

**LTC14D238**

Title: **Policy Statement and Guidelines on Bullying, Harassment and Abuse, Assault and Stalking, and the Use of Social Media and Procedures for Dealing with Harassment**

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**Recommendation**

The Learning and Teaching Committee is asked to endorse changes to the Policy Statement and Guidelines on Bullying, Harassment and Abuse, Assault and Stalking, and the Use of Social Media and the Procedures for Dealing with Harassment as outlined below.

The proposed changes were considered and approved in principle by the Student Experience Committee at its meeting on 29 April 2015.

The main revisions are:

**Policy Statement and Guidelines on Bullying, Harassment and Abuse, Assault and Stalking, and the Use of Social Media**

s.12 – text added to provide examples of behaviour that could constitute sexual assault.

s.30 – a new section which expands and strengthens the advice on sexual assault which had previously been included as part of the ‘Criminal Offences’ section. Includes definitions of sexual violence and consent (based on CPS guidelines); University expectations of students and staff; limits of University investigatory powers (based on Zellick Report, OIA outcomes and guidance, best practice across the sector etc.).

s.31 – advice on how to report and respond to incidents of sexual assault.

s.32 – added to ensure clarity to readers of the policy about how to pursue a complaint under its auspices.

**Procedures for Dealing with Harassment**

s.10 – references to specific members of DOS staff have been replaced in the most part with ‘harassment Adviser’.

s.18.3 – text added: “Both parties will be informed of the outcome of an investigation undertaken according to section 10 and whether a referral for formal disciplinary action is or is not made and whether the complaint was upheld”.

# Policy Statement and Guidelines on Bullying, Harassment and Abuse, Assault and Stalking, and the Use of Social Media.

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## *1. Introduction, Policy Statements, and Aims*

- 1.1. Everyone who studies or works at UEA should be treated fairly, consistently and with respect. This is one of the underlying principles of the University's regulatory framework and is embedded in the University's Single Equality Scheme and Action Plan, approved by Council in November 2009. The Single Equality Scheme replaces the university's former Gender and Disability Schemes and Plans, and extends the focus to take age, religion and belief, and sexual orientation into account. Two of the policies supporting the Single Equality Scheme are student-specific: Equal Opportunities for Students Policy and the Code of Practice on the Promotion of Race Equality.
- 1.2. These Guidelines specifically address bullying, harassment and abuse, assault and stalking, and the use of social media. The Guidelines (updated and considerably revised in January 2013 and April 2015 from the original guidelines agreed by Senate in June 2002) provide a set of procedures and advice about responding to and dealing with instances of bullying, harassment and crime.

## **2. Policy Statement on Harassment**

- 2.1. The University of East Anglia is committed to maintaining a working, learning, living, and social environment that is free from any form of harassment in whatever form this may take, including cyber-bullying. Harassment adversely affects the working, learning, living, and social conditions of University students and staff and is unacceptable. Any incident of harassment will be regarded very seriously and may be grounds for disciplinary action including dismissal from the University in cases involving staff, and suspension and exclusion from the University in cases involving students.
- 2.2. All members of the University community have a responsibility for helping to ensure that individuals do not suffer any form of harassment and that they are encouraged and supported in any legitimate complaint. All students are also expected to promote positive attitudes in all areas of equality and to recognise the rights and responsibilities explicit in the Student Charter and other key policies.
- 2.3. A breach of this policy could constitute misconduct under section 10 of the University's General Regulations for Students, set out in the University Calendar (web address: [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/gen-regs-for-students/10-general-conduct](http://www.uea.ac.uk/calendar/section3/regs(gen)/gen-regs-for-students/10-general-conduct)).
- 2.4. Students who use University IT facilities (e.g. computing equipment, hardwired/wireless networks) and student IT access privileges (e.g. network logon credentials, email accounts, electronic resources) to perpetrate harassment, bullying, abuse or crime, may also be in breach of the

University's Conditions of Computer Use, set out in the University Calendar (web address: [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/conditions-of-computer-use](http://www.uea.ac.uk/calendar/section3/regs(gen)/conditions-of-computer-use)).

### **3. Policy Statement on the use of Social Media**

- 3.1. Social networking sites provide a wide range of valuable opportunities for students to find out about the facilities and services available to students at UEA, to enhance student learning through the exchange of ideas and views, to comment on students' UEA experiences and to keep in touch with family, friends and alumni. However, students should be aware that anything posted – however innocently intended – on a blog, web page, comment section, forum or social networking site may, if it includes ill-informed views, inaccurate information or personal remarks directed at others, be seen as harassing to the intended recipient or potentially defamatory or libelous. Comments that contain factual inaccuracies have the potential to cause loss or damage to individuals or jeopardise their safety and the author may be personally liable for the consequences. Even factually correct information posted online has the potential to be found to be in contempt of court if the post relates to a current legal case or breaches a court order. Offensive “jokes” may breach the Malicious Communications Act 1988 or Communications Act 2003.<sup>1</sup>
- 3.2. Students are subject throughout the entire period of their registration to University regulations covering conduct, discipline, the use of IT and other University facilities, and harassment and bullying. In an event of a breach of these regulations the University may take action, which could lead amongst other things to withdrawal of IT access, a fine or suspension (or in extreme cases expulsion) under the University's Disciplinary Procedures. The Disciplinary Procedures are set out in the University Calendar at: [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/disciplinary-procedures](http://www.uea.ac.uk/calendar/section3/regs(gen)/disciplinary-procedures).
- 3.3. Students should be aware that in misusing social media they risk not only damage to others, but their own reputation and that of the University. Potential employers and professional bodies are increasingly undertaking internet searches for information about those to whom they are considering shortlisting or interviewing or offering jobs or work experience. Guidelines on the uses of social media can be found in section 25 and the University's protocol on intervening in student social media can be found in appendix A of *Procedures for Dealing with Harassment*.

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<sup>1</sup> The Crown Prosecution Service has provided guidance on what social media communications may be prosecutable:

[http://www.cps.gov.uk/legal/a\\_to\\_c/communications\\_sent\\_via\\_social\\_media/index.html](http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/index.html).

#### 4. Aims of the Guidelines and Procedures

- 4.1. These guidelines have been designed to offer you, as a student, insights into the nature of bullying, harassing and criminal behaviour, and an understanding of how you can stay safe as a UEA student, including on-line within the confines of the law and University regulations.
- 4.2. The accompanying set of procedures suggests practical ways of dealing with harassment involving either students or University staff and how you might deal with cases of criminal offences including assault, domestic abuse, or hate crime. Following the guidelines may help you to stop any bullying or harassment yourself. Alternatively, they explain how to get help from the University to deal with the problem.

#### 5. *Definitions of Harassment*

- 5.1. Harassment can take many forms and in general refers to behaviour that appears or feels offensive, intimidating, or hostile to the recipient. Harassment does not necessarily happen face-to-face; it can occur via written and electronic communications, such as telephone and email, and on social media sites. Such behaviour might interfere with a student's academic, working, living, or social environment, or induce anxiety, fear or poor attendance on the part of the person who feels harassed.
- 5.2. Whilst differences of attitude, background or culture and the misinterpretation of social signals may mean that what is perceived as harassment by one person may not seem so to another, this does not necessarily make the conduct acceptable. Harassment may be deemed to have occurred even if offence is not intended.
- 5.3. This policy considers harassment in four main ways which are explored in more detail below:
  - **Harassment related to identity:** inappropriate and unwanted behaviour related to the 'protected characteristics' in anti-discrimination legislation as defined by the *Equality Act 2010* (See Section 6 below);
  - **Bullying and Abuse:** inappropriate and unwanted behaviour which has the same purpose or effect as harassment but which is not strictly defined as such by law;
  - **Cyber-Bullying:** inappropriate and unwanted behaviour which is assisted by information communication technology; the legal implications are varied;

- **Harassment by course of conduct, and stalking:** inappropriate and unwanted behaviour which is harassing as defined by the *Protection from Harassment Act 1997*.

5.4. Harassment can arise between people of unequal status, whereby a person in a position of authority harasses a person in a more junior position. The University values good professional relationships between staff and students. This is seen to be especially important where staff have some specific academic, other professional or institutional responsibility for students. Any act of harassment will be regarded by the University as particularly serious if it involves the abuse of a position of authority or trust, for example, where there are:

- explicit or implicit promises of rewards for compliance that are a misuse of institutional position (e.g. higher assessment marks for a student);
- explicit or implicit threats of penalties for non-compliance or complaint that are a misuse of institutional position (e.g. unreasonable refusal to provide appropriate support/advice/references or resources).

5.5. The **Equality Act 2010**<sup>2</sup> introduced a standard definition of harassment:

A person (X) harasses another person (Y), if X engages in unwanted conduct related to 'protected characteristics', which are:

- age;
- disability;
- gender reassignment;
- race;
- religion or belief;
- sex;
- sexual orientation;
- and/or of a sexual nature,

and the conduct has the **purpose or effect** of violating Y's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for Y.

5.6. A person (X) is also considered to harass another person (Y) if X treats Y less favorably because Y either rejected, or submitted to, unwanted conduct (either from X or another person) related to sex, gender reassignment, or of a sexual nature. Again, the conduct of X must have had the **purpose or effect** as explained above.

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<sup>2</sup> The Equality Act 2012, part 2, ch. 2, s.26 [<http://www.legislation.gov.uk/ukpga/2010/15/section/26>, accessed 1 March 2012]

5.7. In deciding whether the conduct has the **effect** referred to above, each of the following must be taken into account:

- a) the perception of Y;
- b) the other circumstances of the case;
- c) whether it is reasonable for the conduct to have resulted in that effect.

5.8. Whilst the perceptions of Y are an important factor, whether it is reasonable to regard something as harassment is not for the victim to decide, but is an objective test.<sup>3</sup>

5.9. The University takes the defining features of bullying and harassment to be behaviour that appears or feels offensive or intimidating to the recipient and would be regarded as such by any reasonable person. Important specific examples as defined by law relating to ‘protected characteristics’ are discussed in detail below, but this does not mean other forms of harassment will not be taken seriously – they will.

## 6. *Harassment Related to Identity*

### 7. **Harassment on grounds of age**

Age related harassment refers to inappropriate and unwanted behaviour relating to your age or perceived age. Some examples might include:

- being patronised as being ‘too old’ or ‘too young’ to understand or do something;
- being isolated or excluded from a group or activity on grounds of age.

### 8. **Harassment on grounds of disability**

Harassment on the grounds of disability is inappropriate and unwanted behaviour related to disability, impairment or additional need, and can include perceived disability. Examples of such behaviour are:

- inappropriate references to or inappropriate discussion about a person’s disability;
- offensive language, gestures, and jokes relating to disability;
- demeaning uninvited or un-necessary assistance;
- making unreasonable and offensive assumptions about a disability;

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<sup>3</sup> Public Bill Committee, 18th June 2009, col. 319-320

[<http://www.publications.parliament.uk/pa/cm200809/cmpublic/equality/090618/pm/90618s01.htm>, accessed 1 March 2012].

- condescending or ‘talking down’ to someone with a disability.

## **9. Harassment on the grounds of gender reassignment**

Harassment on the grounds of gender reassignment refers to inappropriate and unwanted behaviour related to transgender, transsexual or transvestite identities. ‘Trans’ is an inclusive term used to describe people who: have undergone, are undergoing or will undergo gender transition (commonly called a ‘sex change’); identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment; or choose to dress in the clothing typically worn by the a person of another gender.<sup>4</sup> Some examples are:

- inappropriate moralising about a person’s gender reassignment;
- being ridiculed for wearing clothing traditionally associated with another gender.

## **10. Racial harassment**

Racial harassment refers to inappropriate and unwanted behaviour related to race or ethnic background; this can include nationality, citizenship and language. Such behaviour might include:

- inappropriate stereotyping, derogatory remarks and racist jokes;
- the ridiculing of racial, ethnic or cultural differences;
- racist graffiti, images or symbols (for example Nazi swastikas);
- patronising or ridiculing someone for their use of language;

## **11. Harassment on grounds of religion or belief**

Harassment on grounds of religion or belief refers to inappropriate and unwanted behaviour related to someone’s religion, or lack of religion, or any religious or philosophical belief including a lack of belief. Such behaviour could include:

- ridiculing items worn for religious reasons;
- denigrating cultural customs;
- derisory comments against an individual’s beliefs;
- aggressive proselytising and the pushing of religious propaganda;
- the singing of sectarian songs.

## **12. Sexual harassment**

Sexual harassment can occur in a variety of circumstances but always has a distinctive feature: the inappropriate and unwanted introduction of sexual comments and/or activities. Some examples of activities that might constitute sexual harassment are:

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<sup>4</sup> Equality Challenge Unit, ‘Supporting trans staff and students’ [<http://www.ecu.ac.uk/inclusive-practice/supporting-trans-staff-and-students>, accessed 2 May 2012].

- unnecessary and unwelcome physical contact etc.;
- suggestive and unwelcome comments and/or gestures;
- comments that emphasise the gender or sexuality 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 pictures.

Non-consensual intentional physical contact of a sexual nature, such as unwelcome contact with a person's genitals, buttocks or breasts, unwanted kissing, fondling or groping could constitute sexual assault. See Section 30.

### **13. Harassment on grounds of sexual orientation**

Harassment on grounds of sexual orientation refers to inappropriate and unwanted behaviour related to someone's known or presumed sexual orientation. In law, sexual orientation is taken to mean a person's sexual orientation towards: people of the same sex; people of the opposite sex, or people of both sexes.<sup>5</sup> Such behaviour could include:

- intrusive questioning about a person's domestic circumstances and/or sexual preferences;
- excluding same-sex partners from social events;
- making unreasonable and offensive assumptions about a person's sexual orientation;
- stereotyping and derogatory remarks;
- actual or threatened unwanted disclosure of sexuality, i.e. 'outing'.

### *14. Bullying and Abuse*

A single incident of harassment can constitute an offence while bullying usually requires a repeated number of incidences. Bullying is offensive behaviour which humiliates and/or undermines an individual or group and need not be related to a 'protected characteristic' under law. Bullying may be carried out by an individual or group of individuals. It can happen in public or in private. Examples of being bullied include being:

- shouted at and/or subjected to sarcasm;
- verbally and/or physically abused;
- told off in front of fellow students, staff or other people;

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<sup>5</sup> The Equality Act 2010, Part 2, Ch.1, S.12 (<http://www.legislation.gov.uk/ukpga/2010/15/section/12>, accessed 1 March 2012).

- derided or belittled about work, personality and/or personal appearance;
- persistently ignored and/or talked down to;
- subject to practical jokes;
- subject of malicious rumours or gossip;
- excluded or ostracised.

## **15. Abuse in relationships**

Bullying and abusive behaviour can go on even in apparently loving relationships. It can start with verbal or emotional abuse and could happen to anyone, including students in same-sex relationships. It can often escalate into physical abuse, by which time your emotional well-being is likely to be damaged.<sup>6</sup> Abusive behaviour can be: violent (hitting, kicking, slapping); emotional (humiliating and putting you down), or sexual (forcing you to engage in sexual activity unwillingly). Some signs of potential violence and abusive behaviour can be:

- extreme jealousy;
- anger when you want to spend time with your friends and/or family;
- trying to control your life (how you dress, who you spend time with and what you say);
- threatening to harm you or to self-harm if you end a relationship;
- demanding to know where you are all the time;
- monitoring your calls, text messages and/or emails;
- using physical force during an argument;
- being verbally abusive and calling you names;
- threatening behaviour towards your friends;
- ‘guilt-tripping’ you into having sex when you don’t want to.

## *16. Harassment by course of conduct, and stalking*

16.1. You may be subject to persistent and unwanted behaviour from someone where the behaviour does not appear to be related to any of the ‘protected characteristics’ discussed above or where the nature of the behaviour may not be ‘bullying’ as is commonly understood. Examples could include:

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<sup>6</sup> Information and most examples here taken from DirectGov, ‘This is Abuse’ [<http://thisisabuse.direct.gov.uk>].

- being followed, or ‘stalked’;
- being signed up unwillingly to junk mail and/or email distribution lists;
- receiving anonymous phone calls, letters and/or emails;
- being sent unwanted bunches of flowers, other gifts or take-away deliveries.

16.2. The perpetrator could be known to you (such as an ex-boyfriend or ex-girlfriend, an estranged family member, someone who thinks that a relationship exists with you, or someone who has a grudge against you following a disagreement or other incident) or someone who is unknown to you and has an unwanted interest in you for no clear reason. You may never know the reason for their behaviour, but you will know that their behaviour towards you is unwelcoming and distressing.

16.3. Under the **Protection from Harassment Act 1997** it is both a criminal and civil offence for a person (X) to pursue a ‘course of conduct’ which amounts to harassment or which X knows or ought to know amounts to harassment if a reasonable person would think the course of conduct amounted to harassment.<sup>7</sup> Harassment under the auspices of this act is defined as a course of conduct causing alarm or distress on at least two occasions.<sup>8</sup>

16.4. Students should rest assured that the University will not confirm or deny to an external caller or visitor that you are a student here, nor will it give out any personal information in person, by phone, or by electronic means to anyone without your express consent (except where legally required to do so by the Police or other law enforcement agencies).<sup>9</sup>

## 17. *Cyber-Bullying*

The types of harassment, bullying, or stalking described above can all happen in the on-line world as well as in the ‘real world’, by means of electronic information communication technology, such as email, text message, social media and networking sites, instant-messaging, web pages, and blogs; this is often known as ‘cyber-bullying’. Examples of cyber-bullying are outlined below<sup>10</sup>.

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<sup>7</sup> The Protection from Harassment Act 1997, s.1, *infra*  
[<http://www.legislation.gov.uk/ukpga/1997/40/section/1>, accessed 9 March 2012].

<sup>8</sup> The Protection from Harassment Act 1997, s.7  
[<http://www.legislation.gov.uk/ukpga/1997/40/section/7>, accessed 9 March 2012].

<sup>9</sup> See Dean of Students’ Office, *Confidentiality Policy* (2012). Fair processing of personal details (for example for voting registration and council tax exemption purposes) is defined in the University’s Student Privacy Notice: [https://intranet.uea.ac.uk/is/strategies/infregs/dp/student\\_dpa](https://intranet.uea.ac.uk/is/strategies/infregs/dp/student_dpa).

<sup>10</sup> Some examples taken from R. M. Kowalski, S. P. Limber, P. W. Agatson, *Cyberbullying: Bullying in the Digital Age*, Second Edition (Wiley-Blackwell, 2012).

## **18. Denigration**

18.1. When untrue or derogatory information about someone, or material in which that person is an object of ridicule, is posted online or communicated electronically. This could also include digitally altered images – often of a sexual nature – and videos or “memes” (images captioned usually with a sarcastic or cruel comment).

## **19. Flaming**

19.1. A situation where an on-line conversation, usually though not necessarily between two people, escalates into a heated argument and things are written or insults exchanged in the ‘heat-of-the-moment’. In real life, a ‘moment’ can pass extremely quickly, but on-line moments can linger for hours or days.

19.2. Most ‘flaming’ exchanges are insulting in nature, but if a flaming exchange is available for public viewing and an untrue assertion is made and genuine harm is caused, it could be taken to be libellous and therefore potentially actionable under civil law.

## **20. ‘Happy Slapping’ / recorded assault**

20.1. Because of the practicalities involved, ‘happy slapping’ is usually undertaken by two or more people, where one perpetrator records or films another perpetrator slapping, hitting, assaulting, or otherwise perpetrating an unwelcome act upon the victim. The recording of the event is often then shared with others – initially at least with the perpetrators’ friends – and/or posted online, adding further to the embarrassment and distress already felt by the victim during the initial act. The victim may be either known or unknown to the perpetrator.

20.2. Almost all ‘happy slappings’ could constitute an assault and should be reported to the Police immediately. See the section on Criminal Offences below.

## **21. Impersonation**

21.1. Impersonation refers to instances where the perpetrator poses as the victim – usually by stealing the victim’s password and accessing their genuine on-line account – and behaves inappropriately to the detriment of the victim, for example by posting negative or inflammatory comments, or sending nasty or other inappropriate messages et cetera, as if they were from the victim. Alternatively, the perpetrator could try to pose fraudulently as the victim by setting up a new on-line account and taking a username which is the same or similar to the victim’s name.

## **22. Outing and trickery**

- 22.1. Outing is the sharing of personal or confidential information with others without the consent of the person who the information is about. For example, the victim may disclose private information to, or share photographs or videos with, the perpetrator, who then passes this on to other people, causing embarrassment and distress to the victim because of the sensitivity of the information.
- 22.2. A victim may also be tricked into sharing personal, confidential, or sensitive information, for example when the perpetrator is impersonating someone whom the victim trusts. A victim may also be tricked when their own naivety or lack of judgement lets them down, for example by sharing such information with a complete stranger with whom it is impossible to make any judgements as to their motives or trustworthiness.

## **23. Sexting**

- 23.1. Sexting is the sending of lewd or sexually explicit messages, risqué or sexually explicit photographs or videos, by mobile phone text message, email, or similar electronic communication software. In the context of harassment, the messages received would be unwanted and unwelcome.
- 23.2. Students should exercise extreme caution if indulging in sexting. Texts and images once sent cannot be controlled and can be easily distributed by the recipient. As with outing and trickery, a student's own naivety and lack of judgement can serve to compound the act of harassment.

## **24. Trolling**

- 24.1. Trolling is the term in current usage to describe the process by which a person (known as a 'troll') posts repeated negative, hurtful, inflammatory or irrelevant statements on forums, comment pages, or social networking sites, usually in an attempt to incite an online-argument (flaming), emotional outrage from other users, or to target and upset an individual. An example is the repeated attempt to steer an online conversation towards an inflammatory topic of that person's (the troll's) choice, or where the person (the troll) makes comments specifically intended to be offensive on a memorial or other site.

## **25. *Social Media Guidelines***

- 25.1. This set of social media guidelines aims to set standards that are expected of all students with respect to the prevention of harassment and the University's General Regulations for Students; they are not intended to inhibit students' rights to freedom of speech.

- 25.2. Social media (for example: Facebook; Twitter; MySpace; Google+; LinkedIn, and open Forums and Blogs) are now a common feature of everyday life, enabling and supporting both students and staff in academic and other collaborative opportunities. Unfortunately they are open to misuse and increasingly cited in cases of harassment, bullying and crime. You must ensure that you do not use social media to harass, bully, intimidate or abuse any member of the University or its clients. If you do so, you risk breaching the University's General Regulations for Students or even prosecution.
- 25.3. You should also be aware that while you yourself may not have posted offensive comments, by endorsing those made by others through for example, 'liking', commenting, or sharing the comments of others, you may thus be risking your own reputation and/or be acting in breach of the University's General Regulations or even the law.
- 25.4. You should respect individual rights to privacy and have regard for the feelings of others. You must not disclose personal details, including pictures, of other students, staff or University clients without their prior permission.
- 25.5. You may not claim to speak on behalf of, or represent, the University on social media websites without the University's prior permission. You should not declare, imply or indicate that the content of any social media site under your control is representative of the University.
- 25.6. Students and staff are bound by the University's 'Brand Identity Guidelines'<sup>11</sup>, and may not use the University's logos, coat of arms, crest, shield and other trademarks or distinguishing signs owned by the University without the University's prior written consent. The University will monitor references to the University on social media and the internet and may take action if they find that their logos or trademarks have been misused. See Appendix A of *Procedures for Dealing with Harassment*.
- 25.7. You should be mindful of the enduring nature of information posted on social media sites and should be careful not to write posts or share information, particularly when under the influence of alcohol or other substances that can affect judgement or behaviour, that you may later come to regret.
- 25.8. You should be mindful that information shared on social media becomes public information and you should not use social media in any way that may compromise your reputation and, if you are studying or intending to work in a professional area such as health, education, social work or law, your '

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<sup>11</sup> UEA Marketing and Communications, 'Brand Identity Guidelines'  
<http://www.uea.ac.uk/mac/publications/logosbrandguidelines/ueabrandguidelines>.

fitness to practise'<sup>12</sup>. Any content that you post about yourself or others could be brought to the attention of the University, future employers and/or professional bodies and may be detrimental to your studies and/or future career. It is increasingly common practice for employers to use the internet to search for information about, or the behaviour of, those whom they are considering for employment.

25.9. You should take precautions when utilising social media sites to ensure your own personal safety and to protect against identity theft. You should exercise caution when accepting or sending invitations to interact over social media with anyone you have not met face-to-face.

## 26. *Criminal Offences*

26.1. Occasionally harassing and bullying behaviour can become criminal. The Dean of Students' Office can help you decide whether that line appears to have been crossed, and will support you if you choose to report the behaviour to the Police. The Dean of Students' Office will also provide advice and support to those who are concerned that they may be guilty of an offence or have been formally accused of one.

26.2. It is particularly important in cases of other criminal offences such as assault or hate incidents that you seek help immediately, whether you are the victim, a witness, or even the perpetrator of an act that you come to regret. Any one of the suggested contact names in these guidelines will willingly give you support and practical help, but it is important to inform the Police immediately so that any involved can be offered the help and protection they, and others affected, may need.

26.3. The University is **not** routinely informed by the Police about crimes committed by, or perpetrated upon, its students, unless the University needs to be questioned by the Police as part of their investigation or the victim consents for the Police to inform us. If you do not inform us, we may never know. During working hours, you may choose to come to the Dean of Students' Office first for support and guidance from the Dean, Senior Resident Tutor or Student Services Manager.

26.4. Out-of-hours, the Security Lodge should be informed as soon as possible so that they can ensure that you are offered help as quickly as possible. If the incident happened on University property they may need to secure the scene of the incident and liaise with the Police as necessary. The Senior Residents are also available out-of-hours for help and advice.

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<sup>12</sup> Most schools which require their students to uphold professionalism standards have produced additional guidance in respect of the use of social media to complement these policies and guidelines.

26.5. If you have been, or believe you have been, victim of a crime perpetrated by another student it is particularly important that you inform the Security Lodge or Dean of Students' Office as the safety and security of other students may be at risk.

## **27. Assault**

27.1. Assaults should be reported to the Police as soon as possible whether or not the assault happened on University property. Students are encouraged then to inform the Security Lodge or the Dean of Students' Office so that appropriate advice and support can be offered.

27.2. Some students, for a variety of reasons, do not wish to go to the Police. Depending on the nature and severity of the incident, the University may be able to pursue the matter under its own Disciplinary Procedures. However, the circumstances of the assault and the quality of the evidence that the University is able to gather may mean it would be difficult for the University to resolve the matter satisfactorily. The University's strong advice is to involve the Police who have the authority to question under caution and access to investigatory and forensic resources.

27.3. The Dean of Students' Office will always do their best to support or accompany you, and may be able to arrange for the Police to meet you in the Dean of Students' Office.

## **28. Hate Incident / Hate Crime**

28.1. A hate incident is any incident which is perceived to be motivated by hate or prejudice by the victim, or any other person, whether a crime or not.<sup>13</sup> The prejudice would ordinarily relate to one of the 'protected characteristics' described above in paragraph 5.5 as defined by the **Equality Act 2010**. The following are examples of hate incidents:

- a person is assaulted physically. The offender did this because they thought that person was gay. Whether the victim is or not, this will be classed as a homophobic incident.
- the home of a Chinese student had its windows smashed. The student believes that the windows were smashed because she is Chinese. Even if the police can never prove whether or not the windows were smashed because she is Chinese, this will be recorded as a racist incident.

28.2. If you are a victim or witness to a hate incident, it is important to report it to the Police. You can also report it anonymously through Crime Stoppers on 0800 555 111. The Dean of Students and the Union of UEA Students'

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<sup>13</sup> True Vision, 'What is Hate Crime?', [http://www.report-it.org.uk/what\\_is\\_hate\\_crime](http://www.report-it.org.uk/what_is_hate_crime)

Advice Centre are able to report incidents on your behalf if you do not want to do so yourself.

- 28.3. Students should be very careful about making flippant remarks related to any protected characteristic. The Police are duty bound to investigate every hate incident reported to them.

## **29. Stalking**

29.1. The University may be able to assist if you are being stalked by a student or staff member (see also Section 16 above), but if the stalker is not a member of the University the University's response will be more limited and we advise you to contact the Police. Nevertheless, the University will work with the Police as appropriate and necessary and offer practical assistance to minimise risk to you.

29.2. It is particularly important that the University Security team are aware of potential stalkers. Security can provide personal advice on personal safety and protection whilst on University property. It may be possible for Security staff to provide you an escort whilst on campus at vulnerable times or places during the 48-hour period following the initial report; this will enable you to discuss alternative protection measures with family, friends, the Dean of Students' Office, Security and the Police. In some circumstances, a temporary parking permit could be arranged entitling you to park in specific car parks. The University has a protocol for dealing with stalkers and other related harassment.<sup>14</sup>

## *30. Sexual Assault and Sexual Violence*

30.1. Sexual Assault and Sexual Violence can take many forms but in general refers to unwanted sexual acts or activity, including, but not limited to: rape, sexual assault (non-consensual intentional physical contact of a sexual nature, such as unwelcome contact with a person's genitals, buttocks or breasts, unwanted kissing, fondling or groping), sexual abuse of minors, rape within marriage or relationships, forced marriage, so-called honour-based violence, female genital mutilation, trafficking and sexual exploitation.

30.2. Sexual violence can include Sexual Harassment. The University's policy relating to Sexual Harassment is covered in sections 5 and 12 of this policy. See also the Procedures for Dealing with Harassment.

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<sup>14</sup> UEA Security, 'Guidelines and Protocol for dealing with 'Stalkers' and other 'Harassment' matters' (2007).

- 30.3. UEA believes a person consents to participate in sexual activity if s/he agrees by choice and has the **freedom and capacity to make that choice**, and that consent can be withdrawn at any time during the course of the activity.
- 30.4. All students are expected to promote positive attitudes and to understand their rights and responsibilities in all areas of equality and conduct, and to be aware of the legal implications of not obtaining clear, coherent consent before sex. Students have a responsibility to ensure that their partner **is free to, and has the capacity to**, consent to sexual activity.
- 30.5. All members of the University community have a responsibility for helping to ensure that victims of sexual assault and other forms of sexual violence are encouraged and supported in any legitimate complaint.
- 30.6. The University is committed to ensuring that all staff who are likely to be first point of contact in the reporting of sexual violence are trained to respond appropriately.
- 30.7. The University cannot undertake an independent investigation into allegations of rape and serious sexual assault because of the nature of these crimes. Allegations of rape and other sexual assaults, as with any behaviours that would constitute a serious criminal offence, should be investigated by the Police and considered by the prosecuting authorities.
- 30.8. The University will support any student who chooses to report an incidence of sexual violence to the Police and will assist the Police in their investigation where possible. The University will do as much as it can to help and support victims of sexual violence and has protocols for providing emergency and on-going assistance to all student victims of sexual violence and other crime. The University will also provide advice and support to those who are concerned that they may be guilty of an offence or have been accused of one.
- 30.9. In a serious matter under investigation by the Police or awaiting trial, the University will consider whether any immediate action (for example, suspension) should be taken by the University to protect the interests of the victim, other students, or the functioning of the University. The University will not normally take any other disciplinary action until the completion of criminal proceedings or a decision not to prosecute has been taken.

### **31. If you have been a victim of Sexual Assault or Sexual Violence**

- 31.1. It is particularly important in cases of criminal offences that you seek help immediately, whether you are the victim, a witness, or even the perpetrator of an act that you come to regret.

- 31.2. If you require immediate medical attention, please go to any medical centre or Accident & Emergency department.
- 31.3. Do not wash clothes or bedding; keep them aside somewhere. Do not shower or go to the toilet. This may be very difficult and make you uncomfortable, but it is important that forensic evidence is preserved.
- 31.4. Go to a place where you feel safe. Call someone you trust to be with you to support you. If you are not sure you want to involve your family or friends and you live in UEA Accommodation, you can contact your Senior Resident for support.
- 31.5. If you have been raped, sexually assaulted or subject to other forms of sexual violence you are advised to contact the Police as soon as possible so that any parties involved can be offered the help and protection they, and others affected, may need. Ordinarily a specialist Sexual Offences Liaison Officer will be sent to meet with you. As part of their investigation, the Police will offer you medical help and specialist advice and support quickly. The Police will not normally pursue an investigation or an arrest without your explicit consent.
- 31.6. If you do not feel safe at home or in your room, or you would prefer to meet with the police somewhere else, or if you are not sure whether you want to tell the police and want more information and advice before you make your decision, you can go to:
- University Medical Centre
  - Dean of Students' Office
  - Security Lodge (out-of-hours)
- 31.7. State to the person on reception that you urgently need to discuss a highly confidential matter. You will then meet with an experienced person as soon as possible, usually within ten minutes, in a confidential room. You can discuss what has happened, going into only as much detail as you feel comfortable, and you will be advised on what you may wish to do next, and what support is available to help you.
- 31.8. The decision to report the matter to the police is yours; you will not be pressured into contacting the police. You will be supported in your decision. You will not be judged and you will not be blamed.
- 31.9. If you have been, or believe you have been, victim of a crime perpetrated by another student it is particularly important that you inform the Security Lodge or Dean of Students' Office as the safety and security of other students may be at risk.

31.10. If the incident happened on University property the Security Lodge should be informed as soon as possible as they may need to secure the scene of the incident and liaise with the Police as necessary.

31.11. The following Dean of Students' Office staff are experienced in providing critical incident and immediate response advice and support, which includes sexual violence, and dealing with sensitive problems confidentially. They will be able to advise you on the policy and procedures for dealing with sexual violence and support you if you wish to pursue the matter further.

- David Thurkettle (Senior Resident Tutor)
- Jill Brown (Student Services Manager)
- Jane Amos (Deputy Dean of Students)
- Annie Grant (Dean of Students)

31.12. Experienced Mental Health and Counselling staff are available as part of the Wellbeing Service in the Dean of Students' Office. The key Wellbeing staff who are able to offer ongoing emotional and psychological support for serious issues relating to sexual violence are:

- Luke Jefferies (Mental Health Adviser)
- Stephen Messinger (Head of Wellbeing)
- Diane Martell (Mental Health Adviser)
- Ruth Roberts (Senior Counsellor)
- Catherine Atkinson (Counsellor)

31.13. If you or anyone you know has been affected by sexual assault either recently or in the past, you can find specialist help and support at: <http://www.theharbourcentre.co.uk>. You can access support from the Harbour Centre directly without speaking to the police.

## 32. *Reporting and pursuing a complaint*

32.1. Any student who wishes to report and pursue any of the behaviours discussed in this document should refer to the accompanying 'Procedures for dealing with Harassment' document and speak to a harassment Adviser in the Dean of Students' Office. Your complaint will be followed according to that procedure with due consideration to the circumstances of the matter and steps already taken.

## 33. *University discipline and student crime*

33.1. The University has a protocol for dealing with situations involving students and the criminal law. In a serious matter under investigation by the Police or awaiting trial, the University will consider whether any immediate action (for example, suspension) should be taken by the University to protect other

students, the functioning of the University or the interests of the victim. The University will not normally take any other disciplinary action until the completion of criminal proceedings or a decision not to prosecute has been taken.

34. *Support for victims of crime or other distressing circumstances*

- 34.1. The University will do as much as it can to help and support you if you are a victim of crime or you are in a very distressing situation. If you are or feel unsafe and anxious in your current accommodation, the University can usually provide immediate emergency on-campus accommodation in a private room with private bathroom facilities. Emergency accommodation can be arranged through the Dean of Students' Office directly, or if out-of-hours, through the Senior Residents or the Security Lodge.
- 34.2. Depending on your circumstances, and any advice the Police may provide, students living off-campus may, depending on room availability, be offered the option to move into on-campus accommodation for the remainder of the academic year, or for a time period to be mutually agreed, and students living in residences may have the option to move into alternative on-campus accommodation, again depending on room availability.
- 34.3. The University will always consider your circumstances individually and will provide on-going support through its various welfare services if you wish to accept it.

35. *Harassment, bullying and abuse of under 18 year olds and vulnerable adults*

- 35.1. A very small number of under-18 year old students are admitted to UEA courses each year. Such students are minors in the eyes of the law, and the University thus owes them an enhanced duty of care until they reach the age of majority (18 years). The *UEA Policy and procedures for the protection of students on UEA undergraduate and postgraduate degree programmes who are under-18 years old at entry*<sup>15</sup> outlines the enhanced support arrangements in place for such students, including the provision of a Designated Child Protection Officer<sup>16</sup> whom University staff (and others) should contact if they believe that any under-18 year old student is in any way at risk, including risk of bullying or other abuse.
- 35.2. Additionally, many students on professional courses that involve placements are likely to encounter children or vulnerable adults (including those with certain disabilities and specific learning difficulties) in the placement

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<sup>15</sup> Available on the Dean of Students' Office website: [www.uea.ac.uk/dos/policies](http://www.uea.ac.uk/dos/policies)

<sup>16</sup> Currently the Dean of Students, Dr Annie Grant.

environment. When any such abuse is encountered or suspected, it is particularly important that action is taken as quickly as possible. Students in professional Schools should follow their local guidance on reporting abuse. If the abuse is taking place outside a placement environment, or when the reporter wishes to maintain confidentiality, they may initially raise their concerns with the University's designated Child Protection Officer (see 33.1).

### 36. *Advice and Support*

The following people are experienced in dealing with sensitive problems confidentially. They will be able to advise you on the policy and procedures for dealing with harassment and support you if you wish to pursue the matter further. Advice and support within the School can be provided by:

- Head of School
- Your Personal Adviser
- Senior Adviser (or Deputy)
- Research Supervisor or other member of your Supervisory Team
- School Postgraduate Research Director
- Other staff known and trusted by you

Advice and support within the University can be provided by:

- The Dean of Students' Office (01603 59 2761)
- The Senior Resident Tutor (01603 59 3730)
- The Student Services Manager (01603 59 2491)
- The Mental Health Team (01603 59 3032)
- The Security Lodge (01603 59 2352)
- The University Counselling Service (01603 59 2651)
- The Chaplaincy (01603 59 2214)
- Students' Union Advice Centre (01603 59 3462, 01603 59 3838)
- Nightline (01603 59 2500)
- Your Senior Resident – for students living in UEA accommodation.

### 37. *Further Information*

Direct.gov.uk, 'This is Abuse' – <http://thisisabuse.direct.gov.uk>

Direct.gov.uk, 'Bullying' –

<http://www.direct.gov.uk/en/YoungPeople/HealthAndRelationships/Bullying/index.htm>

Equality Act 2012 – <http://www.legislation.gov.uk/ukpga/2010/15>

Equality Challenge Unit – <http://www.ecu.ac.uk>

The Harbour Centre (Sexual Assault Referral Centre) – <http://www.theharbourcentre.co.uk>.

Telephone: 0845 456 4810, Monday – Friday, 8am - 5pm.

The Sue Lambert Trust - [www.suelamtertrust.org](http://www.suelamtertrust.org)

Mankind - [www.mankindcounselling.org.uk](http://www.mankindcounselling.org.uk)

National Rape Crisis Helpline - 0808 802 9999

M. J. McCormack, UEA Security, 'Guidelines and Protocol for dealing with 'Stalkers' and other 'Harassment' matters' (2007).

Stop Hate UK – <http://www.stophateuk.org>

True Vision – <http://www.report-it.org.uk>

# Procedures for Dealing with Harassment

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## 1. *Introduction*

- 1.1. If you feel that you are being subjected to harassment in any form by a fellow student or a member of staff or others, do not feel that you have to tolerate it. The University's primary concerns are that the harassment should stop and that there is support and assistance when needed.
- 1.2. You can seek advice and help from any of the internal agencies or individuals listed in the advice and support section of these procedural guidelines. If you are concerned by an incident or feel that behaviour towards you is inappropriate, these agencies can advise you on a course of action, suggest ways of resolving the situation, or help you to obtain specialist advice. Different steps are advised depending on the circumstances of the harassment in order to bring about the best resolution. This guidance document covers the following:

- general immediate actions
- procedures for dealing with harassment;
- harassment in UEA Residences;
- harassment in private accommodation;
- harassment in teaching and research environments (including placements);
- harassment from staff;
- harassment from a non-student.

## 2. *Immediate and On-Going Tasks*

- 2.1. If you find that you have been subjected to behaviour which you consider to be of a bullying or harassing nature, it is advisable, if you are able, to undertake some or all of the following immediate tasks. Not all of the tasks will be appropriate according to the situation, but they may help you to tackle what is going on, especially if it is persistent.

## 3. **Tell the person to stop as soon as possible**

- 3.1. Tell the person who is behaving inappropriately towards you to stop as you consider their behaviour inappropriate and unwanted. Tell them if you consider their behaviour to be bullying or harassing. This may be enough. You may be the victim of unwitting bullying, where the person is not aware their behaviour is inappropriate or objectionable. It may be possible that words or actions have been misunderstood, in which case the misunderstanding needs to be cleared up. Even if the behaviour was

intentional, a quick and clear indication that it is objectionable can be enough to stop it. However, it is advisable to also take the following steps in case the behaviour continues.

#### **4. Take names and details of witnesses**

If there were witnesses to the incident(s), try to take their name and contact details. It might be appropriate to ask them what their view of the behaviour they witnessed was.

#### **5. Write some notes about what happened**

Make a note as soon as possible while the incident is still fresh in your mind. Try to be as detailed as possible, recording:

- when and where it happened;
- what were you doing leading up to the incident;
- how do you and the person know each other (if at all);
- what was said and/or done;
- whether this was the first occasion or one of many;
- if anybody else was involved, or witnesses present;
- how the incident made you feel.

#### **6. Social Media and Cyber-Bullying: cut off sources of communication**

6.1. In addition to the solutions above, in cases where the behaviour has occurred by means of social media or other electronic means (such as text message), you should:

- block the sender of an email by adding the sender's email address to the 'block list'. The option to do this is usually located in the junk mail options of your email reader programme;
- on social networking sites and chat/messenger services, delete a user and block them so that they can no longer contact you;
- on your mobile phone (depending on your network and phone model) you may be able to block the caller add the caller's number to a 'barring list'.

6.2. By cutting sources of communication you limit the means by which the person can contact you. Do not read or respond to messages from those who are persistently bothering you.

## **7. Social Media and Cyber-Bullying: collect evidence and keep a record of interactions**

- 7.1. Don't delete offending emails – keep them (and perhaps print them off) as evidence.<sup>17</sup> Keep text messages and make a log of all the times you have received an inappropriate phone call.
- 7.2. If you have received messages, or something inappropriate has occurred on-screen which cannot be easily printed off (such as chat rooms or messenger services etc) then take a capture of the screen (this is like taking a photograph of what is showing on your computer monitor – see 'Further Information' at the end of this document).

## **8. Talk it through with a friend**

- 8.1. Discuss what happened with a friend. Talking it through may help you to re-examine the situation and look at it more dispassionately. Your friend may help you confirm your feeling that you were subject to inappropriate behaviour, or, you may on reflection think that there was just a misunderstanding.
- 8.2. Talking may also help you feel less unsure or nervous about taking the initial steps towards dealing with any inappropriate behaviour or contact.

## **9. Read and take appropriate actions as outlined in the guidance that follows**

### *10. General Procedures for Dealing with Harassment*

- 10.1. The priority will always be to arrive at a solution in which harassment stops and there is confidence that it will not re-occur. It may be necessary, depending on individual circumstances, to use other approaches than the steps suggested here in order to best achieve the solution, which may include the involvement of your Adviser or Supervisor, Senior Resident, Dean of Students' Office, the Union of UEA Students, Security or Police, depending on the particular circumstances.

#### **Step 1: Speak to a harassment Adviser in the Dean of Students' Office**

- 10.2. You can take a friend or any person of your choosing to a meeting if you wish. Discuss what has happened and the steps you have taken so far. The Adviser will offer practical advice and support, and advise you whether or not the behaviour appears to constitute harassment and whether it may potentially be criminal. The Adviser will also inform you of the range of services offered by the University and Dean of Students' Office which you

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<sup>17</sup> If it is not clear who the email is from, you can get a clue from looking at the email headers of the original electronic version of the email. You can find these by looking at the 'properties' of the email. An adviser from ITCS will be able to help with this.

may wish to access, in particular the Mental Health Well-Being Service and the University Counselling Service.

- 10.3. As a result of this meeting you may wish to attempt to deal with the matter yourself, but, if you wish the Adviser to help you to take the matter further, you will need to agree next steps with the Adviser. This may include referring the case to another Adviser.
- 10.4. If the person is a member of staff or not a UEA student, you can discuss with the Adviser appropriate next steps, which may require the involvement of your School or the Police (see Section 18: Harassment from Staff or section 19: Harassment from a Non-student/Non-staff).
- 10.5. If the person whom you believe is harassing you is a UEA student, you might wish for him/her to be asked to attend a meeting with the Adviser to discuss the situation. That meeting may be informal or formal, and in most cases this will be your choice. In making your decision, the following things should be considered: who is bullying/harassing you; the severity of the harassment; the impact the behaviour is having upon you.
  - **Informal route:** if you wish the matter to be dealt with informally, the person will not be subject to Disciplinary Procedures, at least not at this stage.
  - **Formal route:** if you wish to proceed formally, and the Adviser agrees that this is appropriate, the matter may, depending on the results of any investigation, be subject to Disciplinary Procedures and the person accused referred to the University Disciplinary Officer.
- 10.6. You can choose to switch from informal to formal or vice versa if the circumstances or your feelings change, for example, because of continued or reoccurring harassment. If this is the case, you must let the Adviser (or other person assisting you) know.
- 10.7. In preparation for any following steps involving the Adviser you may be asked for a written and signed statement. A statement emailed from your UEA email account is also acceptable as the email acts as your digital signature.

**Step 2: If the ‘harasser’ is a student s/he will be asked to meet with the harassment Adviser**

- 10.8. The Adviser will invite the student you believe to be harassing you for a meeting to discuss your allegation. The Adviser will explain the nature of the allegation and will use your statement as a basis of the discussion. The person has the opportunity to respond.

10.8.1. **If the behaviour is acknowledged:** the person will be requested to stop, and the situation will continue to be monitored.

- **Informal route:** the person will be asked to give a verbal or written apology. The person will be given a copy of these guidelines and advised of the procedure if a formal complaint were subsequently to be made within a reasonable time frame (for example, the remainder of the academic year), or if the behaviour continues or reoccurs.
- **Formal route:** the notes taken during the meeting will be formally agreed to by the person. The case will then be referred to the University Disciplinary Officer if the Adviser and Senior Resident Tutor agree that there appears to have been a breach of University regulations.

10.8.2. **If the person denies the behaviour or if it is clear that there are disagreements in perceptions of the behaviour and/or incidences:** the Adviser may suggest that the parties meet together in a neutral situation for mediation from the Dean of Students' Office. If this suggestion is agreeable to both parties, proceed to Step 3, if not, proceed to Step 4.

**Step 3: Mediation meeting between all parties**

10.9. The aim of a mediation meeting is to seek clarifications of the perceptions of all those concerned. A successful meeting will lead to reconciliation and agreement to future conduct between the parties. If however, the meeting does not lead to clarification or reconciliation, then the next possible course of action is to consult witnesses.

**Step 4: Further investigation / consult witnesses**

10.10. If there is significant disagreement or doubt, particularly in the absence of any supporting evidence regarding the behaviour of any of the parties involved, it may be necessary for the Adviser to undertake further investigation and to consult witnesses.

10.11. If after further investigation and/or discussion with witnesses it appears:

10.11.1. **that there are grounds for the complaint:** the Adviser will speak to the alleged harasser again and ask them to acknowledge the behaviour and then proceed in accordance with Step 2 (10.8.1 above). If the behaviour is not acknowledged and the Adviser in discussion with the Senior Resident Tutor considers that there is a clear case to answer with respect to University legislation, the matter may be

referred to the University Disciplinary Officer to adjudicate on the matter formally according to the balance of probabilities.<sup>18</sup>

- 10.11.2. **that there is no supporting evidence or witness testimony:** the Adviser will be unable to adjudicate at this stage and will continue to monitor the situation. The Adviser will make it clear to both parties that both should be mindful not to inflame the situation any further. You should alert the Adviser if any further problems were to occur.

## 11. *Harassment in UEA Residences*

- 11.1. If you feel that you cannot tell the person to stop, or if having already done so the harassment continues, discuss the problem with your Senior Resident (SR). You may decide it would be helpful for your SR to go with you to speak to the person you believe to be harassing you, or you may wish that the SR alone should speak to that person; if this is the case, for any effective progress to be made towards a resolution it will be necessary for the SR to identify you. It may be helpful to make a written statement that the SR can read to the person. **Experience has shown that most cases of bullying/harassment in residences end at this step following the help and intervention of the SR.**
- 11.2. The SR will report the discussion to the Senior Resident Tutor. All contacts between an SR and a student are reported to the Senior Resident Tutor (SRT) as matter of course; the SRs have no discretion in this but normal DOS confidentiality protocols will apply, and the interaction will not be shared with others outside the DOS Office. Depending on what action you agreed with the SR, the SRT will invite you for a meeting to discuss the incident(s), and the steps you and/or the SR have undertaken. You can accept or decline the invitation as you wish.
- 11.3. If you feel that you cannot take these steps, or the harassment continues, or the Senior Resident is involved or implicated in the harassment, speak to the Senior Resident Tutor and follow the General Procedures for Dealing with Harassment above.

## 12. *Harassment in Private Accommodation*

If you are experiencing harassment from your fellow housemates in private accommodation, you should speak to the Student Services Manager (SSM) in the Dean of Students' Office. The SSM will follow the steps outlined in the *General Procedures for Dealing with Harassment* above.

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<sup>18</sup> UEA Disciplinary Procedures, Section A, s.1.6,

([http://www.uea.ac.uk/calendar/section3/regs\(gen\)/disciplinary-procedures/sectiona](http://www.uea.ac.uk/calendar/section3/regs(gen)/disciplinary-procedures/sectiona)).

### 13. *Harassment in Teaching and Research Environments (including Placements)*

- 13.1. Individual Schools are responsible for the academic environment – this includes having a general regard for the conduct, welfare and safety of students during teaching/research events of any kind. All members of staff have a duty to attempt to stop any act of harassment and to report such behaviour to the Senior Adviser, Course Director or Head of School for consideration and possible referral to the Senior Resident Tutor (see *Guidelines for Staff in dealing with Student Non-academic Misconduct*<sup>19</sup>).
- 13.2. If you are being harassed by a classmate in a seminar, a lecture, a lab class, on a field trip, placement, or in any environment which is related to your course (either taught or research), then you must bring the behaviour of the person to the attention of the member of staff leading the session or in direct supervision of you. You should do this immediately whilst it is happening (if practicable) or at the end of the session. It is possible that the staff member witnessed the behaviour and is therefore in a strong position to help you.
- 13.3. Agree with the member of staff a way forward, for example, the member of staff could speak to the person about their behaviour and tell them to cease; this would be particularly effective if the member of staff witnessed the behaviour. Alternatively you should talk to your Adviser or the Senior Adviser.
- 13.4. If the harassment continues following the implementation of the School's harassment protocol, in the case of harassment from a student, the matter should be referred by the School to the Senior Resident Tutor who shall follow the *General Procedures for Dealing with Harassment* above with due consideration for the circumstances and steps already taken.
- 13.5. If the alleged behaviour appears to breach a School's professionalism standards (where applicable), it may be most appropriate for the matter to be investigated and pursued by the school under the auspices of General Regulation 14 – Professional Misconduct and/or Unsuitability (web address: [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/gen-regs-for-students/14-professional-misconduct-and-or-unsuitability](http://www.uea.ac.uk/calendar/section3/regs(gen)/gen-regs-for-students/14-professional-misconduct-and-or-unsuitability)).

### 14. *Harassment from Staff*

If your concern involves a member of staff you should speak in the first instance to the Senior Resident Tutor or the Dean of Students. It may be that this discussion will help you to deal with the situation yourself. However, if the matter cannot be resolved informally, with your agreement, the matter will be referred to the relevant Head of School or Head of Service for action, depending on whether the member of staff is a member of academic or academic-related/support staff. If the Head of

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<sup>19</sup> Forthcoming.

School or Head of Service is the subject of your concern, the Senior Resident Tutor, with your agreement, may refer the matter to the appropriate line manager who will be the relevant Executive Dean or the Registrar & Secretary. If the Executive Dean is involved, the matter will be referred to a Pro-Vice-Chancellor. The *General Procedures for Dealing with Harassment* given above will be followed with due consideration for the circumstances and steps already taken.

#### 15. *Harassment from a Non-Student/Non-Staff*

The University does not have any jurisdiction over people who are neither students nor staff, so you should report the harassment to the Police for investigation as a criminal matter. Nevertheless, the University will try to assist you where it can and will act on advice from the Police and assist in their investigations.

#### 16. *Helping friends and safe-guarding others* <sup>20</sup>

You may be concerned, and distressed, that a friend is being subjected to bullying or harassing behaviour, or is in an abusive relationship, or is a victim of crime. You may feel helpless, but help and support can be found from the University or other agencies. Some suggestions:

- Speak to your friend and explain why you are concerned, making reference to the examples of behaviour outlined in the University's *Policy and Guidelines on Bullying, Harassment, Abuse, Assault and Stalking, and the Use of Social Media*.
- Speak to the harasser directly if you feel confident, but without being antagonistic. State what you witnessed and explain why you think his/her behaviour is inappropriate.
- If you witness someone being harassed or being subjected to misbehaviour, bring it to the attention of a member of UEA staff as soon as possible, preferably immediately:
  - If you live in UEA Residences, call the Duty Senior Resident (SR), or Security, whenever an incident is occurring that is cause for concern. The SR or Security Officer can then attend the incident and can then witness the behaviour for themselves. The caller's name will not be revealed to another student. If any untoward behaviour is witnessed by an SR or Security Officer, their subsequent report can act as a basis for addressing the behaviour.
  - in the Library, tell the nearest available member of staff, or staff on the helpdesk;
  - in a seminar class, tell the member of staff leading the session;

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<sup>20</sup> Guidance on reporting bullying, harassment of other abuse of minors (those under 18 years of age) is provided in the University's Safeguarding Policy (currently being developed).

- in a lecture, tell the member of staff giving the lecture as soon as practicable;
  - in the Students' Union, tell the reception or bar staff;
  - elsewhere on campus, report it to Security on 01603 59 2352.
- You can speak to any person in this guidance about any issue that is concerning you, and agree a way forward.

### *17. Pursuing a Complaint if you are Dissatisfied*

If your concern has not been addressed to your satisfaction, you have the right to register a complaint in accordance with University Complaints Procedure. The University reserves the right to consider a complaint under Stage 2 (Appeal Stage) of the non-academic Complaints Procedure if the steps taken to date in effect constitute Stage 1 of the Complaints Procedure.<sup>21</sup>

### *18. Confidentiality and Natural Justice*

- 18.1. As a general principle, when you seek help to deal with harassment, confidentiality will be agreed and maintained wherever possible. However, there may be situations where confidentiality has to be broken, and this will be made clear to you at the time. For example, if you tell someone, in confidence, something which demonstrates an unreasonable risk to you or to someone else, the person will need to draw this formally to the University's attention.<sup>22</sup>
- 18.2. The decision about whether action is taken by the University to deal with harassment normally rests with you, but the University will have to act if it judges there to be an unacceptable risk to you or to someone else.
- 18.3. It is important for you and the University to recognise that the alleged harasser must not be prejudged and that he or she has rights; this includes being informed of any allegations which are to be investigated, having the chance to state his or her case, and the right to have the matter remain confidential. Both parties will be informed of the outcome of an investigation undertaken according to section 10 and whether a referral for formal disciplinary action is or is not made and whether the complaint was upheld.
- 18.4. If an allegation of harassment is pursued by a student through these procedures but found to have been brought with vexatious, mischievous or

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<sup>21</sup> UEA, 'Non-academic Complaints Procedure', [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/non-academic-complaints-procedure](http://www.uea.ac.uk/calendar/section3/regs(gen)/non-academic-complaints-procedure).

<sup>22</sup> Dean of Students' Office, *Confidentiality Policy* (2012).

malicious intent, it may provide grounds for disciplinary action to be taken against that student.

### *19. Advice and Support*

The following people are experienced in dealing with sensitive problems confidentially. They will be able to advise you on the procedures for dealing with harassment and support you if you wish to follow any of the routes suggested in this document.

Advice and support within the School can be provided by:

- Head of School
- Your Personal Adviser
- Senior Adviser (or Deputy)
- Research Supervisor or other member of your Supervisory Team
- School Postgraduate Research Director
- School Director (PGR) or Associate Dean (PGR)
- Other staff known and trusted by you

Advice and support within the University can be provided by:

- The Dean of Students' Office (01603 59 2761)
- The Senior Resident Tutor (01603 59 3730)
- The Student Services Manager (01603 59 2491)
- The Mental Health Team (01603 59 3032)
- The Security Lodge (01603 59 2352)
- The University Counselling Service (01603 59 2651)
- The Chaplaincy (01603 59 2214)
- Students' Union Advice Centre (01603 59 3462, 01603 59 3838)
- Nightline (01603 59 2500)
- Your Senior Resident – for students living in UEA accommodation.

### *20. Further Information*

Equality Challenge Unit – <http://www.ecu.ac.uk>

Stop Hate UK – <http://www.stophateuk.org>

Equality Act 2012 – <http://www.legislation.gov.uk/ukpga/2010/15>

Direct.gov.uk, 'This is Abuse' – <http://thisisabuse.direct.gov.uk>

Direct.gov.uk, 'Bullying' -

<http://www.direct.gov.uk/en/YoungPeople/HealthAndRelationships/Bullying/index.htm>

The Harbour Centre (Sexual Assault Referral Centre) – <http://www.harbourcentre.org>

M. J. McCormack, UEA Security, 'Guidelines and Protocol for dealing with 'Stalkers' and other 'Harassment' matters' (2007).

### **Taking a 'Screen Capture'**

If you want to make a record of something that has been sent to you on social media, try not to 'Cut and Paste' it into a new document as its usefulness as evidence will have been harmed because the pasted text can then be edited. It is much better to take Screen Captures. How to take a 'screen capture' on a PC running Microsoft Windows:

1. Make sure the window which has the offending message/chat is visible on screen.
2. Press Ctrl, and whilst still holding it down, press the 'Print Screen' button (which is normally located above the numeric keypad on the top right of your keyboard).
3. Then open up a programme such as Microsoft Word, press Ctrl, and whilst still holding it, press the letter 'V'. This will paste your photograph of your screen (your 'screen capture') into the document which you can then save and print off.

Alternative methods exist for other operating systems, such as Mac OS, iOS, Android, and Windows Phone 8, for example:

<http://www.take-a-screenshot.org/>

<http://windows.microsoft.com/en-us/windows7/take-a-screen-capture-print-your-screen>

<http://www.apple.com/uk/findouthow/mac/#capturescreen>

<http://graphicssoft.about.com/od/screencapture/qt/screen-shot-ipod-iphone.htm>

<http://www.howtogeek.com/121133/how-to-take-screenshots-on-android-devices-since-4.0/>

<http://www.windowphone.com/en-gb/how-to/wp8/photos/take-a-screenshot>

### *Appendix A: Intervening in student social media*

This joint protocol for the Marketing and Communications department and the Dean of Students Office outlines the steps that shall be taken in circumstances where student use of social media may appear to breach the *Policy Statement and Guidelines on Bullying, Harassment and Abuse, Assault and Stalking, and the Use of Social Media*. This protocol, agreed in February 2013, may be revised from time to time as circumstances dictate.

#### **Scenario 1: A new UEA-focussed social networking site appears and some postings are offensive and/or potentially libellous.**

1. Let the site run for a day or two and monitor the types of messages posted.
2. If offensive messages begin to appear, the Digital Marketing Team (MAC) privately send this message to the page owner:

**The University of East Anglia has been reading the content appearing on your site and would ask you to remind those posting that their comments are read by a wide variety of people – not just UEA staff and students – and could cause damage to both their own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university’s reputation.**

3. Identifiable students posting offensive and/or potentially libellous messages to be contacted privately first by the Senior Resident Tutor (Dean of Students Office) and, if no action is taken in response, by the Dean of Students.
4. If sending a private message to the site owner makes no difference and the site becomes increasingly popular with continued offensive messages, the Digital Marketing Team will post this message publicly on the site:

**The University of East Anglia has been reading the content appearing on this site and reminds those posting that their comments are read by a wide variety of people – not just UEA staff and students – and could cause damage to both their own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university’s reputation.**

#### **Scenario 2: A new UEA-focussed social networking site appears and some postings breach others’ right to privacy and/or harass/bully others.**

1. Let the site run for several days and monitor the types of messages posted.
2. If bullying messages begin to appear, the Digital Marketing Team privately send this message to the page owner:

**The University of East Anglia has been reading the content appearing on your site and would ask you to remind those posting of the need to respect the privacy of others and of the expectations set out in the university’s Bullying and Harassment policy. [ADD LINK]. Please also remind them that their comments are read by a wide variety of people – not just UEA staff and students – and could cause damage to both their own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university’s reputation.**

3. Identifiable students posting bullying messages to be contacted privately first by the Senior Resident Tutor (Dean of Students Office) and, if no action is taken in response, by the Dean of Students.
4. If sending a private message to the site owner makes no difference and the site becomes increasingly popular with continued offensive messages, the Digital Marketing Team post this message publicly on the site:

**The University of East Anglia has been reading the content appearing on this site and reminds those posting of the need to respect the privacy of others and of the expectations set out in the university's Bullying and Harassment policy. [ADD LINK]. The comments on this site are read by a wide variety of people – not just UEA staff and students – and could cause damage to both your own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university's reputation.**

**Scenario 3: A new social networking site displaying the UEA logo, crest or other official branding appears and some postings are offensive, potentially libellous or bullying.**

1. The Digital Marketing Team send the following private message to the site owner immediately:

**This site is using the official University of East Anglia name and logo which are the intellectual property of the university and trademark protected. Please remove this branding with immediate effect. You are also asked to remind those posting that their comments are read by a wide variety of people – not just UEA staff and students – and could cause damage to both their own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university's reputation.**

2. Identifiable students posting offensive and/or potentially libellous messages to be contacted privately first by the Senior Resident Tutor (Dean of Students Office) and, if no action is taken, by the Dean of Students.
3. If sending a private message to the site owner makes no difference and the site becomes increasingly popular with continued offensive messages, the Digital Marketing Team contact Facebook and request that the page is removed because it breaches trademark protection legislation.
4. If the site continues but without the logo, the following message should be posted on the site:

**The University of East Anglia has been reading the content appearing on this site and reminds those posting that their comments are read by a wide variety of people – not just UEA staff and students – and could cause damage to both their own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university's reputation.**

5. If the comments or the nature of the site invade the privacy of others, the following message should be used instead:

**The University of East Anglia has been reading the content appearing on this site and reminds those posting of the need to respect the privacy of others and of the expectations set out in the university's Bullying and Harassment policy. [ADD LINK]. The comments on this site are read by a wide variety of people – not just UEA staff and students – and could cause damage to both your own reputation and that of the university. They may also breach regulations on student conduct and the protection of the university's reputation. This site is using official University of East Anglia branding which is the intellectual property of the university and copyright protected. All UEA branding should be removed with immediate effect.**

**Scenario 4: A new UEA-focussed social networking site appears with clearly discriminatory, defamatory, sexually explicit or bullying content.**

1. The Digital Marketing Team immediately contact the owner privately with the following message:

**The University of East Anglia is investigating this site due to its potentially discriminatory/defamatory/sexually explicit/bullying (delete as appropriate) content. We will also be investigating whether there have been any breaches of the university's regulations on student conduct and the protection of its reputation. The university takes these matters very seriously and will take all appropriate action to protect its reputation and that of its students and staff.**

2. If the site is not taken down within 24 hours, Facebook should be contacted and asked to remove the site on whichever grounds are relevant.