

## Student harassment and bullying policy

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## **1. Purpose**

- 1.1 The University is committed to equality of opportunity and will not tolerate harassment or bullying of any kind towards another individual or group. All students have the right to study in an environment that encourages harmonious relationships where all individuals should be treated with dignity and respect so that they can fulfil their personal potential in a professional learning environment.
- 1.2 The purpose of the policy is to encourage a culture where harassment and bullying will not be tolerated and to outline the steps that can be taken to deal with any issues of harassment and bullying and prevent their recurrence.
- 1.3 If you are being harassed or bullied, the University will offer you support and facilitate the process to ensure resolution of the problem.

## **2. Scope**

- 2.1 This policy applies to all students. That is, any bullying, harassment, discrimination or victimisation of and by all students.
- 2.2 This policy covers bullying and harassment within the University and in any external situations such as, but not limited to, student trips, placements, student social events.
- 2.3 Any member of staff who experiences bullying, harassment, victimisation or discrimination should refer to the Dignity and Respect at Work Policy for guidance and support.

## **3. General Definitions**

- 3.1 Although the terms “harassment” and “bullying” are not synonymous, the guidance in this policy relates to both areas and the term “harassment” will be used henceforth to cover both.
- 3.2 There is substantial national legislation that protects people from harassment; this is listed here. “Harassment is unwanted conduct related to a personal characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. (Equality Act 2010)
- 3.3 Harassment is unwelcome and offensive attention, which is always unacceptable, whether intentional or not. It often arises from the abuse of a power base and both individuals and groups may be harassed. The individual causing the offence does not have to intend to harass. The perception of the recipient is very important but the test of reasonableness must also be applied, i.e. a reasonable neutral person would regard what is happening as harassment. Normally the behaviour must continue after an objection is made, but a single incident may be serious enough to constitute harassment.
- 3.4 Bullying is the abuse of power or position to undermine a person so that their confidence and self-esteem is weakened or destroyed. Bullying may happen in public or in private, may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.
- 3.5 Victimisation occurs when a person is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A person is not protected by victimisation if they have maliciously made or supported an untrue complaint. (The Equality Act 2010). Victimising a person for making a complaint will not be tolerated and will be investigated and addressed appropriately by the University.

### **3.6 Examples of Harassment**

- 3.7 Bullying behaviours may include shouting, threatening, abusing, intimidating, insulting, ridiculing, destructively criticising, ostracising or ignoring, humiliating and undermining a person so that their confidence and self-esteem is destroyed. This behaviour may manifest itself in practical terms such as withholding relevant

information, or treating a person differently from other students. In the University context, there could be occasions where a member of staff perceives that they are in a position of power with regards to students. They could then use that power to implicitly or explicitly threaten the future success of students.

### **3.8 Harassment based on personal attributes may include:**

- Sexual harassment, for example unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, touching and other forms of assault. (There are professional and ethical reasons for staff and students to maintain an appropriate professional relationship and the University's policy in this area is made clear in the Policy on Relationships between Staff and Students.)
- Racial harassment, for example derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault. (The University welcomes and values the cultural diversity of its community; differences in understanding about acceptable behaviours in various cultures may not be harassment, but the people involved in any such difference will be supported in reaching an understanding.)
- Disability harassment, for example not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focussing on a person because of their disability.
- Ageist harassment, for example denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.
- Sexual orientation harassment, for example homophobic jokes or remarks, threats to disclose sexual orientation, ridiculing civil partnerships.
- Religion or belief harassment, for example not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.
- Gender reassignment harassment, for example ridiculing dress and personal appearance, offensive jokes and remarks.
- Status harassment, for example patronising, ostracising or marginalising colleagues with different job roles or students with different backgrounds, showing favouritism.

3.9 The above list of examples is not exclusive or exhaustive; harassment can occur on the basis of any personal attribute that makes the individual different from the majority, or from the person who harasses them. Any individual who is unsure from the above definitions and examples whether they are experiencing harassment is entitled to discuss the matter with a Life and Wellbeing Adviser in Student Services.

## **4. General Principles**

- 4.1 The University Court is responsible for monitoring the effective implementation of this policy.
- 4.2 Every Head of School/Unit/Line Manager is responsible for positively encouraging respect and dignity and for addressing any issues around harassment and bullying that occur in their area of responsibility.
- 4.3 The person in authority in any group situation, such as a seminar, is responsible for initially addressing any harassment that occurs there and ensuring that referral to the appropriate authority is enacted immediately thereafter.
- 4.4 The Student Conduct Officer is responsible for dealing with formal allegations against a student in accordance with the Non- Academic Misconduct Policy (Students).

- 4.5 Each individual student is personally responsible for fostering a culture of respect and dignity and for avoiding behaviour that is offensive to other people.
- 4.6 The University treats genuine complaints of harassment seriously; however the possibility of malicious, vexatious or spurious complaints is recognised, and any complaints identified as such will be treated seriously and the University will respond with the appropriate disciplinary procedures. Vexatious complaints themselves can be a form of harassment.
- 4.7 The difference between legitimate management of performance, for example constructive criticism and setting of reasonable targets, and true bullying behaviour as outlined in section 4, should be recognised and the University will support appropriate management of performance.
- 4.8 Individuals may be bullied or harassed by any member of the University community. Harassment may take place for any number of reasons. A student may be subjected to harassment because they are being perceived as different to the norm in some way or in a less powerful position as the accused. It is important to recognise however that harassment can also occur in less obvious scenarios and outside of traditional power relationships. For instance, a lecturer can be harassed by a student.

## **5. Procedures**

- 5.1 Any student who feels that they are experiencing harassment should feel confident about coming forward to make a complaint; they should not feel that they have to tolerate it or that it is their fault. It is not a sign of weakness to need support in addressing an issue of harassment or bullying.
- 5.2 Prior to taking any action, an individual may wish to keep a diary of the instances of harassment or bullying to which they believe they have been subjected. It is important to note the date, time and place of the incident, exactly what was said or done, the context in which it was said or done, how it made the individual feel and what action was taken (if any). The names of any witnesses should be noted and relevant documents retained.
- 5.3 Act promptly, do not wait until conditions become intolerable.

### **5.4 Confidentiality**

- 5.4.1 The University aims to keep information confidential to the maximum extent possible. There will however be information that is required to be shared. For instance:
- The complainant's identity and the nature of the allegations must be revealed to the person causing the offence so they can appropriately respond to the allegations against them;
  - Some details may have to be provided to potential witnesses. However, the importance of confidentiality will be emphasised to all witnesses and, if breached, may result in action being taken against them;
  - Appropriate staff may need to provide information if, for instance, the person causing offense is required to have specific teaching arrangements or move Halls of Residence as an outcome of the investigation and/or disciplinary action.

### **5.5 Informal resolution**

- 5.5.1 If a student wishes the complaint to be considered as an informal matter, and unless a serious or criminal issue is involved, the following options could be considered:
- Discuss the problem with the person causing the offense – this should comprise giving one or more concrete examples of the unacceptable behaviour and agreeing how behaviour will change in the future. The individual may not be confident of doing this alone and request support from some other person such as a member of staff from Student Services.
  - Write to the person causing the offense, outlining the unacceptable behaviour, with example/s, and asking for a change in behaviour. It is important for the individual to seek help from a member of staff within Student Services so as not to unnecessarily escalate the situation.

- Student Services may facilitate a resolution by speaking to both parties individually and ascertaining the nature of the concerns.

5.5.2 The individual should request a meeting with a Life and Wellbeing Adviser in Student Services to discuss the most appropriate option available to resolve the situation.

## **5.6 Formal resolution**

5.6.1 If a serious issue or criminal act is involved, if there has been an accumulation of less serious issues or the recurrence of an earlier harassment, it may be more appropriate for the individual to make a formal complaint. In this scenario, the following procedure would apply:

- If the person causing the offence is another student, the individual must put their complaint in writing and send this to the Student Conduct Officer who will investigate the complaint;
- In all procedures relating to student discipline, the Non-Academic Misconduct Policy (Students) applies.
- If the person causing the offense is a member of staff, the student should meet with the Director of Student Services or an equivalent other who will liaise with HR who will investigate the complaint. Student Services will support the student raising the complaint and throughout.

5.6.2 Once a written complaint has been submitted, it cannot be retracted as the person causing the offense has rights under Natural Justice to know the details of the complaint, to have it investigated, to respond to any charges, and to appeal against any penalty. The University is very clear that any individual accused of an offence is innocent unless, and until, proven guilty, and will ensure that appropriate support is provided for that person during any formal procedures.

5.6.3 It is a duty of the Student Conduct Officer to assess the risk to all parties involved while the investigation is being conducted. This may involve a student being asked to move Halls of Residence or access alternative teaching arrangements for a temporary period until the investigation has been completed and a decision on possible action taken. The University reserves the right, in more serious cases, to suspend the person causing the offence until a conclusion/resolution is reached. Any suspension will comply with the parameters laid down in the appropriate disciplinary procedure.

## **6. Reporting concerns to the Police**

6.1 Harassment may take the form of a criminal offence such as physical or sexual assault and/or an immediate threat to safety. In such an event, the University will support the student ensuring that they are given medical and emotional support as appropriate. Whilst the University will advise the consideration of Police involvement where a criminal offence may have taken place, the University will not report the incident to the Police without the individual's permission, except in cases where the individual accused of causing the offence is reasonably believed to be a risk to others. Students who experience sexual harassment should refer to the Sexual Misconduct Advice and Guidance for Students.

## **7. Harassment in Secondments / Placements**

7.1 The University will take all reasonable steps to ensure that external organisations providing secondment and placement opportunities for students have policies and procedures in place to prevent and deal with issues of harassment and bullying. Any student who is subject to harassment or bullying in such a situation will be supported appropriately by the University.

## **8. Support**

8.1 The University recognises that matters relating to bullying or harassment will be difficult for all parties concerned, and is committed to providing support and assistance for students in these circumstances. To arrange this please contact a Life and Wellbeing Adviser in Student Services

## 8.2 Other support available:

- **Student Services** - telephone 2720.
- **Students' Association Advocate (Education)** - email [inc@st-andrews.ac.uk](mailto:inc@st-andrews.ac.uk).
- **Nightline** - telephone 2266.
- **Chaplain** - telephone 2865.