

## Notes on Incident and Allegation

05-04-21

1. The complaint is founded upon a single brief incident, centred upon the interpretation of one alleged act and an exchange of a few sentences between Ms X and the Dean.
2. There are no other supporting conversations or behaviours preyed in aid by Ms X or her witnesses in support of the contention that this incident constitutes “sexual harassment”.
3. The Statement put onto the Diocesan website that the complaint is one of “a serious sexual assault” is not supported by any of the parties or witnesses and the Oxford DSA or the legal opinion of the College Sir Wyn Williams in his published opinion on the College’s alleged right to initiate a parallel Tribunal.
4. A sexual assault prima facie involves the touching of breasts, genitalia, anus, buttocks and inner thighs; nothing remotely of that character features in this case. None of the parties or witnesses treated the incident as a sexual assault.
5. There is no history of any inappropriate texts, emails or exchanges between the parties. There is no evidence that the Dean has any sexual interest in or motive towards Ms. X.
6. The sole act to be considered by the Tribunal consists of the alleged touching of Ms X’s long hair for “10 seconds”. It is not suggested the head or any other part of the person or clothing was touched. The act alleged is described as both “stroking” and “holding a lock”.
7. There is no witness corroboration to that part of the event.
8. The police took possession of Ms X’s hair when cut as planned, which had been preserved for donation to a charity; when tested for DNA evidence of the alleged contact, no traces of the Dean’s DNA were detected. The police determined that no further investigation was warranted, without a more extensive questioning of circumstantial witnesses.

9. An act which is not prima facie a sexual assault can, in law, constitute a sexual assault if accompanied by *mens rea* of an improper intent: there is no evidence of such *mens rea* and the Dean was not asked about it by the independent investigator Ms Kate Wood.
10. There is no evidence of trichophilia being present or suspected in any context, allegations, etc.
11. The complaint was **not** advised to be considered a safeguarding issue when first presented to the Oxford DSA.
12. The complaint was considered as one of sexual harassment; there is no allegation of sexually inappropriate actions or words towards persons of either sex by the Dean, despite the Bishop's inaccurate characterisation of the incident on the Diocesan being widely known and discussed within the College and Cathedral community and beyond.
13. The allegation is the latest of many allegations, formally brought by the Sub Dean and others in a sustained series of litigation and complaints over three years. Each allegation has been dismissed when fully investigated in the appropriate tribunal.
14. In consequence, the Dean was, at the time of the incident, under medical care, prescribed appropriate medication (e.g., high dosage of SSRI), had lost significant weight and his fragility was noted by many within the Christ Church community including Ms X.
15. Witness A subsequently repeatedly badgered and asked Ms X if she was upset by the incident but maintained that she was not.
16. The matter was investigated by Ms Kate Wood under Terms of Reference devised exclusively by the lawyer representing the Deans litigation opponents and without reference to the Dean or his legal advisers.
17. The investigator interviewed all potential witnesses proposed by the principal complainant Ms X and the Sub Dean.

18. The investigator did not interview all potential witnesses proposed by the Dean, despite the offer.
19. The Investigator interviewed one potential witness to part of the incident, and he was also interviewed by the police. The interviewee claimed they did not see anything untoward. Yet the investigator does not include this witness statement or refer to it.
20. Kate Wood deliberately redacted parts of the Dean's witness statement, in particular the reference to Elizabeth Pollard of the NST, a friend of the Senior Censor.
21. Kate Wood denied knowing of, heard of or having any contact with Canon Graham Ward, Cathedral Safeguarding Lead, and a commissioner of Wood's work (according to Ward's CDM).
22. Kate Wood denied knowing of, heard of or having any contact with Canon Sarah Foot, despite version 3 of the Terms of Reference for Wood's investigation stating that Foot was interviewed by Wood.
23. There was no issue of prior disharmony between the Dean and Ms X.
24. She has made a prior allegation against a member of Cathedral staff which was appropriately addressed by the Dean.
25. The Dean was not the only person to remark upon Ms X's hair that day: it was the opening greeting of witness A. Several others remarked on it. Engaging with her on that aspect of her appearance was not per se any indicator of sexual intent or targeting.
26. Ms X did not have her hair tied back as per Covid-19 Cathedral handbook.
27. Ms X discussed her conversation with the Dean after witness A also remarked upon her hair.

28. No contemporaneous notes of the discussion that brought out a complaint was made in accordance with the guidance provided by the CofE in its *Parish Handbook* and on its website and by its compulsory Safeguarding training modules. As members of the Cathedral staff, Ms X witnesses A and J were all subject to such expectation of proper record keeping. No records were made.
29. It is the verbal exchanges at the time which set the context of the action complained of (variously described as “hair stroking” and “holding a lock”). The order in which each form of description emerged is unclear and might be significant when determining how the *actus reus* came to be formulated. The earliest iteration of the account was not captured. Later repetitions post-dated third-party discussions which “filled the afternoon” and were returned to by witness A are unhelpful.
30. The parties were engaged in ordinary post-service acts, removing formal robes, eye-drops (Dean) etc; verbal exchanges principally comprised neutral factual innocuous conversation concerning Ms X intention to have it cut that afternoon. Her intention to donate it for the charitable purpose of making wigs for children undergoing cancer treatment. Ms X having begun the practice on her 21st birthday. This being her fourth donation. The Dean’s admiration for her generosity. There is an agreement that the Dean fleetingly referenced his own age as he departed down the stairs.  
**NB: “and first of all she thought she had misheard”.**
31. This latter potentially misheard and unrecorded remark is the sole basis for imputing any improper motive into the prior occurrence, thereby elevating what might otherwise be at worst, a misjudged minor awkward social interaction into one of alleged flirtatious sexual harassment. The Dean jested about his own aged short-grey hair. It is from these few disputed words that the CDM and the College Tribunal processes arise.
32. That there is only one implication of what he was saying in this context is the primary basis for attributing *mens rea* (p8). Without it, the single act alleged, and the conversation surrounding it, lack any implication of sexual innuendo. That prior conversation centred upon witness A’s explanation of gift is not suggestive per se.