DIGNITY AT STUDY POLICY

Introduction

1. The University of Suffolk is committed to creating a study environment free of harassment, bullying and sexual misconduct where all students are treated with dignity.

2. The University recognises that harassment, bullying and sexual misconduct causes considerable distress to an individual and others who are directly or indirectly involved in these situations, and as a result a student's health, personal and family life can be affected leading to absenteeism, poor performance, an apparent lack of commitment, or withdrawal from the University. As such, harassment, bullying ,victimisation and sexual misconduct are unacceptable forms of behaviour and will not be tolerated.

3. The University is therefore committed to eliminating and preventing harassment, bullying and sexual misconduct and will take steps to make a significant and credible difference in protecting its students from harassment, bullying and sexual misconduct whether this arises from race, sex, sexual preference, age, appearance, political or religious views or any other grounds; and whether it takes place face-to-face or via other means including personal mobile devices, social networking sites, telephone or written communications.

4. The University strives to build an environment in which harassment, bullying and sexual misconduct are known to be unacceptable and where individuals have the confidence to complain about behaviour of this type in the knowledge that their concerns will be dealt with appropriately and fairly.

5. This policy will apply to harassment, bullying and sexual misconduct of University students by other students or staff wherever such behaviour takes place and is not limited to University sites. Under the Worker Protection Act, 2024 this covers harassment from colleagues, whether at work or in settings connected to work, including those not directly employed by the University but operate in a mentor and/or educator role in practice placement settings, and also harassment from third parties such as customers, service users or members of the public.

6. This policy covers subject matter relating to incidents of harassment, bullying and/or sexual misconduct which:

a) affects one or more students (including the conduct of staff towards students, and/or the conduct of students towards students);

b) applies in relation to students on higher education courses provided in any manner or form by, or on behalf of, The University of Suffolk including, but not limited to, students studying with partners.

c) applies to all students (including those studying at partner institutions, apprentice learners and postgraduate study), staff and placement providers including, but not limited to, occasional workers such as members of the Health Voices Forum.

Legal Responsibilities

7. Harassment and bullying may be found to be unlawful under the following legislation:

- Health and Safety at Work Act (1974)
- Criminal Justice and Public Order Act (1994)
- Protection from Harassment Act (1997)
- Crime and Disorder Act (1998)
- The Malicious Communications Act (1998)
- Human Rights Act (1998)
- The Communications Act (2003)
- The Equality Act (2010)
- The Counter Terrorism and Security Act (2015)
- Criminal Justice and Courts Act (2015) – Section 33: disclosing private sexual photographs and films with intent to cause distress
- Serious Crime Act (2015) - Section 76: controlling or coercive behaviour in an intimate or family relationship
- Domestic Abuse Act (2021)
- Freedom of Speech in Higher Education Act (2023)
- The Worker Protection Act (2024)

8. The University will take all reasonable steps[1] to ensure that it meets statutory obligations in eliminating and preventing harassment, bullying and sexual misconduct of its students.

[1] *Reasonable steps are defined as the activities taken by the University to make a 'significant and credible' difference in protecting students from harassment and sexual misconduct. Institutional activities that cover the breadth of this work include:*

- *consultation with students and student union to ensure policies are appropriate for the student population*
- *collecting and publishing data on the prevalence and reporting of harassment and sexual misconduct*
- *credible and evidence-based evaluation of policies and processes and reviewing and adjusting the approach.*

9. Nothing in this policy prevents the complainant, the alleged perpetrator or other students involved in harassment, bullying or sexual misconduct concerns and/or allegations from exercising their legal rights.

10. The University complies with its legal requirements in a manner which is consistent with the principles of free speech within law and academic freedom as outlined in the Free Speech Code of Practice.

Complaints

11. All breaches of this policy will be taken seriously and will be dealt with promptly with due consideration to the complainant (reporting party), alleged perpetrator (reported party) and other individuals involved. If a breach of policy is found to have occurred, appropriate remedial processes, which may include disciplinary action, will be instigated.

12. Students wishing to complain about a breach of this policy should follow the procedure set out in Appendix 1.

13. Where a complaint is made about a member of staff, the matter may be referred to a Designated Safeguarding Officer from the People, Organisational and Development (POD) Department for further investigation.

Understanding Harassment, Bullying and Sexual Misconduct

14. Harassment is defined in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpretated by section 7 of the Act) as any behaviour or conduct that is considered unwanted (and unacceptable) to the recipient (and by any reasonable person) which:

- has the purpose, or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment for that person which interferes with their learning, working or social environment;
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct;
- is 'a course of conduct conducted on at least two occasions to harass one other or a person, or a course of conduct that harasses two or more persons at least once each.

15. The conduct may be related to, but is not confined to, a protected characteristic of a person as defined in the Equality Act (2010): sex, gender reassignment, race or ethnic or

national origins, disability, sexual orientation, religion or belief, or age. Although under legislation harassment does not specifically apply to pregnancy and maternity or marriage and civil partnerships these would be protected under the sex and sexual orientation characteristics.

Examples of Harassment, Bullying and Sexual Misconduct

16. Bullying is usually defined as behaviour that is repeated and intended to hurt someone either physically or emotionally. Bullying could be inflicted by one or a number of individuals.

17. Bullying can happen in public or in private and is often aimed at certain groups, for example because of race, religion, gender or sexual orientation.

18. Bullying or harassment can occur in written communications, by phone, email, text, and via social networking media and not just in face-to-face actions, and a single incident can be harassment or bullying if it is sufficiently serious.

19. Conduct may be harassment, bullying and/or sexual misconduct, whether or not the person behaving in that way intends to offend. Different people find different things acceptable. Everyone has the right to decide what reasonable behaviour is acceptable to them and to have their feelings respected by others. The perception of the person who is at the receiving end of the conduct should be considered objectively alongside the other circumstances of the case; and whether it is reasonable for the conduct to have had that effect.

20. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not seem so to another; nevertheless, this does not make it acceptable. Such behaviour can be deemed as unacceptable if it appears or feels offensive or intimidating to the recipient and would be regarded as such by any reasonable person.

21. Sexual misconduct is defined as any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to:

- sexual harassment
- sexual assault; and
- rape.

22. Where conduct does not fall clearly within the examples in the paragraph above, that conduct may still amount to sexual misconduct under this definition where it is unwanted or

attempted unwanted conduct of a sexual nature. The definition therefore includes the most serious behaviour of sexual assault and rape, but this is not intended to be an exhaustive list.

23. Examples of unacceptable unwanted behaviour (including those of a sexual nature) that are covered by this policy include (but are not limited to) in the following:

- violence or the threat of violence;
- abuse, which may take many forms such as domestic, physical, sexual, psychological, verbal, or financial;
- derogatory name calling, insults, ridicule or belittling of an individual;
- using humour that ridicules another person or group of people. For example: telling jokes that are sexist, racist or about sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames;
- the use of obscene gestures;
- being singled out or treated differently;
- being made a scapegoat;
- being shouted at or humiliated;
- unwarranted or invalid criticism;
- display or circulation of abusive or offensive materials, including noticeboards, whiteboards, emails, internet bulletin boards and social networking websites;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him or her up to fail;
- making threats or comments about the status of someone's place on their course without good reason;
- ridiculing someone;
- systematic ostracism or exclusion from normal conversation or study activities in the work or study environment, or work- or study-related social events;
- coercion or control, such as pressure to subscribe to a particular political or religious belief, or requiring a person to perform a humiliating or dangerous ‘initiation ceremony’ to join a social group;
- domestic abuse including coercive control as defined in the Serious Crime Act 2015;
- unwanted physical contact, for example sexual advances, innuendo and serious assault;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect marks or that a person’s reputation will be maligned, or any form of sextortion
- the use of social networking media, texts, email or telephone to harass or bully;

- intrusion, monitoring by pestering, spying or stalking, this may be in person, by telephone, text, email or social media for example;
- inappropriate use of the policy.

24. The above can also be in reference to the abuse of power that can take place between staff and students where detrimental and/or favourable treatment of students may occur in the context of an intimate personal relationship. An abuse of power describes the exploitation of a position to apply pressure in a way which results in a person doing something, or refraining from doing something, that they may not otherwise have done.

25. Actions and/or inactions that fall into scope of this behaviour could be:

a) not receiving a positive review or reference or receiving a negative review or reference.
b) unfavourable treatment in academic assessments, for example, less access to support or feedback, less opportunity for extensions, lower grades or marks.
c) not receiving funding for research.
d) restricting access to resources.
e) restricting participation in aspects of a student's education.
f) receiving a positive review or reference.
g) favourable treatment on academic assessments, for example greater access to support or feedback, more opportunity for extensions, higher grades or marks. h. Being promised access to funding and resources.
h) being promised introductions to others who could advance their academic or professional career.

Further guidance can be found in the relationships at work policy.

Witnessing harassment, bullying and sexual misconduct

26. Students have a right to study in an environment free from harassment, bullying and sexual misconduct If a student witnesses behaviour which is offensive to them in these terms, they may complain in their own right, even if they are not the victim of the behaviour. If members of staff witness such behaviour they should consider whether it is appropriate to invoke the Student Disciplinary Procedure. Complaints from an anonymous source, or via whistleblowing processes, will be given consideration at the Universities discretion ensuring that any decisions it reaches are credible, fair and reflect 'principles of natural justice'.

Responsibility

27. Overall responsibility for eliminating and preventing harassment, bullying and sexual misconduct rests with the Vice-Chancellor of the University of Suffolk on behalf of the Board.

28. The University expects all students to take personal responsibility for familiarising themselves with the Dignity at Study Policy. All students are accountable for their own actions. As set out in the Student Charter we work together to build a safe, secure and healthy environment, both on campus and in our digital spaces, where all members of the University community can thrive and to create an environment that is welcoming and inclusive, with everyone being treated fairly and with dignity, courtesy and respect. Students are strongly encouraged to refuse and report inappropriate behaviours and access timely and appropriate information on how they can access support.

29. Students are expected to complete induction training which outlines institutional actions and commitment to addressing harassment and sexual misconduct. This training is designed to enhance students' understanding of definitions, expected conduct, reporting, and support pathways. Staff and students will be made aware of the University's single comprehensive source of information published on the University Website.

Remedial Action

30. Complaints, decisions and investigations in respect of incidents of harassment and/or sexual misconduct are undertaken in a manner to promote credible, fair and established principles of natural justice. Guidance is provided in Appendix 1. Serious or unresolved (informal) complaints will be dealt with under the formal stage of the Student Complaints Procedure.

31. If the behaviour complained of would also constitute an offence under the criminal law, the complainant may wish to report it to the police. If the matter is reported to the police, any action under the informal procedure at Appendix 1 or the Student Complaints Procedure will normally be deferred until the police and the courts have dealt with the matter. The University of Suffolk reserves the right to report any criminal offence to the police and will normally do so if the offence is serious, that is, is an offence that is likely to attract an immediate custodial sentence if proved or that can be tried only at the Crown Court.

32. Disciplinary action against perpetrators (reported parties) of harassment, bullying and sexual misconduct will be taken in accordance with the Student Discipline Procedure, Fitness to Practice Procedure or the Staff Disciplinary Procedure. Complaints raised about students and staff on professional programmes that require placement and additional PRSB requirements may be further assessed for the impact of possible transferable risk and impact to practice.

33. Perpetrators (reported parties) may also be required to apologise for their actions reflecting on the impact of their behaviour on others Remedial action may also include the recommendation that the perpetrator (reported party) and/or victim-survivor (reporting party) receive counselling and/or training. When deciding whether bullying, harassment, sexual misconduct or victimisation has the effect referred to, procedures will consider the reporting person's perception, the circumstances of the case and whether it is reasonable for the conduct to have that effect. This definition is objective and replicates the further objective test set out in s26(4) Equality Act 2010.

Victimisation

34. Victimisation occurs when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment, bullying and/or sexual misconduct), or have helped another person to make a complaint.

35. No student should fear or experience victimisation or detriment for raising or making a genuinely perceived complaint about a breach of this policy, or for assisting in an investigation into such a complaint. This refers to the complainant (reporting party), alleged perpetrator (reported party), and witnesses. Victimisation can constitute unlawful discrimination. Complaints of victimisation will be seriously considered and may lead to disciplinary action. Complaints of this kind should be made to the Office for Student Appeals, Complaints and Conduct (OSACC) in accordance with the Student Complaints Procedure.

Malicious or Frivolous Complaints

36. Where reasonable belief exists that a complaint is false or malicious (i.e. submitted for no other reason than to cause harm or discredit other individual(s)), disciplinary action may be taken against the complainant in accordance with the Student Discipline Procedure.

Reporting Incidents

37. Appendix 1 sets out the procedure to be followed in the event of a suspected breach of this Policy and gives guidance on who a student can approach to discuss and report harassment, bullying or victimisation matters.

38. A decision to report bullying, harassment and sexual misconduct to the University should not be influenced by a decision not to report the incident to an external service such as the police and whether a criminal report or investigation has been made.

Confidentiality

39. Information is collected sensitively and treated with appropriate confidentiality, irrespective of the mechanism used to make a report or disclose information. Information is handled on the basis set out in data protection legislation.

40. Confidentiality will be observed as far as practicable. The alleged perpetrator (reported party) may be informed of the complainant's name where necessary in informal cases, and usually in formal investigations. Respect of an individual's request for confidentiality will be maintained (as far as practicable) except in any of the following situations:

- where the reported incident is so serious that it warrants a formal investigation or referral to the Police, Local Authority Designated Officer (LADO) or Safeguarding authorities
- where there is a risk that the perpetrator (reported party) may repeat their actions and this would put individual/s at risk of mental or physical danger
- where there is a potential risk to the University of Suffolk
- where failure to disclose information may be a breach of statute, for example, Section 26 of the Counter-Terrorism and Security Act (the Act) which places a duty on Universities (known as the Prevent duty) to have "due regard to the need to prevent people from being drawn into terrorism". Disclosure to third parties in these incidences may only be undertaken following guidance from the Academic Registrar or a member of the Executive Team.

Monitoring

41. Statistical information incorporating the nature of the complaint within specific categories relating to protected characteristics will be reported annually to the Equality and Diversity Committee.

Appendix 1

Procedure to be followed by students in the event of a possible breach of the Dignity at Study Policy

1. The following procedure may be used by students to complain about alleged breaches of the Dignity at Study Policy. The procedure is intended to deal with any breach with sensitivity and impartiality, both for the student bringing the complaint and person alleged to be in breach.

2. Provided that complaints are not malicious, vexatious or unreasonable, your time as a student at the University of Suffolk will not be prejudiced by having submitted a complaint. Complaints not made in good faith will be rejected, and the student may be subject to disciplinary action under the Disciplinary Procedure.

3. Any complaint should be submitted promptly as a significant lapse of time might prejudice a proper and fair investigation, and the potential to resolve the complaint satisfactorily. If such delay occurs, University may not be able to address fully or at all the issues raised.

4. If you feel that you are experiencing unacceptable behaviour it is important that you begin to keep a note of the details and dates of any incidents. Where possible, the following should be included:

- dates of incidents
- location
- time
- natures of incidents
- any accompanying evidence such as screenshots of messages, social media posts
- any response made or action taken by you
- your feelings at the time
- names of any witnesses

5. It is normally advisable to resolve complaints and issues in an informal manner where possible, and you should make every effort to try to do this before having recourse to the formal procedures. If you can, make it clear to the person causing you offence that such behaviour is unacceptable. However, if you feel unable to confront the person directly or if talking to them has no effect, then you should seek support from one of the following:

- the Students' Union Advice Centre
- your Personal Academic Coach or Course Leader or equivalent at partner campuses

- student Life (via the Student Centre at Ipswich or the relevant Welfare and Guidance department at partner institutions)
- chaplaincy

6. Whoever you approach will talk the problem through with you and discuss possible courses of action. All advice will be given in confidence and without pressure as to the course of action to be taken.

7. It may be possible at this stage to resolve the matter informally to your satisfaction. If you don't feel able to seek resolution or if the incident is too serious, you can proceed straight to the formal stage of the Student Complaints Procedure or consider contacting the Police. If you do choose to report the matter to the Police, you will be supported to do so.

8. If complaints and difficulties cannot be resolved informally, then a formal complaint should be submitted in accordance with the Student Complaints Procedure. Your formal complaint should be submitted on the Complaints Forms (Formal Stage, available on the University of Suffolk website and address the following:

- the nature of the complaint and how it has affected you
- the action you have taken to try to resolve the complaint
- the nature of any evidence you could present
- the resolution you are seeking.

9. At any stage of this procedure you may be offered mediation by the Students' Union Advice Centre, Student Life, or the Investigating Officer appointed by OSACC.

10. This Policy should be read in conjunction with other University Polices, such as:

- Student Complaints Procedure
- Student Discipline Procedure
- General Regulations for Students
- Student Charter
- Safeguarding Policy.