



Guidelines for dealing with harassment and bullying

Information for students and staff

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University of Essex

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Policy statement on Harassment and Bullying

The University of Essex is an international community that is both multicultural and diverse. All members of the University community and visitors to the University are to be treated with dignity and respect. The University is committed to establishing an environment that is free from any form of harassment and bullying. Harassment and bullying adversely affect working, learning and social conditions for University students, staff and visitors and are unacceptable. The University has a zero-tolerance approach to instances of bullying or harassment. Zero tolerance means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case. Any demonstrated incidents of harassment or bullying will be regarded seriously and will be treated as grounds for disciplinary action up to and including dismissal, with or without notice, or expulsion from the University.

Policy Statement on Equality and Diversity

The University of Essex celebrates diversity, challenges inequality and is committed to sustaining an inclusive and diverse community that is open to all who have the potential to benefit from membership of it and which ensures equality of opportunity for all its members. We expect staff, students and visitors to be treated, and to treat each other, with dignity and respect regardless of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background, political beliefs and affiliations, family circumstances or other irrelevant distinction.

Aims of the guidelines

These guidelines have been designed to offer you practical ways of dealing with harassment, bullying, hate crime and assault. Following the guidelines may help you to stop the harassment or bullying yourself. They will also explain how to get help from the University to deal with the problem as well as giving advice on dealing with hate crime, sexual harassment and assault.

Definitions of harassment

Harassment is a form of discrimination and is illegal under the Equality Act 2010. The University considers harassment to be unwanted conduct 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. Harassment can be in verbal, written or physical form and can cause stress, anxiety, fear or sickness on the part of the harassed person.

Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. However, this does not make it acceptable.

Being under the influence of alcohol or drugs will not be accepted as an excuse for harassment.

Some general examples of harassment might include teasing, comments about personal characteristics or appearance, unreasonable criticism, promises of reward or threats made to secure sexual favours or negative comments about someone's race, ethnicity, nationality, age, gender, gender identity, sexual orientation, disability, religion or belief. Some more specific forms of harassment are detailed on the following pages.

Any act of harassment that involves the abuse of a position of authority or trust will be regarded by the University as very serious.

Sexual harassment

Sexual harassment is illegal under the Equality Act 2010 and is considered a form of sex discrimination. The University considers sexual harassment to be the inappropriate introduction of sexual comments or activities into teaching, learning, working or social situations.

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

- unnecessary and unwelcome physical contact
- sexual assault
- suggestive and unwelcome comments or gestures emphasising the gender 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 picture or email containing threatening, abusive or unwanted comments of a sexual nature.

These activities will be considered to be very serious if they are accompanied by one or both of the following:

- explicit or implicit promises for compliance that are a misuse of an institutional position (e.g. promises of higher assessment marks for a student or a recommendation for promotion for a member of staff)
- explicit or implicit threats of penalties for non-compliance that are a misuse of an institutional position (e.g. refusal to provide appropriate support/advice or resources).

Harassment because of sexual orientation

Harassment because of sexual orientation, actual or perceived, is illegal under the Equality Act 2010 and is a form of discrimination. The University considers this form of harassment to be:

- harassment of someone because of their actual sexual orientation
- harassment of someone because of their perceived sexual orientation
- harassment of someone because of the actual or perceived sexual orientation of those with whom they associate.

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

- making suggestive or unwelcome comments or gestures emphasising the actual or perceived sexual orientation of an individual or group
- engaging in homophobic or biphobic behaviour, using homophobic or biphobic language or displaying homophobic or biphobic materials
- making homophobic or biphobic insults or threats
- engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation
- outing an individual as lesbian, gay or bisexual without their permission
- ignoring or excluding an individual from activities because they are lesbian, gay or bisexual
- spreading rumours or gossip about an individual's actual or perceived sexual orientation
- asking a lesbian, gay or bisexual person intrusive questions about their private life
- making assumptions and judgements about someone based on their actual or perceived sexual orientation
- verbally or physically abusing or intimidating someone because of their actual or perceived sexual orientation

Harassment because of gender identity, expression and history

The Equality Act 2010 (The Act) makes it unlawful to discriminate against, harass or victimise a person who 'has proposed, started or completed the process to change his or her sex'. This is known in law as 'gender reassignment' and individuals do not have to be under medical supervision to be protected by law. The University's policy goes beyond that and covers all trans staff, students and visitors i.e. all those whose gender identity, expression and/or history differ from their birth sex.

The term 'trans' may include, but is not limited to, those who transition from male to female or female to male and those who see themselves as not clearly fitting into a male or female identity. Trans people may or may not alter their bodies through medical assistance.

The following are some examples of activities that might constitute harassment because of gender identity, expression and/or history:

- refusing to address a trans person by their preferred name and correct gender pronoun
- repeated and deliberate mis-gendering of a trans person or people
- denying a trans person or people access to the appropriate single sex facilities such as toilets or changing rooms
- engaging in banter or making transphobic comments, taunts or jokes
- outing an individual as trans without their permission or spreading rumours or gossip about their gender identity, expression and/or history
- ignoring or excluding an individual from activities because they are trans
- asking a trans person intrusive questions about their private life
- making assumptions and judgements about someone based on their gender identity, expression and/or history
- verbally or physically abusing or intimidating someone because they are trans

Harassment because of Race

In a multi-cultural community such as the University of Essex, harassment because of race is especially unacceptable and will not be tolerated. Harassment because of race is illegal under the Equality Act 2010 and is regarded as a form of racial discrimination.

The University considers harassment because of race to include any hostile, intimidating, humiliating, degrading, threatening or offensive act or expression by a person or group against another person or group on grounds of racial, ethnic, or national origin, or incitement to commit such an act on racial grounds. Such behaviour includes:

- discrimination on the grounds of race, ethnicity or nationality
- derogatory name-calling
- insults, threats and racist jokes
- ridicule of an individual for racial or ethnic difference
- racist graffiti, images or insignia.

Harassment because of religion or belief

Harassment because of religion or belief is illegal under the Equality Act 2010 and will not be tolerated. Using religion to justify harassment because of gender, gender identity, ethnicity or sexuality, is also unacceptable. Any attempt at coercion of others to comply with the requirements or teaching of a religion, faith or belief system, or a particular interpretation of a religion, faith or belief system by any means or medium including electronic means by a student, member of staff or visitor, is unacceptable.

Harassment because of religion or belief of an individual or group can be because:

- of their religious beliefs
- they have no religious belief
- they have changed or renounced their religious allegiance.

Harassment because of disability

Harassment because of disability is illegal under the Equality Act 2010 and will not be tolerated.

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

- direct verbal abuse or comments that make a disabled person feel uncomfortable, intimidated or degraded
- excluding a disabled person from activities without consultation
- refusing to consider reasonable adjustments that would enable a disabled person to take part in an activity
- refusing a disabled person goods or services that are available to others
- refusing to consider dietary requests
- physical abuse.

Harassment because of age

Harassment because of age is illegal under the Equality Act 2010 and will not be tolerated.

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

- direct verbal abuse or comments about age that make a person feel uncomfortable, intimidated or degraded
- unjustified exclusion of a person because of their age
- ageist jokes.

Electronic and telephone harassment

The University recognises that harassment may take place by e-mail, intranet, internet, text, mobile phone, telephone or other forms of electronic communication. The University may be able to take action against the perpetrators of electronic and telephone harassment if it originates internally and may be able to offer you advice on dealing with such harassment from a source outside the University.

Electronic/Telephone harassment report forms can be obtained from

► www.essex.ac.uk/equality/harassment/harassment-report.aspx

Bullying

Bullying is offensive behaviour, which violates a person's dignity, or creates an intimidating, hostile, degrading, threatening or offensive environment or which humiliates or undermines an individual or group.

Bullying can be carried out by an individual or a group of people. 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.

Examples of being bullied include:

- being shouted at
- being 'told off' in front of colleagues or other people
- being criticised in an inappropriate manner or belittled about your work, personality or personal appearance
- being persistently ignored or 'talked down'
- being pressurised by a group or an individual into behaviour/ actions against your wishes.

Procedures for dealing with harassment and bullying

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

You are strongly advised to seek advice and help from:

Harassment Advisory Network

The University has appointed and trained a network of Harassment Advisers who offer a confidential 'Signposting' service for staff, students and visitors who may be experiencing some form of bullying or harassment.

How to Contact the Harassment Advisory Network

The service operates from 9.00 am - 5.00 pm weekdays only. You can contact the Harassment Advisory Network to arrange an appointment by:

T 01206 87 4334 or dial 224 4334 from a Studentcom Softphone

M 07948 187107 (Text)

E harass@essex.ac.uk

f Find us on Facebook at

▶ www.facebook/UoE.harassment.advisory.network

You can also contact:

- your Head of Department/Section. If you experience bullying or harassment then they should ensure that appropriate action is taken to make it stop.
- other agencies listed in the Advice and Support section of these guidelines.

You are advised to make it clear to the person causing offence that such behaviour on that person's part is unacceptable to you. You may find it easier to do this by letter (you should keep a copy). This may in some instances be sufficient to stop it.

Please be aware that if you do not report the harassment to a Harassment Adviser and/or your Head of Department/Section or ask the person harassing you to stop, this may seem to constitute consent.

It is important to make a note or keep a diary 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 to them, the behaviour persists. If the harassment has caused you to change the pattern of your work or social life or if it has had any effect on your health, you should include this information as well.

Criminal offences involving assault

Students

Students who experience serious assault should report the matter to the police as soon as possible.

Examples of such serious offences include: physical assault, indecent exposure, sexual assault or rape including date rape.

The University is unable to take disciplinary action against a student who is alleged to have committed a serious criminal offence until the outcome of any police investigation is known.

However, in exceptional circumstances the University may suspend a student pending the outcome of such investigations.

The University may take disciplinary action against a student who has been convicted or cautioned for a criminal offence.

Harassment Advisers can offer advice and support to students who have been the victim of an assault.

Employees

Employees who experience serious assault, such as physical assault, indecent exposure or sexual assault including rape or 'date rape' should report the incident to the police as soon as possible.

The University is able to investigate incidents of alleged serious misconduct against employees, including assault and, where appropriate, institute disciplinary procedures.

Harassment Advisers can offer guidance and direct staff, who have been the victim of an assault, to various internal and external support agencies.

For details on how to contact the police, please see details under 'Other Agencies' at the end of these Guidelines.

Hate incidents or crimes

Hate crimes or prejudice-based incidents are defined as any incident, which may constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hostility towards a personal characteristic. The protected characteristics covered are:

- race or nationality
- religion and belief (including having no faith)
- gender and gender identity
- disability
- sexual orientation

The incident or crime can take many forms including:

- physical attacks, such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- threat of attack, including offensive letters, abusive or obscene telephone calls and other intimidating behaviour as groups or individuals
- verbal abuse or insults, abusive gestures
- other abuse, such as offensive leaflets and posters, unfounded and malicious complaints and bullying

Hate crime committed by any individual on campus is unacceptable. If a hate crime is reported to any university service or staff member the victim should be encouraged to report it to the Police and to visit one of the university support services. Some incidents of hate crime and intolerance can be dealt with under existing University procedures, however serious cases may require the University to make a report to the Police.

Academic Freedom and Hate Crime

Academic Freedom is an essential part of academic and University life and flourishes where there is tolerance of, and respect for, a wide range of views and beliefs. The University also has a duty to promote good campus relations and such good relations could be damaged by hate crime.

Reporting a hate incident or crime or an assault

It is particularly important that in cases of hate crime, physical assault, sexual assault including rape and date rape that you seek help immediately.

You should report any assault to the police both for your own protection and for the protection of others. If you have been sexually assaulted or raped, then the police, as part of their investigation, will offer medical help as soon as possible. You can also report a hate incident or crime to the University's Hate Incident Reporting Centre (HIRC). The HIRC can assist staff and students in reporting hate incidents or crimes to Essex Police. To book an appointment with a trained Hate Crime Ambassador please email hirc@essex.ac.uk and someone will respond to arrange a suitable time. You can also report incidents to the University by contacting one of the following:

(Please add 01206 87 if calling from an external phone or 224 before the four digit number if calling using the StudentCom service in University accommodation).

Students

Student Support	T 2366
Security Manager	T 2361
Students' Union Advice Centre	T 2021
Head of Equality and Diversity	T 3506
Harassment Adviser	T 4334

Staff

Director of Human Resources	T 3394
Harassment Adviser	T 4334
Head of Equality and Diversity	T 3506
Security Manager	T 2361

Please note:

If you report an incident directly to the police, please ensure you also report the incident to the University by contacting one of the agencies mentioned above.

- Student Support will also be able to give information about the personal and academic support that is available within the University.
- Members of staff may also want to inform their trade union.

Formal Complaints

If you have been unable to stop the harassment or bullying you may wish to consider making a complaint.

Procedure for Students

You should raise your concerns with the relevant Head of Department/Section in the first instance (this is stage 1 of the formal complaints procedure aimed at early resolution). You can do this either face-to-face, by phone, in writing, by email or by completing a Stage 1: Early Resolution Form.

If you are dissatisfied with the outcome of Stage 1 and wish to pursue your complaint, you will need to complete a Stage 2: Formal Complaint Form and submit it to the Student Progress Team.

Complaints received by the Student Progress Team involving student(s) will be dealt with under the Student concerns and complaints procedure which can be found here: www.essex.ac.uk/about/governance/policies/complaints.aspx#current

The Director of HR and the Head of Equality and Diversity will be made aware of complaints received by the Student Progress Team involving a member of staff and a collective decision will be made as to whether the complaint should be investigated by HR or whether the Student Progress Team appoint an independent investigator.

Procedure for Staff

Complaints of harassment or bullying should be submitted in writing to the Director of Human Resources. Where the complaint involves another member of staff, it will be dealt with under the Conducting Formal Investigations procedure which may then lead to action being taken under the University's Disciplinary Procedure. Where the complaint involves a student, the Director of Human Resources will make the Student Progress Team aware and a collective decision made as to how it will be dealt with.

How to deal with a complaint of harassment or bullying made against you: Guidance for staff

If you have had a formal complaint made against you, *you have the right to:*

- Receive a copy of the complaint made against you, together with any relevant documentation, paying due regard to the provisions of the Data Protection Act
- Respond to the complaint
- A fair hearing/natural justice
- Expect firm management of vexatious or misconceived complaints
- Expect a rigorous review of the matters raised
- Sensitive and supportive handling of the complaint^[1]
- Receive support from services provided by the University e.g. the Employee Assistance Programme (EAP)^[2]
- Be accompanied to any meetings related to the complaint by a Union representative or work colleague of your choice
- A quick decision relating to the outcome of the complaint^[3]

If you have had a formal complaint made against you, *you should:*

- Not expect that the complaint will be resolved in the way you would like
- Not use your right to reply in an inappropriate manner e.g. through the use of social media
- Not coerce others into 'taking sides' – this is bullying

How to deal with a complaint of harassment or bullying against a member of your staff: Guidance for Heads of Departments/Sections

If you receive a complaint against a member of your staff *you should:*

- Act with fairness and impartiality, demonstrating your commitment to equality and diversity and ensuring the existence of any complaint does not have an adverse impact on the member of staff concerned. This may, for example, involve a discussion around work commitments
- Deal with the complaint as quickly as possible
- Be familiar, and comply, with the University's Guidelines for dealing with Harassment and Bullying
- Try to establish a reasonable belief where matters of fact are contested
- Consider using mediation to limit the damage that may occur to relationships from the escalation of the complaint
- Attempt to achieve a resolution

^[1] Should it be impossible for the complainant and the accused to continue working together whilst the investigation is live, consideration will be given as to whether one of the parties could be moved temporarily and if not, whether both parties should be suspended on full pay without prejudice.

^[2] Both parties have the right to receive equal support from services provided by the University.

^[3] Swift action will be taken against a member of staff in the event of a proven claim of harassment or bullying

Confidentiality

The University has an obligation to protect both you and other members of the campus community and for this reason the appropriate University authorities may need to be informed. You will be advised of this before any disclosure is made. Information will only be disclosed to relevant parties and all investigations will remain confidential.

Victimisation

Treating a person detrimentally because they have made a complaint about discrimination or harassment or have given evidence relating to such a complaint is illegal under the Equality Act 2010 and will be treated very seriously.

Vexatious complaints

Complaints of harassment are treated seriously by the University. It should therefore be noted that anyone making mischievous or malicious complaints will be dealt with under the appropriate disciplinary procedures.

Visitors to the University

Visitors are considered to be any person or persons who are not members of staff or students who are legitimately on campus i.e. contractors, visiting academics, prospective students, consultants, staff of businesses or organisations hosted by the University, etc.

Advice and support

Equality and Diversity

T 3506/3507
E diversity@essex.ac.uk

Harassment Advisory Network Helpline

T 4334
E harass@essex.ac.uk

Student Services Hub

Colchester Campus

T 4000
E askthehub@essex.ac.uk

Loughton Campus

T 02085 085983
E askthehub-lc@essex.ac.uk

Southend Campus

T 01702 328200
E askthehub-sc@essex.ac.uk

Human Resources

T 3433
E staffing@essex.ac.uk

Students' Union Advice Centre

T 2021
E su@essex.ac.uk

Nightline

T 2020/2022
E nl@essex.ac.uk

Student Counselling Service

T 3133
E counserv@essex.ac.uk

University Medical Practice

T 01206 794484
E hcentre@essex.ac.uk

Multi-Faith Chaplaincy Centre

(Follow website address and click on User Groups for individual email addresses)

T 3108

▶ www2.essex.ac.uk/chaplaincy

University Emergency

T 2222

(For Fire, Police or Ambulance only)

Security

T 2125/3148

E patrol@essex.ac.uk

Joint Trade Unions

UCU

T 4967

E lcollins@essex.ac.uk

Unison

T 4166

E jwakeman@essex.ac.uk

Unite

T 3974

E ccmcau@essex.ac.uk

Other Agencies

Colchester Police Station

T 01206 762212

Police – non-emergency

T 101

Police Community Support Officer for University of Essex, Greenstead and Wivenhoe

T 07801 461697

E pcso@essex.ac.uk

Equality and Human Rights Commission

T 0845 604 6610

▶ www.equalityhumanrights.com

Colchester Rape Crisis Line

T 01206 769795

South Essex Rape & Incest Crisis Centre

T 01375 380609

E info@rapecrisis.org.uk

Samaritans (national)

T 08457 909090

E jo@samaritans.org.uk

Colchester Samaritans

T 01206 561234

E jo@samaritans.org.uk

Victim Support

T 0845 3030900

Outhouse East Supporting LGBT

T 0845 1232388

E info@outhouseeast.org.uk

Terence Higgin Trust Colchester

T 01206 798595

London Lesbian and Gay Switchboard

T 020 7837 7324

E admin@llgs.org.uk

Help and Advice for HIV and AIDS

T 01403 210202

▶ www.avert.org/contact.htm

Stonewall

T 0800 050 20 20

E info@stonewall.org.uk

