

Birmingham City University

Definitions of Harmful Behaviours and Related Issues

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Introduction

At Birmingham City University we are fully committed to sustaining a positive environment free from harassment, discrimination, bullying, victimisation, gender-based violence, and other harmful behaviours. We are proud of our diverse community, and strive to provide a safe environment where people can work collaboratively and productively together.

We are committed to protecting the dignity of all those who attend campus or interact with us online or through partnerships, and require all those associated with the University to treat each other with dignity, courtesy and tolerance at all times. Our expectations of members of our community are set out in our University Community Agreement, and where our expectations are not met we may take action under formal University processes. We will not tolerate harmful behaviour in any form.

The definitions set out below relate to specific examples of harmful behaviour, as well as related issues such as freedom of speech. The list is intended to be neither exhaustive nor static. We may amend definitions in light of legislative changes or new sector guidance, for example, or add definitions where we deem it necessary; and behaviour not captured by a specific definition in this document may still be considered harmful.

The definitions have been produced by the University, drawing on external guidance and expertise. Where specific legislative definitions are referred to, the relevant legislation is hyperlinked.

This Definitions document underpins the following University documentation:

- [University Community Agreement](#)
- [Student Disciplinary Procedure](#)
- [Student Complaints Procedure](#)
- [Student Gender-Based Violence Policy](#)
- [Student Bullying and Harassment Policy](#)
- [Staff Disciplinary Policy](#)
- [Staff Grievance Policy](#)
- [Staff Policy for the Prevention of Bullying, Harassment, Sexual Misconduct and Victimisation](#)
- [Policy on relationships between employees and students](#)
- [Safeguarding Policy](#)
- [Code of Practice on Freedom of Speech](#)

The intention of this document is to provide a core set of definitions that underpin a series of relevant University policies and procedures, providing consistency in terminology and understanding what the University considers specific phrases or words to mean.

Anti-Black racism

Practices and policies that mirror and reinforce beliefs, attitudes, prejudice, stereotyping and/or discrimination towards people of Black-African descent.

Anti-Muslim hostility

The [UK government's non-statutory definition of anti-Muslim hostility](#) is the following:

‘Anti-Muslim hostility is intentionally engaging in, assisting or encouraging criminal acts – including acts of violence, vandalism, harassment, or intimidation, whether physical, verbal, written or electronically communicated – that are directed at Muslims because of their religion or at those who are perceived to be Muslim, including where that perception is based on assumptions about ethnicity, race or appearance.

It is also the prejudicial stereotyping of Muslims, or people perceived to be Muslim including because of their ethnic or racial backgrounds or their appearance, and treating them as a collective group defined by fixed and negative characteristics, with the intention of encouraging hatred against them, irrespective of their actual opinions, beliefs or actions as individuals.

It is engaging in unlawful discrimination where the relevant conduct – including the creation or use of practices and biases within institutions – is intended to disadvantage Muslims in public and economic life.’

Antisemitism

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient. The behaviour or treatment may relate to a person’s protected characteristics: age; disability; gender reassignment; marriage or civil partnership;

pregnancy and maternity; race; religion and belief; sex; and sexual orientation. See also **Protected characteristics and Protected acts**.

In addition, the University recognises that bullying does not need to be deliberate; someone may demonstrate bullying behaviour without intending to. Bullying may be obvious or it may be more covert. Whichever form it takes, it is unwarranted and unwelcome to the individual and will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals.

Consent

Consent is the free and willing agreement to participate in something, especially sexual activity.

To be genuine, consent must be freely given. This means consent cannot be given if:

- A person is coerced or pressured into doing something they don't really want to do; or
- A person doesn't have capacity to agree to do something. A person might not have capacity if:
 - They are drunk or have been taking drugs
 - They are asleep or unconscious
 - They are under 16, the legal age of consent in the UK

Consent can be withdrawn at any time and can be limited i.e. an individual might consent to a specific type of sexual activity but not to another. Engaging in an activity does not by itself constitute consent.

Cyber bullying

Cyber bullying and electronic harassment can take place through electronic media; for example, email, instant messaging networks (e.g. WhatsApp, Snapchat), social networking websites (e.g. Facebook, X, blogs), or text messages. When sending emails or other electronic communications, staff and students should consider the content, language and appropriateness of such communications.

[Guidance on the appropriate use of social media](#) can be found on iCity.

Disability discrimination

Disability discrimination occurs when someone is treated less well or put at a disadvantage for a reason that relates to their disability. The treatment could be a one-off action, the application of a rule or policy, or the existence of physical or communication barriers which make accessing something difficult or impossible.

The discrimination does not have to be intentional to be unlawful.

See also **Discrimination**.

Discrimination

Different types of discrimination are defined within the [Equality Act 2010](#). Some specific types of discrimination are included separately within this document: see **Race discrimination** and **Religion or faith discrimination**.

Direct discrimination

Occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has (or is thought to have) a protected characteristic.

Discrimination by association

Applies to all the discrimination strands except for pregnancy and maternity. This is direct discrimination against someone because they associate with another person who has (or is thought to have) a protected characteristic.

Indirect discrimination

Occurs when a condition, rule, policy or even a practice applies to everyone, but puts people with a protected characteristic at a particular disadvantage, and that condition, rule, policy or practice cannot be justified.

Extremism

In 2024, the [UK Government defined extremism](#) as:

‘...the promotion or advancement of an ideology based on violence, hatred or intolerance, that aims to:

- 1) negate or destroy the fundamental rights and freedoms of others; or*
- 2) undermine, overturn or replace the UK’s system of liberal parliamentary democracy and democratic rights; or*
- 3) intentionally create a permissive environment for others to achieve the results in 1) or 2).’*

The definition also sets out types of behaviour which could constitute extremism, including:

- using or excusing violence towards a group of people to stop them from using their legally defined rights and freedoms;
- seeking to overthrow or change the political system outside of lawful means;
- using or excusing violence towards public officials, including British armed forces and police forces, to stop them carrying out their duties;
- attempting to radicalise and recruit others, including young people, to an extremist ideology.

See also **Radicalisation**.

Freedom of speech

Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. Freedom of speech within the law is protected: this means that free speech is protected unless it contravenes some other law.

Students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speaker's views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010 or Protection from Harassment Act 1997.

Speech that amounts to unlawful harassment or unlawful discrimination does not constitute free speech within the law and is not protected.

You can learn more about freedom of speech and academic freedom in BCU's [Code of Practice on Freedom of Speech](#).

Gender-based violence (GBV)

[Unicef](#) provides the following definition of gender-based violence ('GBV'):

'GBV entails any harm or threat of harm inflicted on a person because of male-female power imbalances entrenched within a society.'

Sexual violence, intimate partner violence, female genital mutilation, child marriage, sex trafficking and femicide are all forms of gender-based violence. GBV can be physical, sexual, mental or economic in nature.

While gender-based violence is inflicted on men and boys too, it's women and girls who face the greatest threat.'

Other forms of GBV include, but are not limited to, forced marriage; so-called 'honour-based' abuse; breast ironing or flattening; and intimate relationship violence, which can include multiple other types of GBV.

GBV is also commonly referred to as 'Violence against women and girls' or 'VAWG,' because it is so often directed towards women rather than men.

The University has in place a [Student Gender-Based Violence Policy](#).

Harassment

Harassment is defined ([Section 26, Equality Act 2010](#); [Section 1, Protection from Harassment Act 1997](#)) as unwanted behaviour which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. The unwanted behaviour can include conduct of a sexual nature and conduct related to a protected characteristic. The views of the person who is being subjected to the unwanted behaviour, whether their response is reasonable, and the wider circumstances of the situation, are all important when considering whether something constitutes harassment.

The provisions of the Equality Act 2010 and the Protection from Harassment Act 1997 should not be interpreted to undermine freedom of speech and academic freedom.

See also **Freedom of speech**.

Hate crime

Any potentially 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.

'Hostility' includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

Anti-LGBT+ hate crime

Anti-LGBT+ hate crime is a name for homophobic, transphobic, biphobic, acephobic or interphobic abuse, violence and intimidation. This applies even if you are not LGBT+, but the person abusing you perceives that you are.

Knife crime

Knife crime is any crime involving a knife or sharp object. This includes carrying a knife, owning a banned knife, trying to buy a knife if you are under 18, and / or threatening, injuring or fatally wounding someone with a knife.

An offensive weapon is defined as any item that has been made or adapted for the intention to cause hurt or harm to another person, under the [Offensive Weapons Act 2019](#).

Misogynoir

The anti-Black racist misogyny that Black women face as a result of their simultaneous and interlocking experience of oppression at the intersection of racial and gender marginalisation.

Misogyny

Misogyny is the hatred of, contempt for, or prejudice against women or girls. It can also refer to social systems or environments where women face hostility and hatred because they are women.

Non-Disclosure Agreements ('NDAs')

NDAs are typically used to prevent parties to an agreement / outcome from talking about the substantive issues underpinning that agreement / outcome e.g. to stop a reporting party telling people about a complaint they made against another student or colleague.

Agreements of this kind are banned by the Office for Students where they relate to allegations about harassment or sexual misconduct, on the basis that they prevent students from speaking about their experiences and may protect the reputation of perpetrators and can allow them to continue inappropriate behaviour at the same or a different provider. For the same reasons, and taking a broader approach than required by the OfS, BCU does not make use of NDAs in any case of involving a student.

Protected characteristics and Protected acts

Both these terms are used in the [Equality Act 2010](#), which provides the legal framework for tackling disadvantage and discrimination.

Protected characteristics are:

- Age

- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

Protected acts are:

- Making a claim or complaint of discrimination under the Equality Act.
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

Race discrimination

The [Equality Act 2010](#) says you must not be discriminated against because of your race. The [Equality and Human Rights Commission](#) provides the following definition:

'In the Equality Act, race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may have Chinese national origins and be living in Britain with a British passport.'

Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

A racial group can be made up of two or more distinct racial groups, for example Black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.

You may be discriminated against because of one or more aspects of your race, for example people born in Britain to Jamaican parents could be discriminated against because they are British citizens, or because of their Jamaican national origins.'

Radicalisation

Radicalisation is the process through which a person comes to support or be involved in extremist ideologies. An individual who is becoming radicalised will

often extreme views in support of extreme ideologies or beliefs, terrorist groups and activities. Radicalisation is a safeguarding concern and is treated as such by the University, acting in line with the Prevent Duty and the University [Safeguarding Policy](#).

See also **Extremism**.

Religion or belief discrimination

Religion or belief discrimination is a particular form of discrimination where you are treated differently because of your religion or belief, or lack of religion or belief, in one of the situations covered by the [Equality Act](#).

See also **Protected characteristics and Protected acts**.

Sexism

Sexism is the prejudice, stereotyping, or discrimination, typically against women, on the basis of sex. Examples include gender stereotyping; misogynist language or actions; and sexual harassment.

See also **Sexual assault; Sexual harassment; Sexual misconduct**.

Sexual assault

A person commits sexual assault if they intentionally touch another person, the touching is sexual, the person does not consent, and the individual committing the assault does not reasonably believe that the person consents.

It involves all unwanted physical contact of a sexual nature and examples include unwanted pinching, embracing, kissing or touching of intimate body parts, serious sexual assault which involves penetration without consent, and rape.

Sexual assault is a criminal offence. Rape, sexual assault, and other offences are defined in the [Sexual Offences Act 2003](#).

Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature which:

- Violates your dignity
- Makes you feel intimidated, degraded or humiliated
- Creates a hostile or offensive environment

You don't need to have previously objected to someone's behaviour for it to be considered unwanted.

Sexual harassment can include:

- Sexual comments or jokes
- Physical behaviour, including unwelcome sexual advances, touching, and sexual assault
- Displaying or distributing videos, pictures, photos, or drawings of a sexual nature
- Sending emails or other messages with a sexual content

Sexual harassment is defined in [Section 26 \(2\) of the Equality Act 2010](#).

Sexual misconduct

Sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including (but not limited to): rape, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment, stalking, promising resources or benefits in return for sexual favours, and abusive or degrading remarks of a sexual nature.

See also **Sexual assault** and **Sexual harassment**.

Victimisation

Victimisation is defined in [Section 27 of the Equality Act 2010](#) as treating someone badly because they have done a protected act, or because you believe that a person has done or is going to do a protected act. See **Protected characteristics and Protected acts**.