



University of
St Andrews

Student harassment and bullying policy

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Key terms	Student administration/Non-academic discipline
Purpose	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.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.1	Inclusion of Report & Support, Mediation Service. Minor role changes and cross referencing to and echoing of language in related policies.		L Meischke, Director of Student Services	01/07/2021

1. Purpose

- 1.1. The University is committed to a zero-tolerance approach to bullying, harassment, discrimination, or victimisation of any kind. 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 is not 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 students by any member of the University community.
- 2.2. 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. Harassment is defined by [Citizens Advice Scotland](#) as:
“Harassment is unwanted conduct by one person that causes distress and alarm to someone else. Harassment could include threatening behaviour and may create an intimidating, hostile, degrading or offensive environment for you.”
- 3.3. By law, harassment is defined as bullying or unwanted behaviour which targets any of the following (known as protected characteristics): age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The person being harassed might feel disrespected, frightened, humiliated, made fun of, offended, or threatened, and that they are in a hostile environment.
- 3.4. For practical purposes, those making a complaint usually define what they mean by harassment i.e. something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. However, behaviour that is considered as harassment by one person may be considered firm management by another. Therefore, the test of reasonableness must also be applied, such that a reasonable person in possession of the same information would also consider whether they view the behaviour in the same way.
- 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. (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 Bullying and Harassment

3.6.1 Bullying behaviours may include shouting, threatening, abusing, intimidating, insulting, ridiculing, destructively criticising, ostracising or ignoring, microaggressions, humiliating and undermining a person (in verbal or written form, or online) 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.

3.6.2 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 printed or digital media, threatening to disclose sexual imagery, inappropriate texting or emailing, touching and other forms of assault. Students who experience sexual harassment should refer to the [Sexual Misconduct Advice and Guidance for 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 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.

3.6.3 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 can discuss the matter with 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 that occur in their area of responsibility.
- 4.3 The Student Conduct Officer is responsible for dealing with formal allegations against a student in accordance with the [Non- Academic Misconduct Policy \(Students\)](#).
- 4.4 Each individual student and staff member is personally responsible for fostering a culture of respect and dignity and for avoiding behaviour that is offensive to other people.
- 4.5 The University treats genuine complaints of harassment seriously; however the possibility of malicious, vexatious or spurious claims is recognised, and any claims identified as such will be considered under the appropriate disciplinary procedures, and where there is just cause appropriate disciplinary sanctions may follow. Vexatious claims themselves can be a form of harassment.
- 4.6 The difference between legitimate management of performance, for example constructive criticism and setting of reasonable targets, and true harassment as outlined in section 3, should be recognised and the University will support appropriate management of performance.

5. Procedures

- 5.1 Any student who feels that they, or another student, are experiencing harassment should feel confident about coming forward to seek support or 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.
- 5.2 Prior to taking any action, an individual may wish to keep a diary of the instances of harassment 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 events and their effect on you or others become intolerable.
- 5.4 Students are encouraged to use [Report and Support](#), which is an online reporting tool which allows anyone to report matters which are deemed to be unacceptable. Reports can be submitted with contact details (identifiable) or anonymously (unidentifiable). To make a report, or for further details visit the Report & Support webpage.

5.5 Confidentiality

- 5.5.1 The University must conduct full and fair investigations of harassment, so that responsibility for misconduct can be established and sanctions considered appropriate can be imposed by the University. The University recognises the importance of privacy in cases where harassment is disclosed. Confidentiality will be maintained as far as possible unless otherwise stated. There may however, be circumstances, e.g. danger of physical assault, that require the University to make use of and/or disclose certain information to additional University personnel and/or to third parties such as the Police, on a 'need to know' basis: this is consistent with meeting our common law duty of care and any specific statutory obligations:
 - Full and fair investigations are only possible where the reported person is provided with relevant details such as the identity of their accuser, dates, times and surrounding circumstances.

- Where disciplinary procedures are engaged some details will have to be provided to the reported person, and others who are involved in that procedure. The requirement to maintain confidentiality of that information and the proceedings will be communicated to all concerned, and, if breached, may result in disciplinary proceedings for those who are suspected of breaching their confidentiality obligations.
- The reporting person will be made aware of the details provided to the reporting person.
- At the outcome of disciplinary proceedings some information may be shared with a range of third parties, where it is necessary for the University to meet its duty of care obligations: information may be shared with University staff where adjustments are necessary, so those can be made. Those affected by inappropriate behaviour may be advised of the outcome and steps taken, so to provide for their welfare. Additionally, in some instances the parents/carers may also be informed of an outcome, where it is necessary to provide assurance, so to provide for their welfare.

5.5.2 Anonymous reports let the University know something has happened and will help the University better understand and prevent issues within our community. Where the reporting person chooses not to provide their name or contact details, this may constrain the University's ability to act. If the name of the reported person has been disclosed but the reporting person wishes to remain anonymous, the reporting person may also wish to pass information to [CrimeStoppers](#) which offers an anonymous crime reporting service.

5.6 Informal resolution

5.6.1 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 offence – this should comprise giving one or more concrete examples of the unacceptable behaviour and agreeing how behaviour will change in the future.
- Write to the person causing the offence, outlining the unacceptable behaviour, with example/s, and asking for a change in behaviour.
- The Mediation Service may facilitate a resolution by enabling two or more people to work through conflict or disagreement, with a view to finding a mutually agreeable solution.

5.6.2 We encourage the individual to contact the Mediation Service, or Student Services to discuss the most appropriate option available to resolve the situation, or to seek support. Guidance may help to prevent unnecessary escalation.

5.6.3 Students can informally speak to the Student Conduct Officer about whether making a formal complaint could be an option for them, without initiating a formal disciplinary process.

5.7 Formal resolution

5.7.1 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 alleged to have committed the act complained of 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 alleged to have committed the act complained of is a member of staff, the student should contact Student Services who will liaise with HR. HR will investigate the complaint under appropriate HR policy and procedures., whilst Student Services will support the student raising the complaint.

5.7.2 Once a formal written complaint has been submitted, it cannot be retracted as the person alleged to have committed the act complained of 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.

5.7.3 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 University 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 alleged to have committed the act complained of 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, hate crime, 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 and the University has an obligation to act to meet its common law duty of care, and any specific statutory obligations.

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. Any student who is subject to harassment in such a situation will be supported appropriately by the University.

8. Support

8.1 The University recognises that matters relating to harassment will be difficult for all parties concerned, and is committed to providing support and assistance for students in these circumstances. To discuss the support available please contact Student Services - 01334 462020, theasc@st-andrews.ac.uk

8.2 Other support available:

Students' Association Advocate (Education) - HelpHub@st-andrews.ac.uk

Nightline - 01334 462266, nightline@st-andrews.ac.uk

Chaplain - 01334 462866, chaplaincy@st-andrews.ac.uk

Mediation Service - mediation@st-andrews.ac.uk

Report and Support - <https://reportandsupport.st-andrews.ac.uk/>

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