

Bullying and Harassment Policy

Brunel University London is committed to providing a welcoming, inclusive and safe environment where students are able to study, live and socialise free from bullying and harassment. The University takes all bullying and harassment incidents very seriously.

Introduction

The aim of this policy is to provide a framework for students who feel that they have been the subject of harassment or bullying so that they can access appropriate support, take any appropriate action and ensure that all reports are addressed seriously and fairly, upholding the rights and dignity of all those involved.

Scope

This policy applies to all members of the University including students, employees, contractors, suppliers and visitors to the University. All members should be treated with dignity and respect. Harassment and bullying is not tolerated within the University community. It can happen between students, between students and staff and / or contractors, suppliers or visitors.

This policy provides advice to all current registered students of the University and applies where bullying or harassment takes place within a student's learning or working environment, in accommodation (on or off campus), work placements and during social activities whether on or off campus where activities are linked to the University community.

There is a similar procedure for University employees. For more information see the Dignity at Work policy - www.brunel.ac.uk/about/administration/policy?id=e4e3e9d0-1507-42c0-9bd4-b10eab0bc56c

Understanding bullying and harassment

Harassment and bullying can take many forms, often involving the abuse of power or position and may be a single event, sporadic events or a continuing process.

Bullying is not defined in law but can be described as:

“The repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online” (*Anti Bullying Alliance definition*).

Harassment is defined by the Equality Act 2010 as:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

The protected characteristics under the legislation are: age, disability, gender reassignment, race, religion or belief, sex, marriage and civil partnership, pregnancy and maternity, and sexual orientation.

Staff and students need not possess the relevant characteristic themselves but may be subjected to unacceptable behaviour because they are wrongly perceived to have a protected characteristic, or because of their association with a person who has a protected characteristic. In addition, staff and students have the right to complain about behaviour that they find offensive even if it is not directed at them.

Such behaviours may be expressed verbally or non-verbally via traditional or online communications, or by physical actions.

For further information, see Appendix A.

Policy Statement

The University commits to ensuring that:

- All reasonable steps will be taken to ensure that the University meets its statutory obligations to eliminate and prevent harassment and bullying by addressing inappropriate behaviours and discussing concerns promptly to prevent issues from escalating.
- No student will feel threatened or intimidated on the grounds of their age; disability including physical impairments, long term health conditions, mental health concerns and learning difficulties; gender reassignment and gender identity; race and ethnicity; religion or belief; sex; marriage and civil partnership; pregnancy, maternity, paternity and adoption; sexual orientation whether it be from a fellow student, a University employee or a supplier, contractor or visitor to the University.
- All members of the University community will be treated with respect and dignity, and harassment and bullying will not be tolerated. Robust procedures are provided for students in Senate Regulation 6 and for staff in the Staff Disciplinary Policy and Procedures s.3 to deal with any allegations of harassment and bullying in a fair, impartial and timely fashion.
- Appropriate support will be provided to anyone involved in a harassment or bullying incident.
- The whole University community will be made aware of this policy and their responsibilities to which they are expected to comply.
- No member of the University community will be disadvantaged for reporting an incident or making a complaint in good faith. Malicious complaints may, however, lead to separate disciplinary action being taken.

- Awareness sessions will be used as a means of communicating appropriate behaviours under this policy.

Disclosure and confidentiality

No student is under any obligation to report an incident of bullying or harassment. However, you are encouraged to seek help as soon you can, to obtain advice about possible options for action and / or access appropriate support. You can do this either via your Tutor, Supervisory Team and / or the Student Support and Welfare Team.

Strict confidentiality should be maintained where reports of bullying and harassment are made. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised. It should be explained to everyone involved in the process that any breach of confidentiality may lead to disciplinary action.

However you should be aware that there are times when confidentiality will need to be broken under the terms of the Data Protection Act 1998, such as in the event of an identified risk or a criminal investigation where individuals may be required to give evidence. A member of staff will also need to raise any reports of bullying or harassment with their relevant College Education Manager or Student Support and Welfare Manager, and other staff as appropriate.

Seeking Support and Advice

You are encouraged to act promptly and should not blame yourself or feel that you should wait until the situation is intolerable.

If you believe you are being bullied or harassed, you can get help from one of the following:

- a personal tutor or lecturer, or another member of staff such as a TPO in your College
- the Student Centre either face to face by visiting the Student Centre or via phone 67045 or email studentsupport@brunel.ac.uk
- Report and Support Portal where you can disclose your personal details or make an anonymous report - www.reportandsupport.brunel.ac.uk/
- the Advice & Representation Centre, see - www.brunelstudents.com/advice/getadvice/ or the Union of Brunel Students, see - www.brunelstudents.com/

If another member of the University community witnesses someone being bullied or harassed, they should also be encouraged to seek help using the same channels.

Measures should also be taken to protect the personal safety of all involved at all times. Where it is considered that there is a real threat to personal safety of any person, this should be reported to Security immediately on **by dialling 66943 internally or 01895 255786**.

There are a number of options available on what to do if you are being harassed and / or bullied and each will vary depending on the circumstances including your vulnerabilities, the risks and your wishes. This might be informal resolution, mediation, making a formal complaint or reporting the harassment and bullying to the Police. Some can be achieved relatively simply and quickly whilst others may require a more thorough response which can take some time. For more information see the *Guidance to Support Students who have experienced Bullying and / or Harassment - www.brunel.ac.uk/life/supporting-you/documents/pdf/Guidance-to-Support-Students-who-have-experienced-Bullying-and-or-Harassment-December-2019.-Final.-docx.pdf*.

Any incidents that are reported formally will be investigated within the time limits set out in the relevant procedure, with due consideration to the rights and privacy of the complainant student, the alleged accused and any other individuals involved. Students will be kept informed by the Office for Student Complaints, Conducts or Appeals. Where criminal investigations are conducted by the Police, consideration will be given as to whether there needs to be a delay in the internal investigation, which may be the case if, there is a potential overlap. Each case will be considered on its own merits and delays avoided where at all possible.

Getting emotional support

You are encouraged to seek support from the Student Support and Welfare Team by phone on 01895 267045 or by email at: studentsupport@brunel.ac.uk. The University also provides an online portal called Report and Support which gives advice and support to students who are feeling harassed and / or bullied – see: www.reportandsupport.brunel.ac.uk/. You can choose to disclose personal details or report an incident anonymously. Support is also provided by external agencies – see details in Appendix B.

For more information, see *Guidance to Support Students who have Experienced Bullying and / or Harassment - www.brunel.ac.uk/life/supporting-you/documents/pdf/Guidance-to-Support-Students-who-have-experienced-Bullying-and-or-Harassment-December-2019.-Final.-docx.pdf*.

Supporting a student

Sharing an incident of bullying or harassment can be very distressing and the way and to whom each student chooses to do so will vary depending on a range of factors, including who the student feels comfortable with and how sensitive they feel the issue is etc. In addition a member of staff, another student or a person not

affiliated with the University may observe a bullying or harassment incident that requires intervention and are encouraged to do so if they feel able.

Students who experience bullying or harassment should be encouraged to disclose the incident as soon as possible. This could be to a personal tutor or lecturer or another members of staff such as a TPO in their College, to the Student Centre, the Advice & Representation Centre or to the Union of Brunel's Students.

Where a student discloses that they have been harassed or bullied, they should be reassured that support is available and signposted to the Student Support and

Welfare team at <https://students.brunel.ac.uk/support/book-an-appointment-through-our-support-welfare-team> or if more appropriate you can use the Raise a Welfare Concern at the same portal.

For more information, see *Guidance to Support Students who have experienced Bullying and / or Harassment* - www.brunel.ac.uk/life/supporting-you/documents/pdf/Guidance-to-Support-Students-who-have-experienced-Bullying-and-or-Harassment-December-2019.-Final.-docx.pdf.

Bullying and Harassment Training

Training for the whole University community on preventing and responding to bullying and harassment is highly recommended and is delivered by the Staff and Student Equality and Diversity Managers, or on their behalf. It is of vital importance that all staff and students know what behaviour is inappropriate and what is expected of them.

Data recording

All bullying or harassment incidents which are reported will be recorded along with any action taken. Any cases disclosed to a Department or a College should be forwarded to the Student Centre. This data will be reviewed by Student Services annually and any trends monitored and addressed.

Any formal complaints will be recorded by the Office for Student Complaints, Conduct and Appeals (OSCCA) and such data will be reviewed annually.

For more information about this policy, please contact the Student Support and Welfare Team via students.brunel.ac.uk/support/book-an-appointment-through-our-support-welfare-team.

Appendix A – Further detail about bullying and harassment

Bullying: is a complex phenomenon of unwanted offensive and malicious behaviour which undermines an individual or group through persistently negative attacks. There is typically an unpredictable and irrational abuse of power or position that can manifest itself in physical, verbal or non-verbal forms both on and offline. There is usually an element of vindictiveness attached to bullying and the behaviour is calculated to undermine, patronise, humiliate, intimidate or demean the recipient.

Harassment: is a personalised form of anti-social behaviour, specifically aimed at particular individuals. The defining feature of bullying or harassment is that the behaviour is unwanted by the recipient and unwarranted by the working or study / social relationship and would be regarded as such by any reasonable person.

Harassment or bullying may involve apparently insignificant acts which cumulatively create an intimidating environment that undermines the integrity or dignity of the individual. Unacceptable behaviours range from violence and threats to ignoring people. In all cases, harassment and bullying are unwelcome and can make an individual feel uncomfortable, unsafe, frightened or embarrassed. Such behaviours may be expressed verbally or non-verbally via traditional or online communications, or by physical actions. They can occur in a wide range of situations such as learning or work environments, social, sporting and accommodation contexts and in higher education, problem initiations in students' clubs and societies. The common link is that the behaviour is unwanted by the recipient or others, is unwarranted by the relationship and would be regarded as harassment or bullying by any reasonable person.

Some harassment may be a criminal offence and will thus constitute a hate crime which can be defined as any incident that is perceived by the person targeted (or any other person) as being motivated by prejudice or hate towards an individual's actual or perceived social identity.

Legal context

This policy incorporates the requirements of the Equality Act 2010 which provides protection for individuals from discrimination, and makes it unlawful to harass or discriminate someone on the grounds of nine protected characteristics, namely age, disability, gender reassignment, race, religion or belief, sex, marriage and civil partnership, pregnancy and maternity, and sexual orientation.

Provisions under the Equality Act 2010 protect individuals from harassment who are applying for courses at University and those studying at University.

Individuals are also protected from harassment not only in relation to themselves as an individual, but also on the grounds that they are associated with someone else with a protected characteristic or that someone perceives wrongly that another person does or does not have a protected characteristic.

All staff and students also have personal liability under legislation (Protection from Harassment Act 1997). Harassment may also be a criminal offence under the Criminal Justice Act 2003 and give rise to a civil claim. It may also be a contravention of Health and Safety legislation. The University will engage with external investigations by the police and other enforcement bodies as appropriate and necessary.

Nothing in this policy prevents the reporting student, the alleged accused or others involved in a bullying or harassment situation from exercising their legal rights.

The following list provides examples of types of behaviours covered by this policy. It should be noted that it is not intended to be exhaustive and other issues could form the basis of a bullying or harassment case:

Age Harassment can include stereotyping, assault, inappropriate reference to age, unwelcome discussion on the age of an individual and making generalisations about a person's ability based on their age.

Disability Harassment may include comments that are patronising or objectionable to the recipient or which creates an intimidating, hostile or offensive environment for people with disabilities. It can encompass inappropriate reference to disability, unwelcome discussion of the impact of disability, refusal to work with and exclusion of people with disabilities from social events or meetings.

Gender Identity, Transgender or Gender Reassignment Harassment is unwanted behaviour based on known or presumed gender identity. Such behaviour can include name calling, continually using the wrong pronoun instead of the preferred pronoun, stereotyping, assault, verbal abuse, actual or threatened unwanted disclosure of the person's previous gender, derogatory comments, excluding partners from social events or intrusive questioning about a person's personal, medical and social circumstances.

Physical Assault is a criminal offence and it is important that reporting student seek help immediately. If a case of assault is being pursued through the Criminal Courts, the University will need to consider at what stage it is appropriate to initiate its internal procedures. During this period every effort will be made to ensure that the reporting student is given appropriate support and not isolated.

Racial Harassment can include written or verbal threats or insults based on race, ethnicity or skin colour, abusive comments about racial origins, ridicule based on cultural grounds, derogatory name calling, racist jokes, damage to property, the display of offensive graffiti or insignia and incitement of others to commit any of the above.

Religious or Belief Harassment may take many forms including ridiculing items worn for religious reasons, denigrating cultural customs and dismissive treatment of requests for holidays for religious or cultural festivals, or derisory comments against an individual's beliefs. It includes the incitement or persistent pressure through forms

of evangelism and religious propaganda that suggests the answer no is unacceptable to the person trying to spread their ideas on religion or recruiting to their particular group.

Sexual Harassment describes a range of behaviours of a sexual nature perpetrated (knowingly or unknowingly) against an individual. It includes unwanted attention of a sexual nature that degrades, ridicules or is intimidating. For more information see the Sexual Violence and Sexual Harassment Policy.

Sexual Orientation Harassment can include name calling, stereotyping, assault, verbal abuse, actual or threatened unwanted disclosure of sexuality, derogatory comments, excluding same-sex partners from social events or intrusive questioning about a person's domestic circumstances.

Stalking is a form of harassment which is being more commonly reported. It involves pestering an individual, either in person or in writing or electronic formats or on the telephone. Stalking can also involve following an individual or spying on them, alarming the recipient or causing them distress and may involve violence or fear of violence.

Appendix B – Further information, advice and support

The lists of useful contacts given below is correct at the time of writing (September 2019). Please check the web for up-to-date contact information. Please note that Brunel University London does not endorse or take responsibility for the information provided by external organisations.

External services

Equality and Human Rights Commission is the statutory body responsible for protecting, enforcing and promoting equality across nine protected characteristics — age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation — www.equalityhumanrights.com.

Equality Challenge Unit provides advice and support for students and staff on equality and diversity in higher education — www.ecu.ac.uk/guidance-resources/inclusive-environment/

Specialist Services

Bullying UK, part of Family Lives is a leading charity providing advice and support to anyone affected by bullying – www.bullying.co.uk

Ditch the Label is the international anti bullying charity who campaign to end bullying and support young people – www.ditchthelabel.org/

National Bullying Helpline provides help and advice related to bullying or harassment at school / work - www.nationalbullyinghelpline.co.uk

Samaritans provides free confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings. Call: 116 123 or email: jo@samaritans.org

Victim Support provides free confidential support to those affected by crime including harassment. Call for free on 0808 1689111 or request support online via www.victimsupport.org.uk

Further information

Initiations at Universities is a briefing which raises awareness of the dangers of initiations. For further information see - www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/initiations.aspx