

## STUDENT ANTI-HARASSMENT POLICY AND PROCEDURE

### Introduction

- 1 In this document, "we", "our" and "us" refer to Sheffield Hallam University. "You" and "your" refer to students at Sheffield Hallam University.
- 2 We are committed to ensuring that you have the right to be treated with dignity and respect and to operate in an environment free from harassment and bullying. This derives from our ethos as an institution which welcomes people from all backgrounds, respects individual differences, upholds equal treatment and seeks to create a culture in which everyone feels valued and able to fulfil their potential. Furthermore the right to work and study without harassment is established in diversity and employment legislation and harassment may, in some circumstances, amount to a criminal offence.
- 3 We have faith in the decency of our students and staff and in the positive impact of exemplary behaviour and appropriate education and training. Where necessary we will take action against those who harass or bully to the limits of our power under the relevant student or staff disciplinary regulations. We may, in some circumstances, report harassment to the police or take legal action. Also a harasser may face individual legal claims from a victim with the potential for significant financial loss.

### Definitions and Examples

- 4 Harassment is defined as unwanted behaviour which is intended to, or which creates the effect of, violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Such behaviour may often be focused on characteristics which form the basis of prejudice and discrimination such as sex, race, religion or belief, sexual orientation, gender reassignment, disability and age. However, it is also possible for harassment to take place without discriminatory motives or effect.
- 5 It is important to realise that behaviour may still be harassment even if that was not the intention. What matters is how the recipient experiences the behaviour. However, the reasonableness of the recipient's perception will be taken into account if disciplinary action is being considered.
- 6 It is impossible to give a comprehensive list of behaviours which may constitute harassment. The following are examples:
  - Offensive gestures, language, gossip or jokes
  - Insulting or abusive behaviour or comments
  - Spreading malicious rumours
  - Physical contact, ranging from an invasion of personal space and/or inappropriate touching, to serious assault
  - Display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material or the transmitting of any such messages or images via electronic mail, mobile telephone or [social media](#)
  - Persistent unwanted isolation or exclusion

- Persistent unwanted attention
  - Humiliating or demeaning criticism
  - Bullying
- 7 Bullying is a form of harassment. It is most commonly associated with the abuse and exploitation of power but it may also occur in a peer group. It has the effect, and often the intention, of undermining confidence and making victims fearful and stressed. In addition to some of the behaviours listed above examples of bullying include:
- Publicising criticism of someone to others who have no good reason to be informed
  - Unequal treatment
  - Overbearing supervision such as constant criticism without the time or support to improve
  - Making threats or comments about progress without foundation
- 8 Harassment involving students may be:
- experienced by students from other students, staff or visitors
  - by students on other students, staff or visitors

In the case of alleged harassment by visitors the University will take whatever action is appropriate and feasible.

### Early resolution

- 9 If you feel you are a victim of harassment, you should speak to a member of staff within your Faculty. This is likely to be one of the following:-
- Student Support Officer
  - module tutor/module leader
  - course/programme leader

If you are not sure who to speak to, or you do not feel able to approach any of the above staff, you can seek advice regarding this from your Faculty helpdesk, your course or department representative, Hallam Help, or any of the people listed above. You can also get independent advice and support from the Student Union Advice Service.

- 10 You will not be disadvantaged as a result of raising a matter of concern about harassment provided it is made in good faith. Anybody treating someone unfavourably because he or she has raised a matter of concern may face disciplinary action under the appropriate regulations. We expect that students will not engage in frivolous complaints or make malicious complaints that are unfounded. Disciplinary action may be taken against anyone making malicious complaints that are unfounded.
- 11 Your concerns will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties involved in addressing your concerns, or as required by law.
- 12 Examples of advice and action at this stage include:-
- reducing contact with the alleged perpetrator, e.g. moving you to a different seminar/study group/placement, advising you to block emails, etc.;
  - advice regarding the use of the [Extenuating Circumstances Policy and Procedure](#);

- referral to Student Wellbeing service which may include mediation;
- advising to you contact the police (in cases where the harassment is long-term and/or consists of actual violence or threats of violence);
- instigation of the [Disciplinary Regulations for Students](#) or Disciplinary Procedure for Staff.

No action will be taken without your express agreement.

- 13 It is not possible for us to resolve domestic issues between students, we can only reasonably be expected to provide advice and take action against students who breach the Student Code of Conduct. If you raise an allegation of harassment with us, it may feel unreasonable that we are advising **you** to take some of the actions above rather than moving the alleged perpetrator to another seminar group, for example. It is important that you understand that we cannot normally take immediate action against the alleged perpetrator. We must first take the appropriate steps through the relevant procedures in order to assess the situation fully. You must take responsibility for taking appropriate action to address your situation whilst the allegation is being investigated.
- 14 Where an allegation of harassment is the subject of police investigation or has led to criminal charges, precautionary action may be taken against the alleged perpetrator. This would be considered following a review of the matter through a risk assessment, and is in line with the [Disciplinary Regulations for Students](#) or Disciplinary Procedure for Staff.
- 15 We recognise that both you and your alleged perpetrator may both be acutely distressed. You need to be aware that we will be supporting both you and the alleged perpetrator. A number of services are available to support you: Faculty Student Support Officer, Counselling Service, Multifaith Chaplaincy and [Student Support Services](#). The [Student Union Advice Service](#) can also offer you free and independent advice and support.
- 16 We will take initial action against the alleged perpetrator under the relevant staff or student disciplinary procedure if there is sufficient evidence that a student has breached our Student Code of Conduct (point 6 in the [Disciplinary Regulations for Students](#)), or a member of staff has breached our Staff Code of Behaviour.

## Formal action

- 17 If early resolution is unsuccessful, or inappropriate, your allegations will be referred to the relevant Faculty Pro-Vice Chancellor or Head of a Directorate who will, in the first instance, take a decision as to whether or not formal disciplinary action should be taken. If they decide that formal disciplinary action is to be taken, they will decide whether it should be taken by the Faculty under the Local Formal Stage or by the University under the University Formal Stage of the [Disciplinary Regulations for Students](#) or under the Disciplinary Procedure for Staff.
- 18 If formal action through the Student Disciplinary Regulations and/or the Disciplinary Procedure for Staff is not appropriate, you will be informed of this together with our reasons and advice on any further action you might be able to take. A Completion of Procedures letter will be issued to you at this stage (see point 25-26).
- 19 It will not be possible for an allegation of harassment to be pursued formally until and unless the alleged perpetrator is aware of the substance of the allegation and, normally, the identity of the person or persons making the allegation.
- 20 The outcome of formal action taken through the appropriate Disciplinary procedure will be reported back to you with any further advice on actions you can take. A Completion of Procedures letter will be issued to you at this stage (see point 25-26).

## General points

- 21 It is expected that you engage in resolving the issues you raise with us. Only in exceptional circumstances can a third party raise allegations on your behalf. You must request permission in writing stating reasons why you are unable to raise issues yourself. The person dealing with your allegation will decide if your reasons are acceptable.
- 22 If an allegation of harassment is being investigated by the police or if criminal justice proceedings are in progress, we will not normally complete our own disciplinary procedures until the outcome of these has been completed. At that point, we will consider whether any further action, in addition to any action taken by the police or courts, is appropriate. Such action is likely to be at the formal University disciplinary stage.
- 23 If an allegation of harassment is made against a placement provider, we will provide advice and help you to engage with the provider's policies, and liaise with the placement provider where appropriate. We are, however, unable to investigate allegations made against staff employed at external organisations.
- 24 An annual report of student disciplinary cases is considered by the Board of Governors. This highlights any formal cases related to harassment.

## The Office of the Independent Adjudicator for Higher Education (OIA)

- 25 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints (the term 'complaints' encompasses the Academic Appeals policy and procedure, the Student Complaints policy and procedure and Student Disciplinary Regulations). If you are dissatisfied with our final decision regarding the allegation you have raised you may be able to take your case to the OIA provided that it is eligible under its rules. You should check out the OIA rules and timescales for contacting the OIA on their website at <http://www.oiahe.org.uk/>.
- 26 The Completion of Procedures letter will explain that you have exhausted internal procedures and give details about what you can do if you remain dissatisfied with the outcome.

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# FLOWCHART OF PROCESS

