

# **Sexual Violence, Violent Behaviour, Racism, Bullying and Harassment Policy for Students**



**Harper Adams  
University**

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## Our Commitment

Harper Adams University is committed to fostering a community of respectfulness, positive relationships and experiences in an environment free of harassment, violence, exploitation and intimidation. All students have a part to play in developing this positive environment and a campus culture to be proud of.

The University is focussed on taking all necessary steps to address sexual violence, violent behaviour, racism, bullying and harassment and ensuring the rights and dignity of all members of the University community are valued and respected.

We recognise the devastating impact that these negative behaviours can have on individuals and their family and friends. The University promotes a culture in which incidents that threaten a positive student experience, should be reported, and inappropriate behaviours will be actively challenged and addressed. Bystander intervention, the act of intervening when another individual needs help, will be encouraged and promoted to ensure a positive, safe environment for all members of our community. Violent behaviours jeopardise the mental, physical, and emotional wellbeing of those affected and risks the safety of our community. They diminish dignity and may impede access to educational, social, and employment opportunities and can cause lasting physical and psychological harm.

Our community expects that all interpersonal and professional relationships and interactions will be grounded upon mutual respect and open communication.

## Our Duty of Care

We take very seriously our duty of care to our community. If a member of our community has experienced sexual violence, violent behaviour racism, bullying and/or harassment we will take steps to ensure their physical safety and general wellbeing and facilitate their access to appropriate specialist support, while respecting their feelings and decisions. We have a particular responsibility to encourage and support individuals affected by sexual violence, to come forward, disclose with confidence and seek help.

We recognise that such incidents may also constitute a direct infringement of the law. As such, the University recognises that we have moral, ethical, and legal obligations to address all infringements of this Policy statement.

The University will also take steps to ensure that *all* parties involved are offered appropriate support and guidance. The University will ensure that all matters are thoroughly investigated and that due process is followed. The University will consider risk all parties involved including educational risk, risk to self and/or others, the risk of vexatious and malicious claims and reputational risk.

## Sexual Violence

### What is Sexual Violence?

Sexual violence covers a broad range of inappropriate, unwanted behaviour (involving physical contact, action, words, of a sexual nature). It also extends to unwanted touching, stalking, harassment, abusive or degrading remarks or contact (including through social media).

Sexual violence can happen to anyone regardless of age, gender, race, sexual orientation, religion, class, or background.

Sexual violence includes any form of sexual activity that takes place without the other person's full and informed consent.

### What is Sexual Consent?

Sexual consent is defined in legal terms, as agreeing by choice to engage in sexual activity and having the freedom and capacity to make that choice. Any sexual activity without consent is a crime, where only the perpetrator can be blamed. Consent requires the capacity to make a choice (including age and understanding) and being able to make that choice freely without constraint (including without intoxication, coercion or under the influence of drugs).

Sexual consent helps to build healthy, fulfilling and respectful relationships.

- Consent is a positive agreement between participants to engage in specific sexual activity
- Consent must be voluntary and cannot be coerced
- Consent may be withdrawn at any time and can never be implied or assumed, but cannot be retrospectively withdrawn
- Consent cannot be given by an individual who is substantially impaired or unconscious as a result of alcohol or drugs
- Consent cannot be given by an individual who is asleep or unaware
- Consent cannot be given by an individual who has been compelled by force, threat of force, or deception
- Consent cannot be given by an individual whose consent is impaired because of a mental or physical condition
- Any prior sexual activity or relationship, does not, in and on itself, constitute consent regardless of any previous sexual activity that has taken place on that occasion or at any other time

Assuming that the individual had both the freedom and capacity to consent, the crucial question is whether that person agreed to the sexual activity by choice. If they did not do so, and consent has not been given, this would be considered as sexual violence.

### Support for Sexual Violence Survivors

Students who have experienced sexual violence are encouraged to make contact with the Student Services team. Trained staff are available to provide a caring, holistic 'wrap-around' service for survivors of sexual violence.

Student Services staff have close links with local Police (West Mercia), the local Sexual Assault Referral Centre (SARC) - The Glade 0808 178 2058, operating 24/7, specialist Independent Sexual Violence Advisors (ISVAs) - Axis 01952 586790, and the local GP Surgery, as well as in-house support. We encourage any student who has experienced or witnessed something, recent or historic, which has made them feel uncomfortable in any way, to seek support.

### Sexual Violence Risk Assessment

In all cases of reported sexual violence, including referral by a third party, the University will discharge its duty of care by establishing the extent of any reported and identified breaches of its misconduct policies and thereafter by entering into a process of risk assessment to reduce the risk of future harm. This will consider the potential risks to the individuals involved, their peers and the organisation. The University will take affirmative action to mitigate risks where sexual violence may be involved but will protect the rights of all parties and thoroughly investigate reports. This process and implementation of interim measures is separate from disciplinary action.

## Violent Behaviour

### What is Violent Behaviour?

Violent behaviour is use of physical force or violence to inflict harm to others, to endanger the health or safety of another person or property, or restrict the freedom of action or movement of another person. Examples of violent behaviour include, but are not limited to:

- Unwelcome physical contact;
- Slapping, punching, striking, pushing, or otherwise physically attacking a person;
- Throwing, punching, or otherwise handling objects in an aggressive manner;

Violent behaviour also includes the *threat* of violence, as an expressed or implied threat to interfere with an individual's health and/or safety, and/or property, which causes a reasonable apprehension or fear that such harm or injury is about to occur. Examples of threatening behaviour include, but are not limited to:

- Direct or indirect threats of harm or injury;
- Words or gestures which create a reasonable fear of harm or injury;
- Prolonged or frequent shouting which creates a reasonable fear of harm or injury;
- Stalking an individual (see harassment);

## Harassment

### What is Harassment?

In general terms, harassment is described as unacceptable behaviour which can range from violence and bullying to more subtle behaviour such as ignoring an individual, with a view to isolate them. Harassment covers a range of behaviours, it subjects an individual or a group to unwelcome attention, intimidation, humiliation, ridicule, offence or a reduced feeling of self-worth. It is unwanted by the recipient and continues after an objection is made, although a single incident may be serious enough to constitute harassment and justify a complaint. Harassment can also have a specific meaning under certain laws, for instance, if harassment is related to sex, sexual orientation, race, religion and belief, age, gender reassignment, disability or pregnancy and maternity it may be unlawful discrimination and may also constitute a criminal offence.

**Sexual harassment** is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favours, and other sexually orientated conduct which is offensive or objectionable to the recipient. Sexual harassment can be unlawful discrimination. Most incidents involve the harassment of women by men but harassment of men by women, or between members of the same sex, also occurs.

Examples of sexual harassment include:

- uninvited and unwelcome physical contact;
- sexual innuendo and use of sexually centred expletives;
- unwelcome advances, attention, invitations or propositions;
- unwelcome or lewd references to a person's physical features, figure or dress;
- suggestive and unwelcome comments, looks, attitudes or jokes;
- sexist graffiti, the display of offensive pin-ups, suggestive or pornographic material;
- threats of failure or promises of success in exchange for sexual favours;
- electronic transmission of pornographic/degrading/indecent material;
- sexual violence (a severe and illegal form of sexual harassment);

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behaviour which is unwelcome and that is personally offensive to the recipient.

### Racial Harassment

Racial harassment is conduct based on race, colour, nationality or ethnicity, which is offensive to the recipient. It can be unlawful racial discrimination and includes hostile or

offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act.

Examples of racial harassment include:

- derogatory name-calling or ridicule for cultural differences;
- verbal abuse and threats of physical attack;
- display of racially offensive material or graffiti;
- derogatory actions, statements, jokes, taunts or references to an individual's ethnic origin, customs, dress, diet, culture or religion;

## Racism

### What is Racism?

Racism is when an individual or group are treated differently or unfairly because of their race or culture. People can also experience prejudice, when a decision is made or opinion formed without knowledge, thought or reason, because of religion or nationality.

Racism takes many different forms. These can include:

- written or verbal threats or insults;
- damage to property, including graffiti;
- personal attacks of any kind, including violence;
- being treated differently or being excluded because of your race or culture;
- having people make assumptions about you because of your race or culture;
- racist jokes and discourse;

Racism exists in all races and cultures. If someone is abused or treated unfairly just because of their race, background or culture, this is racism - no matter where they're from.

Individuals can also be affected by racism that isn't directed at them, for example, if an individual hears someone discriminating against someone else's culture. Even though an individual may not be from that culture, they might still find hearing the discriminatory comments offensive.

## Bullying

### What is Bullying?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Examples of bullying behaviour include:

- unlawful violence such as physical blows;
- verbal abuse; shouting, sarcasm, derogatory or belittling remarks;
- persistently ignoring, excluding or patronising;
- setting up an individual for failure;
- Use of social media to single out, intimidate, belittle or isolate another;

### Further Action

#### Disciplinary action

Any students accused of an offence, including allegations of sexual assault or rape, should be aware that any complaint, allegation or evidence of serious misconduct considered to constitute a criminal offence could be referred to the police. The University recognises that it is not placed to undertake a criminal investigation. It will, however, cooperate fully with any associated Police investigation and subsequent legal proceedings.

Where a matter is under investigation by the police, the University reserves the right to delay considering the matter under its own disciplinary procedures until the outcome of the police investigation is known. The University is not precluded from progressing its own disciplinary action, in line with the Student Disciplinary Policy, where police involvement is taking place (through interim measures such as suspension or exclusion, particularly if there is deemed to be a risk to students or staff, including reputational risk).

#### The Role of Student Services

**Provision of immediate and ongoing care and support for all parties:** Referrals to counselling and medical services; safety planning; academic and workplace adjustments; self-care resources; advocacy; navigating resources;

**Assistance with reporting and complaints:** Assistance in making an informed decision about next steps should an individual choose to report to authorities within the university or to the police;



**Provision of information:** Provide up-to-date community resource information;

**Education:** Deliver a range of education and awareness campaigns and workshops and work closely with the Students' Union to deliver this. Encourage an understanding of both sexual consent and the importance of bystander intervention, to address topical issues such as bullying and harassment, to promote opportunities for networking and wider participation in order to foster a welcoming community and wider understanding of cultural differences. Educational measures may also be considered as a restorative element, when matters of misconduct are considered by a discipline committee.

**Training:** Ensure that key staff are appropriately trained to handle disclosures and refer students. This will involve in depth training for Student Services staff and light touch training for Student Wardens and Senior Tutors.

### The Role of the University – Investigation and Action

**Responsibility:** Responsibility for risk assessment, investigation and disciplinary decisions in this context rests ultimately with the Vice-Chancellor, who delegates operations as necessary.

**Disciplinary Procedures:** Where disciplinary procedures are invoked, they will follow the process laid out in the University's Student and/or Staff Disciplinary Policy as appropriate. Complaints raised by a student or staff member against a student, will be considered in line with the Student Disciplinary Policy. A complaint raised by a student against a member of staff, will initially be considered within the Student Complaints Policy and Procedure, but may also be progressed through the Staff Disciplinary Policy, after the initial complaint has been made. The University's Human Resources Department will take responsibility for investigation, procedure, and support (for staff member) in relation to matters involving staff.

**Criminal Offences:** The University will not normally report an incident of violence to the police without the reporting individual's permission. However, in reference to the University's Duty of Care, on occasion it may be required to notify the Police of behaviour/areas of concern especially where there is believed to be a risk to others. If a criminal investigation is undertaken, the University will facilitate the Police enquiry wherever possible. Where a criminal investigation or judicial proceedings are ongoing, or are likely to commence in respect of a Disclosure, the University will *not* investigate a report and will suspend an ongoing investigation but will undertake any necessary precautionary or interim action.

A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take *no further action* in relation to a criminal matter or an acquittal at a trial does not preclude the University from considering the matter under this policy thereafter, and does not mean the reporting party has made a vexatious or malicious complaint.

In all cases, the University will advise the reporting party that it does not have the legal investigatory powers of the Police, and cannot make a determination on *criminal guilt*. An

internal investigation is focussed exclusively on whether a breach of University regulations has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

Where a student has been convicted of a criminal offence or cautioned for behaviour which constitutes serious misconduct within the University regulations, the conviction/caution may be taken as conclusive evidence that the behaviour took place and no further investigation shall be required by the University. The case will be referred to the appropriate discipline committee for consideration.

**Vexatious and Malicious Complaints:** The University treats reports of sexual violence, violent behaviour, harassment, racism and bullying seriously. However, The University recognises that there is potential for vexatious, malicious, retaliatory, or complicit action, which may therefore also constitute a violation of this Policy and the Student Discipline Policy. These matters would therefore need to be investigated and considered, in line with the risk assessment process and under the relevant internal procedures:

**Vexatious reporting** involves the creation of persistent, unwarranted reports of Sexual Violence and Misconduct, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedure to this Policy.

**Malicious reporting** occurs when an individual shares allegations of Sexual Violence and Misconduct that the individual knows to lack a basis in fact.

**Complicity** is any act that knowingly helps, promotes, or encourages any form of Sexual Violence and Misconduct by other individuals. This may include misuse of social media, including posting and sharing inappropriate or offensive material relating to others.

**Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made *in response to* disclosures or reports of Sexual Violence and Misconduct, by any individual including both the Accused Party and the Reporting Party, as well as witnesses, friends, or relatives.

**Confidentiality:** The University recognises the importance of privacy in cases where sexual violence is alleged. Confidentiality will be maintained as far as possible unless otherwise agreed; however, there may be circumstances – e.g. danger of physical assault – that mean the University will require to disclose certain information to additional University personnel or to third parties on a ‘need to know’ basis: this is consistent with meeting our Duty of Care obligation.

**Reporting:** Details of disclosures are reported and held centrally, subject to the provisions of the General Data Protection Regulations, by the Head of Student Services. Disclosures, within this policy, will be retained for a period of 6 years following the conclusion of study,

for the purpose of secondary disclosure by the data subject (for example to the Police). Data will be reported periodically to the Senior Management Team; as incidents occur.

**Supporting:** All parties involved in incidents and allegations outlined in this policy will be offered referrals to appropriate support, either internally to the Wellbeing Team or, to external support services. For those affected by sexual violence, with their consent, referrals will be made to external services such as Sexual Assault Referral Centre of Independent Sexual Violence Advisors, as appropriate.

## Incident Report

Staff or Student Wardens handling disclosures of sexual violence, violent behaviour, harassment, bullying or racism should complete this form at the earliest opportunity after the disclosure and return to the Head of Student Services. The reporting party should be made aware of the policy, and in particular the retention of data.

1. Name of individual handling initial disclosure: \_\_\_\_\_

2. Name of individual if anonymity not requested: \_\_\_\_\_  
(for disclosures during confidential counselling sessions the name may be recorded but not reported)

3. Date of disclosure: \_\_\_\_\_

4. Date and time of incident(s) if known: \_\_\_\_\_

5. Location of incident(s) if known:

- ☐ On campus
  - ☐ Halls of Residence (specify if known: \_\_\_\_\_)
  - ☐ University/Students' Union Bar
  - ☐ Other University building or area
- ☐ Off campus
  - ☐ Private housing (address if known: \_\_\_\_\_)
  - ☐ Club or bar (specify if known: \_\_\_\_\_)
  - ☐ Other local building or area
  - ☐ Home / home town
  - ☐ Other non-local environment

6. How does the reporting individual identify:

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Prefer not to say

7. Reporting individual's affiliation to Harper Adams University:

- ☐ Student
- ☐ Staff
- ☐ Visitor
- ☐ Visiting Lecturer / Assessor / Speaker
- ☐ Unknown
- ☐ Did not say

8. Name of offender(s) if openly disclosed: \_\_\_\_\_

9. If more than one offender, please indicate number of offenders: \_\_\_\_\_

10. How does the offender(s) identify, if known:

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Undisclosed
- ☐ Unknown

11. Offender's affiliation to Harper Adams University:

- ☐ Student
- ☐ Staff
- ☐ Visitor
- ☐ Visiting Lecturer / Assessor / Speaker
- ☐ Unknown
- ☐ Did not say

12. Type of behaviour experienced (tick all that apply):

- ☐ Sexual Violence and Sexual Harassment
  - ☐ Sexual contact without consent
  - ☐ Intercourse or penetration without consent
  - ☐ Sexual advances or request for sexual favours
  - ☐ Other verbal or physical conduct of a sexual nature
  - ☐ Stalking (unwanted following/calling/contact by a person who has been told to stop)
  - ☐ Violence within a relationship (physical, emotional, psychological, and/or sexual)
  - ☐ Public Indecency (exposure of genitals, flashing, mooning)
- ☐ Violent Behaviour
  - ☐ Unwelcome physical contact
  - ☐ Slapping, punching, striking, pushing, or physically attacking a person
  - ☐ Throwing, punching, or handling objects in an aggressive manner
  - ☐ Direct or indirect threats of harm or injury;
  - ☐ Words or gestures which create a reasonable fear of harm or injury;
  - ☐ Stalking an individual (see harassment);
  - ☐ Prolonged or frequent shouting which creates a reasonable fear of harm or injury;
- ☐ Racial Harassment and Racism
  - ☐ Derogatory name-calling, jokes or ridicule for cultural differences
  - ☐ Verbal abuse and threats of physical attack
  - ☐ Personal attack

- ☐ Display of racially offensive material or graffiti
- ☐ Damage to property (including graffiti)
- ☐ Assumptions based on race or culture
- ☐ Derogatory actions, statements, jokes, taunts or references to an individual's ethnic origin, customs, dress, diet, culture or religion
- ☐ Bullying
  - ☐ Unlawful violence such as physical blows
  - ☐ Verbal abuse; shouting, sarcasm, derogatory or belittling remarks
  - ☐ Persistently ignoring, excluding or patronising
  - ☐ Setting up an individual for failure
  - ☐ Use of social media to single out, intimidate or belittle

13. Any additional information, key words or comments:

14. Follow up (tick those appropriate):

- ☐ The reporting individual has been referred to sources of support and guidance:
  - ☐ Head of Student Services
  - ☐ Internal Wellbeing services (Wellbeing, Counsellor, Mental Health Adviser)
  - ☐ Sexual Assault Referral Centre
  - ☐ Independent Sexual Violence Advisors (Axis)
  - ☐ Chaplains
- ☐ The reporting individual has requested or agreed to follow up action:
  - ☐ Contact by Head of Student Services or Student Wellbeing Officer
  - ☐ Internal disciplinary measures as appropriate
  - ☐ Police involvement
  - ☐ No follow up

15. Additional comments or notes from Head of Student Services: