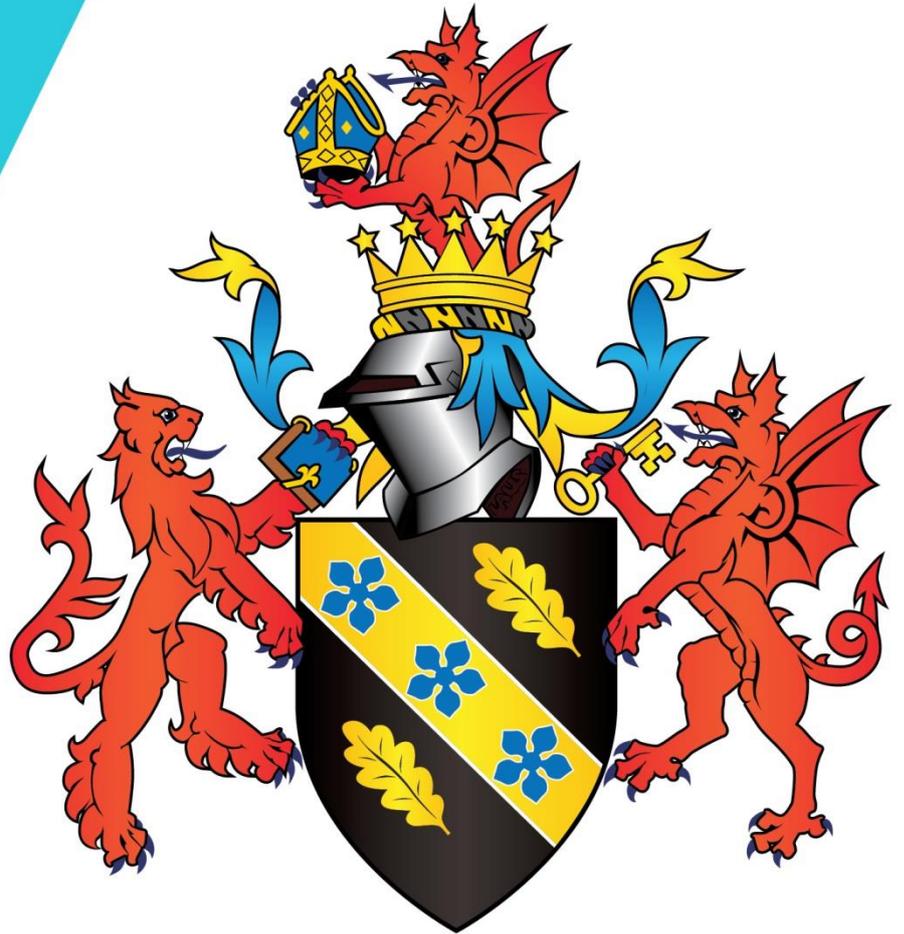




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Student Harassment and Bullying Policy

Harassment and Bullying Policy

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1. Introduction

- 1.1 This policy covers the University's procedures in relation to harassment and bullying. The policy forms part of the University's strong commitment to equality of opportunity and the provision of an inclusive and supportive learning and working environment in which all students are able to fulfil their personal potential and are free from prejudice and discrimination. The University welcomes the cultural diversity of its community.
- 1.2 The University will not tolerate harassment and / or bullying of one individual or group in the University community by another. All individuals must be treated with dignity and respect.
- 1.3 The policy adopts sector good practice (e.g. Universities UK Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence, and the National Union of Students' women's campaign on 'Zero tolerance to sexual harassment').

2. Purpose

- 2.1 The policy aims to ensure that the procedures used to deal with any allegations of harassment and bullying are conducted in a fair and transparent manner, that the University exercises an appropriate duty of care, applies principles of natural justice, complies with equal rights and human rights legislation, and takes all reasonable steps to prevent their recurrence.

3. Scope

- 3.1 This policy relates to all students registered at the University of Wales Trinity Saint David.
- 3.2 The policy covers harassment and bullying both on and off University premises (including via social media) where the alleged victim is a student or others visiting or studying at the University and alleged harassment and bullying occurring during University activities (e.g. during field trips).
- 3.3 In addition, the University will take all reasonable steps to ensure that external organisations providing placement and secondment opportunities have appropriate policies and procedures in place in relation to harassment and bullying. Any student subjected to harassment or bullying while on a placement will be supported appropriately by the University.
- 3.4 The University has the ability to take disciplinary action against a student of its own volition if the reporting student does not wish to make a formal complaint.

4. Relationship and interface with other policies and procedures

- 4.1 This policy is linked with a number of other strategies, policies and procedures within the University, notably:

- The Strategic Equality Plan
- Student Disciplinary Policy (Non Academic Misconduct)
- Information Technology and Systems: Acceptable Use Policy
- Social Media Policy
- Health and Safety policy
- Student Complaints Procedure
- Safeguarding policy

4.2 Before any formal procedures are instigated, the University will consider which procedure(s) are the most appropriate to be used in relation to the allegation.

4.3 Reasonable adjustments will be made as appropriate in relation to the process for students who have disabilities or other health issues.

5. Definitions

5.1 Harassment is defined in the Equality Act 2010 as:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The relevant protected characteristics are: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.¹

5.2 Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

5.3 Bullying or harassment may be by an individual against an individual or may involve groups of people. It may be obvious or invidious; abuse of power can be explicit or implicit. Bullying and harassment are not necessarily face-to-face. They may also occur through various other forms of communication (e.g. email, phone, written communication, and social media).

5.4 Students can complain of behaviour that they find offensive even if it is not directed at them (e.g. when an offensive environment is created as a result of behaviour towards those with a relevant protected characteristic). Complainants also do not need to possess the relevant protected characteristic themselves in order to make a complaint (e.g. when they are bullied or harassed when they are wrongly perceived to have a protected characteristic or when they are associated with someone with a protected characteristic).

5.5 An illustrative list of examples of harassment and bullying is given in of the appendix related to this policy.

¹ Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that it is needed.

6. Responsibilities

- The University's Council is responsible for the implementation and monitoring of the effectiveness of this policy.
- Formal allegations against a member of staff or contractors are overseen on behalf of Council by the Director of HR.
- Formal allegations against a student or academic visitors are overseen on behalf of Council by the Associate PVC (Student Experience).
- All staff and students are responsible for fostering an inclusive culture of respect and dignity for all members of the university community and for adhering to equality and diversity principles
- All students are responsible for reporting any instances of harassment and bullying that they become aware of.

7. Support

- 7.1 The welfare of students is paramount to the University. Any allegation of harassment and bullying is likely to have an adverse impact on all parties involved.
- 7.2 The University will ensure that all parties involved in such incidents have access to support, information, advice, and assistance throughout the process, from the time when the incident is first reported up until the time when the relevant processes have been concluded. Where appropriate the University will refer to external support services. Support can take a range of forms, depending on what is needed and appropriate in each individual case.
- 7.3 All parties involved with the incident will be treated fairly and no presumptions will be made about any of the parties involved until the relevant processes have been concluded.
- 7.4 Students that are affected by harassment and / or bullying and need support can access such support freely, without any concern of further harassment because they have raised a complaint.
- 7.5 All students involved will be able to access support through the Student Services Department of the University. Staff involved will be able to access support through the HR Department.

8. Criminal offences and criminal processes

- 8.1 Under the Equality Act 2010, harassment may constitute a criminal offence. In the event of external criminal processes being commenced in relation to the allegation of harassment and/or bullying, the procedures outlined in this policy may be need to be adapted. Any adaptations will normally be discussed with both parties.
- 8.2 Principles followed when harassment may constitute a criminal offence are outlined in the Student Disciplinary policy (Non-academic Misconduct).

9. Procedures

- 9.1 Often cases of harassment and bullying are clear cut but sometimes people can feel unsure and may want to talk through informally what has happened and discuss the different options open to them, what support could be offered, and whether an informal or formal approach would be more appropriate.
- 9.2 If bullying and / or harassment occurs, it is generally important to act as quickly as possible so that any issues are addressed quickly, the impact is minimised as much as possible, and recurrence is prevented. Victimising or ostracising a person for having made a complaint will not be tolerated.
- 9.3 It is useful if students who raise an allegation of bullying and / or harassment keep a diary of any incidents, which includes details such as the date and time when the instance of bullying and / or harassment occurred, copies of any evidence (emails, social media evidence, photos), and the names of any witnesses.

10. Informal resolution

- 10.1 Depending very much, of course, on the severity of the harassment and / or bullying, before any formal procedures are started, it may be appropriate to use an informal approach first. When the harassment or bullying is serious, it is expected that matters will be proceeded to a formal stage straightaway, following student disciplinary processes as appropriate.
- 10.2 The University offers support to students as part of any informal approaches as it recognises that it is often hard for students that are affected by harassment or bullying to tackle this on their own. Whether or not an informal pathway is used first is at the discretion of the complainant.
- 10.3 Students who are concerned about harassment and/or bullying are requested to contact the Student Services Department.

11. Formal resolution

- 11.1 If attempts to resolve issues informally have been unsuccessful or if an informal approach is not appropriate because of the severity of the allegation of harassment and / or bullying then formal procedures are available. Normally, Student Disciplinary Procedures (Non-academic Misconduct) will be used as appropriate.

12. Confidentiality parameters

- 12.1 The University will be mindful of its obligations under the Data Protection Act 1998 and the Equality Act 2010 in relation to any information shared about the (alleged) harassment and/or bullying.

13. Monitoring

- 13.1. Instances of bullying and harassment as well as the effectiveness of this policy will be monitored annually.

14. Resource implications

Implication	Detail
Finance	<i>Training for a pool of staff to provide support for staff and students affected by harassment and bullying.</i> <i>The organisation of staff development and training materials in relation to harassment and bullying.</i>
Staff	<i>No additional resource anticipated.</i>
Assets	<i>There are no identified asset costs.</i>
Partners	<i>Consideration will be given to the application of this policy across the dual-sector group.</i>
Timescales	<i>Once approved the policy will be implemented immediately. The policy will be regularly monitored to ensure ongoing compliance with relevant legislation.</i>
Leadership	<i>APVC (Student Experience)</i>

15. Impact assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal		<i>The policy will ensure compliance with the relevant legislation such as the Human Rights Act 1998, the Equality Act 2010 and consumer legislation.</i>
Contribution to the Strategic Plan		<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis		<i>Policy compliance will mitigate the risk of harassment and bullying compliance.</i>
Equality		<i>The policy will ensure adherence to provisions of the Equality Act.</i>
Welsh language		<i>The policy aligns with principles expressed by the Welsh Language Act.</i>
Environmental and sustainability		<i>None identified.</i>
Communication / Media / Marketing		<i>The policy will be made available to staff and students via MyDay.</i>

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Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	MP	26.10.16
0.2	Feedback following APC	MP	10.11.16
0.3	Feedback following Senate	MP	23.11.16

