

Harassment Policy and Procedure for Students

1. Scope and Purpose

- 1.1 This Policy uses the term 'student' or 'students' throughout. This refers to all learners at the University, including undergraduate and postgraduate students and apprentices. Where separate arrangements or rules apply, the target group or groups are named in the paragraph.
- 1.2 This policy relates to all students of the University¹. The purpose of this policy is to promote a working and learning environment in which harassment, bullying, discrimination and victimisation which includes racism, antisemitism² or any other circumstance are known to be unacceptable and where any instances which arise are dealt with appropriately and fairly. The policy outlines procedures to be followed if a student feels they are being harassed, bullied, discriminated against or victimised during their period of study.
- 1.3 Staff who experience harassment, bullying, discrimination or victimisation from students or other staff members should refer to the HR policies.
- 1.4 Although the terms 'harassment', 'bullying', 'discrimination' and 'victimisation' are not synonymous, this policy document relates to all these issues and other than in the 'definitions' section, the term 'harassment' is used to cover all.

2. Key Responsibilities

- 2.1 The University has a legal obligation to deal with allegations of harassment promptly and efficiently.
- 2.2 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.3 All students and staff have a personal responsibility for their own behaviour and are responsible for ensuring that their conduct is in line with the standards set out in this, and related policies and procedures, in particular the Equality, Diversity, Inclusion and Belonging Policy. All students and staff should treat others with dignity and respect at all times and are encouraged to be supportive of those who may be subject to bullying and or harassment.
- 2.4 Students and staff should not accept behaviour that may be offensive when directed against themselves or others and should take positive action to ensure that such behaviour is challenged and or reported, using the reporting@aecc.ac.uk email address.
- 2.5 Under this policy and associated procedures any University role or officeholder or officer of the Students' Union may act through their appointed nominee.

¹ Including students studying under educational partnership arrangement unless alternative arrangements are specifically specified in the relevant Memorandum of agreement (contract).

² The University has adopted the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism: <https://www.holocaustremembrance.com/working-definition-antisemitism>

3. Principles

- 3.1 The Equality, Diversity, Inclusion and Belonging Policy, available on the website, sets out our commitment to providing an inclusive learning and working environment. The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. We are committed to providing a positive and satisfying learning and working environment that is free from physical, verbal and non-verbal harassment and bullying of individuals on any grounds and where everyone has the right to be treated with dignity and respect.
- 3.2 Allegations of harassment will be treated seriously and could result in disciplinary action being taken against the alleged harasser. 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. No student raising a genuine concern under this policy will be disadvantaged as a result of doing so. Harassment of a person making an allegation of harassment will normally be regarded as extreme misconduct for disciplinary/fitness to practise purposes.
- 3.3 If an allegation of harassment is found to have been made maliciously or for vexatious purposes and there is appropriate evidence to substantiate this, disciplinary action may be taken against the person making the allegation.
- 3.4 A person who is accused of harassment is considered innocent until an allegation is substantiated. Those who are the subject of an accusation will be treated with respect. Confidentiality will be maintained as far as possible, consistent with the thorough investigation of the allegation. Those who are the subject of an accusation should participate willingly in any investigation, so that the situation can be resolved informally or formally. Students who are the subject of an allegation may seek advice from the Students' Union and support from Student Services. Staff who are subject to an allegation can seek advice from Human Resources.
- 3.5 Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs, where required.
- 3.6 Those facing an allegation may be accompanied and supported at all stages of this procedure by a friend or representative, or for apprentices, their employer not acting in a legal capacity. The Harassment Policy and Procedure for Students is an internal policy and procedure and not a legal process. The University does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such, the engagement of legal professionals by students in relation to these procedures is not normally permitted, and would be allowed only in exceptional circumstances in discussion with the Academic Registrar and the Disciplinary Panel Chair.

4. Definitions

- 4.1 Harassment can take a variety of different forms, and can take place face-to-face, by telephone, in writing and via electronic means (including social media). It can be physical, verbal or non-verbal. Behaviour that may seem trivial as a single incident can become harassment when repeated. In some case single serious incidents, such as threatened violence, may be sufficient to constitute harassment. Harassment may not always be intentional but is always unacceptable. Some forms of harassment are covered by legislation under the Equality Act 2010. Harassment also includes hate incidents and hate crimes which are defined as acts which may be verbal, physical or incite violence or hostility motivated by prejudice on the basis of one or more of the above protected characteristics.

4.2 The following is a non-exhaustive list of examples of harassment:

- Unwanted physical contact, ranging from invading someone's "personal space" where this is unnecessary, touching or brushing against another person, intimidating behaviour, physical coercion, to physical assault.
- Unwanted verbal conduct. It includes making remarks and comments about another person's appearance, unfounded criticism, offensive comments or jokes, crude language, open hostility, suggestive remarks, malicious gossip, shouting at others, persistently picking on someone in front of others or in private.
- Intrusive questioning. This may include gossip, as well as questions, about their religious beliefs for example. This could be directly with the person or in discussions with others.
- Unwanted written or visual communications, including emails, notes or pictures, displaying or sending inappropriate materials.
- Use of cyber or social media sites such as X, Facebook etc., to ridicule, harass or bully.
- Non-verbal conduct, such as making abusive or offensive gestures. This includes wolf-whistles, explicit posters/calendars, pornographic material (both paper-based and electronic), hand or other bodily gestures.
- The deliberate exclusion of an individual from work/study-related activities or conversations in which they have a legitimate right or expectation to participate.
- Unwanted jokes, banter, mocking, mimicking or belittling a person.

4.3 Bullying can be defined as '*Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient*'.³ It can take the form of shouting, sarcasm, derogatory remarks, constant criticism and undermining, or the spreading of malicious rumours. What is perceived by one individual as bullying may not similarly be perceived by another. Bullying can be a one-off incident or a regular pattern of behaviour. Bullying can be carried out by an individual or group of people and can involve the abuse of authority. However, rigorous academic debate or the actions of a tutor making reasonable but unpopular or challenging academic requests of their students does not constitute bullying.

4.4 Bullying and harassment may occur on-line and could potentially be considered as misuse of the University's IT systems. This includes potentially discriminatory or offensive material posted on public access websites or social networking sites, including in closed groups.

4.5 Bullying may make someone feel:

- Uncomfortable.
- Frightened or intimidated.
- Less respected, put down or degraded.
- Upset, insulted or offended.
- Made fun of or humiliated.

4.6 The following is a non-exhaustive list of examples of bullying:

- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Inappropriate derogatory remarks about a person or their performance.
- Shouting at someone.
- Persistently picking on people in front of others or in private.
- Blocking promotion and training opportunities.
- Regularly and deliberately ignoring or excluding someone from activities and social events.
- Setting a person up to fail by overloading them with work or setting impossible deadlines.
- Regularly making the same person the butt of jokes.

4.7 The following is a non-exhaustive list of examples of cyber-bullying which includes the above using electronic means but also specifically:

- Denigration (sending fake, untrue or damaging information about a person to others).
- Flaming (purposely using extreme and offensive language and participating in online arguments or fights).
- Impersonation (hacking into someone's email or social media account and using their identity to send malicious or embarrassing material to / about others or setting up a fake account to do the same).
- Outing and Trickery (sharing personal information about or tricking someone into revealing personal information and forwarding this to others).
- Cyber-Stalking (repeatedly sending threatening or intimidating messages to someone or engaging in other online activities that make a person afraid for their safety).
- Exclusion (intentionally leaving someone out of online activities).
- Blackmail and Grooming (pressurising someone to send pictures or carry out an act in return for not revealing compromising or damaging information about them).

4.8 Discrimination may be described as direct or indirect. Direct discrimination is when someone is treated differently or worse than someone else because of who they are, or because of someone they are with or who they know, i.e., direct discrimination by association. Indirect discrimination is when someone is treated in the same way as everybody else, but this has a different or worse effect on that person because of who they are, i.e., it places them at a disadvantage. It is unlawful to directly or indirectly discriminate someone because of a protected characteristic as defined in the Equality Act 2010 which includes:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

4.9 Victimisation is defined by the Equality and Human Rights Commission as follows:

“Treating someone badly because they have done a ‘protected act’ (or because you believe that a person has done or is going to do a protected act). A protected act is:

- *Making a claim or complaint of discrimination (under the Equality Act 2010).*
- *Helping someone else to make a claim by giving evidence or information.*
- *Making an allegation that you or someone else has breached the Equality Act 2010.*
- *Doing anything else in connection with the Equality Act 2010.”*

Examples of victimisation include:

- An individual shouting at a colleague / student because they think the colleague / student intends to support another colleague's / student's sexual harassment claim.
- Being denied a promotion or being treated unfairly at work because you made a complaint of bullying, harassment or discrimination.

Bullying itself is not against the law, but discrimination, harassment and victimisation are. It is also important to note that the law states that it is not the intention of the perpetrator which defines a particular type of harassment but the effect it has on the recipient.

5. **How allegations of harassment will be dealt with**

5.1 Any student who feels that they are the subject of harassment is encouraged to make a note of incidents, dates, times and any witnesses, and any available written evidence for future reference.

- 5.2 Students who have been assaulted or attacked should be encouraged to report the attack to the Police. Student Services will be able to offer advice and support, and will help students contact appropriate external professional bodies who will help them decide what to do.
- 5.3 Students have the right to complain about behaviour they find personally offensive even when they are not the target of that conduct; bystander reporting of bullying or harassment is encouraged.

Informal approach

- 5.4 If the student feels able to speak or write directly to the individual(s) concerned and request that the behaviour in question stop immediately they are encouraged to do so. (Sometimes people are not aware of their behaviour and do not know that it is unacceptable until they receive appropriate feedback.)
- 5.5 Alternatively, they may initially wish to discuss the matter with an officer of the Students' Union, friend, Student Services or other sympathetic member of staff; students should feel free to approach a staff member with whom they feel most comfortable. It is hoped that the large majority of cases will be resolved by this informal approach.
- 5.6 Any person approached by a student who wishes to discuss the matter informally should discuss the issue confidentially, seek to understand the full facts and, if they feel confident and comfortable to do so, discuss the options open to the student.
- 5.7 If, after having been approached, the SU Officer or staff member wishes to obtain guidance on how to deal with the situation they should seek the agreement of the student to that course of action and then consult with others as appropriate. If the individual does not feel able to help in a particular case, they should explain the reasons to the student and refer them elsewhere. The staff member/SU Officer should not take action without the agreement of the individual concerned.
- 5.8 As a result of these discussions the staff member/SU Officer may encourage the student to talk to the alleged harasser on their own or with a friend accompanying them, in order to make the other party/parties aware of the way their behaviour has been perceived and ask them not to repeat it. Alternatively, the staff member or SU Officer could facilitate a meeting between both parties.

Formal complaint

- 5.9 If the student feels unable to take the suggested informal action, or this does not resolve the matter, or if the complaints are of a serious nature, the student may wish to consider making a formal complaint. A formal complaint must normally be registered in writing, as soon as possible after the incident(s) concerned. It is, however, recognised that complaints of this nature may relate to actions accumulating and taking place over a period of time.
- 5.10 A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s), and any available written evidence, should also be included.
- 5.11 If the concerns relate to perceived harassment by another student or students the formal complaint should be addressed to the Academic Registrar. The Academic Registrar will, in consultation with senior colleagues, consider whether further action should be taken under the relevant policy as appropriate, or whether the Police should be informed. If a complaint raised under this policy could be a criminal offence, the Academic Registrar will consult with senior colleagues before taking any action, including any communication with employers where the complaint relates to an apprentice.

- 5.12 If the concerns relate to perceived harassment on the part of a member of staff, or involves alleged group harassment involving both staff and students, the formal complaint should be addressed to the Academic Registrar who will refer the matter to the Head of People and Development to consider whether action should be taken under the Staff Disciplinary procedure or whether the Police should be informed. If a complaint raised under this policy could be a criminal offence, the Head of People and Development will consult with senior colleagues before taking any action.
- 5.13 Formal complaints about the Academic Registrar should be referred to a Deputy Vice-Chancellor; formal complaints about the Head of People and Development should be referred to the Chief Operating Officer.
- 5.14 In cases of alleged behaviour that is considered to be a criminal offence the University may contact the Police only with the alleged victim's express consent. In circumstances where a formal complaint is made to the Police the University will not normally initiate any disciplinary procedure until the Police investigation and any subsequent court case are completed.
- 5.15 In order to reduce the risk of further incidents it may be necessary to suspend the alleged harasser pending an investigation and without prejudice. In such a case the Academic Registrar, in consultation with senior colleagues as necessary, will recommend suspension as the most appropriate course of action to a Deputy Vice-Chancellor who will undertake the suspension. This is not part of the disciplinary process but will be used in the interests of either or both parties if appropriate.
- 5.16 Should this occur with an apprentice, their employer will be formally notified and arrangements made to pause the apprenticeship by placing the apprenticeship on a Break in Learning.
- 5.17 As outlined in 5.11, if further action is required, this would be taken under the relevant student conduct policy, such as Student Disciplinary Policy/Fitness to Practise Policy/Sexual Violence and Misconduct Policy. If found guilty of misconduct, the relevant Panel will apply the relevant penalties.

Version:	2.2
Approved by:	Academic Board
Policy Owner	Academic Registrar
Reference/ source	Examples from other institutions used as source material (in particular Bournemouth University, UCL Policy on Harassment and Bullying (Students))
Date approved	26 July 2024
Effective from	August 2024
Review date	2024/25
Target	All staff and all students and apprentices
Policy location	Public Website. Internal
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases.