

DIGNITY AT STUDY POLICY

Introduction

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

2. The University of Suffolk recognises that harassment and bullying causes considerable distress to an individual and others who are directly or indirectly involved in these situations. The University accepts that a student's health, performance, personal and family life can be affected and is therefore committed to eliminating and preventing harassment and bullying. The University will take steps to protect its students from harassment and bullying 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. The University strives to build an environment in which harassment and bullying 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. This Policy will apply to harassment and bullying of University of Suffolk students by other students or staff wherever such behaviour takes place and is not limited to University sites.

Legal Responsibilities

3. 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)

4. The University will take all reasonable steps to ensure that it meets statutory obligations in eliminating and preventing harassment and bullying of its students.

5. Nothing in this Policy prevents the complainant, the alleged perpetrator or other students involved in harassment or bullying situations from exercising their legal rights.

Complaints

6. All breaches of this Policy will be taken seriously and will be dealt with promptly with due consideration to the complainant, alleged perpetrator 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. Where a complaint is made about a member of staff, the matter may be referred to a senior member of University of Suffolk staff for further investigation. Students wishing to complain about a breach of this Policy should follow the procedure set out in Appendix 1.

Understanding Harassment and Bullying

7. Harassment relates to 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;
- or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

8. Harassment can cause stress, anxiety, fear or sickness on the part of the harassed person.

9. The conduct may be related to, but is not confined to, a protected characteristic of a person as defined in the Equality Act (2006): 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.

10. Bullying usually relates to the accumulation of many small malevolent incidents over a period of time, which could be inflicted by one or a number of individuals. Each incident in itself may be viewed as being trivial but when these incidents become persistent and targeted at an individual, then bullying can have serious repercussions on that individual's well-being.

11. Bullying can happen in public or in private. It frequently involves someone in a position of authority bullying someone who is in a more junior position. Bullying is typically unpredictable, irrational and sometimes unseen by others.

12. Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or insidious and may be persistent or an isolated incident. It can also occur in written communications, by phone, email, text, and via social networking media and not just in face-to-face actions.

13. A single incident can be harassment or bullying if it is sufficiently serious.

14. Conduct may be harassment or bullying 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 him or her and to have his or her feelings respected by others.

15. 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.

Examples of bullying or harassment

16. Examples of unacceptable behaviour that are covered by this Policy include (but are not limited to) the following:

- demeaning comments about a person's appearance;
- unwelcome jokes or comments, for example of a sexual or racial nature or about an individual's age;
- 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;
- the open display of pictures or objects with protected characteristic overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;

- 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;
- isolation or non-cooperation with agreed group study activities;
- excluding someone from social activities;
- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. improved marks;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect marks or that a person's reputation will be maligned;
- the use of social networking media, texts, email or telephone to harass or bully;
- unwanted contact (physical, telephone, email, social media);
- stalking;
- domestic abuse; and
- inappropriate use of the Policy.

Witnessing harassment or bullying

17. Students have a right to study in an environment free from harassment and bullying. 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.

Responsibility

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

19. 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; they have a responsibility for ensuring that harassment and bullying does not occur.

Remedial Action

20. Wherever possible, complaints will be dealt with informally. Guidance is provided in Appendix 1. Serious or unresolved informal complaints will be dealt with under the formal stage of the Student Complaints Procedure.

21. 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.

22. Disciplinary action against perpetrators of harassment and bullying will be taken in accordance with the Student Discipline Procedure, Fitness to Practise Procedure or the Staff Disciplinary Procedure. Perpetrators may also be required to apologise for their actions. Remedial action may also include the recommendation that the perpetrator and/or victim receive counselling and/or training.

Victimisation

23. 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, alleged perpetrator and witnesses. 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

24. 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

25. 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 harassment or bullying matters.

Confidentiality

26. Confidentiality will be observed as far as practicable. The alleged perpetrator 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 or Safeguarding authorities
- Where there is a risk that the perpetrator may repeat his/her 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 2015 (the Act) which places a duty on the University (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

27. 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 complainant may be subject to disciplinary action under the Student Discipline 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, the 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 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 stage of the Student Complaints Procedure. 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 Tutor or Course Leader
- Student Services (via the Infozone at Ipswich or the relevant Welfare and Guidance department in the University of Suffolk Learning Network)
- Chaplaincy

- International Student Officer (via the Infozone)

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 informally 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 Form (Formal Stage), available on MySuffolk, 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 Services, or the Investigating Officer appointed by OSACC.