

## **Student Policy on Harassment, Bullying & Sexual Misconduct**

This policy is of relevance to students.

Version No.	3
Approved on	November 2015
Approved by	Operations Board Staff Student Liaison Committee
Written by	Student Affairs
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Last Amendment	that sexual misconduct includes taking uninvited photographs (including upskirting)

## Introduction

1. The School does not tolerate any form of harassment or victimisation or sexual misconduct, and expects all members of the School community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The School is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the School community are respected. (The School actively promotes this ethos in a number of ways including drawing a student's attention at the start of a project to this shared ethos. Whilst a student can expect to be challenged by staff, by each other, and by the concepts and materials that form the teaching in the School, this will be undertaken in a "safe" and respectful environment.)

## Aims

3. The aims of this policy are to:
  - a) Promote a positive environment in which people are treated fairly and with respect;
  - b) Make it clear that harassment is unacceptable and that all members of the School have a role to play in creating an environment free from harassment;
  - c) Provide a framework of support for students who feel they have been subject to harassment; and
  - d) Inform students where to make a complaint.

## Definitions

4. A person subjects another to **harassment** where they engage in unwanted and unwarranted conduct which has the purpose or effect of:
  - violating another person's dignity, or
  - creating an intimidating, hostile, degrading, humiliating or offensive environment for another person

The recipient does not need to have explicitly stated that the behaviour was unwanted.

5. **Bullying** is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

6. **Victimisation** is when one individual treats another badly or subjects him/her to a detriment because of a complaint about discrimination, harassment or bullying or have participated in an investigation, or because they have helped someone who has been a victim of discrimination, harassment or bullying.

The School regards victimisation as misconduct.

## Behaviours

7. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

8. Every member of staff and every student should ensure that they understand the definition of harassment. The perception of the complainant and the extent to which that perception is, in all the circumstances reasonable, will be relevant.

9. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

10. Harassment can take a variety of forms:

- Through individual behaviour
  - face to face, either verbally or physically
  - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device:
  - directly to the person concerned, or to a third party
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

11. Examples of behaviour which may amount to harassment under this Policy include (but are not limited to) the following:

- Offensive gestures, language, gossip or jokes.
- Insulting or abusive behaviour or comments.
- Physical contact, ranging from an invasion of personal space and/or inappropriate touching, to serious assault.
- Display of sexually aggressive, pornographic, racist or otherwise offensive pictures or other material, or the transmitting of any such messages or images via electronic mail.
- Intentional isolation or exclusion.
- Humiliating or demeaning behaviour and/or persistent criticism.

12. **Stalking** may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material –
  - Relating or purporting to relate to a person, or
  - Purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

13. **Sexual misconduct** includes but is not limited to:

- Attempting to engage, or engaging in, sexual intercourse or other sexual act without consent
- Sharing the private sexual material of another person without consent
- Kissing without consent
- Touching inappropriately through clothes without consent
- Inappropriately showing sexual organs to another person directly or indirectly (eg through digital means)
- Making unwanted remarks of a sexual nature
- Taking uninvited photographs of another student, including upskirting.

## **Application of the Policy**

14. The School considers that vigorous debate is proper and acceptable in the academic context, and staff and students have freedom within the law to voice a wide range of views and opinions on social, economic, political, cultural and religious issues, and to put forward new controversial or unpopular opinions. However, such freedoms do not give immunity from the law nor from personal liability. Academic debate will not amount to harassment when it is conducted respectfully and does not violate the dignity of others or create an intimidating, hostile, degrading, humiliating or offensive environment for them.

15. Harassment and/or bullying or sexual misconduct is a serious offence. Any student who feels s/he has been subject to harassment or bullying, or believe they have been the victim of sexual misconduct by another student or staff member, should make a complaint to:

- the Secretary and Dean of Students or the Head of Registry Services

where the complaint is against a fellow student (for consideration under the Student Code of Conduct & Disciplinary procedure), or

- to the relevant Head of Department (or Director) where their complaint is against a member of staff or an external contractor.

For advice, a student can speak in confidence to a member of the Student Affairs team or to a member of the Students' Union executive.

16. Where a complaint of harassment, bullying or sexual misconduct may constitute a criminal offence, the complainant will be encouraged to report the matter to the police. However, there is no requirement for a complainant to report a matter to the police for the matter to be considered under School procedures. The School will only report the matter to the police directly where failure to do so may be against the public interest or against the interest of the School community (eg there is a risk to others) see appendix b of the Student Code of Conduct.

17. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment or bullying may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

18. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.