

LEARNING, TEACHING AND QUALITY COMMITTEE

5 JUNE 2002

GUIDELINES FOR STUDENTS ON DEALING WITH HARASSMENT

In 2000-01 the University established a general Complaints Procedure for students and in the course of this work it became clear that the University's formal advice to students on dealing with harassment had not kept pace with guidelines that had been developed for staff. Guidelines for staff dealing with harassment were revised and republished in October 2000 but at that time there was no similar work done on guidance for students. A Working Group was convened during the current session, 2001-02, to address this matter.

The membership of the Working Group was

Shelagh Wheelans, Academic Registrar, (Chair)
Richard Beck, Director of Personnel and Registry Services
Alastair Mullis, Dean, LAW
Dr Kiff Matheson, Dean of Students
Ian Gillespie, Senior Resident Tutor
Ron Elliot, Security Co-ordinator
Polly Evans, Students' Union Welfare Officer
Lizzie Reather, Graduate Students Association, Secretary
Dr Andrea Blanchflower Assistant Registrar, ENV (Secretary)

In the course of its work, the Group drew on the principles and approach adopted by the University in its Guidelines on Dealing with Harassment for staff. The practice of other HEIs was also considered.

The Working Group now brings forward to LTQC a set of Guidelines for Students on Dealing with Harassment. LTQC is asked to recommend these to the Senate and to the Council, the latter being required to give final approval given its responsibility for the welfare of students.

Dr Andrea Blanchflower, Secretary to the Working Group
Shelagh Wheelans, Academic Registrar (Chair of the Working Group)

GUIDELINES FOR STUDENTS ON DEALING WITH HARASSMENT

[As recommended to LTQC and thereafter to the Senate]

1. INTRODUCTION

Everyone who studies or works at UEA should be treated fairly, consistently and with respect. This is one of the underlying principles of the University's regulatory framework and is embedded in its Policies and Codes of Practice on Equal Opportunities for staff and students and its Code of Practice on the Promotion of Race Equality.

One of the measures taken by the University to reinforce these principles is this set of guidelines for students dealing with harassment. A corresponding set of guidelines exists for staff at UEA.

The Guidelines provide a set of procedures, and advice on support structures, for responding to and dealing with instances of harassment. They have been produced by the University in collaboration with the Union of UEA Students and Graduate Students' Association.

The University does and will continue to treat any allegations of harassment very seriously.

2. POLICY STATEMENT

The University of East Anglia is committed to maintaining a working and learning environment that is free from any form of harassment. Harassment adversely affects working and social conditions for University students and staff and is unacceptable. Any incident of harassment will be regarded very seriously and may be grounds for disciplinary action including dismissal from the University in cases involving staff and suspension and exclusion from the University in cases involving students.

All members of the University community have a responsibility for helping to ensure that individuals do not suffer any form of harassment, and that they are encouraged and supported in any legitimate complaint.

3. AIMS OF THE GUIDELINES

These guidelines have been designed to offer you, as a student, practical ways of dealing with harassment involving either students or University staff, and to tell you how you should deal with cases of assault.

Following the guidelines may help you to stop the harassment yourself. Alternatively, they explain how to get help from the University to deal with the problem.

4. DEFINITIONS OF HARASSMENT

Harassment can take many forms and in general refers to behaviour which appears or feels offensive, intimidating or hostile to the recipient. Harassment can occur even if offence is not intended. Such behaviour might interfere with a student's academic, working or social environment; or induce anxiety, fear or poor attendance on the part of the harassed person. Whilst differences of attitude, background or culture and the misinterpretation of social signals may mean that what is perceived as harassment by one person may not seem so to another, this does not make the conduct acceptable. The University takes the defining features of harassment to be behaviour that appears or feels offensive or intimidating to the recipient and would be regarded as such by any reasonable person.

Harassment often, though not always, arises between people of unequal status. Some general examples of harassment might include persistent teasing, comments about personal characteristics or appearance, or constant unreasonable criticism. Important specific examples are bullying, sexual harassment and racial harassment. These are examined in more detail below; but this does not mean other forms of harassment will not be taken seriously - they will.

The University values good professional relationships between staff and students. This is seen to be especially important where staff have some specific academic, other professional or institutional responsibility for students. Any act of harassment will be regarded by the University as particularly serious if it involves the abuse of a position of authority or trust, for example, where there are

- Explicit or implicit promises of rewards for compliance that are a misuse of institutional position (e.g. higher assessment marks for a student).
- Explicit or implicit threats of penalties for non-compliance that are a misuse of institutional position (e.g. refusal to provide appropriate support/advice/references or resources).

Bullying

Bullying is offensive behaviour which humiliates or undermines an individual or group. Bullying may be carried out by an individual or group of individuals. It frequently, but not exclusively, involves someone in a position of authority bullying someone who is in a more junior position. It can happen in public or in private.

Examples of being bullied include:

- being shouted at or subjected to sarcasm;
- being "told off" in front of fellow students, staff or other people;
- being criticised in an inappropriate manner or belittled about work, personality or personal appearance;
- being persistently ignored or "talked down";
- being set up for failure with impossible workloads and deadlines.

Sexual Harassment

Sexual harassment can occur in a variety of circumstances but always has a distinctive feature: the inappropriate and unwanted introduction of sexual comments or activities into teaching, learning, or other working or social situations. It is recognised that it can arise anywhere within the University community, potentially involving fellow students or University staff.

The following are some examples of activities that might constitute sexual harassment:

- unnecessary and unwelcome physical contact;
- suggestive and unwelcome comments or gestures emphasising the gender or sexuality of an individual or a group;
- persistent unwelcome requests for social or sexual encounters and favours;
- display of, or electronic transmission of, pornographic, degrading or indecent pictures.

Racial Harassment

The University takes racial harassment to include a hostile or offensive act or expression by a person or group against another person or group on grounds of racial or ethnic origin, or incitement to commit such an act on racial grounds. Such behaviour includes:

- derogatory name-calling;
- insults, threats and racist jokes;

- ridicule of an individual for racial or ethnic difference;
- racist graffiti, images or insignia

5. ASSAULT AND CRIMINAL OFFENCES

It is particularly important that in cases of sexual or physical assault or racially aggravated assault you do the following:

- You should seek help immediately. Any one of the suggested contact names in these guidelines will willingly give you support and practical help. It is important to inform either the Security Lodge or Police immediately so that you can be offered the help you need, and for your protection and for the protection of others. The Dean of Students or Senior Resident Tutor will also be able to offer you help and advice.
- If you have suffered any serious assault, it is essential that you or someone on your behalf contact the Police immediately both for your own protection and for the protection of others. If you have been sexually assaulted or raped the Police, as part of their investigation, will offer you medical help as soon as possible.
- If you are on campus or in a University residence, the Security Lodge should be informed as soon as possible so that they can ensure that you are offered the help you need. They may also need to secure the scene of the incident.

Allegations of rape and other sexual assaults and other serious offences against the person must be investigated by the Police and considered by the prosecuting authorities. Indeed, if the harassment experienced involves behaviour or action that would be considered a serious criminal offence then this can only be investigated by the Police and Crown Prosecution Service. Police involvement may be restricted (at their discretion) in relation to non-serious offences.

The University has a protocol for dealing with situations involving students and the criminal law. In a serious matter under investigation by the Police or awaiting trial, the University will consider whether any immediate action should be taken by the University to protect other students, the functioning of the University or the interests of the victim. The University will consider disciplinary action, under its procedures for students, only after the completion of criminal proceedings or a decision not to prosecute has been taken.

6. PROCEDURES FOR DEALING WITH HARASSMENT

Informal Steps

If you feel that you are being subjected to harassment in any form by a fellow student or a member of staff, do not feel that is your fault or that you have to tolerate it. The University's primary concerns are that the harassment should stop and that there is support and assistance when needed.

You can seek advice and help from one of the internal agencies or individuals listed in the advice and support section of these guidelines. If you are concerned by an incident or feel that behaviour towards you is inappropriate, any of these agencies can advise you on a course of action, suggest ways of resolving the situation or help you to obtain specialist advice.

If at all possible, you should make it clear to the person causing the offence that such behaviour on that person's part is unacceptable to you. You may find it helpful to ask a trusted friend, colleague, adviser, supervisor or other member of staff on the attached list to accompany you. Alternatively, you may find it easier to make clear how you feel about the situation by writing to the person who is causing offence (in which case you should keep a copy). In some instances either of these approaches may be sufficient to stop the unacceptable behaviour.

It is important to make a note of the details of any relevant incidents which distress you - particularly if you feel unable to speak to the person concerned or if, having spoken, the behaviour persists. You should include a note of ways in which the incidents cause you to change the pattern of your studies, work or social life.

If the harassment continues (or is of a more serious nature than can be dealt with by means of the above) you may find it helpful to seek advice and support on dealing with harassment from the Dean of Students' Office or the Students' Union Advice Centre if you have not already done so. You will be able to discuss the nature of your concern in confidence and consider whether it may be possible to arrive at an acceptable solution on an informal basis.

If your concerns cannot be resolved by your own efforts – with or without the support of your adviser, supervisor, resident tutor, the Dean of Students' Office or the Students' Union Advice Centre, or other such agency – there are other ways that the University will help you to deal with the harassment and these are described next.

Next Steps

If the harassment continues (or is of a more serious nature than can be dealt with by means of the informal steps above), you should seek a confidential interview with the Senior Resident Tutor (accompanied if you wish by any agency who is giving you support). The purpose of the interview will be to discuss the nature of the problem

and to agree a way forward. If your concern involves a student the Senior Resident Tutor is able to take steps to resolve the matter. If your concern involves a member of staff the Senior Resident Tutor, with your agreement, will refer the matter to the relevant Dean or Head of Service for action. If the Dean or Head of Service is the subject of your concern the Senior Resident Tutor, with your agreement, will refer the matter to the appropriate line manager who will be a Pro-Vice-Chancellor or the Registrar & Secretary.

Your concern will be addressed promptly. The intention will be to arrive at a solution acceptable to all parties, but in some cases this may lead to the initiation of disciplinary procedures. Once disciplinary proceedings have commenced these will take precedence over any other form of investigation or action.

Pursuing a Complaint

If your concern has not been addressed to your satisfaction, you have the right to register a complaint in accordance with University Complaints Procedure. The University reserves the right to consider a complaint under Stage 2 (Appeal Stage) of the Complaints Procedure if the steps taken to date in effect constitute Stage 1 of the Complaints Procedure.

7. CONFIDENTIALITY AND NATURAL JUSTICE

As a general principle, when you seek help to deal with harassment confidentiality will be agreed and maintained wherever possible. However, there may be situations where confidentiality has to be broken, and this will be made clear to you at the time. For example, if you tell someone, in confidence, something which demonstrates an unreasonable risk to you or to someone else, the person will need to draw this formally to the University's attention.

The decision about whether action is taken by the University to deal with harassment normally rests with you, but the University will have to act if it judges there to be an unacceptable risk to you or to someone else.

It is important for you and the University to recognise that the alleged harasser must not be prejudged and that he or she has rights - including being informed of any allegations which are to be investigated and having the chance to state his or her case.

If an allegation of harassment is pursued by a student through these procedures but found to have been brought with vexatious, mischievous or malicious intent, it may provide grounds for disciplinary action to be taken against the student.

8. ADVICE AND SUPPORT

The following people are experienced in dealing with sensitive problems confidentially. They will be able to advise you on the procedures for dealing with harassment.

Advice and support within the School can be provided by:

- Dean
- Student Adviser
- Student Supervisor
- Senior Adviser (or Deputy)
- School Administrator
- Other staff known and trusted by the student

Advice and support within the University can be provided by:

- The Dean of Students Office (x 2892)
- The Senior Resident Tutor (x 3730)
- The Security Co-ordinator (x2350)
- The University Counselling Service (x 2651)
- The Chaplaincy (x2214)
- Students' Union Advice Centre (x 3462, x 3838)
- Nightline (x 2500 and Norwich 503504)
- The Resident Tutor network - for students living in UEA accommodation