

## STUDENT ANTI-BULLYING AND HARASSMENT POLICY

*NB: This policy should be used in conjunction with the Non-Academic Misconduct Policy and Procedure*

### 1. Purpose

- 1.1 The University does not tolerate bullying, harassment or any form of intimidation and adopts a zero tolerance approach in order to maintain a positive and supportive learning environment for its students whatever their background. It aims to foster a community whose members promote each other's dignity such that appropriate respect, courtesy and consideration are the norm. The University believes that bullying pollutes the learning environment, damaging the wellbeing, health, confidence, morale and performance of those who are bullied and for those who witness bullying. Bullying, through its attack on the dignity of its members, erodes the effectiveness of the University's education of its students.
- 1.2 The University recognises bullying to be distinct from vigorous academic debate, which is respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Bullying must not be confused with constructive criticism or feedback which is intended to be developmental and supportive. Whilst students and staff will clearly hold a wide range of differing and often opposing views, they would be expected to treat all members of the University community with dignity and respect, and ensure that the expression of their views does not create an environment that is intimidating, hostile, degrading, humiliating or offensive to anyone.

### 2. Guiding Principles

- 2.1 The University will tackle bullying as professionally as possible by using appropriate engagement with the bully, the victims and witnesses to bullying or harassment, not only through the intervention of staff entrusted with such engagement, but by promoting the engagement of the whole University, such that all members work toward an environment free of threat and intimidation.
- 2.2 The University encourages any student who genuinely considers that they have experienced bullying to take action.
- 2.3 Any student or staff member who witnesses potential acts of bullying or receives a complaint of bullying or harassment must ensure that appropriate action is taken promptly, sensitively and confidentially.
- 2.4 The University encourages its members to challenge bullying and they are at liberty to do so in person, by email, or through the Student Conduct Manager.
- 2.5 All complaints of bullying and harassment must be kept confidential as far as reasonably practicable.
- 2.6 The University commits to seriously and thoroughly investigating any allegations of bullying that are brought to its attention. Where such an allegation is found to be true, action will be taken against the bully under the University Non-Academic Misconduct Policy.
- 2.7 The University encourages the reporting of any subsequent victimisation of a complainant or witness because they have, in good faith, made an allegation of bullying and will seek to act appropriately and decisively in such instances.
- 2.8 Students who bring allegations to the University in good faith which are not subsequently upheld after investigation will not be treated less favourably under any circumstances.
- 2.9 If it is proven that a complaint was not genuine, the University may consider disciplinary procedures.

### **3. Scope of this Policy**

- 3.1 This Policy describes what is meant by bullying and states the University's position on bullying and harassment, as well as providing guidance:
  - 3.1.1 To students who are being bullied
  - 3.1.2 To students who are bullying, or alleged to have been bullying
  - 3.1.3 To students and staff who are witnesses to bullying
  - 3.1.4 To staff who are entrusted with the investigation and management of reported bullying
- 3.2 This policy does not address the formal procedure for investigating cases of bullying and harassment where informal resolution has failed. The formal investigation will be conducted according to the procedures in the *Non-Academic Misconduct Policy*.
- 3.3 This policy does not address alleged bullying of a student by a member of staff. If the allegation relates to harassment or bullying by a member of staff, please use the *Student Complaints Policy and Procedure*. The Student Complaints Officer will refer the matter to the HR Department for investigation and action under the appropriate employment policies.

### **4. Definition of Bullying and Harassment**

#### **Harassment**

- 4.1 A person or group subjects another to harassment where s/he/they engage(s) in unwanted and unwarranted conduct which has the purpose or effect of violating another's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.
- 4.2 Harassment is defined as the act of systematic and/or continued unwanted and annoying actions of one party or group, including threats and demands. An isolated incident or threat could amount to harassment if it causes distress.
- 4.3 Harassment on the grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under section 4 of the provisions of the Protection from Harassment Act 1997. The Equality Act 2010 prohibits harassment related to the following protected characteristics: age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. The Protection from Harassment Act 1997 (Section 1) makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

#### **Bullying**

- 4.4 Bullying is a form of harassment. Behaviour can be defined as bullying if it is unwanted by the recipient, 'it is perceived by the recipient as violating his or her dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 4.5 The intention of the person engaging in the behaviour, whether or not they intended to bully, is not a primary factor in determining if bullying has taken place. Bullying is therefore viewed as behaviour which, intentionally or unintentionally, by direct action or by omission, deprives a fellow human of the dignity to which they have a fundamental right. Bullying may be conducted on account of gender, race, ethnic or national origin, colour, disability, sexuality, religion or belief, age, perceived intelligence, physical attribute, state of health, any 'deviation from the norm', or none of these.
- 4.6 Bullying may occur as an isolated event but is more typically persistent, developing over a period of time.
- 4.7 Bullying may take place physically, verbally, or by explicit facial expression.
- 4.8 A bully may seek to intimidate or isolate their target in a range of ways including directly in person or indirectly by phone, social media, email, letter or text message.
- 4.9 Bullying may involve insult, malicious or vexatious gossip, the spreading of rumours or ostracism.

- 4.10 Bullying can be targeted at a particular individual, but a student culture in which a more diffusely targeted disrespect towards a group exists can also constitute bullying by, for example, the telling of racist, homophobic or sexual jokes.

### **Behaviours**

- 4.11 The University must regard any of the following behaviours as bullying and/or harassment and unacceptable especially if persistent. These examples are not exhaustive and the University may bring action in relation to other unacceptable bullying behaviour.
- i. ridiculing and undermining behaviour, including the ridiculing of a peer's academic contribution in a group work or clinical setting
  - ii. intimidating, coercive or threatening actions and behaviour, including ridiculing or domineering behaviour in group work or clinical setting, which fails to allow for the viewpoints of other group members or students to be heard
  - iii. undermining or destructive criticism, including that which lacks the necessary constructive feedback to help a peer to improve their performance
  - iv. marginalising, ignoring, non-cooperation or deliberate exclusion, including the persistent 'singling out' of peers in the group work or clinical setting
  - v. setting a peer up to fail by changing the rules, expectations or goalposts without explanation, e.g. by deliberately withholding necessary information or by work overload in the group work or clinical setting
  - vi. inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life
  - vii. inappropriate or unnecessary physical contact
  - viii. unwelcome sexual touching, advances or sexually abusive comments
  - ix. physical assault or threats of physical assault are viewed as especially serious by the School
  - x. targeted insults, shouting, name-calling, sarcasm, inappropriate jokes, swearing and threats or gestures specifically meant to offend or cause upset
  - xi. persistent use of explicit facial gestures indicating aggression or contempt or racist taunts
  - xii. Misuse of social media, text messaging, calls and assisted technology (ie. camera and video) to share or distribute offensive images and literature, to cause upset to an individual or group

## **5. Sources of help and advice**

- 5.1 Advice is available to victims of bullying, witnesses of bullying, students accused of bullying and staff involved in the reporting of bullying from the following sources:
- 5.1.1 Student Support / Students First
  - 5.1.2 Student Conduct Manager
  - 5.1.3 Personal Tutor
  - 5.1.4 Academic Tutor

## **6. Guidelines for students who perceive themselves to be bullied or harassed**

Many students may find it difficult to think clearly about a situation which is causing them distress, particularly if their self-respect has been damaged, or if they are facing a new or challenging environment. As a student, one of the first steps you might want to take is to try to review and reflect on the events that made you feel bullied, their effect on your self-esteem and how this is affecting your ability to study.

### **6.1 First steps: Talking directly to those involved**

It is recommended that when possible and appropriate and if you feel it is safe to do so, you should attempt to resolve the situation informally in the first instance. Resolution will require that the bully be challenged and this can be a difficult step to take if you choose to do it yourself,

but it may well be enough to bring bullying to an end. After this it is up to you on how you wish to proceed.

- 6.1.1 Ideally, if you feel able, you should seek first to talk with the person or persons bullying you, challenging them in a civil manner. Your challenge may be most effective if it is made as soon as the next bullying incident occurs. You may choose to challenge at a later point or in a relatively private setting, either alone or with a witness or friend. If you do make a personal challenge, then having someone else witness your challenge may constitute a useful deterrent to further bullying, but you should not discuss your allegation with other students more than is necessary to establish the identity of any witnesses to the original bullying. Whenever you challenge the bully you should; clearly describe the bullying, state why it is wrong and importantly, request that it cease.

You should describe the behaviour and when and where it happened precisely. If you are vague or uncertain, the person causing the problem may pretend that they do not understand what you are talking about. There is the possibility that the person you challenge may deny the incident, make a counter-accusation or simply minimise your concerns. It is advisable to let a friend or member of staff know before you approach the person concerned, even if you feel able to take this action on your own. Always be prepared to listen to any explanation or apology and keep a record of any discussions at this stage, as this may be useful in the event that further action becomes necessary.

- 6.1.2 If you do not feel that you can challenge a bullying individual or group in person your concerns should be addressed directly to the Student Conduct Manager ([student.conduct@buckingham.ac.uk](mailto:student.conduct@buckingham.ac.uk)) **stating clearly the nature of the bullying and the student(s) involved.**

## **6.2 Taking the matter further and in confidence**

- 6.2.1 If informal resolution is not effective, contact the Student Conduct Manager ([student.conduct@buckingham.ac.uk](mailto:student.conduct@buckingham.ac.uk)) stating clearly the nature of the bullying, the student(s) involved and any attempts you have made to address the situation.
- 6.2.2 If you have referred your bullying case to the Student Conduct Manager under 6.1.2 or 6.2.1 as above, the Student Conduct Manager may propose the following:
- a) arrange for either themselves or another appropriate member of staff to help you address the alleged bully informally; or
  - b) refer your case to your School of Study to arrange appropriate informal steps; or
  - c) arrange mediation between the parties involved; or
  - d) refer the case for investigation under to the *Non-Academic Misconduct Policy and Procedure*.
- 6.2.3 If the bullying persists after informal steps or mediation, irrespective of whether or not its nature has changed, you should make an accurate written record of the bullying and the time, date and place at which it took place. You should email the person you consider is bullying you a concise note about it and you need to save a copy and send a copy of this to the Student Conduct Manager. The note should state the time(s) at which any bullying has occurred, the nature of the bullying, why you feel it is wrong, and your request that it cease. You may wish to use the format below.

To: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_

At \_\_\_\_ am/pm on \_/\_/\_ you [describe bullying event here]. This made me feel [describe detrimental effect]. Please stop behaving in this way or in any other way that disregards the basic respect due to me and to others.

Optional text:

I have copied this communication to the Student Conduct Team so they are aware of this issue so that this can be dealt with in a transparent manner

It is important that you to keep a record of any correspondence at this stage, as it will be evidence of your reasonable attempt to address the issue in the event that further action becomes necessary. Copies of your email should not be shared with other students other than the alleged bully and selected witnesses.

## **7. Formal investigation of allegations of bullying or harassment**

- 7.1 A student accused of bullying will be contacted by the Student Conduct Manager if they become the subject of a formal investigation of bullying.
- 7.2 The Student Conduct Manager will investigate the alleged bullying under the *Non-Academic Misconduct Policy and Procedure*.

## **8. Implications for a student who has been found guilty of bullying and/or harassment**

- 8.1 Appropriate sanctions will be applied under the *Non-Academic Misconduct Policy and Procedure*.
- 8.2 You should also note that if you engage in bullying which constitutes unlawful harassment (harassment on the grounds of age, disability, gender reassignment, race, religion or belief, gender or sexual orientation) you may also be held personally liable for your actions and be subject to prosecution under criminal law (Equality Act 2010).
- 8.3 Be aware that if your bullying is extreme and/or physically violent you may be reported to the police by those you have bullied.
- 8.4 Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Alleged bullying and/or harassment which may be judged to fall short of the professional codes of conduct may be considered under *Fitness to Practise Proceedings* as a consequence of disciplinary procedures being triggered.
- 8.5 Any failure to stop bullying, upon challenge by the victim, witness or member of staff, is likely to be interpreted as refractory resistance to the adoption of professional values and behaviour.
- 8.6 For MB ChB students:
  - 8.6.1 Bullying and harassment, particularly if persistent and unresponsive to advice, insight and actions taken to improve the behaviour, would raise questions about your ability to practise as a safe, effective and compassionate doctor.
  - 8.6.2 The Medical School/Allied Health Concerns Committee will be kept informed of all alleged bullying and harassment cases.
  - 8.6.3 In extreme cases, you may be referred to Fitness to Practise Committee who may implement further sanctions.

## **Annex 1: Guidance to Students and Staff**

### **Guidelines for students who are accused of bullying or harassment**

For some it can come as quite a surprise that another student or students feel that you have bullied them or others. Your first reaction might well be that whatever you said or did was just a part of normal interaction between students. However, if another student confronts you with an accusation of bullying you should think through why this might be the case. The first thing you should do is listen to the person making the challenge and give them the time and space to say what they want to say. This is likely to save you both a huge amount of anxiety and lead to an early and amicable resolution. By listening carefully to their account, you may recognise that you have bullied or find that you have unintentionally caused offence, or that your words or actions have been misinterpreted or misjudged.

A behaviour that you find acceptable or even friendly may be offensive to someone else and this should be respected. You should keep calm in order to try to reach an understanding with the person accusing you, this being the professional response. Unless there is a compelling reason to do otherwise, you should give assurance that the alleged bullying behaviour will not be repeated and agree with the student making the allegation what behaviour is acceptable and what is not. Importantly, if you believe the accusation to be unfounded say so, but seek to understand where the misunderstanding has arisen and respectfully seek to resolve it, without any discussion with the wider student body.

After this you should give yourself time to objectively think about what has been said and reflect on the events. Think about the effect you might have intended to have and the actual effect it had on the other person or people. If the type of interaction they have spoken about has been happening for some time, think of how this would be perceived as a pattern of behaviour. During this reflection, you should be honest with yourself about your real motivations, if you really did intend to undermine those making the allegation, then you need to be honest with yourself so that you can discuss this with the University staff and begin to address it in a professional manner.

Additionally, it may be useful to formally respond to those making the allegation in email format. The form of words should be recognised by the person who considers you to have bullied them, as a willingness to resolve the situation whether or not there was any intent to bully. If the issue appears amicably resolved then you may want to leave it there, or alternatively you might want to arrange to seek advice and support as soon as possible, whether the situation is resolved informally or formally. You will be required to participate in any proceedings if the situation remains unresolved.

The most important thing is to be as honest as you can with yourself about the issue, as it may simply be that there was a misunderstanding that can easily be addressed. Alternatively, there may be a bullying issue that can be addressed in a straightforward way. Be ready to change the behaviour causing offence. The best advice you can take is to stop it as persistent bullying is a disciplinary offence and is considered to be an area of concern. You are strongly advised to reflect, in depth, on the situation and seek advice, with a view to developing insight and promoting a mind-set that respects the dignity of all. If the allegations are genuinely unfounded then it is important to get advice from the Student Conduct Manager.

Details of any verbal or email challenge by a peer, or any staff investigation, should not be shared with other students. Any attempt to spread awareness of the challenge, or to discredit your challenger, may be interpreted as victimisation.

### **Guidelines for students who witness bullying or harassment**

For bullying to persist there is a requirement for:

- a. a bully or bullies
- b. a target or targets of bullying
- c. an absence of positive action on the part of those who witness the bullying or are reliably informed of its existence

### **Getting help and advice if you think someone is being bullied or harassed**

A situation in which the target of bullying cannot deter the bullying should be reported. Failed attempts at deterring a bully will not diminish the diligence with which anti-bullying measures are pursued.

Unless the bullying is particularly discrete it is likely that other students or staff will witness it. The University therefore strongly recommends that any member who witnesses the bullying of one of its students raise a concern promptly with the Student Conduct Manager. The University should correct the situation, and protect someone who takes such action in good faith.

If you wish to discuss how best to challenge bullying about which you are aware, you should discuss this with:

- a. Students Support
- b. Student Conduct Manager
- c. Your Personal Tutor
- d. Your Academic Tutor

### **First steps: Talking directly to those involved**

To make a challenge you may, in the first instance, contact a member of staff, but you may seek first to challenge the bully yourself in a civil but assertive manner, if you feel confident to do so. A prompt challenge emphasises that the bullying is unacceptable. You may however choose to talk with the bully at a later time, in private, or with other witnesses.

If bullying persists, irrespective of whether or not its nature has changed, you may choose to e-mail the perceived bully a formal note, a copy of which you should save, stating the time(s) at which the bullying has occurred, the nature of the bullying, and your request that it cease. You may wish to use the format below:

**To:** \_\_\_\_\_

**From:** \_ [your name or names of witnesses]

**Date:** \_\_\_\_\_

**At** \_ \_ \_ \_ am/pm on \_ / \_ / \_ you [describe bullying event and give victim's name here]. **This was bullying. Please stop behaving in this way or in any other way that disregards the basic respect due to others.**

**Optional text**

**I have copied this communication to the Student Conduct Manager so they are aware of this issue and so that it can be dealt with in a transparent manner.**

This form of words should be recognised by the alleged bully as a signal that you are objecting to bullying and seeking a resolution of the problem. It is strongly advisable to keep a record of any correspondence at this stage, as this may be useful in the event that further action becomes necessary. Copies of your e-mail should not be shared with students other than the alleged bully and the target.

### **Taking the matter further in confidence**

If the bullying persists, or if you choose not to make a personal or email challenge, you should inform the Student Conduct Manager ([student.conduct@buckingham.ac.uk](mailto:student.conduct@buckingham.ac.uk)) **stating clearly the nature of the bullying and the student(s) involved**. You could email him/her a copy of the above note, together with any additional pertinent information.

You may be asked to attend a meeting during informal stages or a formal investigation.

### **Guidance for staff involved in the informal stages of resolving bullying or harassment**

Bullying is a form of harassment which can destroy a student's self-esteem and prevent them from progressing on their course. It can be detrimental to their future psychological wellbeing. The intention of the person engaged in the behaviour, whether or not they intended to bully, is not a primary factor in making a judgement about whether or not bullying has taken place.

Bullying should not be tolerated, irrespective of the degree to which a victim conforms to a perceived personality norm or expected level of resilience. Staff can offer advice and support in helping a target of bullying address the bully. If informal discussions do not resolve the issues, the case should be referred to the Student Conduct Manager for formal investigation.

Students may, to their psychological detriment, endure persistent bullying before raising a concern. A prompt cessation of the bullying is the most pressing issue and in such cases, the student should be referred to Student Support services. Individuals may be bullied randomly because the bully holds prejudice or because their response to bullying is ineffective. If there is any suggestion that the student could benefit from a more assertive response to bullying, then non-judgemental advice that they contact Student Support should be seriously considered.

NB: In no instance in which bullying has taken place, should referral of the targeted student to be a substitute for the need for staff to take decisive and incisive action to bring the bullying to a prompt halt.

### **Further considerations for a student who has bullied or harassed**

It is recognised that bullying behaviour can sometimes be a result of a bully's insecurity or other psychological issues. If there is any suggestion that this is the case the individual will be strongly advised to discuss their situation with Student Support. It should be made clear that the student in question need not divulge detail of their bullying behaviour in either setting but that they should explore its origin and resolution. Advice to seek help in this way is compatible with the simultaneous implementation of corrective sanctions. Should the student be shown to bully again, their compliance with the above advice should be investigated.

Author: Compliance Office

Date Approved:

Date Implemented:

Related Documents:

*University of Buckingham Non-Academic Misconduct Policy*

*University of Buckingham Equality, Diversity and Equal Opportunities Policy*

*University Whistleblowing Policy*

*MB ChB Concerns Group Code of Practice*

*MB ChB Fitness to Practise Code of Practice*