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UNIVERSITY

Student Harassment Policy

Policy Officer	Senior Responsible Officer	Approved By and Date
Student Equality and Diversity Officer	Director of Student Services	Equality and Diversity Strategy Group, August 2019
Supersedes	Last Reviewed	Purpose and Description of Change
Bangor University's Student Harassment Policy	November 2015	Second Issue – Following internal developments
Equality Impact Assessment	Sustainability Assessment	Welsh Language Assessment
Completed	Completed	

Bangor University

Student Harassment Policy

1. Definitions of Harassment

Harassment is defined by the Citizen's Advice Bureau as "any unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated".ⁱ It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant of whether harassment has occurred.

Examples of unacceptable behaviour include but are not limited to:

- physical contact: e.g. unwanted touching, intimidation, aggressive behaviour, serious assault and threats to harm or injure;
- verbal or written (including online and on social media): unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter and offensive language;
- non-verbal: offensive literature or pictures, graffiti and computer imagery, offensive gestures, isolation or non-cooperation and exclusion or isolation from social activities.

Harassment under the Protection from Harassment Act 1997

The Protection from Harassment Act 1997ⁱⁱ (amended by the Protection of Freedoms Act 2012ⁱⁱⁱ) sets out offences regarding harassment. These offences require that a course of conduct (which means that it has occurred on at least two occasions) amounting to harassment has taken place.

Harassment under The Equality Act 2010

Under the Equality Act 2010^{iv} Harassment is unlawful (in civil law) if it occurs because of, or is connected to the following protected characteristics: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage or Civil Partnership, Pregnancy and Maternity.^v Under the Equality Act 2010, it can be an isolated incident and can occur against one or more individuals.

2. Policy Statement and Purpose

Bangor University is committed to promoting a safe and supportive environment in which all students can learn, work and live. The University believes that no student should have to accept harassment and that it is not a normal part of the student experience.

The purpose of this policy is to provide an accessible and coherent approach for reporting and responding to reports of harassment and other related conduct. The aim of the policy is to ensure that the University meets its duty of care obligations to all students.

We will:

- respond appropriately and effectively to all reports of harassment;

- work with staff, students, contractors and partners to create an understanding of acceptable and unacceptable behaviours and awareness that reports may constitute criminal offences. We will sanction the responsible use of disciplinary action where appropriate;
- take seriously our legal responsibility for the health, safety and welfare of our students, staff and visitors and aim to provide a safe, healthy environment from which all may benefit;
- support staff with pastoral care responsibilities to recognise that they have a responsibility effectively respond to reports;
- provide guidance and information to students so that they know what action they can take if they experience or encounter harassment and actively enable them to report it and appropriately support those involved;
- collect relevant data to enable the monitoring of allegations of harassment.

All students have a responsibility to take reasonable care of their own safety and that of others and the University's 'General Regulations for all Students' requires that students refrain from conduct which is in any way unlawful, dishonest, a nuisance behaviour or harassment of another person or persons (including other students and members of the public). As part of their contract with the University, which is concluded at the point at which they accept an offer to study at Bangor, all students are bound to abide by these regulations.

The Code of Conduct for students can be found here:

<https://www.bangor.ac.uk/regulations/regulations/documents/BUReg13-v201601.pdf>

Bangor University's Sexual and Domestic Violence Policy covers Sexual Harassment and can be found here: <https://www.bangor.ac.uk/inclusive-community/harassment/documents/SexualViolencePolicyJul18.pdf>

3. Scope of the Policy

This policy applies to all students currently registered at the University, particularly those who experience or encounter harassment, and all staff who are called upon to respond to reports.

The policy applies whether students are on University premises or elsewhere; on University business or otherwise. If a report alleges to involve a Bangor University student in any capacity, then the University can investigate and take action as appropriate.

The policy also applies to the Students' Union, which is an independent body which conducts and manages its own affairs in accordance with its own constitution.

4. Guidance for Students and Actions for Staff

4.1 Reporting Harassment to the University – Telling Someone

Students who experience or encounter harassment can tell any member of staff which the student feels comfortable in approaching. In most cases this might be the Student Equality and Diversity Officer, a Personal Tutor, Senior Warden in Halls, a Residential Mentor or member of Student

Services Staff. If you have witnessed or been informed of harassment involving someone other than yourself, it is important that their permission is obtained before telling someone else¹.

Students can tell someone about harassment at any time, but where action may need to be taken to address an issue straight away (for example, if a person's behaviour is a risk to themselves or others) it is important that the student tells someone as soon as possible.

The student should outline to the member of staff the nature of what they have experienced and discuss their feelings about how they wish the harassment to be dealt with. The member of staff can suggest that the student speaks to the Student Equality and Diversity Officer who is specially trained to support students who have experienced harassment. Helen Munro h.munro@bangor.ac.uk 01248 388021.

Telling someone does not mean that the matter has been officially reported to the University. The staff member will clarify the wishes of the student and with their written permission, will forward details of the incident to the Head of Governance and Compliance which will constitute a formal report.

4.2 The Different Reporting Options and how the University can Respond

The University will at all times, listen carefully to the needs of the student reporting harassment and follow their lead in terms of what they want to happen next. At no point will the member of staff persuade or pressure the student into choosing one option over another but will make it as easy as possible for them to make a formal report if that is their wish.

The following section lists a number of different reporting pathways and outlines the scope of the University's response.

4.2.1 Option 1 - Reporting to the University and/or Reporting to the Police

If a student wishes to report harassment to the police, the University will support them fully and with the student's permission, make available all and any evidence that the police request to make a full enquiry.

During the course of any criminal investigation into alleged harassment, the University will not normally be able to take disciplinary action against the alleged perpetrator until a full and proper investigation and possible court proceedings have taken place. This is because the criminal process must take priority. During this time however, the University can impose sanctions on the alleged perpetrator as a precautionary measure, which could include suspending the students' studies or excluding them from certain buildings or activities. This would be a neutral act, pending the outcome of the criminal process and would be based on the University's assessment of risk in light of these allegations.

The University can consider the matter under its Disciplinary Procedures once the criminal process has been concluded, regardless of the outcome, if it considers whether a breach of University Rules and Regulations has taken place.

¹ The Sexual Offences (Amendment) Act 1992 notes, where an allegation has been made that a sexual offence has been committed against a person, nothing shall be done that person's lifetime if it is likely to lead **members of the public** to identify the alleged victim.

It should be noted that the student can report the matter to the police without making a report to the University.

4.2.2 Option 2 - Reporting to the University but not to the Police

A student may wish to formally report harassment to the University for consideration under its Disciplinary Procedures or for more informal action to take place. The University can take action under its Disciplinary Procedures if it finds that a breach of its rules and regulations has taken place.

The nature and scope of an internal disciplinary process and a criminal process are, however, fundamentally different. The internal disciplinary process will be a civil matter based upon an allegation that the alleged perpetrator has breached the University's rules and regulations. The allegation will have to be proven on the balance of probabilities and the most serious sanction that can be taken is permanent expulsion from the University. The criminal process will have to prove the allegation beyond reasonable doubt and the most serious sanction will be imprisonment.

The University cannot make a finding about whether or not a criminal offence has been committed as it is not empowered by law to do so. It can only make a finding about whether a student has breached its Rules and Regulations.

The University will also be limited in its investigatory powers and in some cases there may not be sufficient evidence to establish on the balance of probabilities that the reported harassment has taken place.

4.2.3 Reporting Harassment Anonymously

The student may wish for the harassment to be reported anonymously for monitoring purposes only, with or without wishing for the University to investigate the matter further. The University may not be able to conduct a full investigation without witnesses/evidence but details of the matter will be kept on file and information will be monitored on a regular basis to identify any possible trends in reports.

Actions for Staff

Seek advice and guidance from the Head of Governance and Compliance, regarding any contact with the police.

Incidences of harassment must be reported to the Head of Governance and Compliance as soon as possible providing as much detail as possible. See Section 5 for reporting procedure.

Ensure that the student understands the different reporting options and is provided with information on internal and external support services available to them.

5. General Guidance for All Staff

All members of staff have a responsibility to respond to issues of harassment that are reported to them (with the student's permission) as soon as is practicably possible, by following the procedure set out in this policy.

5.1 Promoting a Safe Environment

All members of staff have a responsibility to promote a safe environment and if they witness harassment then they should take action as appropriate to address it.

This could include:

- intervening to stop harassment or make it clear that the witnessed behaviour is unacceptable;
- checking if a student needs support to remove themselves from a situation where they are being harassed;
- contacting a more senior member of staff, University Security and/or the police where a member of staff does not feel safe to directly address the behaviour they witness.

5.2 Responding to Reports of Student Harassment

5.2.1 General Principles

Any member of staff might receive a report of harassment from a student.

All staff must:

- Ensure your conversation with the student can be conducted in private and without interruption. Listen carefully to, and acknowledge, what the student is saying, being careful not to make any judgements about their view of events. Take care when repeating anything back to the student for clarity purposes, that you do not paraphrase and that you mirror as much as possible, the language which the student has used to report the issue. *Be mindful that any notes taken may be requested by the police at a later time as part of a criminal investigation.* Reassure the student that they have the right to feel safe and that the University will be supportive.
- Explain that the student may wish to speak to the Student Equality and Diversity Officer who is trained to handle reports of harassment Contact: Helen Munro h.munro@bangor.ac.uk 01248 388021. Staff should ensure that the student does not have to recount the events more than once.
- Establish whether there is an immediate risk to the student or others, and if so take appropriate action with any necessary support from a senior member of staff or University Security (Internal 333, External 01248 382795) and/or the Police (emergency calls: 999 non-emergency: 101 or 0300 330 0101) to ensure a safe environment for the student and others. If the student has future concerns about safety, ensure that they understand they can contact University Security staff whilst on University premises and/or the police when they are off campus and ensure they have the correct phone numbers as given above.
- Establish with the student how they wish to deal with the harassment, bearing in mind, that it may take some time for the student to make a decision on this. Be aware of the various reporting options which can be found in Section 4.3 of this policy. If the student wishes to go to the police, you can facilitate this by providing the relevant contact details.

- Clarify with the student that their immediate safety and support needs have been met, and that they understand who they can contact if/when they wish to access further support. Encourage them to attend/facilitate a meeting with the Student Equality and Diversity Officer if appropriate. If the student does not have a safe place to stay - contact the Halls Office (01248 382667) or the Student Housing Office (01248 382034).
- After being told about an incident of harassment, you must report the matter including whatever information the student wishes to share to the Head of Compliance, following the Reporting Procedure set out in Section 5.2.2.
- If you feel that the risk to the student or to others is such that the University may have to override the student's wishes not to report the harassment to the police then advice should be sought from the Head of Governance and Compliance and/or a senior member of University staff, to establish appropriate action. This could be necessary for example, if it there is a high risk that the alleged perpetrator may harass the student again or there may be an immediate threat.
- If you suspect that the alleged perpetrator may also be employed by the University in any way, HR must be notified immediately for clarification and an appropriate response will be agreed mutually between the Head of Governance and Compliance and the Director of HR.
- You must never attempt to resolve the concerns by contacting the alleged perpetrator. Such action could represent a breach of procedure that might invalidate any subsequent disciplinary action.

5.2.2 Reporting Harassment to the University

Formal reports can be submitted to the University in writing to complaints@bangor.ac.uk or in person to the Student Equality and Diversity Officer who will then report the matter in writing to the Head of Governance and Compliance on the student's behalf whilst ensuring a supportive process for the student.

5.2.3 Monitoring incidents of Harassment

The Head of Governance and Compliance will maintain a record of all reports of harassment and will report regularly to the Gender Based Violence Group. At the end of the academic year the anonymised data will be examined to identify any trends in behaviour, for example any repetition in the locations where harassment may have taken place or the nature of the reports being made. Any trends should be discussed by a panel made up of representatives from Student Services, the Head of Governance and Compliance and their nominees to inform future actions.

ⁱ Citizen's Advice Bureau <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/harassment/>

ⁱⁱ Protection from Harassment Act 1997 <http://www.legislation.gov.uk/ukpga/1997/40/contents>

ⁱⁱⁱ Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents>

^{iv} The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

^v Changing the Culture: Report of the UUK Task Force examining violence against women, harassment and hate crime affecting University students October 2016