Document Q4.14

BULLYING AND HARASSMENT POLICY

Approved by Academic Board – 19 May 2016

Last Review: March 2020
Latest Amendments: March 2020
Next Review: May 2020
1 The University of Law’s Harassment Policy has been informed by the Quality Assurance Agency’s Quality Code for Higher Education, specifically the Advice and Guidance for Enabling Student Achievement. The QAA’s Quality Code is the definitive reference point for all UK higher education institutions and sets out how academic standards are established and maintained and how the quality of learning opportunities are assured and enhanced. This policy sits within the University of Law’s Quality and Standards Code which provides a suite of policies designed to safeguard the academic standards of The University of Law and to assure the quality of learning opportunities offered; this policy should therefore be read in conjunction with other relevant policies within the code.

Introduction

2 The University of Law (the University) is committed to providing an environment conducive to teaching, learning, study, research, progression and achievement, and to the enjoyment of a positive wider student experience.

3 The University requires all students and staff to respect the rights and dignity of others. Harassment, bullying or victimisation on the grounds of any of the protected characteristics laid out in the Equality Act 2010 is prohibited. Harassment can take a variety of different forms; for example, due to gender identification, sexual orientation, marital status, race, colour, ethnic origin, age, religion or belief, disability or any other aspect. The University will not tolerate any forms of harassment.

4 The above stems from the ethos of the University itself, as an institution which welcomes people from all backgrounds, respects individual differences, upholds equal treatment and seeks to create a culture in which everyone feels valued and able to fulfil their potential.

5 This policy sets out the key principles and procedures which cover potential concerns about the behaviour and actions of students or staff of the University towards other students, which may constitute a disciplinary offence, or result in a complaint. Staff who feel they are a victim of harassment should refer to the relevant HR policy.

6 The right to work and study without harassment is established in diversity and employment legislation and harassment may, in some circumstances, amount to a criminal offence.

7 This policy is in effect for all University of Law students and staff, regardless of the programme or mode of study.

Responsibility for this policy
Bullying and Harassment Policy

8 Ultimate responsibility for the development of clear and effective processes and procedures associated with the quality assurance and maintenance of standards of academic provision and overseeing their application lies with the Director of Operations.

Definitions

9 The University and ULaw; The University of Law, incorporating De Broc School of Business.

10 Student(s) are defined as all students, incorporating De Broc School of Business.

11 Harassment is defined as unwanted, unreasonable and offensive conduct by one or more people against one person or a group of people which causes offence, embarrassment or tension. It is important to understand that it is the perception of the recipients which may define harassment. There could be harassment even when there is no intention to harass. Incidents might involve, for example, issues of race, colour, ethnic and national origins, gender and disability.

12 The definition of harassment can be construed very widely, and therefore it is impossible to give a comprehensive list of behaviours which may constitute harassment. The following are examples:

12.1 Offensive gestures, language, gossip or jokes;

12.2 Insulting or abusive behaviour or comments;

12.3 Spreading malicious rumours;

12.4 Physical contact, ranging from an invasion of personal space and/or inappropriate touching, to serious assault;

12.5 Display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material, or the transmitting of any such messages or images via electronic mail or mobile telephone;

12.6 Persistent unwanted isolation or exclusion;

12.7 Persistent unwanted attention;

12.8 Humiliating or demeaning criticism;

12.9 Bullying.

13 Bullying is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
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14. In addition to some of the behaviours listed above examples of bullying include but are not restricted to:

14.1 Publicising criticism of someone to others who have no good reason to be informed;

14.2 Unequal treatment;

14.3 Overbearing supervision such as constant criticism without the time or support to improve;

14.4 Making threats or comments about progress without foundation.

15. The University will regard victimisation as any instance where a person is subjected to detrimental treatment because they have, in good faith:

15.1 Made an allegation of harassment;

15.2 Indicated an intention to make such an allegation;

15.3 Assisted or supported another person in bringing forward such an allegation;

15.4 Participated in an investigation of a complaint;

15.5 Participated in any disciplinary hearing arising from an investigation;

15.6 Taken any other steps in connection with this Policy and Procedure; or

15.7 Is suspected of having done so.

16. The University legitimately investigating a complaint or conducting disciplinary proceedings against a student does not constitute harassment provided the correct procedure is followed.

Expectation

17. It is the expectation of the University that no staff member or student is subject to any form of harassment, bullying or victimisation and all staff and students are protected from these offences. In such circumstances, the University has regulations and procedures for handling such matters; these regulations and procedures are fair, accessible and timely, and ensure reasonable and consistent outcomes.
Key aims and principles

18 The aims of the University, as reflected in this Policy, are to:

18.1 Promote a positive working and learning environment in which everyone is treated fairly and with respect;

18.2 Understand that all forms of harassment are unacceptable and that all members of the University have a role to play in creating an environment free from harassment, bullying and victimisation;

18.3 Provide a framework of support for students who feel they have been subject to any form of harassment, bullying or victimisation; and

18.4 Provide a mechanism by which complaints that fall within the parameters of this policy can wherever possible be addressed.

19 The University also follows the following Key Aims and principles:

19.1 Transparency – the University provides details of who is responsible for dealing with the disciplinary matter at each stage of the process, and also provides information on what action can be taken if the resolution is unsatisfactory;

19.2 Speed – the University ensures disciplinary matters are investigated and outcomes reached in a timely manner whilst ensuring reasonable time for, preparation and proper consideration of the relevant matters by students and University staff involved in the process;

19.3 Impartiality – the University ensures that no person who has any direct interest in a disciplinary matter is involved in deciding its outcome;

19.4 Consistency – the University ensures that outcomes from the disciplinary offence are consistent across similar cases;

19.5 Proportionate – the University ensures that outcomes are proportionate to the disciplinary offence;

19.6 Accessibility – the University ensures that all staff and students are able to access this Policy, regardless of disability or domicile;

19.7 Confidentiality – the University ensures that all complaints are treated in the upmost confidentiality.
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Procedural approach

20 The University uses all means at its disposal to achieve these key aims and objectives. However, it recognises that the procedure may differ depending on whether the recipient is a staff member or student, and also whether the perpetrator is a staff member or student.

21 Students may contact the Student Association Administrator or Student Association President for advice and assistance in the process of making an allegation or complaint under this policy.

22 In the first instance, a student should make it clear that the perpetrator’s behaviour is not acceptable. If the student feels unable to do this, then a student who feels they are a recipient of harassment, bullying or victimisation should raise an allegation informally with their Personal Tutor, or another member of staff.

23 A student will not be regarded as having consented to the harassment, nor will that fact prejudice any subsequent formal complaint.

24 Where the tutor is the alleged harasser, students should either raise the issue to another tutor or Course Leader at the University or raise an allegation directly with the University Complaints Officer.

25 A student may also raise an allegation with a member of the University’s Counselling Service, who may be able to assist the student with their personal wellbeing.

26 If a student feels that raising an allegation informally did not resolve the situation, then they may take recourse to the Student Complaint Policy, and make a formal complaint, if the perpetrator is a member of staff, or make a formal complaint and invoke the Student Charter and Student Discipline Policy if against a fellow student.

27 In all situations, the appropriate person to contact would also be the University Complaints Officer.

General Provisions

28 In the event that it becomes necessary to use the existing Complaints and/or Discipline policies, the relevant process is used for resolving the issue under this policy. Therefore, if a student reaches this point, this policy should be read in conjunction with the following:

28.1 Complaints – Student Guide (Q9.2.3);

28.2 Complaints Process Chart (Q9.2.5);

28.3 Student Charter (S3);
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28.4 Student Complaints Policy (Q9.2);

28.5 Student Discipline Policy (Q9.3);

28.6 Student Discipline Regulations (Q9.3.3).

29. The tutor or other responsible person, whom an allegation or complaint has been raised to, must bring the matter to the attention of either the relevant Centre Director, or the University Complaints Officer, who will see that it is investigated, according to the existing Complaints and Disciplinary Policies, as soon as practicable.

30. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint is unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

31. When investigating allegations of bullying, harassment or victimisation the University seeks to take a balanced and objective view to assess whether the behaviour complained of can reasonably be regarded as constituting bullying, harassment or victimisation.

32. To ensure fair treatment and, where appropriate, provision of support in the application of this procedure, staff and students should provide information about any equality or diversity issues which may be relevant and/or any reasonable adjustments that may be required within the process.

33. In all instances of a student making an allegation or complaint under this policy, a record should be kept of all times, dates, persons, witnesses and details of any harassment, bullying, or victimisation for reference.

Responsibility for the provision

34. Responsibility for the effective implementation of the Harassment Policy lies initially with the Centre Directors, supported by Academic Registry and the Director of Operations.
Monitoring and evaluation of provision

Responsibility for reviewing and evaluating the effectiveness of the Harassment Policy lies with the Director of Operations.

Date for next review

May 2019

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