



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



STUDENT BULLYING AND HARASSMENT POLICY

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Introduction

- 1 This policy / procedure should be read in conjunction with the equality & diversity statement on the Bucks webpages.
- 2 Our students share the responsibility for promoting and fostering an inclusive environment and ensuring that others¹ do not experience harassment, and that their own behaviour, whether intentional or unintentional does not constitute harassment.
- 3 Each individual within the University has a right to be treated with respect. Behaviour which is derogatory or which displays negative attitudes towards others, however subtly conveyed, is unacceptable and will be challenged. We will treat seriously incidents of discrimination, bullying, harassment or, other inappropriate behaviour such as homophobic remarks, which shows lack of respect for others or which leads to people feeling uncomfortable or threatened. We will provide support to those affected by inappropriate behaviour and, where necessary, take appropriate disciplinary action.
- 4 The effects of bullying and harassment can be wide-ranging. Some people may become anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to illness, absence and even withdrawing from the course. Almost always performance is affected and relations suffer.

Definitions

- 5 **Learning Partnership Agreement:** This agreement has been jointly created by the University and its Students' Union to encourage the commitment of all students and employees to the principles of partnership and to make clear the basis on which that partnership rests.
- 6 **Inclusive environment:** The provision of working and learning conditions, arrangements and practices that are free from all forms of discrimination and harassment and that promote and foster good relationships between different groups.
- 7 **Discrimination**²: "Less favourable treatment to a person (or persons) that is not capable of being justified". It is unlawful to discriminate against any person on the grounds of their 'protected characteristics'³. Examples of different types of discrimination are in Appendix 1.
- 8 **Harassment:** 'Unwanted behaviour which has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating, or offensive environment'⁴. Harassment applies to:
 - Actions or behaviours related to a 'Protected Characteristic'. (Note this currently excludes pregnancy and marital status)

¹ Others' are Bucks employees, students, job applicants, course applicants, freelancers, contractors and members of the public who have dealings with us.

² Source: The Equality Act 2010

³ See Equality & Diversity Statement on Bucks webpage for further details

⁴ Source: Equality and Human Rights Commission (EHRC)

- Actions or behaviours considered to be offensive even if it was not directed at, or does not apply to, the person who is offended by the behaviour.
- Physical, verbal, written and non-verbal actions or behaviours.
- Harassment by third parties. Under certain circumstances, Bucks New University is responsible for harassment committed by people who are not students or employees of the University. For example, contractors and members of the public who have dealings with us.
- Single or repeated incidents.

Examples of harassment may be found in Appendix 1.

- 9 **Bullying** is offensive, intimidating, malicious or insulting behaviour or an abuse of power, which is meant to undermine or humiliate the recipient (see also Appendix 1).

Bullying is a serious form of harassment. Bullying behaviour can occur in many different types of relationships. It is possible, for example, for a student to bully an employee, or a woman to bully a man. Electronic bullying can also occur when inappropriate messages or images are sent by electronic means, including social network sites.

- 10 **Victimisation** occurs when an individual is treated less favourably on the grounds that they have made, supported or are suspected of making a complaint, such as a complaint of discrimination or harassment.

What we expect of Bucks' students

- 11 It is the responsibility of everyone in the University to uphold the principles of this policy to ensure that individuals do not experience harassment.
- 12 We expect individuals to challenge behaviour which may marginalise or exclude others. Where individuals do not feel comfortable directly challenging unacceptable behaviour they should report the situation to an appropriate individual as listed below. Anyone who feels they have been harassed is likely to wish to speak to someone with whom they feel they share something in common. For this reason they should be able to approach one of a number of different people, this could be their personal tutor, a senior member of their Faculty, an adviser in the Bucks Students' Union Advice Centre, the Student Resolution Officer, the Equality & Diversity Manager, the Director of Student Services, the Counselling Service or other University officials.
- 13 Discrimination, bullying and harassment should be distinguished from vigorous academic debate and the expression of unpopular and controversial opinions, which may make some students feel uncomfortable, but which are a valid exercise of the right to freedom of expression (i.e. within the law). However, such opinions should not be expressed in an offensive or defamatory manner, the rights and feelings of others should be considered.
- 14 Discrimination, bullying and harassment should also be distinguished from the exercise of academic judgement and of bona fide assessment of the work and performance of a student.

- 15 Discrimination, bullying and harassment should also be distinguished from the reasonable exercise of academic assessment to ensure that objectives are met and that academic work is undertaken to an acceptable standard.
- 16 Behaviour, which is acceptable and normal in one culture, may be offensive in another and may contribute to misunderstandings. All members of the University should respect the points of views of others.
- 17 Students on professional courses such as nursing and social work should also be aware that their course and professional requirements require them at all times to uphold the rights and confidence of the people with whom they work, treating them as individuals and respecting their dignity, at the centre of their practice. If cases of harassment are brought against such students, this could impinge on their fitness to practise and their future career. Such cases involving students in the health and social care areas would likely result in a referral to the Fitness to Practise Panel, or if already qualified to their employer and/or the Professional Statutory Regulatory Body.
- 18 Behaviours or actions which contravene this policy should be reported in accordance with the procedures outlined below.
- 19 When individuals see offensive graffiti they should report it to the relevant Customer Service Team to arrange erasure and for further investigation where appropriate.

Procedures for dealing with complaints of discrimination, harassment or bullying

Informal approach

- 20 It is nearly always preferable to attempt to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.
- 21 Any student who feels that they are the subject of harassment, either by a fellow student, an employee or anyone else with whom they come into contact within the course of their period of study, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any student who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved.
- 22 If the individual experiencing harassment feels able to they should talk directly to the person whose behaviour is causing them concern. The perpetrator may not know that his or her behaviour is unwelcome or upsetting. It may be helpful at this time to discuss the situation or be accompanied at the meeting. The person should be informed of the behaviour that is found offensive and unwelcome and that it should cease.
- 23 If the individual does not feel able to talk directly to the person or they would like some advice about the situation, they should approach anyone they feel comfortable with (see paragraph 14 above) who could help by:
 - listening
 - providing information (about policy, procedures, other sources of advice, rights)
 - providing advice about possible avenues to pursue

- accompanying the individual when they meet with the person whose behaviour is unacceptable
 - speaking to the person on behalf of the person experiencing harassment.
- 24 Counselling and mediation can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action and will be offered to all parties. Details of the support these services can provide and their contact details can be found on My Bucks.

Formal Stage

- 25 Where an informal resolution is not possible, a student who believes that they or others have been bullied, harassed or discriminated against may make a formal complaint by using the student complaints procedure. The complaints procedure is available on the Bucks website and further details or advice can be obtained from the Student Centre Resolution Officer or Bucks Students' Union Advice Centre.
- 26 At any stage of the process either party may be accompanied by a friend or Students' Union representative.

Responsibilities for implementation

- 27 Everyone who has a connection with the University shares responsibility for promoting and upholding the principles of this policy. A summary of key responsibilities is shown below.

Vice Chancellor, Senior Management Team, Heads of Schools and Directors of Services

- Demonstrate visible commitment to promoting an inclusive working environment within the University
- Development of policies, procedures, and measures
- Monitoring and reviewing the University's progress.

Managers and Employees

- Putting the University's policies into practice.
- Promoting inclusivity and discouraging exclusion.
- Reporting of actions or behaviour which breach our policies and values.
- Investigating and acting upon complaints. (Managers only.)

All students and employees

- Should behave in a way that does not harass, bully or intimidate.
- Should encourage friends, colleagues and visitors to behave in an acceptable manner.
- Should offer support to someone else suffering harassment who is unable to take appropriate action themselves and at all times to raise issues of concern with their academic colleagues.

Information and training

- 28 The student induction programme and our learning partnership agreement provides guidance and encourages personal responsibility for behaviour and actions in line with the University's values of Clarity, Openness, Respect and Delivery on commitments (CORD).

Monitoring

- 29 The Student Services Directorate will keep confidential records of cases, which will be published annually in an anonymised format.
- 30 The University will collect information relating to student experience, through surveys and specific questions relating to harassment will be included where appropriate. Indications that harassment may be the underlying cause of a problem will lead to further investigation and management action to improve the situation.
- 31 Statistics and analysis of the requests for advice, method of resolution and outcome of complaints, will be provided to the Equality & Diversity Committee on an annual basis.

Dealing with vexatious complaints or criminal offences

- 32 If it comes to light that an individual has intentionally raised a vexatious or malicious allegation against another person, this may lead to disciplinary action.
- 33 **Sexual assault, rape, stalking and physical violence** are criminal offences and will be dealt with under criminal law.

Confidentiality

- 34 Complaints of bullying and or harassment, or information from students relating to such complaints, will be dealt with fairly, confidentially and sensitively and will comply with the Data Protection Act (1998) and the University Data Protection Policy and Guidelines.

Further Advice

- 35 Further information, advice and guidance can be obtained from:
- Equality & Diversity Service
 - Students' Union Advice Centre
 - Student Centre Resolution Officer

Appendix 1: Examples of discrimination, harassment and bullying

Discrimination

- Direct discrimination: deliberately selecting people of one sex for a particular course
- Indirect discrimination: where our policies, activities or actions indirectly affect people who have different 'protected characteristics' e.g. where a decision or a policy is put in place which appears to treat everyone equally, but which in practice leads to people from a particular protected group being treated less favourably than others
- Harassment: this can be unwanted conduct which affects the dignity of individuals studying at the university or by creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment includes acts performed by third parties e.g. members of the public, contractors etc.
- By Association: where a student is treated less favourably, for example because their partner has undergone gender reassignment
- Victimisation: this could occur when an individual is subjected to detriment, such as being treated less favourably than others because they have made or are suspected of making a complaint under the Equality Act 2010
- By Perception: this could be where an individual is perceived to be gay/not gay and is teased about it - irrespective of the person's actual sexual orientation.

Harassment

Note: these are examples, not a definitive list of types of behaviour which could be found to constitute harassment

- Shunning or deliberately excluding people from conversations or social events, because he/she is associated or connected with someone with a protected characteristic. For example his/her child is gay, spouse is black or parent is disabled
- Insensitive jokes and remarks (however intended)
- Offensive or threatening e-mails or telephone text messages
- Unnecessary copying of e-mails or other communications to others
- Placing of inappropriate, demeaning or offensive remarks or images on social networking web sites (both internally and externally)
- Distribution or displaying (electronic or otherwise) offensive or obscene materials or images however intended
- Threatening behaviour - physical or verbal including unfounded threats about job security
- Spreading malicious rumours
- Constant criticism
- Unwelcome physical or sexual advances which includes remarks, staring, touching and invasion of physical space
- Making homophobic insults and threats
- Intentionally 'outing' an individual as Lesbian, Gay, Bisexual or Trans (LGBT) without their permission
- Spreading rumours or gossip about an individual's sexual orientation
- Using religious belief to justify anti-gay bullying and harassment.

Bullying

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of another individual
- The spreading of malicious rumours or gossip
- Isolation or non-cooperation at work or in study groups
- Purposefully excluding someone from team or social activities
- Picking on someone or setting them up to fail.

Upward Bullying

Note: this occurs when a junior person bullies a more senior person, such as when a student bullies an employee.

Examples of Upward Bullying:

- Attempting to undermine a manager in front of his/her team
- Sabotaging initiatives or ideas
- Disruptive behaviour such as during lectures
- Not passing on important messages
- Public criticism
- Refusal to carry out legitimate requests
- Hostile or aggressive communication style.

Electronic bullying

Note: This is a term used to refer to bullying through electronic media, usually through instant messaging, emails (so called 'flame-mail'), or text messages. In sending emails employees should consider the content, language and appropriateness of such communications.

The use of online social networking sites for appropriate purposes has grown considerably over the last few years.

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on individual will be much the same
- avoid the use of provocative or inappropriate images
- avoid forming or joining an online group that isolates or victimises fellow students or employees
- ensure that you never use such sites to access or share illegal content.

If online bullying or harassment is reported it will be dealt with in the same way as if it had taken place in a face-to-face setting.

Students should ensure they comply with the University regulations governing the use of computing facilities and data management.