



**Bullying and Harassment Policy and Procedures (Students)
London Campus**

Document title: Bullying and Harassment Policy and Procedures (Students)	
Owner: UK Director of Student and Academic Services	
Approving body: Academic Directors' Group	Date of approval: October 2021
Version: 1.0	Next review date: September 2022
Supersedes: N/A	Previous review dates: N/A



1. Purpose and Scope of the Policy

The School recognises that all the students have a right to learn in an environment in which they are treated, and treat others, with dignity and respect and which is free from harassment and bullying. The School is fully committed to providing such an environment and eliminating harassment and bullying in any form.

This Policy applies to all registered students of the School, students on a leave of absence, result awaited students and graduands.

The School operates a separate but similar policy for staff. It covers harassment and bullying by School staff, third parties such as visitors to our campus, contractors and visiting lecturers as well as other third parties.

Harassment and bullying breaches the School's Equal Opportunities Policy and Student Code of Conduct. It is classified as a serious offence which may result in expulsion under the Disciplinary Procedure.

Our definitions include harassment, bullying and sexual misconduct on campus and outside the school, through any medium, including online.

2. Definition of harassment

Harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It encompasses unwelcome physical, verbal or non-verbal conduct. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. A single incident or persistent behaviour can amount to harassment.

Unlawful harassment (contrary to the Equality Act 2010) may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, race, religion or belief, gender or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment can take many forms, including but not limited to:

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- Offensive emails, text messages or social media content;
- Mocking, mimicking or belittling a person's disability.
- A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create a hostile or offensive environment for them.
- Following the OfS (Office for Students) definition: we will consider harassment to include domestic violence and abuse (which can also

involve control, coercion, threats), and stalking. We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic (as defined in the Equalities Act 2010), and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

An explanation of sexual harassment is set out in section 3 below. Further examples of forms of harassment are set out in Appendix A.

3. Sexual Misconduct

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)¹
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)²
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

As outlined in EHRC guidance on freedom of expression ³, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

4. Sexual Harassment

Sexual harassment is unwanted and unwelcome words, conduct or behaviour of a sexual nature that has the purpose or effect of creating an intimidating, embarrassing, hostile, degrading, humiliating or offensive environment for the recipient. It can include but is not limited to:

¹ Sexual harassment and the law: Guidance for employers, Equality and Human Rights Commission, 2017

² See www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-harassment-worktechnical-guidance

³ See www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-educationproviders-and-students-unions-england

- catcalling;
- following;
- making unnecessary and unwanted physical contact;
- sexual jokes, innuendo and comments;
- giving unwelcome personal gifts;
- wolf-whistling;
- leering;
- derogatory gestures and comments;
- unwelcome comments about a person's body or clothing;
- asking unwelcome questions about a person's sex life and/or sexuality;
- engaging in unwelcome sexual propositions, invitations and flirtation;
- making somebody feel uncomfortable through displaying, requesting sexual favours (including with implied or overt promises of preferential treatment or threats concerning present or future employment status);
- sharing sexual material such as calendars, photographs or videos.

Sexual harassment does not necessarily occur face-to-face – it can be in the form of emails, visual images (such as sexually explicit pictures on walls in a shared environment), social media, phone, text messages, and image-based sexual abuse such as revenge porn and up-skirting. The IT Acceptable Use Policy must be followed and is accessible at student portal and on the School's website.

5. Definition of bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power or position that can make the recipient feel hurt, upset, vulnerable, helpless, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can be linked to or amount to harassment as described above.

Bullying can take the form of physical, verbal and non-verbal conduct. It can include but is not limited to:

- Physical or psychological threats;
- Overbearing and intimidating levels of supervision;
- Inappropriate derogatory remarks about someone's performance;
- Unjustified criticism of an individual's personal appearance, manner or performance;
- Shouting at or criticising an individual in front of others;
- Shouting at or criticising an individual in private, especially on a continuing basis;
- Spreading malicious rumours or making malicious allegations about an individual;
- Ignoring or excluding an individual from the team / group.

Legitimate, reasonable and constructive feedback on students' performance or behaviour, or reasonable instructions given to students during the course of their studies, will not amount to bullying on their own.

Electronic bullying is a term used to refer to bullying through electronic media. In sending emails students should consider the content, language and appropriateness of such communications. The IT Acceptable Use Policy must be followed and is accessible at student portal and on the website.

If instances of what might be online harassment or bullying (including social media) are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

6. Procedure for Dealing with Harassment

An informal approach may effectively address the unwanted behaviour without recourse to formal procedures. However, there are some circumstances where the alleged behaviour is deemed to be sufficiently serious to warrant an immediate formal investigation such as where there has been discrimination, assault or a prolonged abuse of power.

The School encourages students to raise issues at the earliest opportunity.

Procedure

A student who feels that they are being subjected to harassment and/or bullying may attempt to resolve the matter informally in the first instance. In some cases, it may be possible and sufficient for them to explain clearly to the person(s) engaged in the unwanted conduct that their behaviour is unwelcome and that it is offensive or makes them uncomfortable. This approach is most appropriate when the relationship is still reasonably positive and when the unwanted conduct is recent.

Before speaking to the other person, it is important to identify the behaviours that are being experienced as unpleasant or bullying. It is also helpful to make sure that the specific incidents are clearly defined in terms of the time, content and frequency of behaviours.

If circumstances are too difficult or embarrassing to approach the person(s) accused alone, the complainant may wish to ask a friend to accompany them. Alternatively, the complainant may wish to write to the person(s) accused. If the complainant chooses to adopt this approach, they should prepare by thinking about what behaviours are causing the problem and how they could be changed. The letter/email should clearly describe the negative behaviours and explain why these are unwanted. If the complainant would like the person(s) to behave differently, they should describe the desired alternative behaviours and/or suggest how the situation could be resolved. The letter/email should be short and to the point. Care should be taken to avoid any blaming statements or emotive language.



The School recognises that in some cases, recipients of harassment and/or bullying may not be sufficiently confident to tell the person(s) accused that their behaviour is unacceptable, whether verbally or in writing. The School emphasises therefore that students are not required to approach the person(s) accused in an attempt to resolve the issues informally. Where the steps outlined in above are unsuccessful or are too difficult or inappropriate, the complainant should raise the matter informally and in confidence with the Director of Student and Academic Services, London Lead for Inclusion and Diversity.

The Director of Student and Academic Services (DSAS) will discuss the matter with the complainant with a view to deciding whether it can be resolved through discussion/informal intervention and agreeing a course of action with the complainant. As Lead for Inclusion and Diversity, the DSAS will raise it officially with the School's Inclusion and Diversity Committee. The Committee will then carry out an investigation. The conclusions of the investigation report will be brought to the attention of the Disciplinary Committee.

Confidentiality will be observed throughout and details of the matter and the names of the person making the complaint and the person(s) accused must only be disclosed on a "need to know" basis.

The School will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible.

The School will consider whether any steps are necessary to manage any ongoing relationship between the complainant and the person(s) accused during the investigation.

The investigation will involve separate meetings with the complainant and the person(s) accused as well as interviews with any potential witnesses to the alleged harassment.

Once the investigation is complete, the School will inform the complainant of its decision. If harassment or bullying is found to have taken, the matter will be dealt with under the Student Code of Conduct and Disciplinary procedure. If the harasser or bully is a third party such as a visitor, the School will consider what action would be appropriate to deal with the issue. Whether or not the complaint is upheld, the School will consider how best to manage any ongoing relationship between the complainant and the other person(s) concerned.

Protection and support

Students who make complaints or who participate in good faith in any investigation must not suffer any form of unlawful retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Student Code of Conduct and Disciplinary procedure.



The School takes alleged harassment and bullying very seriously. Such behaviour is not considered to be trivial.

Monitoring and Review

In order to assess the effectiveness of this policy and the procedure set out within it, statistics will be maintained, in strictest confidence, of complaints of harassment and/or bullying.

Information about a complaint by or about an employee or a student may be placed on the employee's or/and student's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. This information will be processed in accordance with the School's Privacy Notice and Data Protection Policy.

The Quality Office is responsible for reviewing this policy and the procedure set out within it on an annual basis (or more frequently as appropriate or necessary, for example to take account of any changes to the law).

Unresolved issues

After exhausting the internal procedures, if a student feels that an issue is not resolved, they can refer their concerns to the Office of the Independent Adjudicator for Higher Education.

Appendix A – Examples of Harassment

This appendix sets out examples of particular forms of harassment. Some of the examples listed under a particular heading may also apply to other situations. The examples are not exhaustive.

1. Race

Racial harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them and is related to the person's race, nationality, ethnic or national origin, or skin colour. Examples include:

- racial abuse of a physical, verbal or written nature;
- racist jokes, insults, ridicule or name calling of a racist nature;
- the display of racially offensive written or visual material including graffiti and imagery.

More subtle forms include:

- unreasonable demands or pressure to complete tasks;
- disproportionate monitoring of timekeeping;
- exclusion from conversation, workplace activities or social events;
- patronising or condescending remarks.

These more subtle forms of harassment could equally apply to harassment on other grounds.

2. Disability

The definition of disability in the Equality Act 2010 is wide and covers individuals with a mental or physical impairment which has a long-term adverse impact on their ability to carry out normal day to day activities (not just activities associated with their job). It also covers individuals who have been diagnosed with cancer, multiple sclerosis and HIV. A person does not need to be off sick or have been off sick from work to be disabled.

Harassment relating to disability includes:

- offensive or patronising language relating to an individual's disability or the effects of their disability (whether on them physically or mentally or on their ability to do their job);
- jokes or making fun about their disability or its effects;
- mimicking an individual with a disability.

3. Age

Age related harassment applies to harassment relating to an individual's actual or perceived age. Examples include:

- ridiculing an individual based on stereotypical perceptions and prejudices about their age (for example, based on an assumption that older people are not IT literate or that young people lack experience);
- undermining or putting an individual down because of their age;
- excluding an individual from work activities, tasks or discussions because of their age.

4. Gender and Sexual Orientation

Gender harassment refers to "a broad range of verbal and nonverbal behaviors not aimed at sexual cooperation but that convey insulting, hostile, and degrading attitudes about" members of one gender.

Sexual orientation refers to a person's sexual orientation towards persons of the same sex, persons of the opposite sex, or persons of either sex. Harassment relating to sexual orientation applies to harassment relating to an individual's actual or perceived sexual orientation. Examples include:

- jokes, name calling and comments that are hostile, degrading or insulting to one's gender, anti-lesbian or anti-gay or which stereotype lesbians or gay men;
- threats or derogatory comments about people who are, or are assumed to be lesbian or gay;
- intrusive questioning about a person's partnership or domestic circumstances.

5. Religious/Belief

Religion means any religion or a lack of religion. Belief means any religious or philosophical belief or a lack of belief. Examples of harassment relating to an individual's religion or belief include:

- Displaying hostile behaviour to an individual because they are not religious or do not share your religion;
- Ridiculing or criticising an individual for items worn for religious reasons; Denigrating cultural festivals or making derisory comments about an individual's religion or beliefs.