



## **Student Anti-Bullying and Harassment Policy**

### **1. Policy Statement**

- 1.1 The University of Lincoln is committed to a working and learning environment which is free from harassment including discrimination, victimisation and bullying, and in which no student feels under threat or intimidated. In this context, allegations of harassment and/or bullying by students against other students will be taken seriously by the University.
- 1.2 If substantiated, allegations of harassment and/or bullying will provide grounds for action under the Conduct and Disciplinary Regulations for Applicants, Enrolled Students and Other Individuals Registered as Candidates for University Awards (Part C of the University General Regulations).
- 1.3 The University recognises that incidents of harassment and/or bullying can affect a person's work, morale, physical and mental health. Therefore, all complaints (informal or formal) will be dealt with promptly, following discussion with the student(s) affected. Information shall only be shared with others on a need to know basis and with the knowledge of the complainant.
- 1.4 This procedure applies to all students and relates to those who are being bullied by another student. Allegations of bullying or harassment against a member of staff must be dealt with through the Student Complaints Procedure. This policy highlights the actions a student should take if they believe they are being subjected to behaviour which may be considered as harassment and/or bullying.

### **2. Definition of Harassment/Bullying**

- 2.1 Bullying can be defined as 'behaviour which is offensive, intimidating, malicious or insulting, an abuse or misuse of power through means intended to undermine, humiliate denigrate or injure the recipient.'
- 2.2 Bullying takes on a discriminatory aspect and becomes harassment when the behaviour is directed at a person or group because of age, gender, race, disability, religion or beliefs, sexual orientation or nationality, and the behaviour is unwanted by the recipient(s). In these circumstances the recipient(s) of such behaviour is protected under the range of anti-discrimination regulations and has recourse to the relevant laws.
- 2.3 The University regards harassment as:
  - unwanted conduct affecting the recipient's dignity;
  - unwanted conduct related to age, gender, race, disability, religion and belief, sexual orientation, nationality, reassignment of gender, or any personal characteristic of the individual;
  - creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 2.4 Conduct which constitutes harassment may be persistent or may arise from a single incident. A key test of whether behaviour constitutes harassment is whether it is viewed as demeaning and unacceptable by the person to whom it is directed and whether a reasonable person would think the conduct amounted to harassment. It is

not necessary to prove that there was an intention to harass (see further The Protection from Harassment Act 1997).

- 2.5 Harassment may also be a criminal offence and may contravene Health and Safety legislation. Complaints of this type of harassment can also be brought under the Protection from Harassment Act 1997.
- 2.6 All further references to harassment in this policy should be taken to include bullying.

### **3. Examples of Harassment**

- 3.1 This list is neither exclusive nor exhaustive and other forms of behaviour may be regarded as harassment:
  - (i) Oral or written harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander. Written harassment includes, but is not limited to, letters, emails, postings on websites (including social networking sites) and text messages.
  - (ii) Physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious physical or sexual assaults.
  - (iii) Open aggression, threats, shouting.
  - (iv) Unjustifiable exclusion, e.g. withholding information, isolation or non co-operation of colleagues, exclusion from classroom and social activities.
  - (v) Intrusion by pestering, spying, following and/or stalking.
  - (vi) Incitement to commit any of the above.
- 3.2 The University will respect the sensitivity of allegations of harassment and the need for confidentiality. As a general principle, confidentiality will be agreed and maintained wherever possible; however, in agreeing to maintain confidentiality, the complainant may need to accept that this could limit the actions that the University can take. There may be situations where confidentiality has to be broken and this will be made clear to the student. For example, if a student tells a member of staff in confidence something that constitutes an unacceptable risk to the student, another person or the University, the member of staff will be required to take action. The decision on whether a complaint should be progressed normally rests with the student, but action may have to be taken against the student's wishes to address an unacceptable risk (See University Policy on Safeguarding Children and Vulnerable Adults).

### **4. Sources of Advice and Help**

- 4.1 If a student believes they are being harassed there are a number of options to consider. Every situation is different and the action the student takes depends on their particular circumstances. The student can decide to seek advice or discuss the matter with their Personal Tutor or another member of staff in their School or College, the Student Support Centre, The Student Wellbeing Service, , Residential Services or Students' Union. Students are advised to act promptly and should not feel that the unwanted behaviour is their fault, or that they have to wait until the situation becomes frequent or increasingly distressing.

### **5. Informal Approach - Dealing with the Behaviour**

- 5.1 Where possible in cases of dispute between students, informal mechanisms should be used where the student primarily wants the behaviour to stop. However, a student is not obliged to attempt to resolve the matter informally.
- 5.2 Using the informal approach, a student should seek to resolve the matter in the first instance by discussing it with a staff member (see section 4). The staff member will listen to the concerns of the student and provide them with support and guidance on how they can proceed by:

- (i) Assisting the student in deciding on an appropriate course of action
- (ii) Providing information about sources of student support, including counselling or other professional support.
- (iii) Referring the student to the Head of Student Support or nominee in the Student Support Centre to assist with resolution of the issue and/or mediation
- (iv) Seeking an apology.

5.3 Brief details of the complaint and any subsequent meetings should be recorded by the staff member concerned but will only need to be disclosed if formal proceedings follow.

5.4 Whatever action is taken, it is recommended that the staff member concerned arranges to meet with the student again (after a suitable period of time) to monitor the situation and review possible courses of action if the matter remains unresolved.

5.5 If the above steps fail to produce a resolution, or if these options are unacceptable to the student, the issue may be raised formally.

## **6. Formal Approach - Dealing with the Behaviour**

6.1 A formal process will normally be appropriate where the alleged harassment is causing distress, if informal resolution fails or if the student concerned does not wish for an informal approach to be used.

6.2 The formal process is detailed in Part C of the University's General Regulations. To start the formal process the student should, in the first instance, contact the Head of Student Support in the Student Support Centre who will provide the student with advice and guidance, as well as putting into place any immediate support that is required to keep the student safe. This may involve asking for support from external agencies such as the Police.

6.3 Where a student wishes to make a formal complaint about harassment against a fellow student(s) this must be made in writing to the Head of School in which the student(s) complained about are studying.

6.4 Subsequent action, where appropriate, would be taken in accordance with Part C of the University General Regulations and, if appropriate, may be referred to the University's Fitness to Practise Regulations (Part D of the University General Regulations).

6.5 Following a finding of harassment, any repeat behaviour of this nature would normally result in an escalation of disciplinary action.

6.6 A complaint against a member of staff should be made in accordance with the Student Complaints Procedure (Part E of the University General Regulations); pro formas are available from Secretariat. Subsequent action, where appropriate, would be taken in accordance with the Staff Disciplinary Policy.

## **7. False Allegations**

7.1 Any student who is shown to have made a false, frivolous, malicious, mischievous or vexatious complaint will be dealt with under Part C of the University's General Regulations.

## **8. Monitoring and Review**

8.1 This policy will be monitored and reviewed every two years by the Education and Student Life Committee.