

**Harassment and Bullying Policy**

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# **Part I – Introduction and Definitions**

##  **Purpose and Scope of the Policy**

1.1 In this Policy:

* “Harassment” shall mean harassment, bullying or victimisation as defined in sections 3-10 of this Policy.
* “Reporter” shall mean the person or group making an allegation of Harassment
* “Alleged Harasser” shall mean the person or group who are the subject of allegations of Harassment

1.2 This Policy has the status of a Code of Practice in the University’s legislative framework.

1.3 The purpose of this Policy is to state the University’s position on Harassment, to raise awareness amongst the University community of behaviour that would be considered Harassment, and to provide guidance on informal and formal means of dealing with Harassment when it occurs.

1.4 This Policy applies to all Registered Students of the University, Students on a Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands (referred to in this Policy as ‘students’), all members of staff, including honorary staff, and all visitors to the University.

1.5 Copies of this Policy are available on the University’s publicly accessible website and on SharePoint for staff and students. Hardcopy formats are available on request from Human Resources, Student Services and the Guild of Students.

1.6 The University has particular regard to the importance of freedom of speech, and to securing that freedom of speech for staff, students, and visitors, so far as reasonably practicable. Nothing in this policy is intended to interfere with the ability of staff, students, and visitors, to freely and lawfully express their views, in line with the University’s duty under s43 of the Education (No 2) Act 1986 and the Higher Education (Freedom of Speech) Act 2023 relating to freedom of speech and academic freedom. Section 5 provides further information.

##  **University Policy Statement on Harassment and Bullying**

* 1. The University believes that Harassment and bullying damages the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it. The University is committed to creating a working and learning environment free from Harassment and discrimination in which all staff, students and visitors to the University are treated with dignity and respect in accordance with the Equality Act 2010, the Worker Protection (Amendment of Equality Act 2010) Act 2023 (under which the University must take reasonable steps to prevent sexual Harassment of its staff during the course of their employment) and the University Charter and its Statutes.

2.2 All staff, students and visitors are expected to uphold these principles and to support and promote the creation of a Harassment-free working and learning environment.

2.3 The University strongly encourages any staff, student or visitor who considers they are suffering Harassment to take action using the procedures set out in this Policy. The University in turn commits to take seriously and thoroughly investigate any allegations of Harassment that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, action may be taken against the perpetrators, up to and including dismissal of staff or expulsion of students. Individuals who engage in unlawful Harassment may also be held personally liable for their actions and subject to prosecution under criminal law.

## **What is Harassment?**

* 1. For the purposes of this Policy, the University will use and apply the definitions of Harassment in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).
	2. Under section 26 of the Equality Act 2010:

 A person harasses another if:

1. they engage in unwanted conduct related to a relevant protected characteristic*;* or
2. they engage in unwanted conduct of a sexual nature; or
3. they or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, which results in a person being treated less favourably than if they had not rejected or had submitted to the conduct,

 and the unwanted conduct has the purpose or effect of:

1. violating a person’s dignity; or
2. creating an intimidating, hostile, degrading, humiliating or offensive environment.

In determining whether harassment has occurred within the meaning of section 26, it is necessary to consider (a) the perception of the individual, (b) the other circumstances of the case; and (c) whether it is reasonable in the circumstances for the conduct to have that effect.

3.4 The relevant protected characteristics[[1]](#footnote-2) are:

* age
* disability (physical or mental)
* gender reassignment
* race (including ethnic and national origins, colour and nationality)
* religion or belief (including lack of belief)
* sex
* sexual orientation
	1. Harassment related to these characteristics is unlawful.
	2. In addition, under section 1(1) of the Protection from Harassment Act 1997[[2]](#footnote-3):

A person must not pursue a course of conduct:

1. which amounts to harassment of another; and
2. which he knows or ought to know amounts to harassment of the other.
	1. Conduct includes speech.
	2. The definition under section 1 of the Protection from Harassment Act 1997 means that Harassment, even where it is not related to a relevant protected characteristic, is still unlawful.

3.9 Appendix 1 provides examples of some forms of Harassment.

3.10 For example, a person may be subjected to Harassment because they are perceived as being ‘different to the norm’ in some way or are in a less powerful position than the Alleged Harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that Harassment can occur in less obvious scenarios and outside of traditional power relationships. For example, a staff member could be harassed by a student, or a manager by a member of staff. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment because of association), or it is directed at them but they do not have the protected characteristic but are perceived to have it (harassment because of perception).

## **What behaviour constitutes Harassment?**

4.1 As the definition of Harassment makes clear, any behaviour that is unwanted and could reasonably be considered as violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially Harassment. Typically, for behaviour to be considered Harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself, constitute Harassment.

4.2 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages, online, group chat, or via social media and graffiti. It may be expressed directly to the Reporter, occur in their presence or be communicated about them to a third party. Often Harassment is targeted at a particular individual. However, a prevailing workplace or learning culture, where, for example, the telling of racist jokes or the making of insulting comments related to sexual orientation is tolerated, can also constitute Harassment.

4.3 For example, behaviour amounting to Harassment may include:

* Insults, name-calling and offensive language and gestures
* Inappropriate jokes relating to a protected characteristic
* Ridiculing and undermining behaviour
* Inappropriate or unnecessary physical contact
* Physical assault or threats of physical assault
* Intimidating, coercive or threatening actions and behaviour
* Unwanted sexual advances
* Isolation, non-cooperation or deliberate exclusion
* Inappropriate comments about a person’s appearance, intrusive questions or comments about a person’s private life and malicious gossip
* Offensive images and literature
* Pestering, spying or stalking

4.4 These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University where they constitute Harassment. Appendix 1 provides further examples.

## **Reasonableness and Freedom of Speech principles**

5.1 On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to Harassment is that the behaviour is unacceptable to the recipient and could ‘reasonably be considered’ to amount to Harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if Harassment has taken place.

5.2 When considering allegations of Harassment, the University will therefore apply a test of ‘reasonableness’ to determine if Harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the Reporter, could the behaviour in question ‘reasonably be considered’ to cause Harassment, e.g. could it reasonably be considered to:

* violate the Reporter’s dignity, or
* create an intimidating, hostile, degrading, humiliating or offensive environment for them.

5.3 The University has particular regard for the importance of freedom of speech and academic freedom. It recognises vigorous academic debate, which is characterised as encouraging a variety of viewpoints (including sensitive or contentious viewpoints) and having the effect of stimulating and encouraging thought and discussion as distinct from Harassment. The University has a Code of Practice on Freedom of Speech through which it upholds its legal duties in this regard.

5.4 In the context of the present policy, the University will apply a ‘rebuttable presumption’ that the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with course content is unlikely to amount to Harassment, unless otherwise demonstrated that these matters do in fact amount to harassment.

5.5 Whilst staff and students will clearly hold a range of views on a variety issues, they would be expected to treat all members of the University community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others. For the avoidance of doubt, where speech is lawful and therefore does not constitute Harassment, staff/students would not face disciplinary consequences for expressing their lawfully held views

##  **What is Bullying?**

6.1 Bullying can be defined as unwanted ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.’[[3]](#footnote-4) Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. a member of staff may be bullied by a student or a manager by a member of staff.

##  **What behaviour constitutes Bullying?**

7.1 Behaviour generally accepted as amounting to bullying includes:

* Ridiculing a person
* Shouting or screaming at a person
* Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
* Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
* Persistently ‘singling out’ a person without good reason or deliberately excluding, isolating or ignoring an individual
* Making threats or comments about job security or academic success or failure without foundation

7.2 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University.

7.3 When considering allegations of bullying, the University will apply the test of ‘reasonableness’ to determine if bullying has taken place. The test will be applied as outlined in paragraphs 5.1-5.2 above with due regard in particular to the perception of the Reporter and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the Reporter.

7.4 Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

## **7.5 Cyberbullying and the use of Social Media**

7.5.1 Cyberbullying is a term used to refer to bullying through electronic media. In sending emails or other forms of online communication all staff and students should consider the content, language and appropriateness of such communications.

7.5.2 When using social media, the[*General Conditions of Use of Computing and Network Facilities*](https://bham.sharepoint.com/sites/IT/Shared%20Documents/Policies/General%20Conditions%20of%20Use%20of%20Computing%20and%20Network%20Facilities.pdf?csf=1&web=1&e=6XTejA)must be followed. The following guidance is also relevant for both students and staff:

* avoid using language which would be deemed to others to be Harassment in a face-to-face setting as the impact on an individual will be much the same
* avoid forming or joining an online group or group chat that isolates or victimises students or colleagues
* ensure that you never access online or share illegal content online

7.5.3 If instances of what might be online Harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

##  **Victimisation**

8.1 Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes 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.

8.2 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.

8.3 Victimisation is unlawful under Harassment and discrimination legislation and will be treated as a form of Harassment under this Policy.

##  **Sexual Misconduct**

* 1. Sexual misconduct is any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to:
* sexual Harassment;
* sexual assault; and
* rape.
	1. Sexual misconduct 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, where possible, in consultation with the Reporter.

##  **Good Faith**

10.1If, at any time, there is evidence that allegations of Harassment or bullying have been made vexatiously or maliciously, that false information has been provided or that the Reporter has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.

# **Part II – Staff and Student Procedures**

##  **For Students - Addressing Harassment and Sources of Support**

11.1 The University encourages staff, students and visitors to take action against Harassment using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith. Appendix 2 provides a list of all the sources of support available to students.

11.2 Report and Support is available for all students and can be used 24/7, 365 days a year. This is recommended as the first line of support for students. If a person believes they are being subjected to Harassment it is recommended that, where possible and appropriate those involved should attempt to resolve the situation informally in the first instance. Students can contact Report and Support or their College Wellbeing Officer to discuss this. An ‘informal approach’ may effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this may be sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation.

11.3 Notwithstanding the above, behaviour occurring on campus that is extreme and/or violent should be reported directly to the Campus Security. If an individual is in immediate danger or has sustained serious injury, they should call 999. For those on campus, Campus Security is available 24/7 and can be contacted on 0121 414 4444, or individuals may go to the nearest University building and request someone to contact Campus Security on their behalf.

11.4 Whichever approach is chosen, it is recommended that a written record of any incident of Harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

* Details of when and where the Harassment took place, including dates and times;
* Details of the behaviour; and
* Details of any witnesses to the behaviour.

## **For Staff - Informal Procedures for Addressing** **Harassment**

### 12.1Third-party intervention

12.1.1 Asking an appropriate person who is not directly involved in the situation to speak with the Alleged Harasser can often help get the right message across. An appropriate third party would be a line manager or a suitable member of the College/Professional Services management structure in accordance with the relevant staff grievance procedure or, where this is not possible, the next senior level of management. Where appropriate, this may form stage 1 of the grievance process in accordance with University Ordinances.

12.1.2 The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the Alleged Harasser to discuss the allegation and make clear that any behaviour that could be considered Harassment under this Policy must stop immediately. Alternatively, the third-party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation for staff members to help rebuild the relationship, (see section 13.2 below).

12.1.3 Both the Reporter and Alleged Harasser have the right to be accompanied by a work colleague or union representative to any meetings at this stage in the process. Where appropriate the third party will seek to advise the reporting person that their concerns have been addressed with the Alleged Harasser.

12.1.4 Although asking someone to act as a third party may be helpful, Reporters should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against Reporter.

### 12.2 Mediation

12.2.1 Where relationships between staff members have been damaged, the University’s Mediation Service can help both parties to rebuild their relationship. Mediation is a voluntary and confidential process which enables parties to resolve issues with the assistance of a professionally-qualified mediator. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

12.2.2 Staff referrals for mediation should be made to Occupational Health and Wellbeing, who will source a mediator, from our staff mediation volunteers. Further information about mediation is available from Occupational Health and Wellbeing.

##  **Informal Procedures for Addressing Harassment for Students**

### 13.1 Third-party intervention

13.1.1 Asking an appropriate person who is not directly involved in the situation to speak with the Alleged Harasser can often help get the right message across. An appropriate third party may be a personal or welfare tutor and/or senior member of their School. Alternatively, if a student is accessing support through Report and Support, students can request that their responder contacts the Wellbeing Officer within their School on their behalf to initiate third-party intervention. It is not appropriate to engage the support of fellow students for this intervention.

13.1.2 The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the Alleged Harasser to discuss the allegation and make clear that any behaviour that could be considered Harassment under this Policy must stop immediately. Alternatively, the third-party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward.

13.1.3 Students may be accompanied by a friend at their request. Where appropriate the third party will seek to advise the reporting person that their concerns have been addressed with the Alleged Harasser.

13.1.4 Although asking someone to act as a third party may be helpful, Reporters should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against Reporter.

##  **Formal Procedures for Addressing Harassment for Staff and Students**

14.1 General

14.1.1 If informal methods do not resolve the matter, or if the Harassment is particularly serious, a formal allegation of Harassment may be submitted.

14.1.2 Formal allegations of Harassment should be made in writing and include:

* The Reporter’s personal details (including staff or student ID number);
* An outline of the allegation (including dates, times and places);
* Details of the Alleged Harasser;
* Details of any witnesses; and, if relevant
* Details of any informal attempts which have been taken to resolve the situation and the outcome(s).

14.1.3 When the complaint is from a student and if the Alleged Harasser is a member of staff, the Investigating Officer shall inform HR of the allegations and keep them informed throughout the process to enable HR to decide whether and when a separate staff procedure may need to be instigated.

14.1.4 Where an investigation finds that Harassment has taken place, this may result in disciplinary action under the relevant staff or student procedure.

14.1.5 Allegations should be made by named individuals. The University cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

### 14.2 Formal complaints by Staff

14.2.1 Members of staff should address their letter in accordance with the requirements of the relevant formal grievance procedure. This is whether their allegation is against a member of staff or a student. Formal complaints are made under the relevant staff grievance procedure and will involve a formal investigation into the allegations.

### 14.3 Formal complaints by Students

14.3.1 Students who wish to make a formal allegation against members of staff or students are directed to the Code of Practice on Student Concerns and Complaints and the accompanying guidance before submitting a Concern Form.

14.3.2 To make a formal complaint against a member of staff, Reporters can complete the [Concern Review Form](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fintranet.birmingham.ac.uk%2Fstudent%2Facademic-support%2Fregistry%2Fdocuments%2Fpublic%2Fstudent-conduct-complaints-and-appeals%2Fstudent-complaints-documents%2Fconcern-review-form.docx&wdOrigin=BROWSELINK) and submit it to the Student Conduct, Complaints, and Appeals team via email at student-complaints@contacts.bham.ac.uk.

14.3.3 To make a formal complaint against another student, Reporters can complete the [Complaint Against Another Student Concern Form](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fintranet.birmingham.ac.uk%2Fstudent%2Facademic-support%2Fregistry%2Fdocuments%2Fpublic%2Fstudent-conduct-complaints-and-appeals%2Fstudent-complaints-documents%2Fconcern-review-form-student-conduct-final-2024.docx&wdOrigin=BROWSELINK) and submit it to the Student Conduct, Complaints, and Appeals team via email at student-complaints@contacts.bham.ac.uk.

##  **Other sources of support**

## 15.1 Report and Support for Staff and Students

* + 1. The University’s Report and Support service is available to both staff and students and provides information, support and reporting options for Harassment, bullying, discrimination, assault, hate crime, domestic abuse and sexual violence. Individuals can submit a report and request to be seen by a Responder (for students) or Advisor (for staff) who will discuss all available options. Further details of Report and Support can be found in Appendix 3.
		2. As well as Report and Support, students can also access support from Student Conduct, Complaints, and Appeals, College Wellbeing Officers, UB Heard, and the Guild. Details are listed in Appendix 3.

15.2 Employee Assistance Programme for Staff

15.2.1 The University’s Employee Assistance Programme (EAP) provides informal support for staff or they may wish to speak with their union Harassment adviser as an alternative source of support and advice.

##  **Procedures for addressing Harassment experienced by Visitors**

16.1 Visitors who wish to report Harassment by a member of staff or a student may do so by e-mailing LegalOffice@adf.bham.ac.uk.

##  **Guidance**

### 17.1 General

17.1.1 Human Resources can provide signposting for staff on the options available under this Policy.

17.1.2 The Student Conduct, Complaints and Appeals team can provide advice to students on the options available under this Policy, as well as details of the sources of help and support available to advice.

### 17.2 Guidance for Persons Accused of Harassment (the Alleged Harasser)

17.2.1 Persons who are approached about their behaviour are advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute Harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. Equally, the person should be confident in the University’s commitment to freedom of speech and academic freedom as set out in paragraph 1.6 and section 5 above. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.

17.2.2 In some cases people may feel that there has been a misunderstanding, and that they did not intend to cause Harassment but accept that Harassment has nevertheless occurred. In this case the Alleged Harasser should explain that the behaviour will not be repeated and parties should come to an agreement regarding what is/isn’t acceptable.

17.2.3 Persons subject to a formal allegation of Harassment should not contact the Reporter or any named witnesses as this is unlikely to solve, and may aggravate, the situation.

17.2.4 Staff and students, who are or who have been the subject of a complaint, should be aware of the guidance on Victimisation in Section 8 of this Policy.

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### 18.3 Guidance for Persons Witnessing Harassment

17.3.1 In the case of staff, when Harassment occurs in a group situation the person in authority in that group has the responsibility to recognise this behaviour and to take action to stop it. This may mean reporting the behaviour to a more senior colleague or, if they are the line manager of the person, by speaking with the Alleged Harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which Harassment is deemed to be ‘acceptable’.

17.3.2 If the person in authority is the Alleged Harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the Harassment in taking one of the courses of action outlined in this Policy.

17.3.3 Students who believe they may have been a witness to Harassment may want to consider;

* Speaking to the person subject to the Harassment to ask how they felt about the behaviour and to offer support in pursuing the matter as outlined in this Policy;
* Speaking to the Alleged Harasser to see if they understood that their actions were potentially hurtful.

17.3.4 Any person who thinks they may have witnessed Harassment can seek help and advice from the persons/groups listed in Appendix 2.

# **Appendix 1** - **Forms of Harassment**

## **1. Introduction**

1.1 The following section provides examples of forms of Harassment in greater detail. These examples are not intended to be exhaustive. They are, however, indicative of conduct that would be considered unacceptable by the University. In all cases, the University will consider all the circumstances and whether the conduct reasonably amounts to Harassment in those circumstances.

## **2. Racial Harassment**

2.1 Racial Harassment is unwanted conduct related to a person’s race, including their ethnic or national origins, colour or nationality. It is usually, although not exclusively, directed at individuals from minority ethnic groups.

2.2 Specific manifestations of racial Harassment may include racist jokes, ‘banter’ and language, the expression of racist views and stereotypes related to, the display of racist materials, or deliberately excluding or refusing to cooperate with someone because of their race. Conduct that focuses upon a person’s appearance, dress, culture or customs in an intrusive or inappropriate way can also constitute racial Harassment, as does behaviour that has the effect of fostering hatred and/or prejudice towards individuals of particular racial groups. Racial Harassment is explicitly prohibited under the Equality Act 2010.

## **3. Sexual Harassment**

3.1 Sexual Harassment is unwanted conduct by either sex that is sexual in nature. Conduct that would amount to sexual Harassment includes:

* Physical contact, ranging from invasion of personal space, inappropriate touching or physical assault
* Intrusive questions and remarks about a person’s private life
* Inappropriate remarks about a person’s appearance or dress
* Sexually explicit language, jokes, verbal and physical innuendo
* Using demeaning, gender-specific terminology
* Display or circulation of sexually explicit materials
* Coercive demands for sexual favours, (such as promotion or academic success depending on the response to the demand)
* Intrusion by pestering, spying or stalking
* Persistent, unwanted advances, (e.g. inviting a colleague or friend out would not in itself amount to Harassment. However, if it was indicated that the approach was unwelcome and the individual persisted in making such approaches, this is likely to be considered Harassment by the recipient).

3.2 Sexual Harassment is specifically prohibited under the Equality Act 2010.

## **4. Harassment related to Sex**

4.1 Harassment related to sex describes unwanted conduct that is directed at a person because they are male or female. For example, to deliberately exclude someone because they are the only man or woman in a team, group or class would be considered sex Harassment. Harassment related to sex is distinct from sexual Harassment as, whilst the behaviour relates to a person’s sex, it is not sexual in nature. Harassment related to sex is unlawful under the Equality Act 2010.

## **5. Harassment related to Disability**

5.1 Harassment related to disability is unwanted conduct directed at a person because of their physical or mental disability. It may relate to the disability itself or the person’s real or presumed capabilities. A person can also be harassed on the grounds of disability where they themselves are not disabled - for example, if they are the carer of a person with disabilities and suffer Harassment on that basis.

5.2 Specific examples of disability-related Harassment include individuals being ignored, disparaged or ridiculed, inappropriate personal remarks, unnecessarily intrusive and inappropriate questions about a person’s condition or excessive and unnecessary references to a person’s disability. At its extreme, it can manifest as refusal to work or study alongside someone with a disability. Harassment related to disability is unlawful under the Equality Act 2010.

## **6. Harassment related to Religion or Belief**

6.1 Harassment related to religion or belief is unwanted conduct directed at a person because of their religion or philosophical belief system. It can also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or because of a person’s non-adherence to a religion or belief system.

6.2 Harassment may take the form of insults or ridicule of a person’s religion or belief, including philosophical beliefs. Behaviour may focus upon a particular aspect of a religion or belief system, such as clothing, religious artefacts, beliefs and rituals or the expression of stereotyped perceptions and assumptions about a religion or belief and its followers. It can also take the form of coercive pressure to convert or conform to a religion or belief system.

6.3 Harassment related to religion or belief is unlawful under the Equality Act 2010.

## **7. Harassment related to Sexual Orientation**

7.1 Harassment related to sexual orientation is unwanted conduct directed at a person because of their actual or perceived sexual orientation. It most frequently affects individuals who are gay, lesbian or bisexual, but may also be directed at heterosexuals. Harassment related to sexual orientation may go unreported because a person does not wish to disclose their sexuality.

7.2 Harassment related to sexual orientation may be specifically manifested as intrusive questions about a person’s private life, insulting or disparaging comments, jokes and ‘banter’ about sexuality, gossip and speculation about a person’s sexuality, refusal to work or study alongside someone because of their sexuality and actual physical assault. ‘Outing’ someone by, for example, the release of personal information, would also be considered Harassment. Harassment related to sexual orientation is unlawful under the Equality Act 2010.

## **8. Harassment related to Gender Reassignment**

8.1 Harassment related to gender reassignment is defined as being unwanted conduct directed at a person who does not identify with the sex to which they were assigned at birth (for example, someone who is transgender or non-binary). This includes individuals who are undergoing, have undergone or plan to undergo a gender reassignment process to change their gender identity.

 8.2 Specific examples of such Harassment may include: excluding a person because of their trans identity, making jokes or disparaging comments about trans people, refusing to work or study with someone because of their trans identity, or name-calling. ‘

## **9. Harassment related to Age**

9.1 Harassment related to age is unwanted conduct related to a person’s age. It can occur because of a person’s real or perceived age and applies to the ‘young’ and ‘old’ alike. Specific examples of age-related Harassment include jokes, name-calling and comments relating to a person’s age or comments about their presumed abilities. Harassment related to age is unlawful under the Equality Act 2010.

# **Appendix 2** - **Sources of Help and Advice**

The University recommends that students and staff visit the Report and Support page as the first source of support and advice for anyone who believes they are being subjected to Harassment, or other inappropriate behaviour.

The groups/people below will also be able to offer support, help and advice to those subjected to, witnessing or accused of Harassment:

|  |  |
| --- | --- |
| Service | Contacts |
| ***FOR STAFF*** |
| Report and Support | <http://www.reportandsupport.birmingham.ac.uk> |
| EAP | 0800 028 0199 or for further information <https://intranet.birmingham.ac.uk/hr/wellbeing/workhealth/employee-assistance-programme-eap-and-citizens-advice> |
| Occupational Health | 0121 414 5116 or for further information <https://intranet.birmingham.ac.uk/hr/wellbeing/workhealth/index> |
| Line Manager/Senior Manager |  |
| Union Representative |  |
| ***FOR STUDENTS*** |
| Report and Support | <http://www.reportandsupport.birmingham.ac.uk> |
| Student Conduct Complaints and Appeals | <https://intranet.birmingham.ac.uk/as/registry/policy/conduct/index.aspx> |
| College Wellbeing Officers | <https://intranet.birmingham.ac.uk/student/your-wellbeing/wellbeing-officers.aspx> <https://intranet.birmingham.ac.uk/student/your-wellbeing/index.aspx>  |
| UB Heard | UBHeard is a free confidential listening support service that gives you immediate emotional and mental health support 24 hours a day, 7 days a week, 365 days a year.**Call 0800 917 9379** (Freephone UK\*) to speak to a trained counsellor.*\*Some phone providers do charge for freephone numbers so please check with your service provider.*You can also download the free Wisdom App from the [App Store (iOS)](https://apps.apple.com/gb/app/wisdom-learn-grow-thrive/id6462672407) or [Google Play (Android)](https://play.google.com/store/apps/details?id=com.healthassured.wisdom&pli=1) for a range of features including contacting a dedicated wellbeing counsellor using live messaging and video calls. This is ideal for University students not in the UK and replaces the international number. Wherever you are in the world, this makes accessing the service easier and more accessible. Visit: [Mental Health Support Line](https://www.intranet.birmingham.ac.uk/student/your-wellbeing/mental-health/ubheard.aspx) |
| Guild Advice | [Guild Advice - Guild of Students](https://www.guildofstudents.com/support/guildadvice/)The University of Birmingham Guild of Students provides free, impartial, confidential advice. |

# **Appendix 3** **- Report and Support**

## 1. What is Report and Support?

1.1 Report and Support at the University of Birmingham is an online tool in which students, and staff, can report issues of domestic abuse, assault, hate crime, Harassment, sexual misconduct, bullying and discrimination. Individuals can report by providing their contact details and meet with a specially trained Responder (for students)/Advisor (for staff) who will provide a tailored service outlining the support and reporting options available. Anonymously reporting is also an option via this service. Report and Support is also home to information about internal and external support.

## 2. Where can I found out more about what Report and Support can offer?

2.1 Further information on Report and Support, including what to expect from the service, can be found at [www.reportandsupport.birmingham.ac.uk](http://www.reportandsupport.birmingham.ac.uk)

## 3. Confidentiality and Personal Data

3.1 Advisers and responders will not release identifiable information about students that use the service without their consent.

3.2 The advisers (for staff) and responders (for students) adhere to the University’s Data Protection Policy and a copy of the relevant University’s Privacy Notices is available on the intranet: <https://www.birmingham.ac.uk/privacy>.

3.3 All records and information will be maintained in accordance with the UK GDPR and the Data Protection Act 2018.

3.4 For statistical purposes, information in relation to services users may be collated. It will not be presented or used in such a way as to make individual users identifiable.



[University of Birmingham](http://www.birmingham.ac.uk) | Edgbaston, Birmingham, B15 2TT, United Kingdom.

1. Section 26(5) of the Equality Act 2010 - [https://www.legislation.gov.uk/ukpga/2010/15/section/26.See also s4](https://www.legislation.gov.uk/ukpga/2010/15/section/26.See%20also%20s4) for a full list of the protected characteristics, including marriage and civil partnership, and pregnancy and maternity: [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/section/4) [↑](#footnote-ref-2)
2. Section 1, [Protection from Harassment Act 1997](https://www.legislation.gov.uk/ukpga/1997/40/section/1) -https://www.legislation.gov.uk/ukpga/1997/40/section/1. [↑](#footnote-ref-3)
3. ACAS “Bullying and Harassment at Work: A Guide for Managers and Employers.” [↑](#footnote-ref-4)