ANTI-BULLYING AND HARASSMENT POLICY – STUDENTS

This policy should be read in conjunction with the University’s equality and diversity policy (approved by University Court December 2011).

1. Statement of intent

1.1 Bullying and harassment can have a serious detrimental effect on the confidence, morale, performance and health of those affected. Ultimately, being subjected to bullying or harassment could have the effect of a student suspending his or her studies or withdrawing from the University altogether. The University believes that this situation should never be allowed to materialise.

1.2 The University believes that all students, regardless of their background and personal circumstances, should be treated with dignity, respect and fairness. The purpose of this policy is to promote a culture where bullying and harassment are acknowledged to be unacceptable and are not tolerated, and where allegations of such behaviour are dealt with fairly and in a timely fashion, without fear of victimisation.

1.3 All students and staff have a responsibility to treat colleagues and peers with dignity and respect. This means respecting the feelings, sensibilities, cultural, religious and belief differences of others and considering how your behaviour is being perceived.

1.4 This policy covers harassment of students by another student, or by a member of University staff.

2. The University’s commitment to tackling bullying and harassment of and by students

2.1 The University of Stirling is committed to:

(i) Creating and sustaining a working and learning environment which is free from discrimination, bullying, harassment or victimisation.

(ii) Tackling swiftly any incidents of bullying, harassment or victimisation of or by students.

(iii) Promoting this policy to all students and staff.

(iv) Monitoring the implementation of this policy.
3. What constitutes bullying and harassment?

3.1 Harassment can be defined as unacceptable and offensive behaviour that has the purpose or effect of affecting the dignity of an individual or group of people. It describes behaviour which subjects an individual or a group to unwelcome attention, intimidation, humiliation or ridicule. It can range from extreme forms, such as violence, to more subtle forms, such as deliberately ignoring someone.

Harassment of a student by a member of the University

3.2 Harassment of a student by a person employed by the University is unlawful under the Equality Act 2010. The Act makes three types of harassment unlawful:
   (i) Harassment related to a relevant protected characteristic.
   (ii) Sexual harassment.
   (iii) Less favourable treatment of a student because he or she submits to or rejects sexual harassment or harassment related to their sex.

3.3 For the purposes of the harassment provisions in the Equality Act, the protected characteristics are: age, disability, gender reassignment, race, religion and belief, sex and sexual orientation. Pregnancy and maternity is not protected directly under the harassment provisions, however, unwanted behaviour related to pregnancy and maternity (as described below) may amount to harassment related to sex.

(i) Harassment related to a relevant protected characteristic.

3.4 Guidance on the Equality Act 2010 states that “harassment of a student occurs when [an individual] engages in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:
   • violating a student’s dignity or
   • creating an intimidating, hostile, degrading, humiliating or offensive environment …”

3.5 The word ‘unwanted’ means ‘unwelcome’ or ‘uninvited’. It is not necessary for the student to explicitly state that they object to the behaviour for it to be unwanted.

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1 “What equality law means for you as an education provider – further and higher education” (Equality and Human Rights Commission, 2011)
Example 1: A University lecturer makes derogatory remarks about the local Gypsy and Traveller community and states that their site should be shut down. A student from a Traveller background is in the class and finds the tutor’s behaviour degrading and offensive. This is likely to be harassment related to the protected characteristic of race.

(ii) Sexual harassment

3.6 Sexual harassment occurs when an individual engages in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- violating a student’s dignity or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

3.7 ‘Of a sexual nature’ can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

Example 2: A male tutor walks up to a female student who has stayed behind to speak to him and puts his arms around her waist and tells her she is ‘very attractive’. The student is offended by his behavior but doesn’t push him away. Nevertheless, the tutor’s behavior would constitute sexual harassment.

(i) Less favourable treatment of a student because he or she submits to or rejects sexual harassment or harassment related to their sex

3.8 It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

Example 3: In relation to example 2 above, if the tutor then refused to allow the student to go on a field trip or failed her assignments when they in fact deserved a pass grade, this would be less favourable treatment because the student had submitted to sexual harassment.

3.9 In relation to all three types of harassment listed above, the harasser does not have to intend to harass; it is the perception of the victim that is important. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. The defining feature, however, is that the behaviour is offensive or intimidating to the
recipient or a witness. It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

3.10 Harassment may refer to persistent unacceptable or offensive behaviour, but – depending on the seriousness of the incident – might also refer to a single incident.

3.11 Some examples of harassment could include:
- Assault or other physical abuse
- E-mail or online abuse, including through the use of social networking sites
- Jokes, ridicule or derogatory comments relating to particular equality characteristics e.g. racial background or cultural differences; sexual orientation; age; disability; sex; religion or belief; pregnancy or maternity
- Innuendo or gossip, for example based on sexual orientation
- Communicating with a person with a disability via a third party (unless specifically requested)
- Invading privacy or personal space
- Displaying offensive material
- Graffiti
- Threats of academic failure/ promises of high marks in return for sexual favours, or because a student failed to submit to sexual advances
- Inciting others to harass

Harassment of a student(s) or a member of staff by another student

3.12 Harassment of a student, a group of students, or a member of staff by another student is expressly prohibited by the University. Under the terms of this policy, harassment of a student, a group of students, or a member of staff by another student(s) is defined in paragraph 3.1. The University considers that any of the behaviours described in paragraphs 3.2 to 3.11 would constitute harassment of a student, group of students or member of staff by another student(s).

Bullying of or by a student of the University

3.13 Bullying can be defined as the abuse of power or position to threaten abuse, intimidate, insult or criticise; or to humiliate and undermine a person so that their confidence and self-esteem is affected. Bullying may happen in public or in private and may range from overt forms such as shouting to more subtle forms such as marginalising a person or setting unreasonable goals or deadlines.
Some examples of bullying could include:

- Violence
- Shouting
- Sarcasm
- Constant destructive criticism
- Ignoring or ostracising
- Patronising comments
- Setting a person up for failure with impossible workloads and deadlines.

In practice, the behaviours associated with and the effects of bullying and harassment often cannot be separated. The main difference is that one term ('harassment') is defined by law and that protection against harassment of students exists under the Equality Act 2010. Bullying is not defined in law. Nevertheless, the University regards bullying as seriously as it regards harassment, and does not tolerate bullying of or by students.

Students who feel that they are being bullied or harassed can take action as set out in section four below.

Victimisation

Under the Equality Act 2010², victimisation occurs when a university subjects a student to detriment because he or she has carried out a 'protected act' (or because it is believed that a student has carried out or is going to carry out a protected act)." A 'protected act' covers the following:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

If a member of the University treats a student less favourably because they he or she has carried out a protected act, this could be regarded as unlawful victimisation. There must be a link between the student’s protected act and the University officer’s treatment of that individual.

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² Definition derived from the Technical Guidance on Further and Higher Education
3.19 Note that an individual need not have a particular protected characteristic in order to be protected against victimisation under the Act.

**Example 4:** An accommodation officer refuses to grant a student a place in University accommodation because she has supported another student’s sex discrimination claim. This would amount to victimisation under the Equality Act.

### 4. Reporting, investigating and tackling incidents of bullying and harassment

4.1 The University takes all allegations of bullying, harassment or victimisation seriously. Formal procedures are in place to allow allegations of bullying or harassment to be investigated fairly and transparently and to be tackled if found to be true.

#### Informal resolution

4.2 If a student feels that he or she is being bullied or harassed – either by another student, or by a member of University staff, he or she is encouraged to first of all seek to resolve the matter informally. As a first step, the student should try to make it clear to the person causing the offence that such behaviour is unacceptable, unwelcome and should be stopped. This will often be sufficient to end the behaviour which is causing offence, because in some cases, the person against whom the complaint is directed might be unaware that his/her behaviour had inadvertently caused offence. If this is the case, the inappropriate behaviour should cease quickly.

4.3 If they need help or advice, students might wish to consider approaching any of the following people:

- Their Personal Tutor
- A member of Student Support Services (SSS)
- A trusted friend
- A supportive lecturer or other member of academic staff
- The Students’ Union

#### Formal complaint

4.4 A student might want to consider raising a formal complaint if:

- he/she feels unable to approach the alleged bully or harasser informally from the outset, or
- after communicating with the alleged bully or harasser, he/she is not satisfied with the outcome of that approach (i.e. that the bullying/harassment has stopped or will now stop); or
- the nature of the harassment is sufficiently serious that it is inappropriate to deal with it informally as a first step.
If a student wishes to make a formal complaint, he or she should follow the Student Complaints procedure. This is available on the University website at www.stir.ac.uk/complaints.

**Tackling bullying and harassment**

If a student is found to be guilty of behaviour which constitutes bullying or harassment under this policy, he or she will be subject to disciplinary action, as set out in the **Code of Student Discipline** (Ordinance 2). The Code of Student Discipline is set out in full in the University Calendar. It can be downloaded at this link http://www.stir.ac.uk/media/services/calendar/ordinances/2-ordinances-code-of-student-discipline.pdf.

If a member of staff is found to have bullied or harassed a student of the University, he or she will be subject to disciplinary action under the University’s Staff Disciplinary Procedures.

**Malicious or vexatious allegations**

Students should be aware that making malicious, vexatious or spurious allegations of bullying and harassment may constitute a breach of the Code of Student Discipline.

Students who wish to inform the University of a malicious or vexatious allegation should follow the Student Complaints Procedure at www.stir.ac.uk/complaints.

Members of staff who wish to inform the University of a malicious or vexatious allegation made by a student should inform the Academic Registrar, who can be contacted by emailing academic.registrar@stir.ac.uk

**Staff or students who are concerned that they may have engaged in behaviour which may be perceived as bullying or harassment**

If a member of staff or a student is concerned that he or she has inadvertently engaged in behaviour which might be perceived as bullying or harassment, he or she might wish to consider taking the following course of action:

(i) Seek the advice of a trusted colleague, fellow student or advisor (e.g. a Human Resources partner, a Student Advisor, Personal Tutor or one of the anti-bullying and harassment contacts)

(ii) If appropriate, seek to clarify understanding and reach an informal resolution with the person or persons who may have been offended.
(iii) Notify someone in the University of the potential risk (for example, the individual could advise their supervisor or line manager about their concern)

Example 5: A person (staff or student) makes what s/he intends to be a light-hearted comment in a social context to a student, who reacts by withdrawing and subsequently avoids the individual

Example 6: A lecturer introduces sensitive material about race relations in a seminar and it becomes clear that some students are troubled by the tone of the conversation

obtained from staff within Registry and Governance Services, by emailing complaints@stir.ac.uk or calling 01786 466810.

5.2 The staff anti-bullying and harassment policy can be obtained from the Human Resources website http://www.hr-services.stir.ac.uk/policies-procedures/Anti-BullyingandHarassmentfrontpage.php

5.3 The equality and diversity policy and information on the University’s approach to tackling discrimination is available at http://www.stir.ac.uk/equalityanddiversity/. Further advice on the University’s equality and diversity work can be obtained by emailing equality@stir.ac.uk or by calling 01786 466261 in the first instance.

5.4 Information about the services provided by Student Support Services (SSS) is available at http://www.student-support.stir.ac.uk

5.5 The Code of Practice: Personal Tutor Scheme is available at http://www.stir.ac.uk/academicpolicy/personaltutorschemepolicyandguidance/code/

5.6 The website of the Students’ Union is available can be accessed at this link http://www.stirlingstudentsunion.com/ If you want to talk to someone in the Union in confidence about bullying or harassment, get in touch with one of the Union officers, who will put you in touch with the appropriate person.

6 Monitoring and review

6.1 Student complaints and disciplinary cases are monitored by the Academic Registrar’s Office.

6.2 This policy will be reviewed every three years or in response to legislative changes.
Acknowledgements

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This policy was approved by the Quality Enhancement Committee (QEC) in February 2012 and endorsed by Academic Council in March 2012. Revisions to this policy were approved by the Equality Steering Group, April 2015.