

Online Harassment Policy

Introduction

Brunel University London is committed to providing an inclusive, safe and respectful digital environment where the whole community is able to study, work and live free from online harassment, intimidation, and threatening or violent behaviour. The University takes all online harassment incidents very seriously and is committed to promoting online safety and welfare. This policy provides a framework for any member of the community who feels that they have been the subject of online harassment 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 community including students, employees, contractors, suppliers and visitors. It should be noted that young people under the age of 18 are known to be at particular risk. The University expects everyone to facilitate and promote an environment in which harassment, bullying, and victimisation are regarded as unacceptable and to treat others with dignity and respect at all times. Online harassment is not permitted within the University community.

This policy provides support and advice to all members of the University community wherever online harassment occurs: in learning environments, working environments, accommodation, social activities, and on and off campus when activities are linked to the University community such as teaching and learning, work, accommodation, work placements, trips and internships, social and personal communications.

The University recognises that individuals whose social and cultural characteristics intersect, e.g. gender, race, disability, sexuality and different faiths are potentially more vulnerable to online harassment and may require additional support.

This policy forms part of the University's suite of policies on bullying and harassment, sexual misconduct and abuse. For information and guidance on how to seek support and / or report an incident, please consult the following:

- the Bullying and Harassment Policy for students – <https://students.brunel.ac.uk/campus/equality-diversity-and-inclusion>
- the Dignity at Work Policy for employees – www.intra.brunel.ac.uk/s/hr/Documents/Dignity
- the Sexual Violence and Sexual Harassment Policy for the whole university community – <https://www.brunel.ac.uk/life/supporting->

Policy Statement

The University commits to ensuring the following:

- Making sure no member of the University community feels threatened or intimidated online 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 student, a University employee or a supplier, contractor or visitor to the University.
- Taking all reasonable steps to meet the University's statutory and regulatory obligations to eliminate and prevent online harassment, and address any inappropriate behaviours promptly to prevent issues from escalating.
- Creating a culture where all members of the University community should treat others with respect and dignity, and online harassment is not permitted.
- Making the whole University community aware of Brunel's commitment to tackling online harassment and providing guidance and training on how to develop expectations of online behaviour, online safety, and how individuals can access appropriate support.
- Providing appropriate support to anyone involved in an online harassment incident.
- Creating an online environment where all departments, services, facilities and spaces are safe and welcoming.
- Providing robust procedures for students in the Student Disciplinary Procedure and for staff in the Staff Disciplinary Policy and Procedures to deal with any allegations of online harassment in a fair, impartial and timely fashion.
- Handling all allegations of online harassment seriously and sensitively and investigating them promptly while protecting the individual rights of those involved, including those against whom an allegation has been made.
- Ensuring 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 action being taken.
- Reviewing incidents annually through Student Services and / or Human Resources as appropriate to identify any trends that need to be addressed or investigated further.

Understanding online harassment

The use of digital communications and sharing of information online has rapidly increased over recent years particularly following the Covid-19 pandemic in 2020. Society as a whole uses a wide range of online channels and platforms to interact with friends, family, workplace colleagues and fellow students to carry out various

everyday activities including working, studying, socialising, shopping and practicing a hobby etc. This has brought many benefits such as immediately being able to access news and information, and keeping in touch with friends and family. However, it has also resulted in some potential risks, including online harassment, bullying, the creation and dissemination of violent and sexual content, inappropriate and unwanted commercial targeting and data protection infringements.

Online harassment can occur in formal and informal communications through teaching and workspaces. These include:

- Microsoft Teams
- Zoom
- Skype
- social media channels such as Facebook, Twitter, TikTok
- YouTube
- Instagram
- WhatsApp
- Blackboard Collaborate
- live chat forums
- web pages
- emails

Note this list is not exhaustive as technology is constantly evolving with regular updates and new products constantly coming onto the market and / or being favoured by consumers

Online harassment can be carried out by known individuals and / or groups and / or anonymously. It is known by a variety of different terms including cyberbullying, cyber-aggression, online bullying, cyber harassment and there are different views about whether it is substantially similar or different to traditional bullying and harassment. For more detailed information, see Appendix A. However, it can be hurtful, distressing and damaging and can seriously impact people's quality of life physically, emotionally and mentally, as well as having a detrimental effect on an individual's academic and professional success.

Some online harassment will be conducted with the deliberate intention to cause harm, and could be considered a criminal offence such as a hate crime. However, this will not always be the case. Often individuals are simply unaware of the severity of their actions or that there could potentially be criminal repercussions because they have become used to high levels of risk and abuse themselves in the digital space. In addition, some might feel that because of an increased sense of anonymity, they may not be called to account, while bystanders who might forward or share posts or content may not realise that they too could be committing harassment.

The Regulatory and Legal Context

Universities have a duty of care at common law which includes providing protection against harassment and online harassment. This includes access to, and provision of online services, platforms and / or content (HM Government 2019). A failure to

ensure these are monitored, which could expose individuals to becoming the subject of abuse or at risk of abuse within the online environment materials, could show that the University is in breach of their duty of care. For more information, see – <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/tackling-online-harassment.pdf>.

Online harassment is also considered an extension of harassment which is protected under the Equality Act 2010 and makes it unlawful to harass, discriminate, or victimise a current or prospective student or employee on the grounds of a protected characteristic. Universities must ensure that they provide a safe environment for their community to live, work and study. This applies whether on campus, studying or working from home or in student accommodation, undertaking placements or overseas study, carrying out research or work, participating in sports or social activities away from campus, or studying or working online. There is also protection under several criminal laws including the Telecommunications Act 1984 which can result in convictions for online offences including harassment and distress.

For further detail see Appendix A.

Expectations of the Brunel Community

All members of the University should ensure that all their digital communications and interactions are respectful, professional and polite at all times.

All members of the University community must take responsibility for their attitudes and behaviours online. Everyone needs to avoid making, posting or sharing comments, photos or videos that are harmful, offensive, inaccurate, false or unjustified which could cause distress or anti-social and / or violent behaviour. In addition, no online content should harass, discriminate, threaten, intimidate or victimise somebody based on their gender, race, disability, sexual orientation, religion or age.

Developing digital civility and positive online behaviours and safeguarding people's welfare and wellbeing online are vital. Everybody needs to be able to identify and preserve their own needs and boundaries when interacting digitally. This includes developing an awareness of online risk and being sensitive to others who might be vulnerable as a result of the sharing of personal information, seeing and sharing violent, harmful or pornographic content, being harassed, and sharing sexually explicit images. It is important that the Brunel community as a whole prioritises online safety and ensures that everyone is equipped to respond and manage risk. Everyone has a responsibility to take action if they observe online harassment as long it is safe to do so. It is important to avoid the bystander effect where the presence of others often discourages individuals from intervening. This can potentially normalise these behaviours and make inappropriate behaviour more acceptable.

All students and employees are responsible for using the IT systems and mobile devices at Brunel University London in accordance with the following policies:

- Computer, Network and Email Use – <https://www.brunel.ac.uk/life/study-support/computer-services>
- Data Protection – <https://www.brunel.ac.uk/about/administration/information-access/data-protection>
- Safeguarding Children and Vulnerable Groups – <https://students.brunel.ac.uk/documents/Policies/Safeguarding-Children-Statement-2013.pdf>

Inappropriate behaviour may breach University regulations and / or constitute a civil or criminal offence.

Staying Safe Online

It is important that the whole University community considers how to keep safe online. Everyone should think carefully about what information they share and how they do so, protect their personal details and check that any online privacy settings are appropriately managed. People should not share photos or descriptions of sexually explicit or pornographic content as it is illegal. Furthermore, particular care must be taken when sharing any personal information or photos of young people under the age of 18 or vulnerable adults. If someone finds that they have been associated with inappropriate material online they should seek to get help as soon as possible either from the University or external agencies and to consider reporting the incident.

For more detail see, <https://students.brunel.ac.uk/study/it-at-brunel/staying-safe-online> , <https://intra.brunel.ac.uk/s/cc/security/Pages/Safe-social-networking.aspx> and <https://www.mind.org.uk/information-support/tips-for-everyday-living/online-mental-health/safety-privacy/>

Also see *Guidance for Students on Online Safety – please insert link*

Disclosure

Anyone affected by an incident of online harassment is encouraged to get help as soon as possible either from the University or external agencies and to consider reporting the incident. For details, see

- the Bullying and Harassment Policy for students – <https://students.brunel.ac.uk/campus/equality-diversity-and-inclusion>
Students can use the Report and Support tool to report an incident – <https://reportandsupport.brunel.ac.uk/>
- the Dignity at Work Policy for employees – www.intra.brunel.ac.uk/s/hr/Documents/Dignity
Staff can contact HR, the EDI team or an Anti Harassment Adviser, see www.intra.brunel.ac.uk/s/hr/AHA

Appendix A – Further information about online harassment

Glossary of different forms of online harassment

This is not intended as an exhaustive list of all forms of online harassment behaviours as technology is constantly developing and as a result so is online harassment which continues to take on new and different forms. The definitions come from the UUK report on Tackling Online Harassment and Promoting Online Welfare and / or the relevant legislation (see section below).

Cyberbullying	This is a form of bullying using electronic means on the internet, social media sites and other digital spaces. It can include threats, rumours, sharing an individual's personal information, sexual remarks or hate speech.
Cyberstalking	This is the use of technology and digital communications to stalk or harass an individual, a group, or an organization. It is repeated and deliberate and can include threats, slander, libel, defamation, false accusations, solicitation for sex, identity theft or gathering information that can be used to harass or threaten.
Denigration	Sending or posting damaging comments or images of someone or criticize them in a derogatory manner. It can include to sully, defame or denigrate someone's character, or to belittle or disparage them such as their contribution to a project.
Doxxing	This is the internet based practice of researching e.g. through social media websites and broadcasting private or identifying information about an individual or organisation without their permission. It can be carried out for various reasons including harassment.
Exclusion	This is the act of not allowing somebody or preventing somebody from taking part in an online activity or activity. This can include marginalising, ostracising and leaving somebody out of a group.
Harassment	This is defined 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.
Hate crime	This is a criminal offence which is perceived to be by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's

	membership of a certain group race, religion, sexual orientation, transgender identity and / or disability.
Hate incident	This is a behaviour which whilst not a crime is still perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on somebody's race, religion, sexual orientation, transgender identity and / or disability.
Image-based sexual abuse	This behaviour includes the non-consensual taking intimate or sexual images; the non-consensual sharing or posting intimate or sexual images and / or threats made to share intimate or sexual images. It is sometimes mistakenly referred by the media as revenge porn but it does not need to involve revenge.
Internet pile-on	This involves an attack by a large group of people against one person or a much smaller group with numerous online messages.
Masquerade attack	This is a digital attack that uses a fake identity to gain unauthorized access to personal computer information through legitimate access identification.
Sexting	This involves sending, receiving, or forwarding sexually explicit messages, photographs, or images, primarily between mobile phones, computer or other digital devices. This is illegal for young people under the age of 18 and for adults over 18 where it is done without the individual's permission, it is known as revenge porn.
Trickery	This is the use or practice of deception or tricks online to secure personal information to deceive, cheat, con or defraud often to blackmail an individual.
Trolling	To send or post a comment online which is deliberately offensive, inflammatory or provocative with the intention of upsetting someone or eliciting an angry response from them.
Upskirting	Upskirting is the practice of taking photographs or filming without permission under a person's clothing to capture their body or underwear and posted / shared online.
Virtual mobbing	This is inciting people to harass an individual or a group online with offensive, inflammatory or provocative comments, hashtags etc to cause reputational, mental, financial and / or emotional harm and distress.

Legislation

Universities have a duty of care to keep their community safe and whilst there is no legislation defining their statutory duty, they do need to be mindful of the risks of breaching this duty under common law. This includes access to, and provision of online services, platforms and / or content (HM Government 2019). A failure to ensure these are monitored which could expose individuals to becoming the subject of abuse, or at risk of abuse within the online environment materials could show that the University is in breach of their duty of care. This would mean that there is a significant risk of a claim for damages for negligence. For more information, see – <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/tackling-online-harassment.pdf>.

Online harassment is not considered as one specific criminal offence within UK law. However there are various criminal laws as well as common law acts such as breach of the peace that could be applied and provide protection including the following but is not exhaustive:

- Equality Act 2010 – provides protection to individuals with protected characteristics such as disability, race, gender, sexual orientation, gender reassignment including from harassment. Public sector organisations are required to have due regard to:
 - eliminate discrimination, harassment, victimisation and any other conduct
 - advance equality of opportunity between individuals who share a relevant protected characteristic and those who do not
 - foster good relations between individuals who share a relevant protected characteristic and those who do not
- The Protection from Harassment Act 1997 – pursues a course of conduct which amounts to harassment which includes the offence of stalking
- Criminal Justice Act 2003 – harassment can be a criminal offence and give rise to a civil claim
- Health and Safety Act 1974 – the provision of a safe working environment and not at risk of foreseeable harm
- Criminal Justice and Public Order Act 1995 – anti-social and criminal behaviour including matters such as obscene communications
- Human Rights Act 1998 – sets out the fundamental rights and freedoms that everyone in the UK is entitled to
- Telecommunications Act 1984 – improper use of public telecommunications system, such as sending messages that are grossly offensive, indecent, menacing or knowing false
- Malicious Communications Act 1998 – sending communications which convey indecent or grossly offensive, threatening or information that is known to be false
- Data Protection Act 2018 – ensures people’s data rights are protected
- Counter-Terrorism and Security Act 2015 protects people from being radicalised

- Hate Crime Action Plan 2018 – the UK government’s Action Plan to tackle crime motivated by hate and to provide adequate reporting and supporting mechanisms
- Online Harms White Paper 2020 – government plans for a new system of accountability and oversight for tech companies including a new regulatory framework for online safety
- Obscene Publications Act 1959 – protects people when obscene materials are published and / or disseminated
- Public Order Act 1986 includes the offences of harassment, racial and religious hatred
- Computer Misuse Act 1990 provides legislation to deal with cybercrime
- Communications Act 2003 sets out a framework for electronic communications networks and services
- Criminal Justice and Courts Act 2015 cover revenge pornography
- Voyeurism (Offences) Act 2019 makes upskirting a specific offence under voyeurism.