

Prevention of Harassment Policy and Procedures

1. Policy Statement

- 1.1 The University is committed to creating a working and learning environment free from harassment, bullying and victimisation in which all staff, students and visitors to the University are treated with courtesy and respect.
- 1.2 Harassment, bullying and victimisation have a detrimental effect on the working and learning environment and on the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it and will not be tolerated.
- 1.3 All staff and students are expected to support and promote the creation of a working and learning environment free from harassment, bullying and victimisation.
- 1.4 The University strongly encourages any staff member, student or visitor who considers they are suffering harassment, bullying or victimisation to take action using the procedures set out in this Policy. The University in turn commits to take seriously and to investigate thoroughly any allegations that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, action will be taken against the perpetrators, up to and including dismissal of staff or expulsion of students. Individuals who engage in unlawful harassment, bullying and/or victimisation may also be held personally liable for their actions and subject to prosecution under criminal law.

2. Purpose and Scope of the Policy

- 2.1 In this Policy:
 - “Harassment” means harassment, bullying or victimisation as defined in sections 3 - 8 below
 - “Complainant” means the person or group who makes an allegation of harassment, bullying and/or victimisation
 - “Alleged harasser” means the person or group who is the subject of allegations of harassment, bullying and/or victimisation
- 2.2 The purpose of this Policy is to state the University’s position on harassment, bullying and/or victimisation, to raise awareness amongst the University community about behaviour that can be considered harassment, bullying and/or victimisation, and to provide guidance on

informal and formal means of dealing with harassment, bullying and/or victimisation when it occurs.

- 2.3 This Policy applies to all students, all members of staff, including Emeritus and honorary staff, and all visitors to the University.

3. Harassment

- 3.1 For the purposes of this Policy, the University defines harassment as 'unwanted conduct which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment'
- 3.2 Harassment may take place for any number of reasons. A person may be subjected to harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the alleged harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that harassment can occur in less obvious scenarios and outside of traditional power relationships. For example a staff member could be harassed by a student or a manager by a member of staff. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment by association) or it is directed at them in a mistaken belief that they have a particular characteristic (harassment by perception), whether or not this characteristic is protected under the law.
- 3.3 In addition to being in breach of University Policy, harassment relating to any of the protected characteristics is unlawful. The Guidance Notes provide further details of these forms of harassment. The protected characteristics are:
- age
 - disability (physical or mental)
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race (including ethnic and national origins, colour and nationality)
 - religion or belief (including lack of belief)
 - sex (including sexual harassment)
 - sexual orientation
- 3.4 Any behaviour that is unwanted and could be considered as creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially harassment. Typically, for behaviour to be considered harassment, it must be persistent and continue or develop over a period of time. A one-off incident that is particularly serious can however, in itself constitute harassment.
- 3.5 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters,

digital communication channels, social media, emails, text messages and graffiti. It may be expressed directly to the complainant, occur in their presence or be communicated about them to a third party.

- 3.6 Often harassment is directly targeted at a particular individual. However, harassment can also be indirect and a prevailing culture, where, for example, banter involving the telling of racist jokes or homophobic comments is tolerated, can also constitute harassment.
- 3.7 Behaviour amounting to harassment may include:
- insults, name-calling and offensive language and gestures
 - jokes
 - ridiculing and undermining behaviour
 - inappropriate or unnecessary physical contact
 - physical assault or threats of physical assault
 - intimidating, coercive or threatening actions and behaviour
 - sexual advances
 - isolation, non-cooperation or deliberate exclusion
 - comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
 - offensive images and literature
 - pestering, spying, trolling or stalking
- 3.8 These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University. Further examples are given in the guidance notes.

4. Bullying

- 4.1 Bullying can be defined as unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. a member of staff may be bullied by a student or a manager by a member of staff.
- 4.2 Behaviour generally accepted as amounting to bullying includes:
- ridiculing a person
 - shouting or screaming at a person
 - setting someone up to fail, e.g. withholding necessary information or deliberately overloading them with work
 - unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
 - persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
 - making threats or comments about job security or academic success or failure without foundation

- trolling, stalking or 'cyber bullying' through on-line and social channels

4.3 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University. Further examples are provided in the guidance notes.

5. Victimisation

5.1 For the purposes of this policy, victimisation is when a person subjects another person to a detriment because they have (or are believed to have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.

5.2 Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treating them in any way less favourably as a result of their actions.

5.3 Victimization is unlawful and will be treated as a form of harassment under this Policy.

6. Hate Crimes

6.1 The University defines hate crime and intolerance as 'crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear, harassment, intimidation or violence.'

6.2 The University reaffirms its belief that the diversity of its staff and students is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.

6.3 Hate crime is unlawful and will be treated as a form of harassment under this Policy.

7. Electronic Media

7.1 Harassment can take place through electronic and social media (Social channels such as Twitter, Blogs, Wikis, Forums, email etc). In sending emails all staff and students should consider the content, language and appropriateness of such communications.

7.2 The use of Social Media has grown considerably over the last few years and the following guidance is relevant to both students and staff:

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on an individual will be much the same
- avoid forming or joining an online group that isolates or victimises students or colleagues
- ensure that you never use such sites to access or share illegal content
- if instances of what might be online harassment are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

8. Reasonableness

- 8.1 On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if harassment has taken place.
- 8.2 When considering allegations of harassment, the person hearing the complaint for the University will need to apply a test of 'reasonableness' to determine if harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the complainant, could the behaviour in question 'reasonably be considered' to cause harassment, i.e. could it reasonably be considered to have created an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 8.3 The University recognises harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst staff and students will clearly hold a range of views on a variety of issues, they are expected to treat all members of the University community with respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.
- 8.4 Critical reviews and discussions about behaviour or performance are a normal and necessary part of the University's academic and management processes, are intended to support the development of staff and students and do not, of themselves, constitute harassment. Managers, supervisors and tutors giving feedback should, however, ensure that problems are clearly identified and addressed in an appropriate, constructive and objective way.

- 8.5 The University also recognises that in some circumstances it may be legitimate to use teaching materials which contain potentially offensive images and/or references with an intention to engage in academic debate.

9. Good Faith

- 9.1 Where complaints of harassment and/or bullying are made in good faith, the University will take them seriously and do everything reasonable to resolve the issue including, where appropriate, taking disciplinary action against the perpetrator(s).
- 9.2 If, at any time, there is evidence that allegations of harassment or bullying have been made vexatiously or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.

10. What To Do

The University encourages staff, students and visitors to take action against harassment using the guidance set out below. No-one will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

- 10.1 If a person believes they are being subjected to harassment it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed.
- 10.2 Whichever approach is chosen, it is recommended that a written record of any incident of harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:
- Details of when and where the harassment took place, including dates and times;
 - Details of the behaviour; and
 - Details of any witnesses to the behaviour.
- 10.3 It is difficult to deal with harassment, especially where close colleagues, tutors or managers are involved, but it is important to seek help and to do it at an early stage.
- 10.4 Human Resources and trade union representatives can provide information for staff on the options available under this Policy. Staff should be aware however, that if specific allegations are reported to Human Resources, the Director of HR & OD may be obliged to take this forward as a formal complaint of harassment. Staff who do not wish to make a formal complaint should take action under the informal procedures below and/or discuss their options with a member of Human Resources or a trade union representative.

- 10.5 The University can also provide support and advice for students affected by bullying and harassment through the Hub Advice Zone, the Advice and Representation Centre (ARC) in the Students Union, the Counselling Service and through personal tutors. Students who wish to make a formal complaint should follow the guidelines at <http://www.aston.ac.uk/registry/for-staff/a-to-z-of-registry-services/complaints-procedure/>.
- 10.6 Behaviour occurring on campus that is extreme and/or violent should be reported directly to Security.

11. Informal Procedures for Addressing Harassment

11.1 If a person believes they are being subjected to harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a number of 'informal approaches' that can be adopted, as outlined below.

11.2 Individual Action

- 11.2.1 The University recommends that anyone who believes they are being subjected to harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. It may be appropriate to ask a third party to assist. Ideally, the alleged harasser should be approached at the earliest opportunity.
- 11.2.2 When taking individual action, the complainant or a person acting on their behalf should try to:
- Pick a time and a place where they can speak privately and without interruption;
 - Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
 - Make it clear that the behaviour is unwelcome and must stop immediately. Further guidance for the alleged harasser who may be approached informally about their behaviour is contained in the guidance notes associated with this procedure.
- 11.2.3 Although asking someone to assist with discussions of this type might be helpful, complainants should avoid involving too many people in the situation. This can be counter-productive and may lead to allegations being made against the complainant.
- 11.2.4 It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

11.3 Support from Colleagues

- 11.3.1 If approaching the alleged harasser directly does not resolve the situation, or is inappropriate, seeking support from colleagues may be helpful. Asking someone who is not directly involved in the situation to speak with the alleged harasser can often help get the right message across. For staff, an colleague might be their line manager in accordance with the relevant staff grievance procedure or, where this is not possible, the next senior level of management. For students, it may be a personal or welfare tutor and/or senior member of their School. It would not normally be appropriate to engage the support from fellow students.
- 11.3.2 The colleague will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the alleged harasser to discuss the allegation and make clear that any behaviour that could be considered harassment under this Policy must stop immediately. Alternatively, the colleague may facilitate a meeting between the people involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship, (see section 12.4 below). In the case of staff, both the Complainant and alleged harasser have the right to be accompanied by a work colleague or union representative to any meetings at this stage in the process. Students may be accompanied by a Friend at their request.
- 11.3.3 Although asking someone to act as a colleague may be helpful, complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against the complainant.

11.4 Mediation

- 11.2.1 Where relationships have been damaged, the University can help both parties to rebuild their relationship through mediation. Mediation is a voluntary and confidential process which enables parties to resolve issues with the assistance of a professionally-qualified mediator. The process encourages open communication of feelings and incidents and encourages parties to deal directly with the conflict and determine the resolution.
- 11.2.2 Staff referrals for mediation should normally be made to Human Resources who will first meet with the parties to determine whether the case can be mediated. Suitability is determined according to the nature of the alleged harassment, risk to individuals involved, the individual situation and the nature of harassment. Further information about the mediation and conflict resolution is available from Human Resources.
- 11.2.3 Students who may wish to consider mediation as a way forward should contact Registry.

12. Formal Procedures for Addressing Harassment

- 12.1 If informal methods do not resolve the matter, or if the harassment is particularly serious, a formal allegation of harassment should be submitted.
- 12.2 Formal allegations of harassment should be made in writing and include:
- The complainant's personal details;
 - An outline of the allegation (including dates, times and places);
 - Details of the alleged harasser;
 - Details of any witnesses; and, if relevant
 - Details of any informal attempts which have been taken to resolve the situation and the outcome(s).
- 12.3 Members of staff should address their letter in accordance with the requirements of the relevant formal grievance procedure. This applies whether their allegation is against a member of staff or a student. Formal complaints are made under the relevant staff grievance procedure and will involve a formal investigation into the allegations.
- 12.4 Students who wish to make a formal allegation against members of staff or other students should be directed to the Student Complaints Procedure at <http://www.aston.ac.uk/registry/for-staff/a-to-z-of-registry-services/complaints-procedure/> .
- 12.5 Where a complaint is raised under the Student Complaints Procedure and the alleged harasser is a member of staff, the Officer appointed to investigate the student complaint should inform HR of the allegations and keep them informed throughout the process to enable HR to decide whether and when a separate staff procedure is needed.
- 12.6 Where an investigation finds that harassment has taken place, this may result in disciplinary action under the relevant staff or student procedure.
- 12.7 Allegations should be made by named individuals. The University cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Version Control:

Reference Number	Version No	Date	Executive Lead	Author	Consideration by	Notes
HARA/2016/1	1	24/3/2016	CEO	J Tyrrell (Associate Director of HR)	Executive Operations Group Consultation with TUs, SU, Student Services, E&D Forum, Wellbeing Committee, HSC Approval by Executive	Replaces Dignity at Aston Harassment Policy approved by Council in Dec 2008 Approved by Executive on 24/3/2016 for implementation from March 2016
HARA/2016/2	2	01/06/17				6.3 updated