

# **Anti-Bullying, Harassment and Sexual Misconduct**

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## Procedure for students

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# Anti-Bullying and Harassment Procedure for Students

## 1. Introduction

University College of Estate Management (UCEM) is committed to creating and sustaining an inclusive and accessible learning environment, which is free from bullying, harassment and sexual misconduct. UCEM will adopt a clear and consistent approach when investigating all allegations of bullying, harassment and sexual misconduct. This approach will aim to ensure that the behaviour stops, that the victim is kept safe, and that UCEM enforces their view that bullying, harassment and sexual misconduct are never acceptable.

Bullying, harassment and sexual misconduct in any form is unacceptable (including being a bystander to bullying and/or harassment and/or sexual misconduct), and will not be permitted or condoned. The aim of this procedure is to ensure that bullying, harassment and sexual misconduct does not occur and, if it does occur, to ensure that appropriate procedures are readily available to resolve the problem and to prevent recurrence.

The [UCEM Terms and Conditions of Contract for non-apprentices \(opens new window\)](#), [UCEM Terms and Conditions of Contract for apprentices \(opens new window\)](#) and the [UCEM Disciplinary Procedure \(opens new window\)](#) set out the behavioural expectations for students, including that UCEM will not tolerate conduct that leads to any form of bullying, harassment and sexual misconduct. Students are expected to comply with these Terms and Conditions of Contract and the Disciplinary Procedure, and to assist in the promotion of a good working environment free from any form of bullying, harassment and sexual misconduct.

Behavioural conduct for UCEM staff (including temporary staff) relating to bullying, harassment and sexual misconduct can be found in [UCEM's Code of Conduct Part 2- Safeguarding](#) and in the Equal Opportunities and Dignity at Work policy.

All complaints of bullying, harassment and sexual misconduct will be treated seriously, and will be thoroughly investigated. Disciplinary action, as outlined in the [UCEM Disciplinary Procedure \(opens new window\)](#) can be taken in cases where bullying and/or harassment and/or sexual misconduct have been proved, or where an investigation finds that they are likely to have taken place. Equally, UCEM can take disciplinary action against anyone proved to have made a malicious allegation under this procedure.

Cases involving an alleged criminal offence, such as physical and sexual assault or hate crimes, will be reported to the police with the consent of the victim. In such cases UCEM will take no action (other than suspension, if considered necessary) until the outcome of any criminal investigation is known. UCEM may report cases to the police without the consent of the victim where it is necessary to protect a student from harm, to prevent a further crime from taking place, or where the case relates to terrorism or money laundering.

## 2. Definitions

- **Bullying** can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- **Harassment** (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because or, or connected to, one or more of the following protected characteristics:
  - i. Age
  - ii. Disability

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- iii. Gender reassignment
- iv. Race
- v. Religion or belief
- vi. Sex
- vii. Sexual orientation

We understand harassment to include domestic violence and abuse (which can include control, coercion, threats) and stalking.

Harassment also includes any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

- **Sexual misconduct** related to all unwanted conduct of a sexual nature. This includes, but is not limited to:
  - i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
  - ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
  - iii. Assault (as defined by the Sexual Offences Act 2003)
  - iv. Rape (as defined by the Sexual Offences Act 2003)
  - v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission, Sexual harassment and the law, 2017)
  - vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission, Sexual harassment and the law, 2017)
  - vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

For the purpose of this document, UCEM will use the above definitions when referring to bullying and/or harassment and/or sexual misconduct.

Bullying, harassment and sexual misconduct can be experienced by a group of people as well as by individuals. This procedure recognises this, and where the singular is used, it is accepted that the circumstances may also be applicable to a group of people. Bullying, harassment and sexual misconduct can also be carried out by a group of people against an individual. The procedure acknowledges that bullying, harassment and sexual misconduct can take place through any medium, including online.

As outlined in EHRC guidance on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

- **Hate crime** is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

### 3. Guidelines for Students

UCEM students have a responsibility to comply with this procedure, and to ensure that their behaviour towards other students and staff does not cause offence and could not in any way be considered to be bullying, harassment or sexual misconduct.

Differences in culture, religious and political beliefs, attitudes and experience, or the misinterpretation of social signals can mean that what is perceived by the person experiencing the behaviour as bullying, harassment and sexual misconduct may not be perceived in the same way by others. It is important to be sensitive to the feelings and reactions of others and adjust behaviours as necessary.

Students are responsible for reporting any known or suspected cases of bullying, harassment or sexual misconduct, towards themselves or another person, to the Safeguarding team. They can make this referral to Student Central, by contacting 01184672400, by emailing [safeguarding@ucem.ac.uk](mailto:safeguarding@ucem.ac.uk) or by contacting a trusted member of UCEM staff or student representative who will make the referral on their behalf.

Sometimes, it may be appropriate to suspend a student, or restrict their access to certain students or areas of UCEM (including the VLE) whilst an allegation of bullying, harassment or sexual misconduct is investigated. Students will be informed of this, and of timescales.

### 4. Criteria

This procedure is applicable to all UCEM students and apprentices. Bullying and/or harassment and/or sexual misconduct can manifest itself physically or in conversation, or it can take place using technology. Many different behaviours can constitute bullying and/or harassment. The [Bullying, Harassment and Sexual Misconduct List of Unacceptable Behaviours \(opens new window\)](#) identifies behaviours which UCEM deems unacceptable. There are also [certain factors which may make students more vulnerable to bullying and/or harassment procedure \(opens new window\)](#).

#### 4.1 What the procedure is

If a student feels that they have experienced or witnessed bullying, harassment or sexual misconduct they should report the concern as soon as possible by calling 01184672400 or by email to [safeguarding@ucem.ac.uk](mailto:safeguarding@ucem.ac.uk). If preferable for the student, they may communicate their concern to any member of UCEM staff or student representative and ask them to escalate the concern on their behalf. The Safeguarding team will acknowledge receipt of the concern within 1 working day and will begin an investigation within 5 working days led by the Designated Safeguarding Lead (DSL) or the Deputy Designated Safeguarding Lead (DDSL). Both the victim and the alleged perpetrator will be notified that the investigation has begun, of support available, and of likely timescales for the investigation to be concluded. Ordinarily, the alleged perpetrator will be informed of who has made the complaint against them, the nature of the complaint and any evidence provided to support the complaint.

Investigations may include (but are not limited to):

- Interviews with alleged victims, perpetrators or witnesses;
- Collation and scrutiny of evidence;
- Consultation with appropriate expertise if required;
- Referrals to police or the local authority where appropriate.

Investigations will normally be concluded within 20 working days of the start of the investigation, and the outcome will be communicated to all parties within this timescale.

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There may be occasions where, due to the complexity of a case, it is not possible to conclude an investigation within this timescale. In such instances, all parties will be notified as soon as possible, and a revised deadline will be communicated which will be as soon as is reasonably practical.

Depending on the outcome of the complaint, the Safeguarding team may make recommendations for action. If any disciplinary action is recommended, this will take place following the process outlined in the [UCEM Disciplinary Procedure \(opens new window\)](#) and students will have the right to appeal. More detailed information about the possible outcomes of this procedure can be found in section 4.3.

## 4.1.1 Anonymous Complaints

There may be occasions where a student prefers to make an anonymous complaint of bullying, harassment or sexual misconduct. Should a student wish to make an anonymous complaint, they can do so by logging their complaint through a UCEM member of staff or student representative, stating that they wish to remain anonymous and asking the staff member or student representative to forward their complaint to [safeguarding@ucem.ac.uk](mailto:safeguarding@ucem.ac.uk) on their behalf. Alternatively, the student can contact the Safeguarding team themselves, stating that they wish to remain anonymous. Any anonymous complaint submitted to the Safeguarding team should be submitted with as much supporting evidence as possible (for example copies of emails or messages where inappropriate behaviour is alleged to have occurred) to support the investigation.

UCEM will endeavor to investigate all anonymous complaints wherever possible to the best of its ability. UCEM will consider each anonymous complaint individually and make a decision on whether it is possible to proceed with the complaint. Factors considered will include whether there is enough evidence to proceed with the complaint, and also whether it is fair to the alleged perpetrator to proceed with the complaint without knowing who has accused them and potentially without being able to view evidence of claims made against them (where this evidence would identify the accuser). Cases where an alleged perpetrator may not know who has accused them and cannot view any evidence against them will only proceed where UCEM reasonably believes there would be a genuine threat to the safety of the accuser/victim should their identity be revealed.

Complainants should be aware that any anonymous complaints can be more difficult to prove without a witness statement where there is no other supporting evidence. Anonymous complaints may also be more difficult to resolve where a complaint is upheld, for example in situations where mediation or an informal discussion between victim and perpetrator would have been recommended as the outcome to the procedure.

## 4.2 Timescales

Bullying/harassment/sexual misconduct is suspected or occurs, and is reported to the Safeguarding team.	As soon as possible (always if there is a risk to health, safety, or welfare).
Safeguarding team acknowledge concern	1 working day
Concern is investigated	The investigation will begin as soon as possible, and within no longer than 5 working days from the receipt of the complaint. UCEM aims to resolve all complaints as soon as possible, and concerns will usually be investigated, and

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	<p>outcomes communicated within 20 working days of the start of the investigation. However, some cases can be very complex and may require interviews from multiple students/staff. In these instances, UCEM will endeavor to agree appropriate timescales for the completion of investigations with the complainant and alleged perpetrator on an individual basis.</p>
Right to complain or appeal	<p>If the student who raised the concern with the Safeguarding team is dissatisfied with the response, they can raise a complaint directly with the Safeguarding team using the <a href="#">Student Complaints Procedure (opens new window)</a>.</p> <p>The student against whom any action is taken may appeal the decision, in accordance with the <a href="#">Student Appeals Procedure (opens new window)</a>. The Student Appeals Procedure outlines that any appeals must be raised within 10 working days of receipt of the outcome.</p>
Review of procedure	<p>This procedure will be reviewed at least annually by a member of the Safeguarding team. If any updates are required, the procedure will be presented to QSEC for review and approval.</p>
Reporting	<p>The Safeguarding team will report on cases of Bullying and/or Harassment as part of their monthly meeting. The DSL will provide a detailed report to the Board of Trustees member with responsibility for Safeguarding on any cases and their outcomes as part of the quarterly meeting. The rest of the Board of Trustees will be updated on relevant statistics through the Quarterly Business Report (QBR).</p>

### 4.3 Outcomes of the procedure

Dependent on the nature of the case, there may be several possible outcomes to cases of bullying, harassment or sexual misconduct (or where a complaint of bullying, harassment or sexual misconduct has been found to be vexatious). This might include, but are not limited to:

- Informal discussion to attempt to resolve the issue
- Mediation
- Access to the VLE or other UCEM content being blocked as appropriate, for investigation or to protect the victim
- Instruction not to contact certain students or UCEM staff, either using UCEM platforms or on other platforms (such as personal email or social media)
- Changing of tutor groups
- Referral to the police (where an investigation determines that a crime has possibly been committed)
- Recommended disciplinary action (at which stage, the case will be referred to UCEM's Disciplinary Procedure)

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## 4.4 Confidentiality

Confidentiality will be maintained as far as possible when investigating any known or suspected case of bullying, harassment or sexual misconduct, however all staff will act on the basis that the health, safety, and welfare of UCEM staff and students are the overriding concern. The degree of confidentiality maintained will be decided by the need to protect the (suspected) victim. Victims will be involved in conversations about their preferred level of confidentiality, and this will be respected if possible/appropriate to ensure the health, safety, and welfare of the victim.

Ordinarily, alleged perpetrators are entitled to know who has made an allegation against them, as well as the details of the allegation along and any supporting evidence. This is to ensure fairness in the process, and to allow the alleged perpetrator to prepare a statement or evidence which they feel will prove the allegation to be false or vexatious. For information on confidentiality and anonymous complaints, please refer to section 4.1.1 of this guidance.

Victims and alleged perpetrators of bullying, harassment or sexual misconduct should be aware that information will be passed on to appropriate UCEM staff members to support investigations and/or complaints/appeals.

Where a suspected crime has been committed, UCEM may support a victim to make a referral to the police. In such instances, the alleged perpetrator will be informed that a referral has been made.

UCEM sets out its approach to data protection within its [Data Protection Policy \(opens new window\)](#).

## 4.5 Support available

### 4.5.1 Victims of bullying, harassment or sexual misconduct

The Safeguarding team will offer support to all victims of bullying, harassment, or sexual misconduct. They may offer this support in house, or where the situation warrants this (with agreement from the victim) the team may make referrals of more appropriate sources of support and guidance (for example a specialist organisations who supports victims of bullying). This support will be offered prior to, during and following any investigations and subsequent outcomes. To avoid any conflicts of interest, the Safeguarding team member who supports the victim will not be involved in any decision making capacity in any subsequent investigations, appeals or complaints.

Students may contact UCEM's Safeguarding team by emailing [safeguarding@ucem.ac.uk](mailto:safeguarding@ucem.ac.uk) to request support. Students may access this support, even where they do not wish to make a formal complaint regarding bullying, harassment, or sexual misconduct.

### 4.5.2 Alleged perpetrators of bullying, harassment and sexual misconduct

A member of UCEM's Safeguarding team will offer support to alleged perpetrators of bullying, harassment or sexual misconduct, and may refer the student to external sources of support or make referrals on a student's behalf (in line with UCEM's Code of Practice: Safeguarding and Prevent, and UCEM's Safeguarding Procedure) where appropriate. This support will be offered prior to, during and following any investigations and subsequent outcomes.

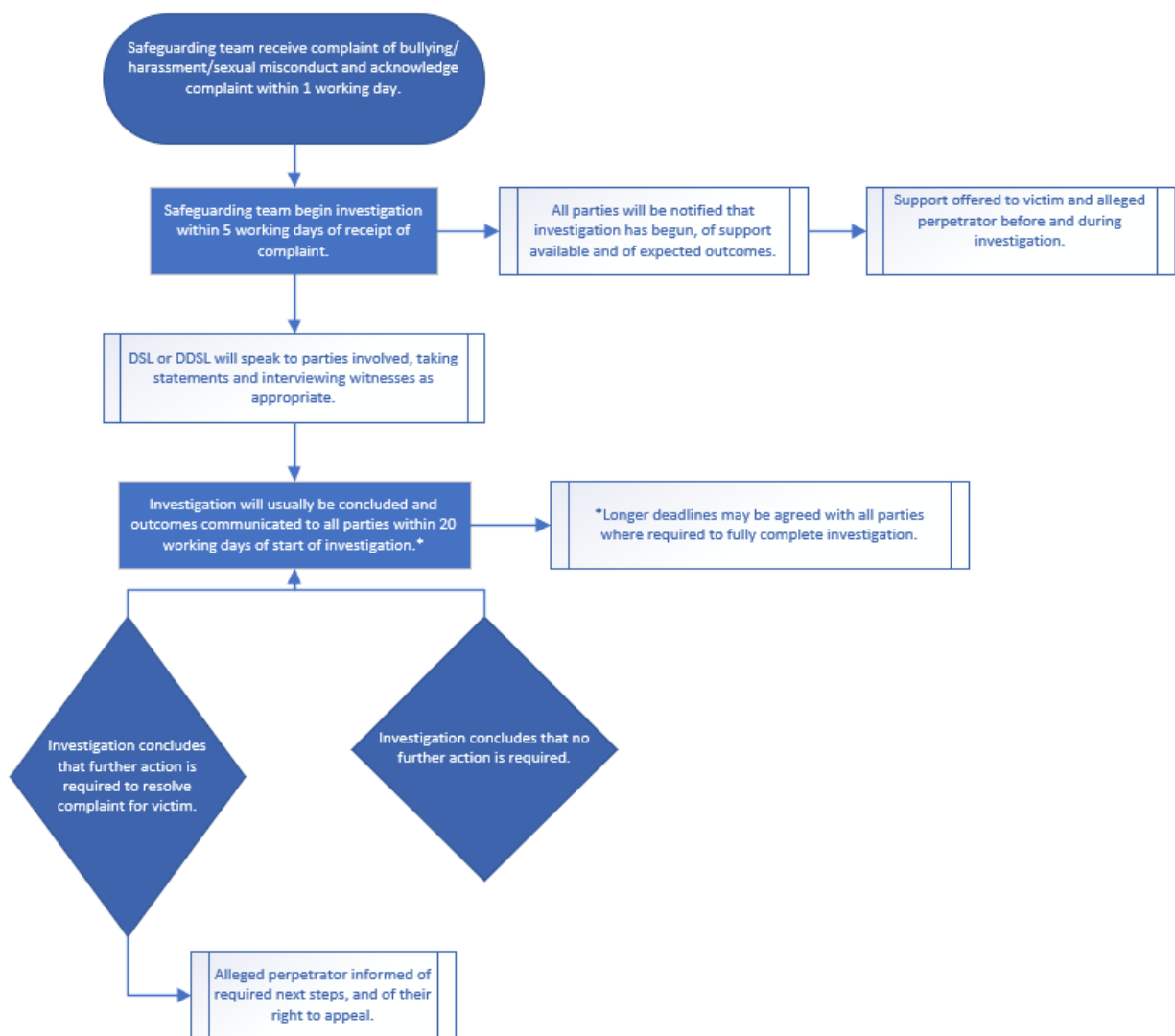


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To avoid any potential conflicts of interest, the member of the Safeguarding team who offers support to the alleged perpetrator will not be the same team member who supports the alleged victim and will not be involved in any decision making capacity in any subsequent investigations, appeals or complaints.

Perpetrators of bullying have the right to be accompanied to any disciplinary meeting by a representative of their choice (excluding legal representation). Where an allegation of bullying, harassment or sexual misconduct is proven and a perpetrator of bullying remains a student of UCEM, the Safeguarding team may recommend sources of support and guidance to the student to help them understand and change their behaviour, as well as offering continued emotional support to help them deal with any potential repercussions (including a negative impact on mental health) from the process.

## 5. Stages of the Procedure



(Flowchart describing procedure outlined in section 3.1)

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## 6. Training

Training on bullying, harassment and sexual misconduct will be made available to all UCEM staff. Staff will be required to refresh this training every 3 years. New staff should ensure that they have completed their Anti-Bullying, Harassment and Sexual Misconduct training prior to completion of their probationary period.

Temporary staff and/or volunteers working for UCEM must participate in Anti-Bullying, Harassment and Sexual Misconduct training and/or awareness raising. Where a temporary staff member/volunteer is working for UCEM for a period of more than a month, the staff member should complete the full training available on the VLE. Where a temporary staff member and/or volunteer is expected to work for UCEM for a period of less than a month, they should meet with the DSL to go through expectations relating to Anti-Bullying, Harassment and Sexual Misconduct, and should be supervised closely by their line manager.

Training and information for students on Bullying, Harassment and Sexual Misconduct can be found in the Welfare and Advice area of the Student Hub on the VLE. UCEM will endeavour to inform and remind students of the procedure for dealing with bullying, harassment and sexual misconduct at other stages throughout their programme; this might include information in Welcome Weeks, updates sent via email, in handbooks or via social media.

## 7. Benchmarking/References

This policy should be read in conjunction with the following policies, procedures and guidance documents, which set out details that relate to key aspects of UCEM's approach to safeguarding:

- [UCEM Code of Practice: Safeguarding and Prevent \(opens new window\)](#);
- Staff Safeguarding Code of Conduct;
- [UCEM Safeguarding Procedure \(opens new window\)](#);
- [UCEM Prevent Procedure \(opens new window\)](#);
- [Apprenticeship Student Conduct Expectations](#);
- [UCEM Student Disciplinary Procedure \(opens new window\)](#);
- [Online Safety Guidance \(opens new window\)](#);
- [Online Protocol - A Student's Guide for the VLE \(opens new window\)](#);
- [UCEM Code of Practice Chapter: Student Appeals and Complaints \(opens new window\)](#);
- [Student Complaints Procedure \(opens new window\)](#);
- [Student Appeals Procedure \(opens new window\)](#);
- [Terms and Conditions of Contract \(opens new window\)](#);
- [UCEM Code of Practice Chapter: Disability and Additional Needs \(opens new window\)](#);
- [UCEM Privacy Policy \(opens new window\)](#);
- [UCEM Data Protection Policy \(opens new window\)](#);
- [Freedom of Speech Policy \(opens new window\)](#);