

Student Anti-Harassment and Bullying: Guidance for students

This supporting information underpins the University of Cumbria “**Student Anti-Harassment and Bullying Statement of Intent**” and offers information about:

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- 2) Definition of harassment and bullying
- 3) Responding to bullying or harassment – what you can do
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1) Scope

The statement of intent applies to any student enrolled on a course of study with the University of Cumbria whether or not the enrolment leads to a final award, wherever the student is based and regardless of the level or mode of study.

The supporting information is for any student who believes they, or another student they know, is being bullied or harassed by another University of Cumbria student or staff member as well as any student or staff member who may be the subject of a complaint.

Complaints that are not about a University of Cumbria student or staff member need to be directed to the relevant organisation for consideration. The Students’ Union may be able to advise.

2) Definition of harassment and bullying

The University of Cumbria defines harassment as unwanted conduct affecting the dignity of men and women. It may be related to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (ie: more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour, unfair use of sanctions. This may make the recipient feel upset, threatened, humiliated or vulnerable and undermines self-confidence.

While there is no statutory definition of bullying, the conciliation service ACAS defines it as “...*any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others...*”; it may happen without others being aware.

Bullying is not unlawful but harassment based upon any of the characteristics listed in the definition above, is unlawful under the Equality Act 2010.

It is important to note that harassment or bullying may take many forms including written and verbal as well as by email, phone or via social media and networking. Guidance about the use of social media can be found online in the University's Student Social Media Policy.

Appendix 1 offers examples of behaviour that may constitute harassment, bullying and discrimination.

3) Responding to harassment or bullying

If you feel you are being harassed or bullied, do not feel that you must tolerate it, or that it is your fault. Harassment or bullying is most effectively resolved if it is dealt with as early as possible. If issues are ignored or allowed to escalate, problems can be more difficult to solve.

3a. Initial steps

The first step is to list your concerns. Before taking any action, whether informal or formal, we would encourage you to keep a diary and note:

- the date, time and place of any incident
- exactly what was said or done and by whom (including you)
- the context in which it was said or done,
- how it made you feel and the action you took (if any).

You should also note the names of any witnesses who were present and retain any related documents such as texts, emails or messages posted on social media sites. This information will be relevant if you decide to make an informal or formal complaint at a later stage.

At any time, you may wish to seek information, advice and guidance and this can be through the UCSU Student Support Team, who can offer a confidential setting to explore the options - informal or formal - with you. Contact details for the team can be found: <http://www.ucsu.me/support>.

No action will be taken on your behalf or without your consent.

3b. Informal action – steps you can take yourself

If you wish to try to resolve the matter informally, options to consider include:

- Meeting with the alleged harasser or bully, making it clear you find their behaviour unacceptable and asking them to stop. In many cases, once the alleged bully or harasser is aware of the concerns, they readily alter their behaviour, not realising the behaviour had impacted on you in the way described and there are no further concerns.
- Asking a third party to talk to the alleged harasser or bully on your behalf. If contacting the alleged harasser or bully on your own seems daunting the UCSU Student Support Team may be able to accompany you and/or facilitate the meeting.
- Writing to the alleged harasser or bully, outlining the problem and explaining your feelings. The UCSU Student Support Team may be able to help you compose the letter. On receipt of a letter an individual might want to discuss your concerns with you directly, so you should be prepared for this possibility.

If you decide to take informal action, ideally your approach should be assertive, confident and direct. Assertiveness is about upholding your own integrity and dignity, whilst also recognising the right of others to behave in the same way. Some basic guidance for behaving assertively when speaking to an individual you believe has harassed or bullied you is given in *Appendix 2*.

3c. Formal Action – steps you can work with the University to take

You may wish to take more formal action where:

- Informal action has been tried but has not been effective
- Informal action is felt to be inappropriate

- There has been a recurrence of previous harassment or bullying, or where a serious incident has occurred, you have the option of raising a formal complaint.

You are strongly encouraged to talk through a formal complaint with the UCSU Student Support Team. Any formal complaint will need to be made in writing and you will need to be aware that the complaint will be passed to the alleged bully or harasser once the formal procedure begins.

You may feel that someone's behaviour towards you is particularly serious and/or you may feel intimidated or threatened. Please be aware that you are entitled to contact the Police directly (the University is unable to do this on your behalf) to make a complaint. The Police may investigate and identify whether that behaviour is in breach of the law.

4) If a complaint is made against you

Someone who feels they are being bullied or harassed is often far more adversely affected than the alleged harasser or bully may realise and s/he may not realise the impact they have had on an individual which may mean that their study and/or health is suffering.

What is acceptable to one person may not be so to another. If a student believes you are harassing or bullying them, they may take informal or formal action in an attempt to resolve matters.

Informal Action

The aim of an informal approach is to resolve the situation without recourse to formal action.

The complainant may describe to you their experiences and feelings and provide you with examples of the behaviour that they feel were inappropriate. You are advised to look at the behaviour described and consider whether you can modify it. You should bear in mind that it is how the other person feels about the incident/s, not necessarily what you intended, that may lead to a complaint of harassment or bullying.

If you are a student: you may wish to talk through the concerns with a member of the UCSU Student Support Team (this will be a different adviser to any working with the student reporting the concerns). If the person raising the concerns or you in reply want to meet, you can be accompanied by a friend or possibly a member of the UCSU Student Support Team for support - remembering that the aim of the approach is informal, to hear the concerns, consider how your interaction with the individual is affecting them and how you may be able to modify your behaviour.

If you are a staff member: you might be approached informally by the student themselves, or by another staff member facilitating consideration of the complaint. If it is the student making the approach, s/he may want to meet with you and you can seek advice and guidance from your HR Business Partner or, if you are a member of a union, your Union Representative. Please note that the aim of the approach is informal, to hear the concerns, consider how your interaction with the individual is affecting them and how you may be able to modify your behaviour.

Formal action

If you are a student: a formal approach will be through the Disciplinary Procedure. You will be notified in writing (this will be by email) of the concerns and will be asked to either reply in writing, or to attend a Disciplinary appointment to discuss the complaint with a Disciplinary Officer. You will be provided with information about the Disciplinary Procedure and be signposted to advice and guidance through the UCSU Student Support Team. More information about the Disciplinary Procedure can be found on line via the link below.

If you are a staff member: the complaint will be passed to Student and Staff Services for consideration through the relevant Human Resource-facilitated procedure.

5) Closing the process

If you have made a complaint, informally or formally, you should be notified of the outcome. This will normally be to tell you if the complaint was 'upheld' or 'not upheld'. If upheld, you may be notified that appropriate action will be or has been taken. If your complaint was linked to an Academic Appeal, or to another formal

procedure such as the Student Code of Conduct or as part of a wider formal Student Complaint, the outcome will also be passed to the relevant staff member and will be used to help inform those outcomes.

Websites and Links:

Guidance for writing a complaint of bullying or harassment and the UoC Student Complaints Procedure:
<https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Complaints-Procedure/>

UoC Student Social Media Policy:
<https://my.cumbria.ac.uk/Student-Life/Student-Policies-and-Procedures/>

UoC Student Code of Conduct and Disciplinary Procedure:
<https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Student-Code-of-Conduct/>

ACAS: <http://www.acas.org.uk/index.aspx?articleid=1864>

Appendix 1: Examples of bullying, harassment and discrimination

Bullying or harassment may be on an individual or group basis, it may involve someone in a position of authority, or another student.

The following information offers examples only for reference. Additional information and advice can be found online.

Bullying

There is no single statutory definition of bullying ie: there is no "Bullying Law". However, bullying is general described as being behaviour that is, to an individual or individuals:

- Offensive
- Intimidating
- Malicious
- Insulting behaviour
- An abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure another person(s).

Bullying is often psychological but can be physical. There may be no apparent motive such as sex, race or religion, as is often the case with harassment.

Who is a target and who is a bully?

Anyone can be a target and equally, any person could behave in a way that may be considered as bullying.

The target: This could be someone who is successful, popular, and intelligent, above average performers or s/he could be timid, different, lacking in confidence.

The bully: This could be someone who may be jealous or envious of an individual; feel threatened by someone's skills/intelligence/age. Equally this may be a person who is under pressure and is having or difficulties in other aspects of their life or has had difficult experiences in the past, and needs support to better understand the impact of their behaviour.

Example effects of bullying: Stress, anxiety, sleeplessness, fatigue, trauma, fear, anger, pain, irritability, poor concentration and memory, panic attacks, shame, guilt, embarrassment, isolation, shattered self-confidence, fear. An individual may feel ill at the thought of going into university, placement, halls of residence or lectures/seminars etc; the quality of their work may suffer; participation in activities, conversations etc may reduce.

Harassment

Harassment is unlawful and includes stalking.

According to the Equality Act, harassment and victimisation are also unlawful forms of discrimination. This is where the conduct is unwanted, relates to a relevant protected characteristic (age; gender; race; gender reassignment; religion or belief (or a lack of belief); pregnancy and maternity; marriage/civil partnerships; sexual orientation and disability), and has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Appendix 2: Guidance for being assertive

It can be difficult to speak to a person you believe has harassed or bullied you, but it can be very effective, especially if addressed at an early stage. It can also help you regain control of the situation and improve your self-esteem, which may have been affected by the incident/s. To explain the effect the alleged harasser or bully is having on you, consider the following strategies for preparing for the discussion and expressing yourself assertively.

- Think about your personal rights, wants and needs.
- Think about how you feel about the incident/s. Do you feel angry, embarrassed, humiliated?
- When describing your feelings, use 'I' statements instead of blaming the other person (e.g. 'I feel hurt', rather than 'You hurt me'). This helps to avoid defensiveness on the part of the person you are speaking to.
- Relate your statement about your feelings to some specific behaviour in the other person (e.g. 'I felt hurt when you said I had not completed the project on time without giving me the opportunity to explain the reason it was behind schedule'). This is clearer to the person you are speaking to than 'I felt hurt because you humiliated me').
- Be direct. Try to express your request in one or two easy-to-understand sentences. Complicated explanations can mean that the person you are speaking to may not understand what you are trying to tell him/her.
- Try not to make assumptions about what the other person is thinking or feeling, about what their motives might be, or how they may react. Check things out with them first.
- Avoid sarcasm, character assassination or absolutes (absolutes often involve using words like 'You never '..' or 'You always '..').
- Be reasonable.
- Avoid labelling. Remember the behaviour is the problem not the whole person.
- Ask for feedback: 'Am I being clear?'; 'How do you see this situation?' Asking for feedback helps correct any misinterpretation people may have as well as helping others realise that you are open to communication, and are expressing an opinion, feeling or desire, rather than a demand.
- Evaluate your expectations. Are they reasonable? Are you willing to compromise, if appropriate, in order to reach a resolution with the other person?

Appendix 3: Online information, advice and guidance.

The following signposts to web-based information, independent of the University (the University cannot take responsibility for the content of external sites) and is by no means exhaustive. Some sites may be focussed on the workplace or within schools, but you may find some of the underlying principles to be of use.

<http://www.thesite.org/>

<http://www.ecu.ac.uk/>