



Edge Hill University

## Harassment & Bullying Policy for Students

### The Policy

Edge Hill University is committed to promoting equality and diversity.<sup>1</sup> We aim to provide a working and learning environment which is free from unfair discrimination and which affirms the rights of individuals to be treated with dignity and respect. We expect that all members of our community will treat each other with dignity and respect and communicate in an appropriate and courteous manner. We regard any form of bullying, harassment or discrimination as unacceptable.

We believe all members of our University community, including all students have the right to a learning, working and social environment free from inappropriate, unwarranted and unwelcome interference.

The purpose of this Policy is to assist us in creating a working and learning culture, where any form of harassment, bullying and discrimination is recognised as unacceptable and dealt with, without fear of reprisal or ridicule.

The University expects that all members of our community will treat each other with dignity and respect and communicate in an appropriate and courteous manner.

Any complaints or incidents of harassment, bullying or discrimination will be viewed and treated seriously by the University and can be grounds for disciplinary action, which could lead to expulsion or dismissal, as could any fictitious or malicious allegations.

Wherever possible, we will ensure confidentiality is maintained and provide access to counselling and support as appropriate.

Students, as members of Edge Hill community, should be aware of their own conduct, avoid colluding with or appearing to collude with, unacceptable behaviour and should co-operate fully in any complaint procedure. All members of our community, including students, have a role to play in helping to create a climate in which bullying is not acceptable.

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<sup>1</sup> Edge Hill University's vision for equality and diversity is to 'provide an environment where everyone feels able to participate, contribute, enjoy and influence their experience; and where inclusive practices underpin everything we do. Respect for and celebration of individual diversity will shape institutional strategy, direction and behaviour.'

This policy applies to all students registered at the University, whatever mode of delivery and location, and to all sabbatical officers of Edge Hill Students' Union when they may reasonably be regarded as being under the auspices of the University or in a public place within the vicinity of the University. This shall include behaviour arising at any time when the student may be regarded as representing Edge Hill as an individual or as part of a group or team, and when the student is at some location away from Edge Hill following an arrangement made through the University or the Students' Union.

Students are required to note that where a formal complaint of bullying and harassment is raised against a member of staff, the staff Bullying and Harassment Policy will be used.

**Edge Hill University recognises:**

- ▶ its responsibility for, and commitment to, eliminating all forms of unfair discrimination, harassment and bullying.
- ▶ its responsibility to identify and to eradicate any practices which promote racism, sexism, or which discriminate against people who are disabled, from particular socio-economic backgrounds, because of their age, gender or sexual orientation, religion, faith or belief.
- ▶ the importance of providing an environment which welcomes diversity, engenders an atmosphere of individual respect and dignity, and develops the potential of students while studying at the University.
- ▶ the importance of providing an environment which does not condone or tolerate any incident of harassment, bullying or discrimination.
- ▶ its responsibility to identify and eradicate all forms of offensive and unreasonable language and actions to help ensure no unlawful or unreasonable behaviour occurs
- ▶ its commitment to working in partnership with all students, valuing highly their significant contribution to our success.
- ▶ its responsibility for ensuring all students are given clear information on what is expected of them as members of Edge Hill University's community. This is explicit in our Student Code of Behaviour & Disciplinary Procedures, distributed to all students in the Student Support Regulations & Handbook available on the Intranet, in hard copy, CDROM and on the web.
- ▶ its responsibility to protect the rights of students by providing clear definitions and procedures

- ▶ its responsibility to investigate complaints of harassment, bullying and discrimination, taking action in proved cases (which could ultimately lead to expulsion or dismissal).

## **What Is Harassment and What Is Bullying?**

Harassment is any form of unwanted and unwelcome behaviour. It encompasses any behaviour which is unacceptable to the recipient and which creates an offensive, hostile or intimidating environment in someone's work, study or social life.

Bullying is behaviour by an individual or a group that intentionally hurts another individual or group either physically or emotionally. Behaviours are often repeated over time.

Bullying and / or harassment may take the form of physical or, non-physical conduct. Physical conduct can range from touching, pushing or brushing past someone to grabbing, punching and other forms of physical assault. In addition to the manner in which students speak to and about others, written material and pictures (including that disseminated by interactive and digital technologies) can be used to harass and bully. This includes emails, text messages, film clips and photographs as well as content uploaded onto websites or social networking sites.

Bullying and harassment may also take the form of ignoring or shunning an individual, for example by deliberately excluding an individual from conversation or social activity.

Differences of attitude, culture, background or misinterpretation of social signals can mean that what is perceived as bullying or harassment by one person may not seem so to another. The Student Code of Behaviour makes clear the University's expectation that we all have a duty to be sensitive to the needs of others and to respect individual differences. In its investigation of allegations of harassment and bullying the University will apply the concept of reasonableness to its handling of such matters.

A single incident of serious unwanted or offensive conduct directed towards an individual can amount to bullying and / or harassment.

Being under the influence of alcohol or drugs will not be accepted as an excuse for any form of inappropriate behaviour, harassment or bullying.

Forms and examples of harassment, unfair discrimination and bullying are outlined for guidance in Appendix 1.

## **Effects Of Harassment, Bullying And Discrimination**

Edge Hill is aware that harassment, bullying and discrimination can:

- subject individuals to fear, stress and anxiety

- potentially affect individuals' studying, working, professional, family and social life
- lead to accidents, illness (short and long term) and absenteeism
- induce under and poor performance
- lead to the loss of students from the University
- affect efficiency, and potentially the long term viability of the University.

### **Responsibility For Implementing The Policy**

All members of Edge Hill University's community have an individual responsibility to behave in a manner that does not intimidate or offend others. This responsibility includes reporting any incidents observed as a third party.

It is the responsibility of all students in the University to ensure they have read the Policy and understand that harassment, bullying and discrimination do not have to be endured, nor should they be inflicted on others.

It is the responsibility of all staff to promote a culture free from unacceptable behaviour. This includes identifying unacceptable behaviour in themselves or others and taking appropriate corrective or preventative action to eliminate it.

It is a condition of admission to Edge Hill University that this Policy be adhered to. Any breach of this Policy will be investigated and may lead to further action being taken, including disciplinary action which may result in exclusion or dismissal.

### **Dealing With Harassment, Discrimination And Bullying**

The University is committed to dealing with complaints of bullying and / or harassment in a way that is clear, accessible, fair and consistent.

If a student feels he/she is being harassed, unfairly discriminated against or bullied, he/she should initially seek advice from a Senior Manager, e.g. Programme Leader / Head of Department / Dean / Associate Dean / Director of Service; Student Services or a Students' Union representative.

In the first instance, the University advocates that issues are addressed informally as individuals are not always aware that their behaviour is unwelcome, and / or inappropriate. An informal discussion may lead to a greater understanding and an agreement that the behaviour will cease. If this is not possible for the student to do on their own, the student can be provided with support to resolve matters informally.

The informal approach seeks to resolve issues and should result in the cessation of inappropriate behaviour or conduct. Mediation is one example of informal resolution.

There are certain instances of bullying that might be so severe as to warrant the bypassing of informal resolution, such as if a serious incident occurs.

In all cases it is strongly recommended that students seek guidance from Student Services or the Students' Union when dealing with such issues.

In instances where it is not possible to resolve the matter informally, the student should put their complaint in writing to instigate the formal procedures.

In accordance with the Harassment & Bullying Policy and Code of Practice for dealing with complaints, Edge Hill University will follow confidentiality guidelines and specific time limits will be provided for completing investigations and communicating outcomes.

## **Investigating Complaints**

The Harassment & Bullying Complaints Code of Practice provides both Informal and Formal procedures for student complaints (see Flowchart 1).

### **Informal Approach**

- (i) In the first instance, if a student feels he/she is being harassed or bullied, they should take **informal** steps to resolve the situation. Edge Hill University believes **informal** approaches for complaints help to clarify:
  - the behaviour the recipient experiences as unwanted, unsolicited, offensive and distressing
  - the distinction between incidents of harassment, discrimination and bullying which are unintentional and regretted and more offensive acts which are intended and persistent.
- (ii) The complainant will be asked to outline what **informal** steps he/she has taken themselves to resolve the situation. If this has not already taken place, complainants will be offered advice and guidance on steps that can be taken.
- (iii) It may be appropriate on occasions for Edge Hill University to consider the role of mediation in enabling the complainant to reach **informal** resolution.

### **Formal Procedures**

Where informal steps have not resolved the situation, or where the complaint is considered to be sufficiently serious, a formal approach may be appropriate. Edge Hill University believes its formal procedure for investigating complaints is based on acknowledged good practice, providing a fair and consistent approach, ensuring investigations are usually completed within eight weeks of receiving a formal complaint.

A thorough investigation will take place and where possible will remain confidential, although students raising complaints must understand that it is often not possible to safeguard confidentiality. The University would, however deem any attempt by an

alleged offender to take retaliatory action as grounds for action in itself, possibly amounting to gross misconduct.

The complainant is advised to seek advice from the Director of Student Services or nominated representative or Students' Union representative before being required to submit their formal written complaint to the Director of Student Services.

The Director of Student Services will nominate an appropriate, independent senior manager(s) to meet with the complainant and hear the complaint. The complainant should provide details of the behaviour they feel is inappropriate and of the impact it has had. They should also outline the actions they have taken to address the matter informally, if this has been possible or appropriate.

The senior manager(s) will interview any other relevant parties involved in the complaint and attempt to resolve the issue and agree a way forward.

The following are examples of the way forward:

- a) The issue is resolved to the satisfaction of all concerned
- b) Training or development needs are identified
- c) A recommendation is made to refer the matter to the Disciplinary Procedure
- d) Other appropriate recommendations, depending upon circumstances.

If this approach has been exhausted and the bullying issue has not been resolved then the formal Disciplinary Procedure may be invoked. This may also apply to a complainant who maliciously makes false allegations and/or is an implicated party. The outcome will be confirmed in writing to the appropriate parties with a copy being forwarded to the Director of Student Services. The complainant is entitled to know if the complaint has been upheld and normally a written response will be provided to both parties within 28 days of the date of the last meeting.

### **Right of Appeal**

If a student is dissatisfied with the outcome of any of the University's formal processes they have the right of appeal.

Guidance on the Right of Appeal can be obtained from Student Services or the Students' Union.

To exercise the right of appeal the Student should, within 10 working days of the date of the letter advising of the outcome of the formal process, write to the Director of Student Services outlining the reason for appeal.

The Student may wish to appeal because, for example:

- they believe the finding is unfair
- new evidence has come to light
- they believe the process was incorrectly followed.

The Director of Student Services will nominate an independent senior manager who has not previously been involved with the issue, and who has a knowledge and understanding of the relevant policy, to impartially consider the appeal.

The role of the Appeal Manager is to review the original decision taking into account the grounds of appeal, and to review the process that led to the original outcome, establishing whether the procedure was correctly followed, whether the action taken was reasonable and to consider any new evidence that has been brought forward.

Following receipt of an appeal the student will be invited, in writing, to attend an Appeal Hearing, normally within 10 working days of receipt of the appeal in Student Services.

### Appeal Hearing

The student will have the right to be accompanied to the Appeal Hearing by a member of Edge Hill or Students' Union representative.

At the Hearing the student will present their case to the Appeal Manager. This may include submitting additional documents and/or requesting that the Appeal Manager meets relevant witnesses.

In order to seek clarity as to why the original decision was reached the Appeal Manager will usually meet with key personnel within the formal process.

### Appeal Outcome

The decision of the Appeal Manager will normally be conveyed to the student in writing within 10 working days of the last investigatory meeting conducted by the Appeal Manager. Where appropriate feedback may be provided in a meeting between the Appeal Manager and the student.

The outcome of the Appeal may be that:

- The Appeal is upheld in full or in part

Where appropriate the Appeal Manager will identify a way forward, such as:

- o Identifying training and development needs

- Recommending that the issue is referred to another formal process
  - Other appropriate recommendations, depending upon circumstances.
- The Appeal is not upheld, in which case the original decision will stand.

The decision of the Appeal Manager is final.

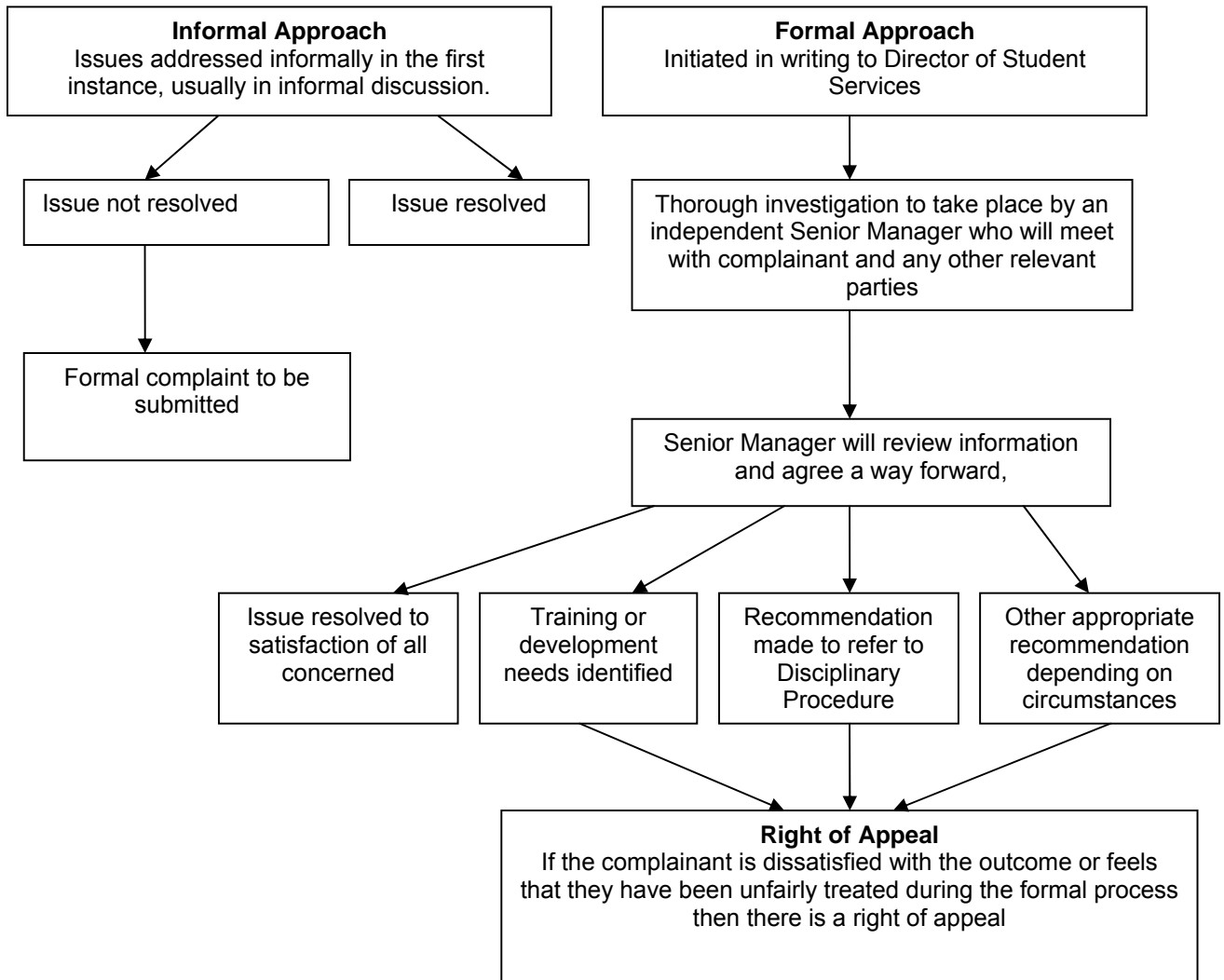
If there is to be a delay in the procedure for any reason the student will be notified in writing.

### **Monitoring, Evaluation and Review**

The implementation of the Harassment & Bullying Policy and Harassment & Bullying Complaints Code of Practice are monitored, evaluated and reviewed through Edge Hill University's Equal Opportunities and Student Support Committee.

Updated policy effective from 1<sup>st</sup> July 2010

**Bullying and Harassment Procedure**



### Forms & Examples of Harassment, Discrimination and Bullying

The following list of behaviours is not intended to be exhaustive. Behaviours may, or may not, be accompanied by:

- **explicit promises of reward**
- **punishment involving misuse of institutional authority**
- **misuse of a position of respect or trust**
- **threat of disclosing information, whether true or fictitious**
- **physical assault.**

Harassment can take many forms. It is any behaviour which is unacceptable to the recipient and which creates an offensive, hostile or intimidating environment in someone's work, study or social life.

#### **Sexual Harassment can take many forms, including –**

- unwanted sexual advances (whether verbal, written or by conduct)
- sexually explicit derogatory statements or comments
- unnecessary/uninvited physical contact, touching, patting, brushing-up against another person's body, etc
- unwanted comments on dress or appearance
- requests for social or sexual encounters and favours, which the person making them might reasonably believe to be unwelcome
- conversations, jokes, leering, gestures which are likely to cause offence
- display of pornographic materials, pictures and/or computer imagery
- questioning, bantering, lewd or derogatory comments or innuendo about aspects of a person's personal life, sexuality, personal appearance, or that person's partner(s) or similar discussion about a third party
- graffiti, letters or other written material containing elements of the above.

#### **Racial harassment can take many forms, including –**

- derogatory name calling
- abusive or patronising language or jokes
- offensive written or visual materials
- racist graffiti or insignia
- computer-generated racist material
- ridicule of an individual for cultural differences
- provocative behaviour such as wearing racist badges or insignia
- threats, gestures or insults
- attempts to recruit people into racist (as opposed to ethnic) organisations or groups
- unfair allocation of work responsibilities
- exclusion from normal day-to-day social interactions in the University

- inappropriate or intrusive questioning regarding racial, religious or ethnic culture or background.

**Harassment on the grounds of disability may include –**

- undue pressure or intimidation
- impractical or unfair expectations
- offensive language, name-calling or jokes
- hostility towards removing barriers to disabled people
- uninvited, patronising or offensive attempts to assist a person with a disability.

**Harassment on the grounds of sexuality may include –**

- offensive behaviour, language, gestures, baiting, jokes, or name-calling
- offensive written materials, graffiti or imagery
- computer-generated materials
- unwanted touching or physical threats
- threat to expose a person's sexual orientation
- innuendo or malicious gossip
- expressing or acting on offensive stereotypical assumptions
- refusal to accept or recognise the existence of same-sex partners
- exclusion from normal day-to-day social interactions in the workplace or educational environment
- offensive behaviour relating to HIV or AIDS.
- refusal to work or study with an individual because of their sexuality

**Harassment on the grounds of religion or belief may include –**

- offensive behaviour, language, gestures, jokes, or name-calling
- offensive written materials, graffiti or imagery
- refusal to work or study with an individual because of their religion or belief

**Harassment on the grounds of age may include –**

- offensive behaviour, language, gestures, jokes, or name-calling
- derogatory age – related remarks or unjustifiable dismissal of suggestions on the grounds of the age of the person

**Hate Crime**

Hate crime is any criminal offence or behaviour motivated by prejudice. Hate crime is any criminal offence or behaviour committed against a person or group of people because of their:

- race, colour, ethnic origin, nationality or national origins
- religion
- gender or gender identity
- disability

- sexual orientation
- culture etc.

### **What is bullying?**

Persistent behaviour, directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient and which may cause them to suffer stress.

### **What bullying is not**

Legitimate, constructive and fair criticism of someone's performance or behaviour at work or study.

### **Examples of bullying may include –**

- written or verbal threats of physical violence, either immediately or later
- threatening behaviour e.g. threats with a weapon or fist causing fear or upset
- insulting, aggressive or intimidating behaviour, including offensive language
- inappropriate text messaging or emailing
- sending inappropriate images by phone or via the internet
- persistent negative comments; offensive or abusive personal remarks
- spreading hurtful and untruthful rumours
- work-overload deliberately designed to place students at a disadvantage
- humiliating someone in front of others; persistent belittling of their opinions
- unjustified, excessive criticism; making false allegations
- deliberately and frequently setting unrealistic/unattainable objectives/targets
- constantly changing work targets in order to cause someone to fail
- timetabling deliberately designed to place students at a disadvantage
- undermining someone's contributions, belittling or undervaluing their work
- reducing someone's effectiveness by deliberately withholding information
- not giving credit where it is due; claiming credit for the work of others
- monitoring work unnecessarily/intrusively
- imposing unfair/unwarranted sanctions.