

Bullying & Harassment Policy and Procedure for Students

2021/22

1. Scope and Purpose

1.1 All students have the right to study and to feel safe in an environment which is free from harassment and bullying. This policy has been written to support the development of a learning environment (including online) in which harassment and bullying is unacceptable and the understanding of this is such that individual students have the confidence to complain, without fear of reprisal or recrimination, in the knowledge that their concerns will be dealt with seriously, appropriately and fairly.

1.2 This procedure sets out how the University will deal with incidents of bullying and harassment by student members of the University community.

1.3 More specifically, the objectives of the Policy are to:

- Enable students to identify and understand what harassment and bullying are;
- Provide a framework for handling complaints of harassment or bullying against students; and
- Ensure all incidents are dealt with in a consistent, fair and appropriate manner.

2. Durham University's Commitment

2.1 The Wider Student Experience Strategy adopted by Council in July 2020 describes the “unacceptable behaviours that have been exhibited by a minority in recent years”, and asserts that “the University cannot achieve what it hopes for while such behaviours are allowed to continue in any shape or form”. The Commission on Respect, Values and Behaviours in 2019-20 found that bullying and harassment were frequently experienced by students and not sufficiently controlled by existing procedures. The Wider Student Experience Strategy therefore set the University a

strategic goal of “Embedding Responsibility and Respect”, under which “the University will foster a student culture that places a universally high value on respect and concern for others”. This revised Policy and Procedure is one step in the achievement of that strategic goal.

2.2 Durham University is fully committed to the development of policies and procedures to eliminate discrimination and actively promote equality of opportunity for our students. The University believes that where respect for diversity and equality of opportunity exists, all students work in a more rewarding and less stressful environment; one where discrimination, prejudice and harassment are not accepted, and one more likely to enhance performance and achievement, allowing all members of our University community to fully demonstrate and use their skills and talents and achieve their full potential.

2.3 Allegations of harassment and bullying will be treated very seriously by the University and can result in disciplinary action being taken against the person who committed unwanted behaviour. As the University views harassment and bullying as serious offences, any individual who makes a vexatious, demonstrably false or malicious claim of harassment or bullying will be dealt with in accordance with the University’s Code of Practice on Student Behaviour in Appeals and Complaints and may be subject to disciplinary procedures as specified in General Regulation IV – Discipline.

2.4 As part of its commitment to eliminating harassment and bullying, the University undertakes to:

- Apply the Policy equally to all students registered at the University;
- Ensure an initial acknowledgement to any complaint is issued to the Reporting Party normally within 5 working days of the complaint being received and to keep all parties informed of the progress of the complaint;
- Treat all allegations of harassment or bullying seriously, fairly, sensitively, promptly and with appropriate regard to confidentiality;
- Publicise this Policy as widely as possible in order to ensure that students are aware of its existence;
- Provide Bullying and Harassment Advisors who will be available to advise and assist students (details of the advisors are available at www.durham.ac.uk/equality.diversity/harassment/supportadvisors/); and

- Monitor the effectiveness of the Policy.

3. Roles and Responsibilities

3.1 It is the responsibility of every member of our University community to help us achieve an inclusive and supportive environment, free from discrimination and to promote good relations between all people.

3.2 All students have a personal responsibility to behave in a way that is not offensive to others and to acknowledge that views and opinions held by others may not always coincide with their own. Such differences of opinion are unlikely to constitute harassment.

3.3 Where possible, students should discourage harassment and bullying by making it clear that they find such behaviour unacceptable.

3.4 Each student must comply with this Policy and any other University Code of Conduct, including future ~~code~~ Students are responsible for ensuring that their behaviour could not reasonably be considered to constitute bullying or harassment of any individual or group.

3.5 Issues of harassment and/or bullying should be raised promptly and in a timely manner in order that any required action or investigation of such issues can be carried out at the earliest opportunity.

4. What is Bullying and Harassment?

4.1 Bullying and harassment is unwanted behaviour which causes an individual to feel intimidated, degraded, humiliated or offended. This unwanted behaviour may take different forms, such as discriminatory or offensive statements, unfair treatment, or undermining actions in the form of comments, physical gestures, facial expressions or jokes. This unwanted behaviour can take place face-to-face, by letter, by email, by social media and by phone and it may be persistent behaviour or a single isolated incident. The key is that these actions or comments are viewed as being hostile or intimidating, demeaning and unacceptable to the individual experiencing them, and likely to cause this person alarm or distress.

4.2 Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate,

denigrate or injury the recipient¹.

4.3 Harassment is defined as behaviour which causes alarm or distress, or put people in fear of violence. Harassment may have either the purpose or the effect of violating an individual's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for that individual². If harassment is connected to an individual's (actual or perceived) age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation, it is unlawful discrimination under the Equality Act 2010³.

4.4 Students can be subject to harassment and thus have a right to make a complaint even if the harassing behaviour is not directed at them personally, but instead at another student or member of staff.

4.5 It is recognised that differences in attitude, background and culture can often mean that what is perceived by one individual as harassment or bullying may not necessarily be perceived in the same way by another. It should be noted therefore, that when deciding whether bullying or harassment has occurred, the impact on the individual and whether the behaviour breaches the values and standards of the University will be the focus, rather than motive or intent. The values and standards of the University are outlined in the Student Pledge ([Student pledge - Durham University](#)).

4.6 Harassment or bullying can therefore, be verbal and non-verbal, face to face or online. The following provides examples but is not an exhaustive list:

- Verbal abuse.
- Insulting behaviour or personal insults.
- Sexist jokes, racist jokes, or jokes about an individual's sexual orientation, gender identity, disability, religion or belief or age.
- Behaviour which incites racial hatred, e.g. wearing racist insignia or badges.
- Offensive written or computer generated material, including the use of social media or email.
- Unreasonable, unfair or offensive behaviour relating to an individual's disabilities or mischievous interference with personal aids or equipment.
- Unwanted physical contact ranging from touching to serious assault.
- Leering and offensive gestures.

- Display or circulation of sexually suggestive or racially abusive material.
- Coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence.
- Asserting a position of seniority in an aggressive, abusive or offensive manner e.g. inappropriate or derogatory remark in connection with performance of duties / responsibilities.
- Intrusion by pestering, spying or stalking.
- Ridicule, isolation or exclusion from everyday social interaction or activities.

4.7 In some instances harassment and bullying may be potentially considered as sexual misconduct and violence. Please also refer to the University's Sexual Misconduct and Violence Policy and Procedure for students.

4.8 Any difficulty in defining harassment or bullying should not deter a student from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation.

4.9 The University will respect the sensitivity of complaints of harassment or bullying, and their consequences, and will treat any complaint with the utmost confidentiality and in line with the provisions of the Data Protection Act. Complaints will not normally be taken further than the Reporting Party wishes.

5. Advice and Support

5.1 The University provides a range of support for students who feel they have been subject to harassment or bullying. It is recommended that students seek advice and support in the first instance.

5.2 This can be done in a number of ways:

Students' Union

Independent support is available to students through the Durham Students' Union Advice Service. They provide one to one support, advice and guidance on addressing issues informally or making a complaint under the Policy, and can provide support and advocacy to someone who is accused under the Policy. The Students' Union can also facilitate mediation between students or student groups where difficulties have arisen.

Report & Support Online Tool

Students can make reports of bullying and harassment through the Report and Support tool (<https://reportandsupport.durham.ac.uk>). This tool covers reports of unwanted behaviour, such as bullying and harassment, hate incidents, sexual misconduct and violence and domestic abuse.

Bullying and Harassment Support Advisors Network

The University operates a network of Bullying and Harassment Support Advisors who can be approached by students. The Advisors can be contacted directly (www.durham.ac.uk/equality.diversity/harassment/supportadvisors/), or through the Report and Support online tool by making a report.

College Student Support Offices

Staff in College Student Support offices can provide support and guidance for students being bullied or harassed.

JCRs, MCRs and GCR

Student representatives in Common Rooms can provide support and guidance for students being bullied or harassed.

The University Counselling Service

The University Counselling Service offers a high standard of service in professional counselling for any student who finds that their difficulties are hard to manage, and/or their difficulties are affecting their studies. Please see www.durham.ac.uk/counselling.service/ or further details.

5.3 The University does not consider it necessary for students to seek independent legal advice in respect of complaints about bullying and harassment. It is entirely at students' discretion and cost if they choose to do so.

6. Procedures for making a complaint about Harassment and Bullying

6.1 Principles

6.1.1 Where a student considers themselves to be under physical threat or at serious risk of imminent harm, they should always contact the police in the

first instance. Support for students in this situation can be provided by those members of the University community set out in the section "Advice and Support" above.

- 6.1.2 Students should raise complaints of harassment or bullying in a timely manner. Unless the University is notified of incidents of harassment or bullying within a reasonable length of time, the University may not be able to adequately investigate or take steps to prevent or eliminate harassment or bullying.
- 6.1.3 All parties involved should act in good faith to seek a successful resolution of any complaint at as early a stage as possible.
- 6.1.4 All parties will be treated fairly, consistently and with respect.
- 6.1.5 A student raising a complaint under this procedure has the right to have the complaint investigated and handled appropriately by the University and meetings, decisions and confirmation of decisions will not be unreasonably delayed.
- 6.1.6 The individual or individuals against whom a complaint is made shall have the right to respond to any allegations made against them.
- 6.1.7 All parties involved in the investigation process must submit any and all relevant evidence at the time of the investigation. All evidence submitted will be shared with the Reporting Party, Responding Party, Investigator/s and case manager.
- 6.1.8 Attempts should be made to resolve each complaint informally. However, the University recognises that this may not always be possible or desirable and individuals have the right to request that their complaint is taken straight to a formal stage.
- 6.1.9 Use of a third party to help resolve the problem, whether internal or external, may be considered where deemed to be appropriate by the University.
- 6.1.10 A complaint determined by the University to be malicious, demonstrably false or vexatious may give rise to disciplinary proceedings against the Reporting Party.

6.2 Informal Stage

- 6.2.1 The student should discuss any incident of harassment or bullying with a trusted fellow student or with a member of the University community outlined under the section 'Advice and Support' above. The student should keep a note of the details of any relevant incidents which cause offence, including dates, times and the names of any witnesses; and any relevant emails, notes etc.
- 6.2.2 In some less serious cases speaking to, or writing a letter to, the person concerned to let them know their behaviour is unacceptable, can be sufficient to remedy the situation and prevent any repeat of the unacceptable behaviour. For example: "I think your behaviour/remark is offensive and I want you to stop." A copy of any such correspondence should always be kept.
- 6.2.3 Often a person approached in this way may not have been aware that their actions have been perceived as harassment or bullying and thus stop the behaviour without the need for further action. Where the behaviour continues or if the behaviour is of a more serious nature, a student may consider a more formal approach necessary.

6.3 Formal Stage One

- 6.3.1 Where appropriate, a student should speak or write to their Head of Department, member of staff in their College Student Support Office or the Principal/Master of their College. Students can request that these staff speak on their behalf to the person concerned in accordance with the Informal Stage.
- 6.3.2 In the event that these steps fail to resolve the matter the student may request an investigation to be carried out by the Head of Department, member of staff in their College Student Support Office or the Principal of their College on behalf of the University. Advice about the conduct of the investigation can be sought from the Student Conduct Office in the case of complaints involving students.
- 6.3.3 The member of staff identified by the University to undertake the investigation will meet with the individual against whom the complaint is made to advise them of the allegations and invite their response.

6.3.4 If appropriate, it may be advised that a meeting be held with both parties with the aim of facilitating a discussion and reaching a resolution. This may include the use of trained mediators where appropriate.

6.3.5 The outcome of a Formal Stage One complaint process may conclude:

- Complaint not founded;
- Situation mutually resolved; or
- Complaint founded.

6.3.6 Where a complaint is deemed by the University to be founded, but the University considers action short of formal disciplinary action to be appropriate in order to reach a suitable resolution, the University may request either or both of the following:

- The person against whom the complaint was made to offer a written apology to the student; and/or
- The person against whom the complaint was made to undertake additional training or personal counselling to ensure repeats of such behaviour shall not occur in the future.

6.4 Formal Stage Two

6.4.1 If it is determined by the University that Stage One has not resolved the situation, or if in the circumstances an investigation under Stage One has been deemed by the University not to be appropriate under the circumstances, then a formal complaint may be made in writing to the Student Conduct Office. The [complaint form](#) is available on the Student Conduct Office webpages. Students should aim to provide as much information as possible of the events complained of, any supporting information and, where possible, a clear indication of the outcome sought.

6.4.2 The Student Conduct Office will acknowledge receipt of the complaint within 7 days. The Student Conduct Office will determine who should conduct an investigation. The Investigating Officer will be an appropriate and trained senior member of the University.

6.4.3 Investigating Officers will act promptly and tactfully, observing appropriate levels of confidentiality at all times.

6.5 Investigation

- 6.5.1 Before the investigation begins the individual bringing forward the complaint (the Reporting Party) maybe asked to attend an informal meeting during which the procedures to be followed will be explained and the details of the allegation will be confirmed. Please note that if the Reporting Party is unwilling for the Responding Party (the individual against whom the complaint is being made) to be informed of their identity or the substance of the complaint against them, the investigation cannot proceed. A note of the meeting will be sent to the Reporting Party who will be asked to confirm whether it is an accurate summary of the discussion.
- 6.5.2 An investigation will be undertaken as quickly as possible. All parties involved will be expected to maintain appropriate levels of confidentiality. The Reporting Party and Responding Party will be informed that they should not make any contact with each other during the course of the investigation unless otherwise instructed by the Investigating Officer.
- 6.5.3 The Reporting Party and any potential witnesses of the alleged offence will be required to attend a meeting with the Investigating Officer. Students may be accompanied by a member of the University community such as a member of staff, Students' Union representative or a fellow student. Members of staff may be accompanied by a trade union representative or work colleague. For the avoidance of doubt, the work colleague must be an employee of Durham University, not acting in a legal capacity.
- 6.5.4 The Responding Party will then be informed of the formal complaint made against them and asked to attend a meeting with the Investigating Officer. During this meeting the complaint procedure will be explained and the details of the allegation against them will be confirmed. They will be given a full and fair opportunity to explain or present their version of events in response to the complaint.
- 6.5.5 The Investigating Officer may hold additional meetings or consult with additional parties as necessary to reach a decision. The Investigating Officer will subsequently write to all parties, advising of the outcome of the investigation.
- 6.5.6 It is expected that the formal stage of this procedure will then be completed.

6.6 Outcomes

6.6.1 In all cases the Investigating Officer will make a judgement as to whether bullying and /or harassment has occurred and if so whether the behaviour in question was intended to cause harassment or whether the Responding Party could reasonably be expected to know that their behaviour would cause harassment. Having reached this decision, the outcome of this investigation may be:

- Complaint not founded – in such an instance the case would be dismissed and no further action taken.
- Complaint founded – if this is the case, the Investigating Officer will propose further action.

6.6.2 Where the Investigating Officer considers the misconduct is of so serious a nature that the penalty of expulsion from the University should be considered, they may refer the matter to Senate Discipline Committee as a Category 2 offence as outlined in the Non-Academic Misconduct Disciplinary Procedure.

6.6.3 If the Investigating Officer considers the offence to be a Category 1 offence as outlined in the Non- Academic Misconduct Disciplinary Procedure then they will consult with the Student Conduct Office and they may impose an appropriate sanction (see Non-Academic Misconduct Disciplinary Procedure section 6).

6.6.4 If the Responding Party fails to comply with the sanctions imposed by the Investigating Officer within the time specified they may be considered to be in breach of the ruling and the Investigating Officer may refer the matter to the Senate Discipline Committee as an allegation of a Category 2 offence.

7. Staff

7.1 Where the report is against a member of staff, then the case will be referred to the staff Bullying and Harassment Procedure (staff procedures are currently under review).

8. Review Request

8.1 If the Reporting Party or the Responding Party is dissatisfied with the outcome of

the investigation, or they believe the matter has not been handled fairly or properly in accordance with the Policy, they will be given the opportunity to request a review.

8.2 A review request must be made in writing to the Student Conduct Office within 10 working days of receipt of the outcome.

8.3 They will be asked to state the grounds of their review request, and the right to review will only be granted if there is evidence of the following:

- a) Procedural irregularity.
- b) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation.
- c) The sanction imposed was disproportionate to the offence.

8.4 The Student Conduct Office will identify a senior officer, independent of the case to undertake the review. The case will be reviewed on the basis of the documentation provided by the Reporting Party and that held by the original Investigating Officer. The Reviewer may decide to seek further information if necessary.

8.5 The Reviewer may then decide to take action as follows:

- a) Uphold the original decision.
- b) Referring the case back to the Investigator to reinvestigate in light of new evidence or in a procedurally correct manner. This may involve the reallocation of the case to an Investigator who had no prior involvement in the case.

8.6 The review requester will be informed of the outcome of the review request within 28 days of receipt. The decision of the review request is final.

8.7 Once all internal processes have been exhausted, a student can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied with the University's decision. Further information is available on the OIA website (www.oiahe.org.uk).

Version Control:

Owner: Student Conduct Office

Approval date: 11 May 2021

Approved by Council

Contact for further information: Student Conduct Office
(student.cases@durham.ac.uk)

1 www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied

2 www.legislation.gov.uk/ukpga/1997/40/contents

3 www.legislation.gov.uk/ukpga/2010/15/contents