

**KEELE UNIVERSITY**  
**ANTI-BULLYING AND HARASSMENT**  
**POLICY AND PROCEDURES**  
**FOR STUDENTS AND STAFF**

**1. INTRODUCTION**

1.1 Keele University is committed to creating a working, learning and living environment which is free from bullying, harassment and victimisation and in which the rights and dignity of all members of the University community are respected.

1.2 The purpose of this policy is to provide an overarching statement of commitment which is applicable across all functions of the University and clarifies compliance for University student and staff members. The policy is supported by procedures which provide the mechanism through which an allegation may be made by staff or students regarding bullying, harassment and victimisation.

1.3 The University's [Dignity and Respect Framework and Student Charter](#) support the University's core values and encompasses a number of elements to promote a culture of dignity and respect.

**AIMS**

1.4 The University aims to:

- Promote a positive environment in which staff and students are treated fairly and with respect;
- Take a zero tolerance approach to all incidents of bullying and harassment;
- Ensure all members of the University community understand their responsibility to contribute to the creation and maintenance of an environment free from bullying and harassment;
- Provide a framework of support for staff and students and for both parties involved in any complaints or allegations
- Provide a mechanism to resolve issues. Every effort will be made to encourage individuals to resolve the matter informally, or failing that, at the lowest possible level through the accompanying procedures.

## **PRINCIPLES**

1.5 All allegations of bullying, harassment or victimisation, whether informal or formal, will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.

1.6 Any information received will be handled with an appropriate level of confidentiality, where personal information is shared or released will only be done so for the purposes of ensuring compliance with this policy and procedure.

## **SCOPE**

2.1 This policy and the accompanying procedures, outline the university's approach to dealing with bullying, harassment and victimisation for both staff and students.

2.2 Separate procedures exist for both staff and students who wish to raise a concern and are shown as annexes to this policy.

2.3 This policy should be read in conjunction with University policies and regulations and specifically the following:

- Sexual misconduct Policy;
- University Regulation 20 (Student Discipline procedure);
- University Regulation 21 (Temporary Exclusion of Students);
- Staff Disciplinary and Appeals procedure (non-academic);
- Disciplinary and Appeals procedure (academic staff);

2.3 Where the concern involves both staff and students the matter will be investigated jointly with involvement from Human Resources, the Student Services Centre and the Student Appeals, Complaints and Conduct team following the relevant University Regulations and staff policies/procedures.

2.4 Any member of staff or student who is not subject to an incident of harassment or bullying, e.g. has witnessed an incident, may also raise an allegation. In such cases the alleged victim will be made aware of the complaint raised by the third party who will be invited to participate in the process should they wish to do so.

2.5 Staff and students, on placement or study abroad, including overseas placement remain within the duty of care of the University, and are governed by the principles set out in this Statement. Staff and students should refer to local policies where applicable, however, the University will remain involved at

all stages of the process and revert to University procedures where appropriate.

2.6 The University will seek to protect staff and students from harassment by third parties (i.e. individuals over whom the University does not have direct control for example, visitors, contractors or suppliers) and will investigate any concerns or allegations as appropriate

2.7 This policy relates to all forms of bullying, harassment and victimisation. This excludes any form of bullying, harassment and victimisation covered by the sexual harassment and sexual violence policy(or policies)

2.8 This policy does not cover those instances related to domestic violence/domestic abuse.

2.9 Any complaint or allegation made under these procedures will trigger a formal Risk Assessment. Without prejudice to any investigation, the assessment will consider potential risks to the individual, their peers and the organisation The University will take affirmative action to mitigate any potential risks at each stage of the procedures.

### **3. DEFINITIONS**

3.1 The following definitions are outlined within the Equality Act 2010 and the Advisory, Conciliation and Arbitration Service (ACAS) Advice Leaflet- Bullying and Harassment at Work (June 2014):<sup>1</sup>

#### **a. Harassment**

Harassment 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”.<sup>[1]</sup>

Anyone can be the victim of harassment. The law specifically prohibits harassment in relation to the following protected characteristics, Age, Disability, Gender reassignment, Sexual orientation, Religion or belief

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Further examples of such behaviours may be found in Annex 3

(including non-belief), Sex, Race, Pregnancy and maternity, Marriage and civil partnership as defined within the Equality Act 2010.

Allegations of harassment from an individual because of perceived possession of a protected characteristic or because of their association with someone who possesses, or is perceived to possess, a protected characteristic may also be raised through each of the procedures.

## **b. Bullying**

Bullying is defined as "Offensive, intimidating or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient."

There is no legal definition of bullying. An allegation in relation to alleged bullying is described as, repeated, unwelcomed, unwarranted behaviour which causes a detrimental effect on a person's well being. Whilst harassment is legally defined and relates to treatment of an individual based on a protected characteristic, bullying is also unwanted conduct but is not necessarily related to a protected characteristic. The University is committed to dealing with any allegation of bullying as it would harassment.

## **c. Victimisation**

Victimisation is defined as "the subjection of a person to a detriment because he or she has made (or intends to make, or you believe they have/will make), in good faith, an allegation of harassment or has supported someone else in making an allegation." Victimisation is defined as specifically relates to someone being treated less favourably as a result of a 'protected act'. A 'protected act' is:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act. (Definition as within the Equality Act 2010)

#### **d. Academic Debate and Management Action**

Vigorous speech and comment, academic debate and legitimate management of staff performance should be distinguished from bullying behaviour. Positive, clear management action which relates to conduct or performance or legitimate operational needs, providing this action is taken in a fair and consistent way and in line with University policies and procedures, does not constitute bullying or harassment.

#### **e. Cyber and Electronic harassment/bullying**

Cyber bullying involves using technology to bully people. It can include texting, instant messaging, and posting on social media and gaming websites. The University expects all staff and students to comply with the IT conditions of use

<http://www.keele.ac.uk/it/itpoliciesandprocedures/IT%20Regulations.pdf>

<http://www.keele.ac.uk/policyzone/viewbyowner/humanresourcesandstudentservices/name,146364,en.php>

#### **f. Criminal behaviour**

A number of serious incidents which constitute a criminal offence go beyond the scope of this policy, for example, physical violence, sexual violence and hate crime. Details for dealing with such incidents are referenced in both the staff and student procedures.

Hate crime is defined as "any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate" (The Association of Chief Police). If you have been the victim of hate crime you should contact campus security or the police.

Due to the serious nature of domestic violence, sexual violence and/or sexual harassment, a separate policy exists on the following link:

<http://www.keele.ac.uk/studentsservices/supportandwellbeing/sexualviolence/>

#### **g. Unwarranted allegations**

If an allegation is deemed to be malicious, vexatious this may result in disciplinary action being taken against the alleged complainant. No action will

be taken if an allegation which proves to be unfounded is judged to have been made in good faith.

#### **4. APPLICATION OF THE PROCEDURES**

Bullying, harassment and victimisation are serious offences. Any person who feels that they have been subject to bullying, harassment or victimisation can make an allegation via the appropriate staff or student procedures.<sup>2</sup>

The procedures for making an allegation against bullying and/or harassment is defined within two different procedures as follows:

- 1. Procedure for a student raising an allegation of bullying, harassment or victimisation (annex 1);**
- 2. Procedure for a member of Keele staff to raise a complaint of bullying, harassment or victimisation (annex 2).**

## **Annex 1**

### **Procedure for a student raising an allegation of bullying, harassment or victimisation.**

#### 1.0 Outline procedure

1.1 This procedure is designed to deal with a student allegation of bullying, harassment or victimisation which arises at any time when the student may be regarded as representing the University as an individual or as part of a team or group. It also applies when the student is living or studying on campus or at some location away from the University either as part of their studies or following an arrangement made through the University or the Students' Unions.

1.2 This policy shall also apply to behaviour by registered students wherever and whenever it may have taken place when it is reasonably considered by the University to be detrimental to another member of the University, University property or the interests and reputation of the University itself.

#### 2.0 Initial Concerns and Support

2.1 Any student who feels they have been subject to bullying, harassment or victimisation can contact through the top desk call service to obtain support from the University's Bullying and Harassment Support Network or the Student Services Centre for support.

2.2 The Bullying and Harassment Support Network will provide support to students, and to staff requiring advice on student cases. The Head of Student Support will have oversight of all cases referred to the network under this procedure, and will take the lead as appropriate in liaising with other parts of the University. The Head of Student Support will act as a source of information and advice for the University on student cases, and will make referrals as appropriate. All cases reported through the procedure will be recorded for monitoring purposes.

2.3 There may be circumstances where staff members are approached by students who raise concerns but do not wish to, or feel able to progress this through the formal procedure. In such instances, a member of staff may contact the Bullying and Harassment Support network or the Head of Student Support for advice on a confidential basis. The Bullying and Harassment Support Adviser should make a record of these discussions which may be used at a later stage should the student choose to take action.

2.4 Where a student does not wish to make an allegation under this procedure, but where the Head of Student Support and/or the Student Appeals, Complaints and Conduct Team consider that concerns are sufficiently serious to warrant investigation they may initiate an investigation led by the Student Appeals, Complaints and Conduct Team. In such circumstances the individual's consent will normally be sought and the University will ensure that information is treated sensitively in accordance with the Data Protection Act.

2.5 This procedure may not be applicable where the allegations relate to serious behaviours that may attract criminal sanction. These cases may include, but are not limited to, serious assault or threat of serious assault.<sup>3</sup> Reference should be made to Regulation 20: student discipline as to how such matters are managed by the University.

This procedure is not applicable for any cases in relation to sexual violence and/or harassment, the policy on 'sexual violence and/or harassment' should be consulted.

Every effort will be made to achieve a prompt outcome to the allegation. Both parties to the allegation will be expected to co-operate with the University in achieving a satisfactory resolution. If it is not possible to resolve the issue promptly, for example for reasons of complexity or the absence of relevant parties from Keele, both parties will be kept informed.

This procedure comprises of two stages:

- **Stage 1 - Informal Action (Bullying/Harassment Support Network)**
- **Stage 2 - Formal Action (Student Discipline Procedure, Regulation 20)**

### **Stage 1 - Informal action**

#### **The Anti-Bullying and Harassment Support Network**

The University environment should be free from bullying, harassment and victimisation. Should a student consider that the conduct of another student or member of staff constitutes bullying, harassment or victimisation they



should discuss this with a Bullying and Harassment Support Adviser or contact the bullying/harassment line for support and guidance (Tel. 01782 xxxxx or email [support.harassment@keele.ac.uk](mailto:support.harassment@keele.ac.uk)).

The network of advisers are available to either party within the dispute to provide clarity on the process and to support individuals throughout the process including the formal stages, and will also provide support following the outcome of any formal review or hearing

Support from the Bullying and Harassment Support network is also available to students who wish to make or have made an allegation of bullying and/or harassment against a member of staff. In such cases the student may make a formal complaint under Regulation 26 on the following link:  
<http://www.keele.ac.uk/studentcomplaints>.

### **Initial Risk assessment**

Any complaint or allegation made under these procedures will trigger a formal Risk Assessment. Without prejudice to any investigation, the assessment will consider potential risks to the individual, their peers and the organisation. The University will take affirmative action to mitigate any potential risks at each stage of the procedures.

### **Support and Action**

The action taken will vary depending on the circumstances of the case and may include:

- providing advice on the options available to the student to include support to enable a student make a decisions on the best course of action to be taken;
- referral of either party to appropriate support services (such as the Counselling and Mental Health Support Team);
- the facilitation of a mediation process where both parties are students and upon agreement by both parties. All Bullying and Harassment Support Advisers are trained in mediation and can meet with the parties separately to attempt to find a resolution. Any agreed outcome would be recorded in writing, and may be used if the formal stage is invoked where necessary;

The Anti-Bullying and Harassment Support Network is a student service. In cases where a member of staff raises an allegation of bullying, harassment or

victimisation against a student or group of students, the staff procedure as outlined in annex 2 would be followed. In such instances it may be that any disciplinary action could be considered under Regulation 20.

Any evidence provided or notes taken during the bullying and harassment process could be used in evidence should the formal stage be invoked. These records will be managed in accordance with the principles of the Data Protection Act 1998.

## **Stage 2 - Formal Action (Student Disciplinary Process, Regulation 20)**

If action taken at stage 1 does not resolve the situation, or would not be appropriate given the nature of the allegation, the student should make a formal written complaint, as contained within Regulation 20, to the Student Appeals, Complaints and Conduct Team via email [discipline@keele.ac.uk](mailto:discipline@keele.ac.uk).

In some cases, it may be appropriate to proceed directly to stage 2. If the student has not already contacted the bullying and harassment support network, the Student Appeals, Complaints and Conduct Team will refer the student to the network to ensure the appropriate support is given from a trained member of staff. Referral to the network is not compulsory and approval will be sought from the student prior to any referral.

The Student Appeals, Complaints and Conduct Team will appoint a designated officer, to investigate the case to establish the relevant factual evidence and decide on any actions which should be taken. This may include meeting with both parties. At all times both parties will have the right to be accompanied at meetings, by a member of Keele University or a member of staff from Advice and Support at Keele (ASK).

The Head of Student Support will be kept informed of the all cases considered as a formal written allegation of harassment made to the Student Appeals, Complaints and Conduct Team under stage 2.

## **Risk assessment**

Any complaint or allegation made under these procedures will trigger a formal Risk Assessment. Without prejudice to any investigation, the assessment will consider potential risks to the individual, their peers and the organisation. The University will take affirmative action to mitigate any potential risks at each stage of the procedures.

## **Complaint process**

The complainant should set out as clearly and succinctly as possible the following:

- the names and details of those involved
- the nature of the behaviour;
- reported effects this behaviour has on the complainant;
- suggestions, if possible, on the remedy or range of remedies, the complainant is seeking to resolve the situation;
- the dates of the incident(s);
- any details of witnesses to the allegation, together with any documentary evidence;
- if appropriate, an explanation any attempts that have been made to resolve the difficulties.

Any information already submitted at stage 1 may be used within the stage 2 process. The complainant should be aware that any statements/evidence submitted may also be made available to the alleged bully/harasser as part of any formal investigation that is carried out. It will also be reviewed as part of the risk assessment process as outlined within this Policy and Procedure.

## **Resolution**

The aim of the process is to ensure appropriate steps are taken to restore reasonable relationships between the parties, or where unavoidable to ensure appropriate sanctions against the perpetrator up to and including exclusion. Possible outcomes from the formal written allegation of bullying and/or harassment are outlined within Regulation 20 and may include:

- No further action due to a resolution of the issue;
- exclusion from or instructions related to specific University facilities, including University residences, for a period not exceeding six months; and/or;
- referring either or both parties to appropriate support services;

- referring the case to the University Disciplinary Committee for the final outcome to be decided. This would be the case in particularly serious cases which might result in a more serious outcome, i.e. suspension/withdrawal from the University.

In rare cases disciplinary action may be instituted against the complainant if there is evidence that the allegation of bullying/harassment is unfounded and not made in good faith.

The Head of Student Support will be kept informed of the outcome of all formal written allegations of harassment made to the Student Appeals, Complaints and Conduct Team under stage 2 and will take such action as may be appropriate in the circumstances.

Following completion of the formal stages of the investigation, both parties will be informed in writing of the outcome of the investigation of the allegation.

### **Right of Appeal**

Information in relation to an appeal of a decision within this policy can be located on the following link: <http://www.keele.ac.uk/disciplineappeals>

ARCHIVE COPY

## Annex

### **How to promote a healthy working environment?**

There are a number of steps we can all take to prevent harassment and bullying:

- Think about your behaviour

Most people would not deliberately seek to cause upset or distress. However, it is important to recognise that behaviour that is acceptable to you may not be acceptable to others. For example 'teasing' a colleague about their sexuality or religion can create a humiliating or offensive environment for that person that is likely to be considered harassment

- Support colleagues who are being harassed or bullied

Staff suffering harassment and bullying often feel isolated. If you believe a colleague is being harassed or bullied, take a quiet moment to speak with them and encourage them to take action, for example, by pointing them to this website or encouraging them to contact a Bullying and Harassment Support Adviser.

If you are a manager and are concerned that your staff are engaging in behaviour that could constitute harassment or bullying, you have a responsibility to challenge this behaviour. Inaction can be seen as condoning that behaviour and can create a workplace culture in which unacceptable behaviour is tolerated.

- Learn More

If your job involves managing staff you have a particular responsibility to encourage dignity and respect in the workplace and to challenge unacceptable behaviour. You can learn more about this by:

- ❖ (link to the Bullying and Harassment Policy and procedures)
- ❖ Undertaking training provided by LPDC

## Potentially criminal misconduct

The staff and student procedures may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but would not be limited to cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action.

Support for any student affected by such an incident may be sought from the Student Services Centre.

In addition the Student Services Centre will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary. Further guidance on cases of sexual assault and sexual violence, including support available, is available at 'Guidance for staff on handling cases of sexual assault or sexual violence'. Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

## Behaviours

Bullying and/or Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

The intentions of the alleged bully/harasser are not always determinative of whether bullying/harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.

Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for bullying/harassment.

Bullying and/or Harassment can take a variety of forms:

- Through individual behaviour
  - face to face, either verbally or physically
  - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device:

such behaviour may also amount to a breach of the University's Regulations Relating to the use of IT

- directly to the person concerned, or to a third party
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

Examples of behaviour which **may** amount to bullying and/or harassment under the staff and student procedure including (but are not limited to) the following:

- offensive comments or body language, including insults, jokes or gestures and malicious rumours open hostility, verbal or physical threats;
- insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism;
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual;
- constantly criticising an individual without providing constructive support to address any performance concerns;
- persistently overloading an individual with work that s/he cannot reasonably be expected to complete;
- posting offensive comments on digital media, including using mobile communication devices;
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission;



- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history;
- isolation from normal work or study place, conversations, or social events;
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

**Stalking may** also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material –
  - Relating or purporting to relate to a person, or
  - Purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

## **Cyber and Electronic bullying**

The University may require staff and students to remove internet postings/comments/material which are deemed to constitute a breach of this University policy. Failure to comply with such a request may in itself, result in disciplinary review.

Examples of cyberbullying can include:

- emailing or texting threatening or offensive messages to people;
- posting an embarrassing or humiliating video of someone on a video-hosting site such as YouTube;
- harassing someone by repeatedly sending texts or instant messages through an app or in a chat room;
- setting up profiles on social networking sites, such as Facebook, to make fun of someone;
- "happy slapping" – when people use their mobiles to film and share videos of physical attacks;
- posting or forwarding someone else's personal or private information or images; without their permission – known as "sexting" when the content is sexually explicit;
- sending viruses that can damage another person's computer;
- making abusive comments about another user on a gaming site.