

Scope:	Effective Date: July 2018	Responsible Dept: Registry	Equality Analysis Undertaken:
Last updated: July 2018	Next review date: July 2020	Associated links & web pages:	QA Reference:



Student Harassment and Bullying Policy and Procedure

1. Application and Scope

1.1 The University aims to take all reasonable steps to provide a safe, secure and healthy environment that is conducive to learning and working and is inclusive of the needs of all students and staff.

1.2 This policy applies to all current students of the University and is intended primarily to address allegation(s) of harassment or bullying by **one student against another**. It is not limited to behaviour on university premises.

For students wishing to raise an allegation **against staff**, please refer to the [Complaint Procedure](#). You may still find some of the definitions and resources in this current procedure helpful.

For harassment or bullying allegations by staff **against staff**, please refer to the [Dignity-at-Work-Policy-and-Procedure](#)

For harassment or bullying allegations by staff **against students**, please refer to [Student Discipline Procedure](#)

1.3 Everyone in the York St John community is expected to:

- Act with courtesy and respect in all situations – with peers, colleagues and the local community;
- Contribute to building a friendly community that is free from harassment and unjustifiable discrimination and where everyone feels safe and respected;
- Actively engage in University life and challenge exclusion and prejudice in all forms;
- Take responsibility for resolving problems;
- Seek support when needed;
- Treat others with dignity and respect.

1.4 The terms harassment and bullying are often used interchangeably. In general they can be defined as behaviour directed towards an individual, that is unwelcome, uninvited and causes a detrimental effect. There is additional protection within law if you experience harassment due to particular personal characteristics such as age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

1.5 The University will normally only pursue an allegation of harassment or bullying made by you personally, not where a third party is making a claim on your behalf.

1.6 Should a member of staff become aware of an allegation of harassment or bullying, they would be expected to intervene informally to ensure the student affected is receiving support.

The member of staff would be expected to bring this policy and related resources to the attention of the student. Staff can seek advice from a Harassment Adviser on how best to proceed.

2. General Principles

2.1 The University does not tolerate harassment or bullying of any kind. If deemed necessary, you will be referred to the [Student Discipline Procedure](#) which may result in disciplinary action against the student(s) you are accusing. The police may be also asked to investigate allegations of hate crime and harassment.

2.2 However, wherever possible, allegations of harassment or bullying should be resolved informally without recourse to formal procedures. There are two **informal** stages to this procedure – Informal Level One and Informal Level Two (see Section 3).

2.3 There may be occasions when it is not appropriate or possible for your allegation to be resolved through the informal stages (e.g. allegations of sexual harassment or sexual assault). In such cases the University Secretary will advise whether to refer your case for consideration under the formal student disciplinary procedures. Where a crime or breach of discipline is alleged to have been committed, the Code of Discipline and disciplinary procedures shall apply.

2.4 Any action taken under this procedure will be taken promptly, unless there is a good reason for delay. Where there is delay, the reasons will be fully explained to you in writing.

2.5 There will be no assumption of guilt made in any report of harassment or bullying. Decisions will be made on the available evidence.

2.6 It is expected that you will only formally report the harassment or bullying concern to **one member** of university staff. This does not preclude seeking further support, but you should make it clear that the matter is already being considered in order to avoid duplication of work. It is likely you will be asked which other staff members you have discussed your concerns with so that checks can be made to establish whether any enquiries have already begun.

2.7 It is acknowledged that counter-allegations of harassment or bullying sometimes arise when an initial allegation is made. In the event that a report gives rise to counter-allegations, these will usually be considered at the same time as the original allegation.

2.8 If your report of harassment or bullying is found to be vexatious or malicious you may be subject to disciplinary procedures.

2.9 All parties involved in this process will have the right to be accompanied at any meetings by a supporter, e.g. Students' Union representative.

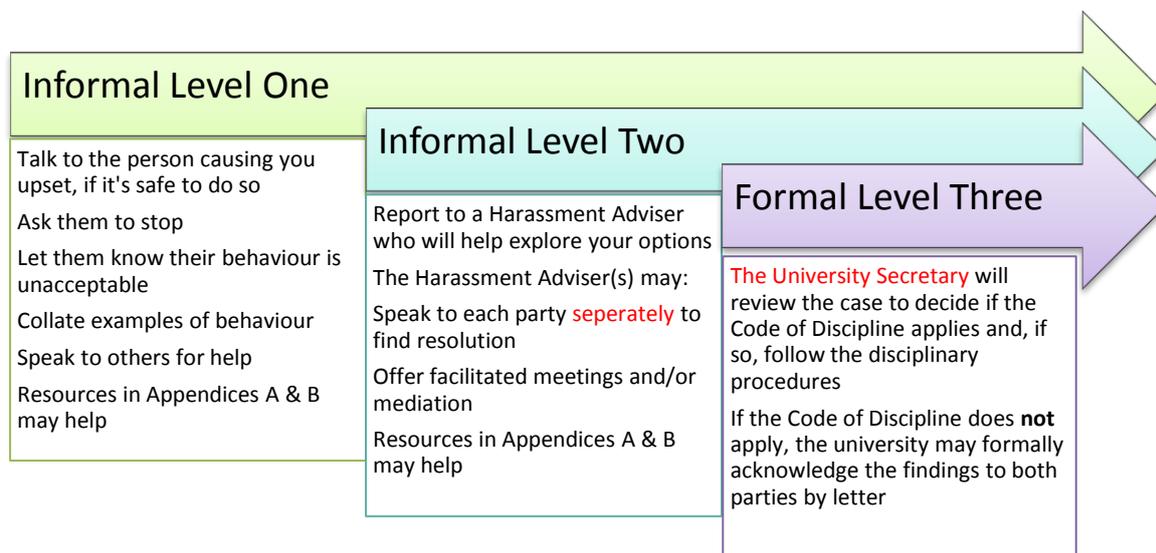
2.10 The University is committed to ensuring a fair process. If a member of staff becomes aware of a student's specific needs which may require reasonable adjustments, then they are asked to notify whoever is overseeing the process as soon as possible.

2.11 All individuals involved in these procedures must ensure that they maintain the confidentiality of the process at all times, within and outside the University.

2.12 It is recognised that being subject to harassment or bullying, or being accused of harassment or bullying can be a stressful experience for individuals. Students are encouraged to access the support available, outlined in Appendix B.

3. Process

There are three possible stages to this process;



3.1 Informal Level One

3.1.1 You are encouraged to try to resolve the matter through the **Informal Level One** process and, in the first instance, communicate directly to the other party if it is safe to do so. References and resources for these purposes are available at **Appendix A and B**. The purpose of any informal procedures is to aim to resolve the issue whilst giving the other individual an opportunity to cease any behaviour which causes distress. In many cases an informal approach may be more effective in putting a stop to the behaviour whilst facilitating a continued study/social relationship, than invoking formal procedures.

3.1.2 The university understands that it can be challenging for victims of bullying or harassment to speak directly to the perpetrator and we can provide support to enable you to do this. If however you do not feel comfortable in confronting the situation, you are encouraged to seek support and document your experiences. (See Appendix B Resources for Students)

3.1.3 Talk or write to the other party to inform them of the unacceptable nature of their behaviour and request that they stop. Cessation of the behaviour and an apology may be sufficient to bring the matter to a close.

3.1.4 If the behaviour continues, you should collate as much information as you can about the harassment or bullying incidents. You should keep any evidence e.g. offensive messages / texts / videos or other examples and try to keep a written diary of events.

3.2 Informal Level Two

If you have not been able, or it has been inappropriate, to attempt to resolve the situation through the **Informal Level One** process, you can seek advice from a Harassment Adviser by emailing HA@yorks.ac.uk.

3.2.1 Once you have brought the matter to the attention of a Harassment Adviser, they may meet with you to obtain more information, explain available options in an attempt to determine your preferred resolution and signpost you to other support available.

3.2.2 The Harassment Adviser will adopt a non-judgemental educative approach. They may facilitate non-adversarial discussions with the aim of resolving the case. **Please be aware that the university is not able to insist students attend these discussions.** The option of mediation may also be explored. There may be situations when the Harassment Adviser believes that the matter should be referred directly to **Formal Level Three**. Where this applies, the Harassment Adviser will, with your consent, consult the Student Casework Manager and/or the University Secretary for a decision on the matter.

3.2.3 Following an outcome during **Informal Level Two**, which is accepted by all parties, the matter will be considered resolved. Where appropriate, the Harassment Adviser will obtain a written agreement from both parties.

3.2.4 If there has been no accepted resolution via the informal procedure, **before proceeding to the formal procedure**, the Harassment Adviser will liaise with the Student Casework Manager in Registry and, where equality issues have been raised, the Equality and Diversity Adviser, to ensure that all options for resolution have been considered and appropriate actions to seek resolution have been taken. There are two likely outcomes to this meeting:

- Insufficient grounds to proceed to the University disciplinary procedure whereupon you will be asked to reconsider informal options
- Proceed to the formal procedure

3.3 Formal Level Three

Where the first two levels have been exhausted, or where it is inappropriate to attempt informal resolution and the situation remains unresolved, the matter may be referred to the University Secretary to decide whether it is to be considered under the University's [Student Discipline Procedure](#)

4. Recording

For the purposes of monitoring the application of this procedure, the Harassment Adviser shall keep records including the number of interventions and the outcomes; personal data will not be held following completion of the case. Cases referred to the disciplinary procedure are recorded in the manner applicable to that procedure.

Additional resources:

[Appendix A - Definitions](#)

[Appendix B - Resources](#)