highest standards of conduct and act in a courteous and collegial manner to all. Breaches of the code of conduct will not be tolerated. Where IECL staff members, or other University staff members or students registered at the University of Oxford are alleged to have breached this code of conduct, the University disciplinary procedures will be followed, where the complaints concern a visitor at the IECL including research visitors, the complaints procedure below will be followed.

A. CODE OF CONDUCT

1. No member of the IECL community shall intentionally or recklessly:
 - (a) disrupt any teaching, studying, working, research or administrative activities at the Institute;
 - (b) damage or deface any property of the IECL, or of any member of the IECL community;
 - (c) engage in any activity likely to cause injury to others or to put their safety or health at risk;
 - (d) engage in violent, indecent, disorderly or threatening or offensive behaviour or language;
 - (e) engage in sexual misconduct, harassment or bullying, as defined below;
 - (f) engage in any fraudulent or dishonest behaviour; or
 - (g) decline or refuse to obey any University regulation concerning noise, health, or safety, or refuse to obey lawful instructions given by IECL staff members.
2. In paragraph 2 above, sexual misconduct means:
 - (a) Any physical conduct of a person (A) towards another person (B) which is of a sexual nature, where B does not consent to that conduct and A does not reasonably believe that B consents to that conduct; and/or
 - (b) Any non-physical conduct of a person (A) towards another person (B) which is of a sexual nature and which causes B to feel harassed, alarmed, violated or distressed, where A knows or ought to know that that conduct will cause B to feel harassed, alarmed, violated or distressed. This includes the non-consensual sharing of sexual material with a third person.
3. In paragraph 2 above, harassment occurs where: a person (A) engages in conduct towards another (B), which causes B to feel physically threatened, harassed, alarmed or distressed, if A either knew or ought to have known that their conduct would cause B to feel physically threatened, harassed, alarmed or distressed.
4. In paragraph 2 above, bullying is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

B. COMPLAINTS PROCEDURE IN RESPECT OF ALLEGED BREACHES OF CODE OF CONDUCT BY VISITORS, INCLUDING RESEARCH VISITORS

1. Any person may report to the Director of the IECL any allegation that a research visitor or other visitor to the IECL has acted in breach of the IECL Code of Conduct. If, for any reason, the Director has a conflict of interest in relation to the complaint, the person may report the complaint to the Chairperson of the Management Committee of the Institute of European and Comparative Law. If the Director has a complaint against a visitor, the Director shall refer the complaint to the chairperson of the Institute of European and Comparative Law. In such cases, all references to the Director in this procedure shall be treated as references to the Chairperson of the Management Committee of the Institute of European and Comparative Law.
2. Once the Director has received a complaint, the Director may request another member of the IECL staff or senior administrator or postholder in the Faculty of Law to assist the Director to conduct the complaints process. In that case, all references to the Director in this procedure shall be treated as references to the Director and the other staff member appointed by the Director.
3. Depending on the gravity of the report, the Director may seek to resolve any such concern informally with a view to creating a safe and respectful environment prospectively.
4. In all cases, the Director may as a precautionary measure suspend any visitor's or research visitor's right to enter the IECL and any or all of the other rights they may enjoy as a visitor or research visitor at the IECL:
 - a. Such a precautionary measure entails no finding of responsibility or culpability.
 - b. The Director will handle the matter sensitively and with appropriate confidentiality, but the duty of confidentiality shall not preclude the Director from informing senior staff at the IECL and the Dean of the Faculty of Law and other senior members of the Faculty of Law of the precautionary measure who may take appropriate steps to ensure the precautionary measure is rendered effective (which may include informing other people of the complaint, including, for example, the Facilities Management of the St Cross Building or other appropriate people).
5. Where a matter is not resolved informally, the Director may investigate:
 - a. Ordinarily, this will involve interviewing the reporter, any relevant witness, and the person about whom the complaint has been made (the respondent).
 - b. Ordinarily, the identity of the reporter, relevant witness(es) and the substance of the complaint will be put to the respondent.
 - c. Exceptionally, after consultation with the Chair of the IECL Management Committee and where the reporter does not wish to be identified, the Director may proceed without informing the respondent of the identity of the reporter.
6. If, on investigation, the Director judges the complaint credible and sufficiently serious, the Director may terminate the respondent's status at the IECL and/or issue a decision declaring that the visitor or research visitor will not be permitted to enter the IECL again for a determined period, which may be up to ten years. Any research visitor whose rights are terminated under this procedure will not be entitled to any refund of visitor's fees paid to the University. Any decision will be handled sensitively and with due confidentiality. The duty of confidentiality shall not preclude the Director from informing the Dean of the Faculty of Law, and other senior members of the Faculty of Law of the decision who may take steps to ensure that the decision is rendered effective (which may

include informing other people of the complaint, including, for example, Facilities Management).

7. The decision of the Director will be final and not susceptible to appeal.
