

HARASSMENT

Welcome to Advice Direct..., the written information service from Guild Advice.

This leaflet is designed to provide you with information on harassment. It also informs you of what to do if you are being harassed by a student or a member of staff.

What is Harassment?

The University of Birmingham defines harassment as:

"Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it...[T]he University will use and apply the following definition of Harassment... :

'Unwanted conduct related to a protected characteristic which has the purpose or effect of:

- violating a person's dignity; or*
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'*

Harassment is seen as **persistent** (taking place on at least two occasions) unwanted behaviour which causes concern and distress for individual(s) and is viewed as unacceptable conduct. Individuals may be subject to harassment due to their:

- ☐ Sexual orientation
- ☐ Race, skin colour, nationality, ethnic origin
- ☐ Age
- ☐ Sex
- ☐ Beliefs
- ☐ Learning ability or difficulties
- ☐ Gender re-assignment

What Is Harassment?

*Harassment Is A Criminal Offence And Can Result In A Conviction Under The
Protection From Harassment Act 1997*

The University takes cases of harassment **very seriously**. It is important that students are free to enjoy themselves without fear of intimidation or harassment, both on and off campus. Disciplinary procedures are therefore in place to protect students, staff, and the University as a whole. Under Section 8 – Student Conduct regulations, harassment is included as an offence.

Forms Of Harassment

Harassment can take various forms, from offensive gestures or comments to unwanted physical contact. Some examples include:

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

If the harassment is also affecting your studies, you should speak to your personal tutor or a Guild Advice Advisor and consider completing [an Extenuating Circumstances Form](#)

What Should I Do If I Am Being Harassed?

Informal Action

If you feel that you are being harassed you should try to deal with the problem **as soon as possible**. You should not wait for matters to become worse or feel pressured into accepting the harassment. In many cases the harasser may not realise that they are behaving inappropriately or causing you distress, therefore the problem may be easily resolved. In any case you should not have to put up with any unacceptable behaviour. If you feel that you are being harassed you should try to deal with it informally (where appropriate) by taking the following action:

Step 1 – Recording the situation

Make a record of all the incidents that have taken place which caused you concern or distress. Try to be accurate in terms of what happened, when and where the incident took place, whether any witnesses were present, and the impact that it has had on you (both personally and academically).

Step 2 – “Individual Action”

You should attempt to try to resolve the problem informally (if appropriate). The University recommends raising the situation with the harasser at the earliest opportunity in person if appropriate.

There are 3 important details that you must consider:-

- Pick a time and a place where they can speak privately and without interruption;
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
- Make it clear that the behaviour is unwelcome and must stop immediately.

If you feel that it would not be appropriate or if you are unable to speak to the harasser directly then you should write to them and inform them that their behaviour is not acceptable and request that it stops. You should date and sign the letter, keep a copy of it and send it by recorded delivery if you can.

Step 3 – “Third Party Intervention”

In some cases approaching the alleged harasser directly may not help to resolve the situation in an adequate manner. In these cases you may want to consider speaking to your Personal or Welfare Tutor, requesting that they speak to the alleged harasser regarding the situation on your behalf.

Speak to a harassment advisor in confidence about your problems, although preferably not someone from the harasser's department or someone who knows them personally

<https://intranet.birmingham.ac.uk/hr/wellbeing/employeesupportservices/harassment/index.aspx>

Step 4 – “Mediation”

Where relationships have been damaged, the University's Mediation Service can help both parties to rebuild their relationship. Mediation is a voluntary and

confidential process, whereby parties in dispute go through a structured process to enable them to resolve issues with the assistance of a neutral third party. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

As a student, you must contact either Student Conduct Officer or the Employee Support Services Manager, in order to begin this step.

Formal Action

If having contacted a Harassment Advisor, or taking the steps above, the problem has not been resolved, then you can take more formal action. This also applies for more serious cases of harassment.

Under the University's **Policy on Harassment and Bullying**, you should contact **Student Conduct** about the situation. Formal allegations of harassment should be made in writing and include:

- Your **personal details** (including student ID number where appropriate);
- An **outline of the allegation(s)** (including dates, times and places);
- Details of the **alleged harasser**;
- Details of any **witnesses**; and, if relevant,
- Details of any **informal attempts to resolve the situation and the outcome(s)**.

All written
correspondence
should be dated
and posted by
recorded delivery (if
posting). You should
also keep a copy
for your records.

When the allegations have been formally raised with Student Conduct, the Student Conduct Officer will invite you – as the Complainant – to a meeting to discuss the allegations. You are entitled to be accompanied to this meeting by a 'Friend' defined as Full Time Officers (organised through the Guild Advice Advisors), a currently registered student or a current member of University staff. This meeting is to enable the Student Conduct Officer to establish the facts of the case.

The Alleged Harasser will then be contacted by a Student Conduct Officer and invited for interview (usually within 10 days of the allegation being made), also accompanied by a 'Friend' if they wish, so that they might respond to the allegations.

If the Alleged Harasser refuses to attend the interview or to provide comments in response to the allegations they will be deemed to be in breach of this Policy and therefore liable to disciplinary measures.

Any witnesses named by either you or the alleged harasser will also be invited to attend for interview, although they cannot be compelled to do so.

Following the Student Conduct Officer's investigation into your allegations, they will outline the outcome in writing to all parties involved. The letter will include a rationale for the decision and details of the next stage (if any).

Criminal Offence

Serious harassment, such as threatening behaviour or racial and/or sexual abuse, can be regarded as criminal behaviour and could lead to a criminal offence.

If found guilty it could lead to arrest, a penalty, or even a prison term.

If you feel you are being seriously harassed then you should take action **as soon as possible**, either by:

- Speaking to a Guild Advice Advisor
- Speaking to a Harassment Advisor
- Referring to the Student Conduct Section 8 of the Regulations of the University of Birmingham
- Referring to the code of practice on student concerns and complaints (see sources section below)

Hate Crimes

In certain cases, the harassment could be considered a potential hate crime or offence. Hate crime is any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate. This can be motivated by someone's race, colour, ethnic origin, nationality, national group, religion, gender, gender identity, sexual orientation, or disability.

Guild Advice is a Third Party Reporting Centre, and If you are a victim of (or have witnessed a hate or a hate related incident please speak to a Guild Advice Advisor in confidence.

Sources Of Help

Guild Advice, Guild of Students

Email: thearc@guild.bham.ac.uk

Visit the website at: <http://www.guildofstudents.com/support/thearc/>

Opening Hours

Monday - Friday

10am — 4pm

Drop In Clinics

Monday - Friday

12 – 2pm

Saturday/Sunday

CLOSED

University's Senior Tutor, WG7, Aston Webb Building

Dr Regina Santos

Tel: 0121 414 7452

Email: ust@contacts.bham.ac.uk

Harassment Advisors:

Tel: 0121 415 8774

Email: harassment@contacts.bham.ac.uk

Website:

<https://intranet.birmingham.ac.uk/hr/wellbeing/employeesupportservices/harassment/index.aspx>

Student Conduct:

Email: conduct@contacts.bham.ac.uk

Website: <https://intranet.birmingham.ac.uk/as/studentservices/conduct/index.aspx>

Harassment & Bullying Policy:

<http://www.birmingham.ac.uk/Documents/university/legal/harassment-bullying.pdf>

Regulation 8, the University of Birmingham Regulations:

<http://www.birmingham.ac.uk/Documents/university/legal/regulations-part8.pdf>

Code of Practice on Student Concerns and Complaints:

<http://www.birmingham.ac.uk/Documents/university/legal/complaints-procedure.pdf>

Counselling & Wellbeing Service:

Opening Hours: Monday to Friday 9.00am - 5.00pm (term-time)

Website: <http://www.as.bham.ac.uk/studentlife/counselling/index.shtml>

Disclaimer: The information on this leaflet only provides general guidance on academic support and University policy. The leaflet should not be regarded or relied upon as a complete or authoritative statement of University policy or procedures. Guild Advice will not accept any liability for any claims or inconvenience as a result of the use of information on this leaflet.

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[Harassment]