

# Bullying & Harassment Policy 2016-2017

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## Policy Statement

The RAU is committed to equality of opportunity, providing a fair, equitable and supportive learning and teaching environment, in which all members of the community are treated with dignity and respect. The University will not tolerate bullying, harassment or victimisation of any individual on any account. All allegations of bullying and harassment will be treated with the utmost seriousness and given careful and appropriate investigation.

## Legislative Context

In this policy RAU intends to meet the requirements of current legislation, namely the Equality Act 2010, to eliminate discrimination, harassment and victimisation.

The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

Age;

Disability;

Gender reassignment;

Race;

Religion or belief;

Sex;

Sexual orientation;

Marriage and civil partnership; and

Pregnancy and maternity

The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.

The act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises (which would include access to facilities), in education and by associations (such as private clubs).

Additionally, the Protection from Harassment Act 1997 makes harassment potentially a criminal offence and gives the harassed party the right to legal redress

## **Responsibilities**

All students have a personal responsibility to comply with this policy, to behave appropriately, to treat fellow students and staff with respect and dignity and to comply with University regulations on student conduct and equality and diversity. Students should discourage bullying and harassment by making it clear that they find such behaviour unacceptable. Students are responsible for their own behaviour and although exceptional or extenuating circumstances may be relevant, it is important to note that certain conditions, e.g. being drunk, do not absolve a student of this responsibility.

## **Scope**

This Policy applies to students throughout their period of registration with the University, both on or off campus, including activities organised by the Students' Union, and at all times. This policy may be used by students or staff who believe they have been subject to bullying or harassment by registered students of RAU. Complaints of bullying or harassment by staff should be reported to the Head of HR.

## **Definitions**

### **Bullying**

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour. It can be an abuse or misuse of power which is intended to undermine, humiliate, denigrate or injure the recipient. It can take place between peers or between individuals of different levels of seniority. It is unsolicited and unwanted and may involve conduct, words or physical actions which humiliate, patronise, threaten, intimidate or undermine. A single instance of behaviour may in itself not be significant, but the cumulative effect and repetition of such behaviour may constitute bullying.

Examples of Bullying may include:

- Written or verbal threats
- Physical gestures or actions
- Insulting, aggressive, intimidating behaviour including offensive language
- Cyber bullying including inappropriate text/voice messaging and/or emailing; sending inappropriate images by phone or via the internet.
- Cyber bullying including abuse of chat rooms, instant messenger and social networking sites such as Facebook, Twitter, You Tube and Flickr
- Unjustifiable exclusion, e.g. withholding information, isolation or non-co-operation of colleagues in classroom and social activities
- Spreading malicious untruths about another person

### **Bullies**

- May be an individual
- May be a group of people, often targeting an individual
- Individuals or groups who condone bullying by laughing at or encouraging bullying behaviour

### **What is not Bullying**

In general:

- acting assertively
- requesting someone to amend their behaviour
- disagreeing with someone's point of view
- making a single critical remark about another person's performance of a task
- a single instance of behaviour which is not repeated

The above would not generally be considered bullying unless investigation shows that they are part of a pattern of behaviour by one or more people which results in the victimisation of another. It is also possible that a single instance of discriminatory language may contravene the University's conduct policy and/or single equality scheme.

## **Harassment**

Harassment can be defined as unwanted conduct affecting a person's dignity and well being or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be related to age, gender, race, disability, religion, nationality, sexual orientation or any personal characteristic of an individual. This conduct is perceived by the victim as demeaning, offensive and unacceptable. It is unwanted and could be considered as violating the individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The emphasis is on how the behaviour is perceived by the recipient not on the perpetrator's stated intention and the impact on the recipient is more relevant than the motive behind it. The defining factor in determining if behaviour amounts to Harassment is that the behaviour is unacceptable and could reasonably be considered to amount to Harassment. It can be a single significant incident or repeated unacceptable behaviour. Harassment is a form of discrimination and is generally covered by the Equality Act 2010.

Examples of Harassment may include:

- Sexual Harassment e.g. unwanted physical contact or unwelcome advances, attention, invitations or proposals; suggestive or sexual comments, looks, actions or jokes; ridicule; stalking.
- Racial Harassment e.g. name calling or ridicule based on culture and ethnicity; verbal abuse and racist jokes; intrusive questioning concerning racial issues and origins; exclusion based on nationality.
- Harassment because of health and disability e.g. name calling or ridicule; prejudging capabilities without reference to them; exclusion based on disability; uninvited/patronising or unnecessary assistance.
- Homophobic comments, or jokes; derogatory or embarrassing comments on an individual's personal appearance, age, sexual orientation; comments on an individual's religious or political convictions and affiliations.

## **Victimisation**

Victimisation means punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have:

asserted their rights under equal opportunity law

made a complaint

helped someone else make a complaint

refused to do something because it would be discrimination, sexual harassment or victimisation.

## **Procedures for dealing with Bullying and Harassment: overview**

All members of the University community should feel confident about reporting bullying and harassment. No individual should tolerate bullying or harassment, or feel personally at fault. Anyone who witnesses bullying and harassment can report this on their own account; all students have the right to learn in an environment free from bullying and harassment. Instances of bullying and harassment will be dealt with through university policies and procedures such as the Student Conduct Policy.

## **Procedures for those subject to Bullying and Harassment**

### Informal action

Informal Action can be an appropriate and successful method of addressing instances of bullying and/or harassment. It can help to:

- clarify the behaviour the recipient experiences as unwanted, unsolicited, offensive or distressing
- clarify the distinction between unintentional and regretted incidents of bullying and/or harassment and more offensive acts which are persistent and deliberate.

An individual who believes that s/he is being bullied and/or harassed could consider:

- Discussing the problem with the alleged bully/harasser; this should include giving one or more specific examples of unacceptable behaviour and agreeing how behaviour will change in the future.
- Writing to the alleged bully/harasser, outlining the unacceptable behaviour, giving one or more specific examples of unacceptable behaviour and asking for a change in behaviour. Guidance on the writing of such a letter can be sought from the Students' Union.

### Formal action

If a serious issue/incident is involved, or if there has been an accumulation of issues, or the recurrence of earlier bullying and/or harassment, it may be more appropriate to make a formal complaint under the RAU Student Conduct Policy or the University Complaints Procedure. Complaints should be addressed to the Student Support Services Manager.

Student allegations of bullying and/or harassment by a member of the University staff should be reported to the Head of HR.

### Legal action

In cases where there is an allegation of a criminal offence, this must be immediately reported to the police and the RAU Security team as appropriate.

In such cases the University would usually be able to take no action pending the outcome of criminal or legal proceedings, unless there is judged to be a risk to someone, in which case a temporary suspension or exclusion may be imposed by the Vice-Chancellor.

## **Witnesses**

Witnesses can and should take action to report any instances, or suspected instances, of bullying and/or harassment under the RAU Student Conduct Policy or the University Complaints Procedure

## **Guidance and Support**

The University offers guidance and support to:

- individuals who believe they have been subject to bullying or harassment by registered students of RAU;
- students accused of bullying and/or harassment, either informally or formally;
- students who feel they may be behaving as a bully or harasser, or supporting bullying or harassing behaviour by others or a group. Wellbeing Support is available to help individuals reflect on and change behaviour;
- witnesses

Without escalating the issue to a formal level, individuals may wish to arrange a meeting with any of the following to discuss options available to resolve the situation and seek support in carrying out any actions:

- RAU Students' Union and when appropriate, accompaniment to meetings or formal hearings
- Wellbeing Service to access emotional support.

## **Confidentiality**

As a general principle confidentiality will be agreed and maintained wherever possible. There may be situations where confidentiality has to be broken, due to legal requirement or risk assessment, or in order to respond to a complaint, and this will be made clear to the student by the relevant service when the data is collected. Other than for these specified reasons, advisors will not release any names or identifiable information about students or staff that use RAU services, without the individual's consent. Information will only be given to those who strictly need to know. All records and information will be maintained in accordance with the Data Protection Act 1998.

## **Victimisation**

The University will not tolerate victimisation of those bringing complaints under its Bullying and Harassment policy (whether founded or not), nor of those who witness bullying and harassment, nor of those accused of bullying and harassment. Victimisation will be dealt with as a disciplinary matter.

## **Placements**

Students should be treated fairly and consistently, with dignity and respect wherever they study, or undertake placements as part of their course at RAU. Placements should also be free from undue stress, anxiety, fear and intimidation. The University will take all reasonable steps to ensure that external organisations providing placement opportunities for members of the University community

have policies and procedures in place to prevent and deal with issues of bullying and harassment. Any student who is subject to bullying or harassment while on placement will be supported appropriately by the University

### **Monitoring and review**

Monitoring of the Bullying and Harassment policy will be undertaken by the University's Complaints Officer and Student Support Services Manager.