

The University of Chichester

Policy for Addressing Bullying and Harassment of Students (including procedures for dealing with bullying and harassment)

Date of Issue	15 Dec 2017
Policy Owner	Director of Student Support and Transition
The Policy has been reviewed and supersedes all previous issues. It has undergone the following approval process:	

Equality Analysis	Jan 2014
Adopted by Academic Board	23 October 2013 And then if appropriate

The Policy was last issued on 23 October 2013. The principal changes relate to:		
Section/Paragraph	Title	Change:
Cover page		Added
Contents		Added
1.4	Students rights	Location of complaints procedure rather than attached
1.5	The University's responsibilities	Removal of words 'attached process document'
1.8	Monitoring of incidents	All incidents now monitored by Director of SST
2.1	Overview	Record to be forwarded to the Director of SST
2.2	Third-party intervention	Addition of Student Wellbeing Adviser
Appendices	Flow Chart	New
Appendices	Guidance for people witnessing bullying/harassment	Moved into the appendix and contact details updated

The next review of the Bullying & Harassment Policy is scheduled by	December 2019
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1. Policy for Addressing Bullying and Harassment of Students

1.1. Statement of intent

The aim of this policy, and the accompanying procedures, is to prevent bullying and harassment of students and provide guidance to resolve any problem, should it occur, and prevent recurrence. (University employees should refer to the Dignity at Work and Anti-Bullying and Harassment Policy.)

As part of its overall commitment to equality of opportunity, the University of Chichester ("The University") is fully committed to promoting a good and harmonious working and learning environment where every member of the student and staff community is treated with respect and dignity and in which no-one feels threatened or intimidated because of his or her age, disability, marital status, political opinion, race, religion or belief, organisational role, sex, sexual orientation or other characteristic.

Bullying or harassment is unacceptable behaviour in the context of the University's Equality and Diversity Policy, and organisational values, and will not be tolerated, permitted or condoned in any form. The University believes that bullying and harassment detracts from a productive learning and working environment and can impact negatively on the health, confidence, morale and performance of those affected by it, including those who witnesses or know about the unwanted behaviour. The University is committed to ensuring that the learning and working environment is free from bullying and harassment, and one in which all students, staff and visitors are treated with dignity and respect.

Sexual, sectarian and racial forms of harassment, as well as harassment of a person on account of disability, constitutes discrimination and is unlawful under the sex discrimination, race relations, sexual orientation, religion/belief and disability legislation. Harassment may also be a civil or criminal offence and it may also contravene health and safety legislation.

All students and staff are expected to uphold this policy and use these procedures to support and promote the creation of a bullying-free and harassment-free learning and working environment.

The University strongly encourages students who consider they are suffering bullying or harassment to take action under this policy and set of procedures. The University in turn commits to take seriously and thoroughly investigate any allegations of bullying or harassment that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, disciplinary action will be taken against the perpetrator(s), up to and including expulsion of student(s) or dismissal of staff.

Where the University is made aware of serious cases of harassment, when an individual staff member or student may be criminally liable, the University will inform the police. The University will do so with due regard to its duty of care to its students and staff, as well as its broader duty of care to the wider community. The complainant's right to engage, or not, with any subsequent police investigation is not affected by the University's action in this regard.¹

This policy is adopted by the Academic Board and the Students' Union.

¹ See also the University Policy on 'Referral to Police or other relevant Authorities of alleged criminal offences'.

1.2. Definitions and forms of bullying and harassment

Bullying

The University defines bullying as: “offensive and unwanted behaviour, which violates a person’s dignity, or creates an intimidating, hostile, degrading, threatening or offensive environment or which humiliates or undermines an individual or group”.

Harassment

The University defines harassment as: “unwanted conduct related to a relevant protected characteristic², 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”³.

In addition, the complainant need not possess the relevant characteristic themselves and can be because of perception or association. Harassment applies to all protected characteristics except for:

- pregnancy and maternity, where any unfavourable treatment may be considered discrimination
- marriage and civil partnership, where any unfavourable treatment may also be considered discrimination

Forms of bullying and harassment

Bullying and harassment may be perpetrated verbally, physically or via other means of communication including letters, emails, phone, text messages, social media, and graffiti. Bullying or harassment perpetrated via the University IT network is also in contravention of the University’s IT Code of Conduct⁴. Bullying and harassment can be carried out by an individual or group of people, and can involve the abuse of authority.

While it is unpleasant to be the target of someone’s occasional aggressive behaviour, occasional behaviours are not normally defined as bullying.

Negative behaviours most frequently identified with bullying fall into three main groups:

- Personal insults (e.g. humiliation, personal criticism, ridiculing or demeaning comments)
- Intimidation (e.g. threats of physical violence or psychological intimidation, misuse of power or position)
- Social exclusion (e.g. isolation, scapegoating, victimisation)

Some examples of behaviour which can be bullying and / or harassing are:

- unwelcomed sexual advances
- physical conduct ranging from inappropriate touching to serious assault
- intimidating, hostile, degrading, humiliating, coercive or threatening behaviour
- oral and written harassment through inappropriate jokes, insults, name-calling, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters
- visual displays of images, posters, graffiti, obscene gestures, flags, bunting or emblems, or any other offensive material
- isolation or non-cooperation or deliberate exclusion

² The Equality Act 2010 specifies the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

³ The Equality Act 2010.

⁴ Section 1 of the University’s Electronic Information Security Policy, 2016.

- ridiculing and undermining behaviour; being humiliated in front of others
- inappropriate or belittling comments about a person's appearance or personality; intrusive questions or comments about a person's private life
- coercion, pressurised by a group into behaviour / actions against one's wishes; including pressure for sexual favours,
- intrusion by pestering, spying, following / stalking

It should be clearly understood that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

1.3. Reasonableness

Individual perceptions of what is acceptable behaviour may differ, perhaps due to differences in attitude, experience or culture. The defining factor in determining if behaviour amounts to bullying or harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to be bullying or harassment. The intention of the person engaging in the behaviour - whether or not they meant to harass - is not a primary factor in determining if bullying or harassment has taken place.

When considering allegations of bullying or harassment, the University will therefore apply a test of 'reasonableness' to determine if either has taken place. That is, with due regard to the complainant, could the behaviour in question 'reasonably be considered' to cause harassment e.g. could it reasonably be considered to:

- violate the complainant's dignity, or
- create an intimidating, hostile, degrading humiliating or offensive environment for the complainant.

1.4. Students' rights

All students and staff have the right to work or learn in an environment that is free from any form of bullying or harassment. The University fully recognises the right of students to complain about bullying or harassment should it occur. All complaints will be dealt with seriously, promptly and confidentially. The complaints procedure, which has been agreed with the Students' Union, can be found in the Academic Regulations - Section 3 'Procedures For Resolving Student Complaints', which can be found on the [Academic Quality and Standards web page](#).

This procedure does not replace or detract from the rights of students to pursue a complaint under the sex discrimination, race relations, disability, religion/belief or sexual orientation discrimination legislation.

Every effort will be made to ensure that students making complaints, and others who give evidence or information in connection with the complaint, will not be victimised.

1.5. The University's responsibilities

The University will ensure that adequate resources are made available to promote respect and dignity in the learning and working environment and to deal effectively with complaints of harassment. This policy and procedure will be communicated effectively to all students (and staff), and the University will ensure that staff and students are aware of their responsibilities under it. Appropriate training will be provided to support its implementation.

Designated post holders have been identified in the Appendix 'Sources of help and advice for students' on page 9 to provide advice and assistance to students who are subject to bullying or harassment. The University will ensure that students can raise complaints with someone who is aware of, and competent in dealing with issues of gender, religion or belief, race, disability and sexual orientation. All complaints of bullying or harassment will be dealt with promptly, seriously and confidentially.

1.6. Staff responsibilities

Staff have a duty to implement this policy and to make every effort to ensure that bullying and harassment does not occur, particularly in working or learning areas for which they are responsible. Staff have responsibility for any incidents of bullying or harassment of which they are aware. If bullying or harassment does occur, they must deal effectively with the situation.

Staff should:

- a. set a good example by treating all students with dignity and respect
- b. explain the University's policy to all students (and staff) who fall within their remit
- c. take steps to promote awareness of the procedure for dealing with complaints
- d. be alert to unacceptable behaviour and take appropriate action
- e. be responsive and supportive to any student who makes an allegation of bullying or harassment;
- f. ensure that students know how to raise bullying or harassment problems
- g. provide clear advice on the procedure to be adopted
- h. maintain confidentiality
- i. seek to ensure that there is no further problem of bullying or harassment or victimisation after a complaint has been resolved.

1.7. Students' responsibilities

All students have a responsibility to work with staff to help create a learning and working environment in which the dignity of everyone is respected. Students must comply with this policy and should ensure that their behaviour to student peers and staff or University visitors does not cause offence and could not in any way be considered to be harassment or bullying.

Students and staff should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting students who experience such treatment and are considering making a complaint. They should alert the appropriate person (see 'Sources of help and advice for students' on page 9 below) of any incident of bullying or harassment to enable the University to deal with the matter.

1.8. Monitoring of incidents of bullying and harassment

The University's Equality and Diversity Committee (EDC) has now been restructured; therefore, with effect from September 2017, the Director of Student Support and Transition or his nominee will also monitor annually all incidents of harassment, in addition to the incidents of bullying (which already fall into his remit). He will also be responsible for reviewing the effectiveness of this policy and procedure.

In addition the Students' Union and Student Support and Wellbeing will proactively instigate campaigns and other initiatives to raise awareness of harassment and will review their effectiveness throughout the year.

2. Procedures for addressing bullying and harassment, and sources of support

2.1. Overview

Any individual who believes they have been subject to bullying or harassment has the right to be listened to and have their concerns taken seriously. The University encourages students to take action using the guidance set out below – no person will be treated less favourably or suffer detriment for having raised or supported an allegation made in good faith.

If an individual believes they are being subjected to bullying or harassment, a number of informal and formal options are available to them. The University recommends that, where possible and appropriate, attempts to resolve the situation informally should be taken in the first instance. It is however, up to the individual to decide how they wish to proceed.

Whether an informal or formal approach is chosen, it is recommended that a written record of any incident of bullying or harassment is made as soon as possible after it occurs. This record should be signed, dated and kept for future reference and a copy should be forwarded to the Director of Student Support and Transition. Depending on the circumstances the Director of Student Support and Transition may discuss it with the complainant to agree a way forward. The report should include:

- Details of when and where the bullying or harassment has taken place, including dates and times
- Details of the alleged perpetrator of the bullying or harassment
- Details of the behaviour
- Details of any witnesses to the behaviour
- Any other evidence e.g. emails, texts, photos etc.

The University has a number of Student Wellbeing Advisers who can also provide support and advice for students affected by harassment. The Wellbeing Advisers can provide guidance on the informal and formal options available and assist individuals in thinking through those options. All Wellbeing Advisers are trained to provide this support, and will do so confidentially. Contact details for the Student Wellbeing Advisers and other sources of support can be found in 'Sources of help and advice for students' on page 9.

Behaviour that is extreme and / or violent should be reported directly to the Police and a Student Wellbeing Adviser or other appropriate member of University staff made aware.

2.2. Informal procedures for addressing bullying or harassment

If a person believes they are being subjected to bullying or harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a number of 'informal approaches' that can be adopted, as outlined below.

Individual action by the complainant

In some cases, speaking directly with the person concerned can be enough to bring the situation to a close. Sometimes people do not realise that their conduct is causing offence and explaining this to them is enough to make them rethink their behaviour. Ideally, the person should be approached at the earliest opportunity to prevent the behaviour from continuing or escalating.

When taking individual action, the complainant should try to:

- Pick a time and a place where they can speak privately and without interruption
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred
- Make it clear that the behaviour is unwelcome and must stop immediately.

If the complainant feels unable to speak directly to the person concerned, they could try putting their concerns to them in writing.

It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

Guidance for those accused of bullying or harassment

Persons who are approached about their behaviour are advised to consider what is being said carefully. They should listen to the request and ensure they understand what they are being asked to do / not do. Persons are advised to try and follow reasonable requests to cease the behaviour described. Even if it was not the intention to cause offence, actions can still constitute bullying or harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change.

In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause bullying or harassment. In this case the person engaging in the behaviour should explain that the behaviour would not be repeated and come to an agreement with the complainant regarding what is / is not acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

All persons involved in an allegation of bullying or harassment can seek support and advice from a Student Wellbeing Adviser or other source of support listed in 'Sources of help and advice for students' on page 9.

Third-party intervention

If approaching the person directly does not resolve the situation, or is inappropriate, seeking third-party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the person concerned can often help get the right message across. For students, it may be another student, an Academic Advisor, a Student Wellbeing Adviser, or Students' Union Officer.

The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the alleged harasser to discuss the allegation and make clear that any behaviour that could be considered bullying or harassment under this Policy must stop immediately. Alternatively, the third party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship (see below). Students may be accompanied by a friend at their request.

Although asking someone to act as a third party may be helpful, complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against the complainant.

Mediation

Where relationships have been damaged, mediation is available for students from the Student Wellbeing Adviser Team. Mediation is a voluntary and confidential process, whereby the parties in dispute go through a structured process to enable them to resolve issues with the assistance of a neutral third party. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

Students who wish to consider using mediation as a way forward should contact a Student Wellbeing Adviser (contact details in 'Sources of help and advice for students' on page 9).

2.3. Formal procedures for addressing bullying or harassment

In most cases following the informal procedures will be effective in resolving the situation. If the informal methods do not achieve satisfactory results, or if the bullying or harassment is particularly serious, a formal allegation should be submitted.

Students wishing to make a formal complaint of bullying or harassment should use the 'Procedures For Resolving Student Complaints' which can be found in the Academic Regulations - Section 3 (these can be found on the [Academic Quality and Standards web page](#)). They may seek assistance from a Student Wellbeing Adviser for this process.

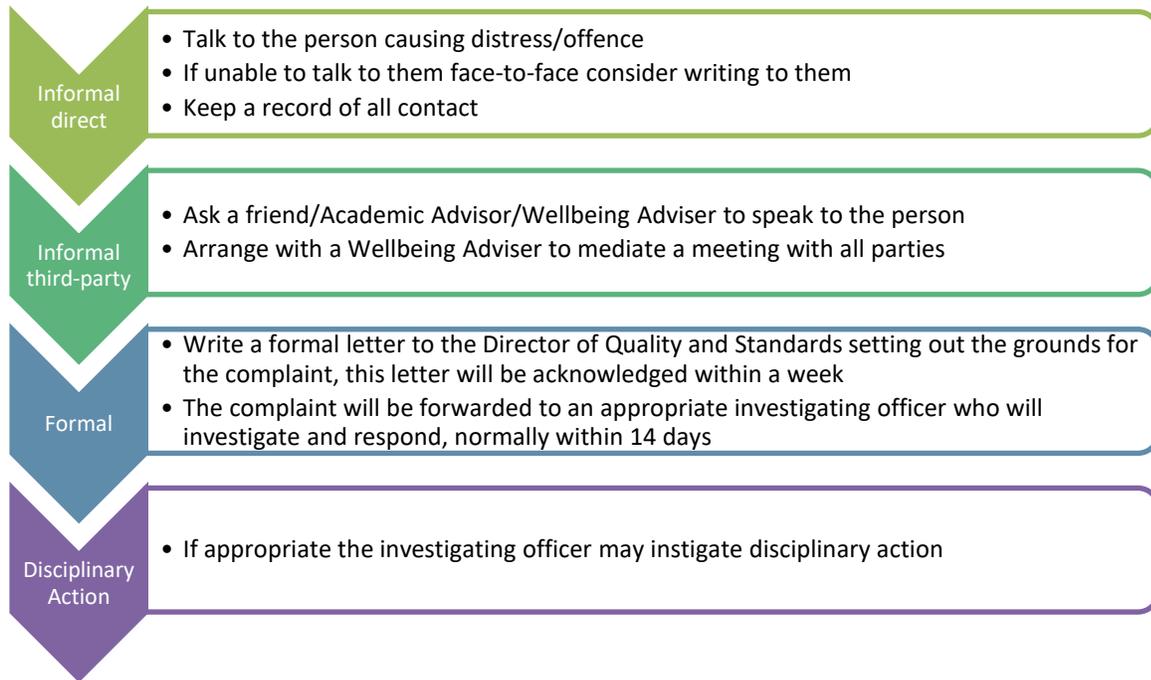
Formal allegations of bullying or harassment should be made in writing to the Director of Quality and Standards and include:

- The complainant's personal details (including where appropriate a student ID number)
- An outline of the allegation (including dates, times and places)
- Details of the alleged perpetrator of the bullying or harassment
- Details of any witnesses
- If relevant, details of any informal attempts to resolve the situation and the outcome(s).

Appendices

Flow Chart

Flow chart of possible actions under this Policy. The Policy can be invoked at any level; a student can seek advice from a Student Wellbeing Adviser for the best course of action.



Guidance for people witnessing bullying or harassment

Students

Students who believe they may have been witness to bullying or harassment may want to consider:

- Speaking to the 'victim' of the bullying or harassment to ask how they felt about the behaviour and to offer support
- Speaking to the alleged 'bully or harasser' - do they know what they did / said was potentially hurtful?

Students should also encourage any 'victim' of bullying or harassment to contact the Student Wellbeing Advice Team in Student Support and Wellbeing or one of the other sources of support listed below.

Any student who thinks they may have witnessed bullying or harassment can seek help and advice from the persons / groups listed in 'Sources of help and advice for students' below.

Staff

Staff who are present when bullying / harassment occurs in a student group situation should either identify the person in authority of the group and report the matter to them for action to be taken to stop it, or should take action themselves to stop it. This may mean by speaking with the perpetrator directly.

It is important to make clear to the person engaging in the behaviour that such actions are unacceptable and can result in disciplinary action. Silence or inaction by staff or others witnessing, or receiving reports of bullying or harassment can be interpreted as collusion or endorsement of such behaviour and creates an environment in which bullying and harassment are deemed to be 'acceptable'.

Sources of help and advice for students

Service	Contact	Email/Phone
Student Support and Wellbeing	AdviseU Student Wellbeing Adviser Team Head of Student Wellbeing Esther Hunt Director of Student Support and Transition Dave Corcoran	AdviseU@chi.ac.uk 01243 816238 E.Hunt@chi.ac.uk D.Corcoran@chi.ac.uk 01243 816459
Students' Union	SU President SU Vice-President (Welfare)	supresident@chi.ac.uk 01243 816390 suwpwelfare@chi.ac.uk 01243 816394
Chaplaincy	Rev Dr. Alison Green.	Alison.Green@chi.ac.uk 01243 816041