

ANTI-HARASSMENT AND ANTI-BULLYING POLICY & PROCEDURE: STUDENTS

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Authorised by:	Director of Strategic Planning and Student Administration		
Implementation by:	Director of Strategic Planning and Student Administration		
Policy/Procedure Reference:	POAR1112003		
Policy/Procedure Replaced:	NA		
Version No:	1	Approval Committee:	Academic Board
Date approved:	09.11.2022	Minute no:	22.035
Status:	Approved	Implementation Date:	November 2022
Period of approval:	3 years	Review Date:	June 2025
I have carried out an equality impact assessment screening to help safeguard against discrimination and promote equality.			✓
I have considered the impact of the Procedure on the Welsh language and Welsh language provision within the University.			✓

ANTI-HARASSMENT AND ANTI-BULLYING POLICY & PROCEDURE: STUDENTS

- 1.1 Wrexham University is committed to ensuring an inclusive and safe environment where students are treated with dignity and respect whilst studying at the University. The University expects all members of its community to treat each other with respect, courtesy and consideration at all times.
- 1.2 The University operates a zero-tolerance approach to behaviours of harassment, bullying, hate crime and victimisation and seeks to promote fair treatment of students through the implementation of this policy. The University will not condone or ignore reports of harassment, bullying, hate crime or victimisation and such reports will be treated seriously, regardless of the status of those involved.
- 1.3 The University will provide a framework within which allegations of harassment, bullying or hate crime can be explored and resolved informally if possible, providing support for both the student expressing the concern and the person against whom the allegation is made. Where an instance of alleged harassment, bullying or hate crime cannot be resolved informally, this will be investigated and may result in disciplinary action being taken under another policy, for example the Disciplinary Procedure for Students or the Disciplinary Procedure for Staff.
- 1.4 The University aims to balance the rights of the person making the allegation (person reporting) and those of any person against whom an allegation is made (person reported); all parties must be treated with dignity and respect. A student should not expect to suffer any reprisals for making an allegation in good faith, and any evidence of recrimination should be brought immediately to the attention of the Director of Strategic Planning and Student Administration.
- 1.5 However, if there is reason to believe that an allegation is malicious or vexatious, the individual making the allegation might be subject to disciplinary procedures.
- 1.6 The University may decide, at any stage, that it is unable to consider an allegation further if there is evidence of the individual making the allegation has:
 - been aggressive or abusive towards staff or other students,
 - made unreasonable demands, for example, demanding responses within an unreasonable timescale,
 - insisted on seeing or speaking to a particular member of staff,
 - repeatedly changed the substance of the allegation or raised unrelated concerns,
 - been unreasonably persistent, for example, persistent refusal to accept a decision made in relation to an allegation,
 - persistently refused to accept explanations relating to what can or cannot be done about the allegation, and
 - continued to pursue an allegation without presenting any new information.

2. Overview

- 2.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race,

colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. For more information refer to the University's Equal Opportunities Policy.

- 2.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

3. Scope of this policy

- 3.1 This policy covers harassment or bullying by a student against another student, by a student against a member of staff (or individual attending the University such as a contractor, visitor, consultant, casual or agency worker) or by a member of staff against a student. Only current students may pursue an allegation under this Policy and Procedure.

Incidents of harassment and bullying of a serious sexual nature will be considered under the Sexual Misconduct and Violence Policy and Procedure: Students and Staff.

3.2 Definitions

Bullying and harassment cover a range of behaviours which are deemed to be offensive, unwanted by the recipient and unreciprocated. Bullying and Harassment may occur on a single occasion, but it is more likely to be repeated over a period of time or constant. Such behaviour can take a variety of forms including physical contact, verbal, written and electronic communication.

It is not the intention of the person reported that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome and distressing to the individual(s) subjected to it.

4. Harassment

- 4.1 Harassment is any unwanted physical, verbal or non-verbal conduct which 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. It is unjustifiable in relation to professional roles, performance or relationships.
- 4.2 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 4.3 Behaviour which is not intended to be offensive may be perceived as harassment because of differences in culture or attitude or misinterpretation of social signals. The perception of the person offended is an important consideration. The University will consider also whether the behaviour could reasonably be expected to cause offence. Behaviour that continues once an

individual has indicated by words or conduct that it is unwanted is harassment.

4.4 Harassment may include but is not limited to:

- a) physical conduct including hitting, slapping, touching, pinching, pushing, shoving, grabbing, brushing past someone, invading their personal space, and more serious forms of physical assault or sexual assault;
- b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may result in improved academic marks or support or that a refusal may result in lower academic marks or less academic support, intentional and unnecessary contact of an intimate nature;
- c) sexually orientated comments or gestures which can reasonably be expected to offend others;
- d) intrusion into personal life such as direct or indirect pestering including suggestions for social activity unrelated to work; unwanted telephone calls, emails or texts at home or at work; spying or stalking;
- e) sending or displaying material that is pornographic or that some people may find offensive or sexually provocative or orientated (including emails, text messages, video clips and images sent by mobile phone downloaded or posted on the internet);
- f) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- g) mocking, mimicking, offending, or belittling a person's disability;
- h) hostility and/or unreasonable obstruction or removing barriers to workplace needs of disabled people or excluding disabled individuals from workplace meetings or activities on the grounds of their disability;
- i) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- j) attempting to recruit people into racist organisations/groups or activities;
- k) attempting to engage people in criminal or antisocial behaviour;
- l) outing or threatening to out someone as gay, lesbian, bisexual or transgender; or
- m) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

- 4.5 A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for them.
- 4.6 This list is non-exhaustive and any offence which is deemed to be harassment is treated very seriously and may be referred to the University Disciplinary Procedure for Students or the Disciplinary Procedure for Staff. A possible outcome is summary dismissal or expulsion from the University.

5. Hate Incidents / Crimes

- 5.1 A hate crime is ‘Any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime.’¹
- 5.2 A hate incident is any incident which the victim, or anyone else, thinks is based on someone’s prejudice towards them because of their race, religion, sexual orientation, disability or transgender identity.
- 5.3 Any hate crime will be treated as a form of Harassment under this Policy and the University reserves the right to report to the Police any incident which it believes may constitute a criminal offence.

6. Victimisation

- 6.1 Victimisation is when a person subjects another person to a detriment because they have (or believe they have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.
- 6.2 Examples of victimisation may include labelling an individual a ‘troublemaker’ and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.
- 6.3 Victimisation is unlawful under harassment and discrimination legislation and will be treated as a form of Harassment under this Policy.

7. Bullying

- 7.1 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 strength and the power to coerce through fear or intimidation. Bullying can take place in public or in private.
- 7.2 Bullying can take the form of physical, verbal and non-verbal conduct such as written communication. Bullying may include, by way of example:

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927673/2016_Hate_Crime_Action_Plan.pdf

- a) shouting at, being sarcastic towards, ridiculing or demeaning others;
- b) physical or psychological threats or violence;
- c) overbearing and intimidating levels of supervision of academic work;
- d) inappropriate and/or derogatory remarks about someone's performance or personal attributes;
- e) persistently ignoring or patronising;
- f) abuse of authority or power by those in positions of seniority; or

7.3 deliberately excluding someone from meetings or communications without good reason. Legitimate, reasonable and constructive criticism of a student's performance or behaviour, or reasonable instructions given to students in the University, will not amount to bullying on their own.

8. Protection and support for those involved

- 8.1 Students or staff who make complaints (person reporting) or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.
- 8.2 If the person reporting believes they have suffered any such treatment they should inform the Director of Strategic Planning and Student Administration, their line manager or the Human Resources Department. If the matter is not remedied they should raise it formally using this procedure.
- 8.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under the appropriate University's Disciplinary Procedure.
- 8.4 Independent counsellors external to the University may be utilised by exception, e.g. on medical advice, or where the issue is beyond the skills of internal resources and the University considers that specialist help is necessary.
- 8.5 The person reporting and the person reported may request to be accompanied to an investigation meeting and/or hearing under this procedure. It is recognised that in limited circumstances the person reporting and/or the person reported may wish to request legal accompaniment at an investigatory meeting or panel hearing. In such limited circumstances a written request should be submitted at least five working days prior to the meeting/hearing, including the name of the individual being invited and the reason for the request. Requests will be considered on a case by case basis by the Director of Strategic Planning and Student Administration (or nominee).
- 8.6 If the request is permitted, the University reserves the right to have its own legal accompaniment. Each party will bear its own legal costs and will be responsible for ensuring that the meeting arrangements and necessary documentation are provided to those accompanying them.

9. Confidentiality and data protection

- 9.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. 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.
- 9.2 Case records including details of the complaint, how the case was handled and the outcome will be retained under the University's Records Retention Schedule.
- 9.3 Breach of confidentiality may give rise to disciplinary action under the appropriate University Disciplinary Procedure.

10. Welsh Language

- 10.1 Where any formal meetings are required under this policy and procedure the complainant and respondent will be offered the opportunity to use the Welsh language at the meeting.
- 10.2 A translation service from Welsh to English will be provided for any formal meetings that are requested through the medium of Welsh, with a simultaneous translation service from Welsh to English where meetings are conducted in the medium of Welsh.

11. Training, Monitoring and Review

Training will be provided to all staff involved in the implementation of the procedure. Monitoring of the process will be undertaken through the recording of individual cases and the preparation of an anonymised Annual Report for consideration by the University Academic Board or appropriate committee of the Academic Board. This report will analyse case data and include recommendations for enhancement, including identification of further training opportunities.

PROCEDURE

12. Informal steps

- 12.1 If an individual feels they are being bullied or harassed, it is advised that they should keep a written record of incidents, with dates, times and the names of any witnesses. If there is any uncertainty about whether an incident or series of incidents amount to bullying or harassment, the student should initially contact their personal tutor or a representative of the Students' Union informally for confidential advice (please refer to 8.3 if you are a member of staff).
- 12.2 Students should initially consider raising the problem informally with the person responsible, if they feel able. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships and the University expects staff and students to be open with each other and try to resolve their concerns informally in the first instance. They should explain clearly to the person responsible that their behaviour is not welcome or makes them uncomfortable.

If this is too difficult or embarrassing, they should speak to their personal tutor or a representative of the Students' Union who can provide confidential advice and assistance in resolving the issue formally or informally.
- 12.3 Members of staff that consider they are being bullied or harassed by a student, should follow this procedure but should approach their line manager, a member of the Human Resources Department, their Trade Union representative, or a Dignity at Work Advisor informally for confidential advice. If the person they consider is subjecting them to bullying or harassment is not a student, then they should refer to the University's Dignity at Work Policy and Procedure which is available on the staff intranet.
- 12.4 A personal tutor or the representative of the Students' Union may suggest that the individual should put their concerns in writing to the person reported or they may offer to arrange a meeting between the individual and the person reported to discuss the issue and try to find a way forward without referring the matter to a formal procedure. (Please refer to 8.3 if you are a member of staff). The person reported may be unaware that their conduct is unwanted or causing offence and agree to cease such conduct. The individual may feel that it is sufficient to accept an apology.
- 12.5 Where informal routes to resolution are not considered appropriate or have failed to resolve the issue it may be appropriate to consider the potential use of mediation to source a solution.
- 12.6 The person reported will also have access to advice from their personal tutor, a representative of the Students' Union, a member of the Human Resources Department or a union representative and this will not be interpreted as an indication of guilt.
- 12.7 If informal steps have not been successful or are not possible or appropriate, the person reporting should follow the formal procedure set out below if they wish their complaint to be formally investigated.

As a general principle, the decision whether to progress a complaint is up to the individual (person reporting). However the University has a duty to protect all of its

staff and students and may pursue the matter independently if, where the University considers it appropriate to do so.

13. Raising a formal allegation

- 13.1 Formal allegations about bullying or harassment should be submitted in writing to the Director of Strategic Planning and Student Administration via the complaints@glyndwr.ac.uk email.
- 13.2 The written allegation should set out full details including:
- the name of the alleged harasser or bully (person reported),
 - the nature of the alleged harassment or bullying, including the date(s) , time(s) and places at which it occurred,
 - the names of any witnesses
 - any informal action that has been taken to resolve the situation and the outcome
 - what outcome or action is being sought if the case is found to be upheld.
 - Evidence to support the allegation if possible.
- 13.3 The University will not normally consider a formal allegation in respect of bullying or harassment that has happened in the past, if the behaviour has ceased more than twelve weeks prior to the allegation being submitted.
- 13.4 The Director of Strategic Planning and Student Administration or their nominee will notify both person reporting and the person reported in writing **within five working days** of receiving the allegation of the following:
- a) That a formal allegation has been received and that it will be investigated in accordance with this procedure;
 - b) That both parties will be invited to attend a meeting in accordance with this procedure;
 - c) If the person reporting is a student, they have a right to be accompanied at the meeting for support by another student, friend, relative, member of staff of the University, an adviser of the Students' Union or any other person who is needed to support them because of individual needs. Members of staff making the allegation have a right to be accompanied by a colleague or a representative of a trade union. It may also be appropriate to have a translator present;
 - d) That at all stages of the process, the person reported (if a student) has a right to be accompanied at any meeting for support by another student, friend, relative, member of staff of the University, an adviser of the Students' Union or any other person who is needed to support them because of individual needs), Members of staff may be accompanied by a fellow member of staff or trade union representative;
 - e) That full details and any supporting evidence will be supplied to each of the parties at least **three working days** prior to the meeting.

A copy of this policy and procedure will be supplied to all parties.

The Director of Strategic Planning and Student Administration will appoint an Investigating Officer within a reasonable practicable time to investigate the allegation.

14. Formal investigation

- 14.1 The initial investigation will be conducted by an Investigating Officer with appropriate experience and no prior involvement in the case. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 14.2 The Investigating Officer will arrange a meeting with the person reporting and a separate meeting with the person reported and/or any third party involved to the allegation, usually **within five working days** (or as soon as is reasonably practicable) of appointment, so that each party can give their account of events. The person reported has a right to be informed of the allegations against them, so that they can respond.
- 14.3 It may be necessary to interview witnesses to any of the incidents mentioned in any allegation. If so, the importance of confidentiality will be emphasised to them.
- 14.4 Each party has the right to be accompanied as outlined in section 9 above. The person accompanying either party must respect the confidentiality of the investigation. The Investigating Officer may arrange further meetings with either party as appropriate throughout the investigation.
- 14.5 Where the allegation is about a member of staff, the University may consider making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
- 14.6 Where the allegation is about a student, the University may consider suspending their studies pending the outcome of the investigation, if circumstances require. This decision will be made by the Deputy Vice-Chancellor.
- 14.7 Where the allegation is about someone other than a member of staff or a student, such as a contractor, visitor, consultant, casual or agency worker, the University will consider what action may be appropriate to protect the person making the allegation and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person/s. Where appropriate, the University will attempt to discuss the matter with the third party.
- 14.8 The University will also seriously consider any request made for changes to the circumstances of the person reporting during the investigation. For example requests for permission to not attend certain teaching sessions or for a change of supervisor so as to avoid or minimise contact with the person reported.
- 14.9 The Investigating Officer's report will contain details of the method used to investigate the allegation and will reach one of the following conclusions:
 - That the allegation has been upheld
 - That the allegation has been partially upheld
 - That the allegation has not been upheld as there are no grounds or evidence to support it.

- In addition, the IO may make recommendations relating to any appropriate actions to be taken or penalties to be implemented.

14.10 If the outcome of the investigation is that the allegation is not upheld, the person reporting may submit an appeal in writing to the Director of Strategic Planning and Student Administration stating the grounds of the appeal, **within ten working days** of the date on which the decision was issued.

14.11 An appeal hearing will be held, normally **within ten working days** of receiving the written appeal. This will be dealt with impartially by a more Senior Manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). The person making the appeal may be accompanied at the meeting by a representative of the Student's Union, a fellow student, a member of staff or a carer.

14.12 The final decision in writing, will usually be provided **within ten working days** of the appeal hearing. This is the end of the procedure and there is no further right to appeal.

14.13 If the outcome of the investigation is that the allegation is partially or fully upheld, the case will be considered for referral to an alternative policy / procedure depending on the status of the person reported:

Person reported is a student

Where the outcome is in respect of a student, the outcome of the investigation will be considered by the Director of Strategic Planning and Student Administration and the case may be referred to the Disciplinary Procedure for Students.

The Director of Strategic Planning and Student Administration has the discretion to issue any penalty listed under the Summary Stage of the Disciplinary Procedure for Students which is deemed appropriate, and without the need for a further interview with the student. The student will be provided with a copy of the Investigating Officer report, the grounds for finding the allegation upheld, the penalty imposed and the factors taken into account in deciding the penalty. The student may appeal against the finding of guilt and/or the penalty imposed as outlined in section 8 of the Disciplinary Procedure for Students.

If it is considered that the likely penalty for the alleged misconduct is more serious eg suspension, exclusion or expulsion, the case may be referred to the Disciplinary Panel stage of the Disciplinary Procedure for Students.

Person reported is a not a student

Where the outcome is in respect of a member of staff, the outcome of the investigation will be considered by the Executive Director of Human Resources and the case may be referred to the Disciplinary Procedure for Staff.

Where the outcome is in respect of a third party then the investigation report and outcome will be passed to the third party with an expectation from the University that appropriate procedures to deal with the investigation outcome are instigated by the third party.

15. Office of the Independent Adjudicator for Higher Education (OIA)

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review internal processes relating to student procedures. Wrexham University is a member of this scheme. If you are unhappy with the outcome of this procedure you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>

You normally need to have completed this procedure before you complain to the OIA. The University will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, the University will issue you with a Completion of Procedures Letter automatically. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>