

Anti-Harassment, Bullying and Sexual Misconduct Policy for Students



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Introduction

Arden University has a zero-tolerance approach to any form of harassment, bullying, sexual misconduct. We aim to provide a safe and secure environment for all students, staff and visitors.

This policy deals with our approach to Harassment, Bullying and Sexual Misconduct (“**Unacceptable Behaviour**”) experienced by students through their enrolment, studies and participation in educational, and social activities at Arden University (the “**University**”).

If you believe you have been the victim of a crime, the police can be contacted on 101 (UK) or (+49 30) 4664 4664 (Berlin) or, in the case of an emergency 999 (UK) or 110 (Berlin).

Support

If you need any support in relation to the matters covered in this policy help and advice can be found at:

Source of Support	Contact Details	Source of Support	Contact Details
Student Support Department	Studentsupport@arden.ac.uk	NHS (UK)	Tel: 111 111.nhs.uk
Togetherall	togetherall.com/en-gb	Rape Crisis (UK)	www.rapecrisis.org.uk 0808 802 9999
Samaritans	116 123 (Freephone) jo@samaritans.org	Rape Crisis (Berlin)	(+49 30) 3229 9500 www.frauen-gegen-gewalt.de
Mind	www.mind.org.uk 0300 123 3393	Sexual Assault Referral Centres (UK)	www.nhs.uk
Berlin Crisis Service (Berliner Krisendienst)	https://www.berliner-krisendienst.de/	Medical/Rescue Service (Berlin)	Emergency: 112 Non- Emergency: 116 117

1 About this policy

- 1.1 The University has a zero-tolerance policy towards all forms of Unacceptable Behaviour including harassment, bullying, and sexual misconduct. We are committed to providing an environment free from Unacceptable Behaviour and ensuring all students, staff and visitors are treated, and treat others, with dignity and respect.
- 1.2 We commit to supporting all students and staff who make a complaint about Unacceptable Behaviour, investigating such complaints with care, sensitivity and confidentiality and to take all such steps that are appropriate following the conclusion of the investigation.
- 1.3 This policy covers Unacceptable Behaviour towards all students which occurs, including but not exclusively, on any University premises, wherever teaching and learning is undertaken, on study related trips and events or social functions and includes face to face, written and electronic communications.
- 1.4 The policy covers Unacceptable Behaviour committed by other students, staff (which may include academic, non-academic staff, visiting lecturers, governors, temporary or contracted staff, consultants, and agency workers) and by third parties such as customers, suppliers or visitors to our premises.
- 1.5 We recognise that students may encounter third parties unconnected with the University in shared areas of our premises. In the event of experiencing any Unacceptable Behaviour in these situations, please raise a complaint in accordance with this procedure and appropriate action will be taken.
- 1.6 The purpose of this policy is to: (i) help identify examples of Unacceptable Behaviour; (ii) set out how to raise a complaint; (iii) detail the process for dealing with Unacceptable Behaviour; (iv) establish how we will respond to and investigate a complaint of Unacceptable Behaviour; and (v) what sanctions we can take against the perpetrators of Unacceptable Behaviour.
- 1.7 This policy should be read in conjunction with the following policies:
 - 1.7.1 Policy Document QA25 – Equality and Diversity Policy
 - 1.7.2 Policy Document QA48 - Student Complaints Procedure
 - 1.7.3 Policy Document QA57a Safeguarding and Prevent Policy Statement
 - 1.7.4 Policy Document QA60 - Student Disciplinary Procedure
 - 1.7.5 Policy Document QA61 - Student Code of Conduct
 - 1.7.6 Policy Document QA70 - Acceptable Use Policy
 - 1.7.7 Staff Anti-Harassment and Bullying Policy
 - 1.7.8 Privacy Policy
 - 1.7.9 IT Policy/Acceptable Use and Social Media Policy for Students
- 1.8 This policy does not form part of any employee's contract of employment or any contract with

students and we may amend it at any time.

- 1.9 This policy has been implemented following consultation with students and accountable University staff.

2 Who is responsible for this policy?

- 2.1 All members of the University, including students and staff, and anyone working on our behalf have a duty to ensure that people do not suffer any form of Unacceptable Behaviour and that, if they do, they are supported in challenging and stopping it through either informal or formal resolution procedures.
- 2.2 Our Board of Directors (the **Board**) has overall responsibility for the effective operation of this policy but has delegated responsibility for overseeing its implementation to the Academic Standards and Ethics committee, with operational oversight by the Director of Student Experience.
- 2.3 All students have a responsibility to understand the level of behaviour expected of them and how to take action when behaviour falls below its requirements.
- 2.4 The Director of Student Experience has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.
- 2.5 Students are invited to comment on this policy and suggest ways in which it might be improved by contacting the Student Representatives in the first instance who will raise suggestions with Academic Affairs via the Registrar.
- 2.6 This policy is reviewed annually by the Board and Registrar in consultation with the Student Representative President and the Director of Student Experience.

3 What is harassment?

- 3.1 Harassment is unlawful in accordance with the Equality Act 2010.
- 3.2 Harassment is any unwanted physical, verbal or non-verbal conduct relating to a protected characteristic that has the **purpose** or **effect** of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 3.3 The protected characteristics are:
- 3.3.1 age;
 - 3.3.2 disability;
 - 3.3.3 gender reassignment;

- 3.3.4 marital or civil partner status;
 - 3.3.5 pregnancy or maternity;
 - 3.3.6 race;
 - 3.3.7 colour;
 - 3.3.8 nationality;
 - 3.3.9 ethnic or national origin;
 - 3.3.10 religion or belief; or
 - 3.3.11 sex or sexual orientation.
- 3.4 Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 3.5 Behaviour can amount to harassment even when that is not the intention and the victim of harassment need not be the victim of the behaviour. Harassment can be committed when anyone feels intimidated, threatened or experiences a hostile environment. For example, a person may be harassed by jokes and remarks about a different ethnic group if this creates an offensive environment.
- 3.6 Examples of harassment may include:
- 3.6.1 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - 3.6.2 outing or threatening to out someone as gay or lesbian;
 - 3.6.3 offensive e-mails, text messages or social media content; or
 - 3.6.4 mocking, mimicking or belittling a person's identity or characteristics.

4 What is bullying?

- 4.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal intellect, strength and the power to coerce through fear or intimidation.
- 4.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- 4.2.1 physical or psychological threats;
 - 4.2.2 unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - 4.2.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 4.2.4 offensive e-mails, text messages or social media content;
 - 4.2.5 overbearing and intimidating levels of supervision;
 - 4.2.6 inappropriate derogatory remarks about someone's performance;

- 4.2.7 indirect undermining and criticism of an individual to others in secret.
- 4.3 Where bullying relates to one of the Protected Characteristics set out in paragraph 3.3, the behaviour becomes harassment.
- 4.4 Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to a student in the course of their studies, will not amount to bullying on their own. Claims of bullying in response to reasonable criticism of performance or behaviour may, in itself, be bullying and intimidating behaviour.

5 What is sexual misconduct?

- 5.1 Sexual misconduct is any unwanted behaviour of sexual nature including, but not limited to:
 - 5.1.1 Sexual harassment (S.26(2) Equality Act 2010);
 - 5.1.2 Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as per Equality Act 2010);
 - 5.1.3 Assault (Sexual Offences Act 2003);
 - 5.1.4 Rape (Sexual Offences Act 2003);
 - 5.1.5 Physical unwanted sexual advances (Equality and Human Rights Commission: Sexual Harassment and the Law 2017);
 - 5.1.6 Intimidation or promising resources or benefits in return for sexual favours (Equality and Human Rights Commission: Sexual Harassment and the Law 2017);
 - 5.1.7 Distributing private and personal explicit images or video footage of an individual without their consent (Criminal Justice and Courts Act 2015);
 - 5.1.8 To protect vulnerable people, the university also defines sexual misconduct as distributing private and personal explicit images or footage of another student with their consent.
- 5.2 Sexual misconduct can be carried out through any medium, including face to face, over the telephone, in writing or online.

6 Use of Social Media

- 6.1 Social Media means the applications and platforms which allow you to publish your thoughts, opinions, comments and images to a public audience including but not limited to, WhatsApp, Facebook, Instagram, LinkedIn, Snapchat, Twitter, all other similar sites, applications and platforms, and any other Internet postings, including blogs.
- 6.2 Social Media should never be used in a way that breaches any of Arden University's other Policies. If your actions would breach any University Policy in another forum, they will also breach them when carried out in an online forum or via Social Media.
- 6.3 You are personally responsible for what you communicate in Social Media and any posts may

be accessible for a long time. Please remember deleting a post does not mean that the post has not been seen or recorded in some format.

- 6.4 You should make it clear that any posts are your own personal opinion or interpretation and do not reflect the views of Arden University. You must not hold yourself out as being an authorised representative of Arden University without prior approval in writing from the Pro-Vice Chancellor (Academic).
- 6.5 If you have been granted access to any official Arden University Social Media account(s), in relation to a specific role or course, the content of such official Arden University Social Media account(s) must reflect the views of Arden University.
- 6.6 For the avoidance of doubt, you must not use, or cause a member of University staff or another student to use, Social Media to harass, bully or carry out any sexual misconduct towards University staff or other students in any way.

7 Use of IT Systems

- 7.1 IT Systems means Arden University's computer systems, including hardware and devices, the network in Arden University premises, software and applications including iLearn, other linked systems such as: assessment submission portals (Turnitin), Unitu and Library systems.
- 7.2 You must not use, or cause a member of University staff or another student to use, the IT Systems to harass, bully or carry out any sexual misconduct towards University staff or other students in any way.

8 What to do if you have experienced Unacceptable Behaviour

- 8.1 Reporting a crime
 - 8.1.1 If you think that you are the victim of a crime, including harassment or sexual misconduct, the incident should be reported to the police immediately.
 - 8.1.2 We will support you throughout the process and details of support services available are at the top of this policy.
 - 8.1.3 Where an incident has been reported to the police, we will not take any further steps under this policy, any subsequent action taken by us against the alleged perpetrator will be in accordance with our Student Disciplinary Procedure.
- 8.2 Reporting other Unacceptable Behaviour
 - 8.2.1 Any complaint about Unacceptable Behaviour should be raised in accordance with the Student Complaints Procedure found on our Website and published in the Student Handbook.
 - 8.2.2 We recognise that the first stage of the Student Complaints Procedure may not be suitable in respect of the Unacceptable Behaviour experienced and a complaint can be raised under the second stage immediately.

- 8.2.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all students and staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- 8.2.4 If we consider it appropriate in all the circumstances and in accordance with our duty to protect students and staff, as well as the wider community, we may report a complaint of unlawful Unacceptable Behaviour to the police. We will use reasonable endeavours to notify you before making a report to the police but, we reserve the right to make a report to the police without notifying you in advance where we believe it is appropriate to do so.
- 8.3 Other steps you can take
- 8.3.1 If you experience any Unacceptable Behaviour, we recommend taking the following steps:
- (i) Keep records of the incident(s) including dates and times, locations or platforms and details of anyone present.
 - (ii) If the Unacceptable Behaviour is experienced in an online or electronic media forum keep copies of messages or take screen shots and note dates and times to preserve a record of the Unacceptable Behaviour. We understand that this may be distressing for you, but the evidence will support any investigation.
 - (iii) Report Unacceptable Behaviour as soon as you can. We recognise that you may be nervous about this but by doing so you may be able to prevent the Unacceptable Behaviour from escalating or affecting more people.

9 What to do if someone complains about Unacceptable Behaviour to you

- 9.1 We encourage all students and staff to follow the Complaints Procedures when making a complaint about Unacceptable Behaviour, but we recognise that this may not always be the case.
- 9.2 If a student or member of staff makes a complaint to you about Unacceptable Behaviour, please take the following steps:
- 9.2.1 Provide support to the person making the complaint;
 - 9.2.2 You will have a duty of confidence to the person making the complaint and should not disclose information without their permission unless you reasonably believe that there is a risk to them, or others;
 - 9.2.3 Encourage the student or member of staff to talk to the Student Support Department or the Police if a crime has been committed, you may help by accompanying them or making arrangements for them to speak to someone;
 - 9.2.4 Take notes of what you have been told and store them securely;
 - 9.2.5 You cannot take steps to resolve the complaint yourself. If you have concerns, you

can talk to the Student Support Department in confidence.

- 9.3 Your Student Support Department and senior members of staff have received training on responding to a dealing with a complaint of Unacceptable Behaviour.

10 Early Resolution at a local stage

- 10.1 If you are the victim of Unacceptable Behaviour, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or not appropriate, you could ask a friend to help you address the Unacceptable Behaviour with the person responsible or you should speak to the Student Support Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 10.2 If you are not certain whether an incident or series of incidents amounts to unwanted behaviour as set out in this policy, you can contact the Student Support Department informally for confidential advice.
- 10.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

11 Raising a formal complaint

- 11.1 A formal complaint about Unacceptable Behaviour, should be made in writing to the Student Support Department, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns someone within the Student Support Department, you should refer it to the Pro-Vice Chancellor (Academic).
- 11.1.1 Please contact the Student Support Team if you need support in preparing a formal written complaint.
- 11.2 Your written complaint should set out as much detail of the conduct in question, including the name of the alleged perpetrator, the nature of the unwanted behaviour, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

12 Formal investigations

- 12.1 We will investigate complaints in a timely, sensitive and confidential manner. Preserving the dignity and integrity of all those involved.
- 12.2 The investigation will be conducted in accordance with the Student Disciplinary Procedure or the Staff Disciplinary Procedure, as the case may be, by someone with appropriate experience and no prior involvement in the complaint (“Investigator”). The investigation should be

thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

13 Action following the investigation

- 13.1 If the investigating officer considers that the complaint be upheld, prompt action will be taken to address it.
- 13.2 Where the perpetrator is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Staff Disciplinary Procedure.
- 13.3 Where the perpetrator is a student the matter will be dealt with as a breach of the Student Code of Conduct and in accordance with the Student Disciplinary Procedure.
- 13.4 If the perpetrator is a third party such as a customer or other visitor, we will consider the appropriate action dependant on the information available and circumstances.
- 13.5 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the circumstances of either or both parties.
- 13.6 Anyone who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the relevant Disciplinary Procedure.

14 Potential sanctions following completion of investigation

- 14.1 If the formal investigation upholds the complaint in whole or in part, the University has the following sanctions available under the respective Disciplinary policies:
 - 14.1.1 If the perpetrator is a student, the University may impose a sanction on the student including, but not limited to:
 - (i) issue a verbal or written warning that shall be retained on record for the duration of that student's studies;
 - (ii) suspend the student for a specified period of time, usually this will not exceed 6 months;
 - (iii) make a recommendation of expulsion to the Pro-Vice Chancellor (Academic); or
 - (iv) propose any other suitable remedy subject to agreement by the Pro-Vice Chancellor (Academic).
 - 14.1.2 If the perpetrator is a member of staff, the University may impose a sanction on the member of staff including, but not limited to:
 - (i) termination of employment;
 - (ii) suspension;

- (iii) provide a formal written warning;
- (iv) require the perpetrator to undergo formal training.

15 Protection and support for those involved

- 15.1 Students or staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 15.2 If you believe you have suffered any such treatment you should inform the Student Support Department. If the matter is not remedied, you should raise it formally using our Student Complaint Procedure or this procedure if appropriate.

16 Confidentiality and record-keeping

- 16.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action under our Student or Staff Disciplinary Procedure.
- 16.2 Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Privacy Policy.
- 16.3 Information about a complaint by or about a student may be placed on the student’s file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Privacy Policy.