

Birmingham City University

Student Bullying and Harassment Policy

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1. Introduction

- 1.1 We believe that students have the right to enjoy their experience at the University without encountering bullying or harassment, and we will not tolerate harmful behaviours in any form. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others.
- 1.2 This Policy is intended to increase the safety and emotional wellbeing of all our students, wherever they may be studying; to raise awareness and understanding of bullying and harassment, encouraging members of the University community to recognise and report instances of those behaviours; and to prevent instances of bullying and harassment across our University community.

2. Scope

- 2.1 The Student Bullying and Harassment Policy sets out the University's position in respect of bullying and harassment, and provides details of support available to those who encounter those behaviours; and explains what other

policies and / or procedures may be relied upon in responding to disclosures of bullying and harassment.

- 2.2 This Policy applies to all registered students of the University, including those studying at partner institutions under franchise or validation arrangements in the UK and overseas.
- 2.3 The Policy applies to incidents of bullying and harassment irrespective of where they occur and whether or not they involve other members of the University community. Students are able to access support for historic incidents occurring prior to their enrolment; incidents involving third parties (e.g. non-student partners, family members, or members of the public); and incidents that occur away from University premises (e.g. in a placement setting; during study abroad; in public spaces).
- 2.4 The Policy is intended to incorporate all forms of bullying and harassment, including those not specifically named within this document.
- 2.5 In applying this Policy, the University remains committed to upholding the principles of freedom of speech and academic freedom as required by law, and as set out in our [Code of Practice on Freedom of Speech](#). Behaviour that constitutes the lawful exercise of free speech will not in itself be treated as bullying or harassment.
- 2.6 This procedure should be read in conjunction with following documents:
- [University Community Agreement](#)
 - [Student Gender-Based Violence Policy](#)
 - [Safeguarding Policy](#)
 - [Definitions of Harmful Behaviours and Related Issues](#)
 - [Student Disciplinary Procedure](#)
 - [Student Complaints Procedure](#)
 - [Guidance on the appropriate use of social media](#)
 - [Code of Practice on Freedom of Speech](#)
- 2.6 This Policy does not apply to members of University staff, except insofar as it is intended to help staff understand, report, and respond to instances of bullying and harassment. Information for staff who experience bullying and / or harassment in the workplace is available in the staff [Prevention of Bullying and Harassment, Sexual Misconduct and Victimisation \('Unacceptable Behaviours'\) Policy](#). Staff can report bullying and / or harassment via [Report and Support](#) and may also wish to access external support services: many of the services listed at section 9 are not limited to students only.

3. Bullying: definition and examples

- 3.1 Bullying is defined in our Definitions of Harmful Behaviours and Related Issues and 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 gender, disability, gender re-assignment or gender identity, race, religion, sexual orientation, age or any other protected characteristic.
- 3.2 We recognise 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.
- 3.3 Cyber bullying is a form of bullying that takes 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.
- 3.4 Students should always be mindful of how their behaviour might be perceived and experienced by others, recognising and valuing others' different life experiences and cultural backgrounds. Students should also ensure that the content and language of electronic communications is tolerant and professional at all times.
- 3.5 Signs of bullying might include (but are not limited to):
- Open aggression, threats, abuse and obscenities, shouting or uncontrolled anger triggered by trivial situations.
 - Humiliating, ridiculing or belittling in front of others, persistent criticism or sarcasm.
 - Taking the credit for another person's work but never the blame when things go wrong.
 - Personal insults and name-calling, spreading malicious rumours.
 - Freezing out, ignoring, or excluding to isolate someone.
 - Never listening to others' point of view, always cutting across people.
 - Being excessively critical about minor things with malicious intent.

4. Harassment: definition and examples

- 4.1 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.

4.2 Under the [Equality Act 2010](#), protected characteristics are:

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

4.3 Potential forms of harassment are listed below; these examples should be read alongside the information captured at 4.1 and it should be noted that the examples would only constitute harassment if they are unlawful in nature. In applying this Policy, the University remains committed to upholding the principles of freedom of speech and academic freedom as required by law. Behaviour that constitutes the lawful exercise of free speech will not in itself be treated as harassment. The examples given can be one significant incident or an ongoing pattern of behaviour. The list below is not intended to be exhaustive:

- Unlawful jokes, 'banter' or derogatory comments.
- Ostracising, 'freezing out', or ignoring.
- Inappropriate personal questions or comments.
- Assault or other non-accidental physical contact.
- The display, sending or sharing of unlawful letters, posters, publications, objects, images or sounds.
- Deliberate and consistent behaviours which demonstrate a non-acceptance of aspects relating to protected or personal characteristics, for example, failure to use requested gender pronouns for a transitioning individual.

4.4 Sexual harassment is addressed more fully in the Student Gender-Based Violence Policy.

5. Reporting bullying and harassment

5.1 The University uses a central reporting system, [Report and Support](#), to capture reports of harmful behaviours and safeguarding concerns.

- 5.2 Any student experiencing bullying and / or harassment is encouraged to report the incident through Report and Support. An instance of bullying and / or harassment can be reported irrespective of whether it took place on University campus or involves anyone else connected to the University. Students can also report and access support in respect of historic events, including any taking place before a student's enrolment at the University.
- 5.3 Staff receiving disclosures from students of bullying and / or harassment should also report the incident through Report and Support.
- 5.4 Report and Support is not an emergency response system and is monitored between 9am and 5pm, Monday – Friday (excluding Bank Holidays and University closures). In any situation where there is immediate risk of harm or to life, reporters should call 999.

6. Responding to disclosures of bullying and harassment

- 6.1 Where a report from or about a student is received via Report and Support, it will be subject to initial review by the Mental Health and Wellbeing team ('MHWB') and the student will be contacted and offered appropriate support. Full details of the process are set out in the University's [Safeguarding Policy](#).
- 6.2 Support offered by MHWB will include providing details of internal support available; signposting to external support services, and facilitating contact with those services where appropriate; and initial guidance on further options available to students e.g. advice on the University's student disciplinary process.
- 6.3 We may be limited in what formal action we can take where a report is made anonymously, because we will be limited in our ability to contact the reporter and seek further information and / or offer support. We may still be able to take steps to prevent further incidents or ensure concerns are addressed e.g. through targeted communications. In exceptional circumstances, we may take formal action irrespective of a report being anonymous e.g. if the report raises concerns for the welfare of a child or indicates that there is an immediate risk of harm posed to the University community or wider public. Anonymous reporters can still access support information provided [on iCity](#), detailing support available from the University and external agencies.
- 6.4 Where potential misconduct by the reporting party is disclosed, either as part of their own report or during the course of a disciplinary investigation, action the University takes in response will take into account the full circumstances of the case. There may be occasions when it is considered necessary to take

disciplinary action against the reporting party, but such action will not be triggered automatically and, as noted, all decisions will be informed by the full circumstances of the case. For example, if a student disclosed that they experienced bullying at a time when they were under the influence of an illegal substance, we would offer support and would not pursue disciplinary action associated with drug use. For students on courses that are subject to professional and / or regulatory standards, any action taken by the University (e.g. opening a fitness to practise investigation) would likewise be made in the full circumstances of the case.

- 6.5 Where a report of bullying and / or harassment is made and the perpetrator is reported as being another student of the University, any action the University takes will usually be led by the reporting student. If the reporting student wishes the University to take formal action, such action would be governed by the Student Disciplinary Procedure. Formal action under the Student Disciplinary Procedure involves the conduct of a formal investigation: full details are included within that Procedure (see section 2.6 above).
- 6.6 If the reporting party wants to report behaviour to the police, or is considering reporting the behaviour to the police, MHWB can offer support to the student on making a police report. We will be led by the reporting student in respect of whether any report is made to the police, and will offer support to any student making a police report. However, support can be accessed irrespective of whether a police report has been made or is being considered.
- 6.7 Reporting students should be aware that, in exceptional circumstances, the University may directly seek involvement from the police, even if doing so is against the wishes of the reporting student. The University would only take this step in exceptional circumstances, where there is a significant risk of harm to the University community or wider public.
- 6.8 If the reported behaviour may constitute a criminal offence (e.g. sexual harassment) and a police report has not been made, MHWB will offer guidance to the student on making a police report.
- 6.9 If the reported behaviour may constitute a criminal offence and a police report has been made, the University will typically delay any action to avoid potential interference with a police investigation. We may take precautionary measures towards the reported student if it will not jeopardise the police investigation and is considered appropriate by way of managing risk e.g. we may suspend the reported student from part or all of University premises, pending the outcome of the police investigation and / or any consequent investigation the University conducts under the [Student Disciplinary Procedure](#). Precautionary suspensions are governed by the [Student Suspension Guidance](#).

- 6.10 Any student who is the subject of a report of bullying and / or harassment will also be offered support from MHWB. Where multiple parties access support from MHWB, they will be assigned separate advisers and we will put in place an 'ethical wall' to ensure there is no conflict in the service providing support to multiple parties.
- 6.11 Where a student reports bullying and / or harassment by a staff member towards a student, any investigation will usually be governed by processes overseen by People and Culture. Again, we may delay investigation of a report where there is an existing or potential police investigation, and we may take precautionary measures to manage risk while any investigation is ongoing.
- 6.12 We will not disclose sensitive personal information through our disciplinary or complaints processes. For example, we will not include details of a student's gender identity or sexual identity within a disciplinary investigation report or other procedural documentation, unless with explicit consent or where there is a lawful basis; and we will not refer to a student engaging in sex work within a disciplinary process, where a student has revealed that information through a disclosure or during the course of an investigation. Staff with involvement in such processes will receive training on ensuring that sensitive personal information is not disclosed, and we will use our procedural approval processes to check that information of this kind is removed from relevant documents.
- 6.13 We do not make use of non-disclosure agreements in cases involving students. By 'non-disclosure agreements' we mean all agreements that seek to prevent students from disclosing information about their experiences to a third party. Agreements of this kind are banned by the Office for Students where they relate to allegations about harassment or sexual misconduct, but we apply the same position to all harmful behaviours on the basis that agreements of this kind can prevent students from speaking about their experiences.
- 6.14 Full details of how we approach reports of student-on-student harmful behaviours are set out in the [Student Disciplinary Procedure](#). Details of how we approach staff-on-student harmful behaviours are set out in the [Student Complaints Procedure](#).

7. Freedom of speech

- 7.1 Freedom of speech means that everyone has the right to express lawful views

and opinions freely, in speech or in writing, without interference. The University has a [Code of Practice on Freedom of Speech](#).

- 7.2 We recognise our duty to protect students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of protected characteristics. However, this should not be interpreted to undermine freedom of speech and academic freedom. 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. Students' learning experience may include exposure to research, course material, discussion or speaker's views that students find offensive, contentious or unacceptable, but are nonetheless within the law.
- 7.3 Where a student raises concerns about bullying, harassment, or other relevant behaviour, the concerns will be considered in line with the [Student Complaints Procedure](#). Where the concerns relate to the behaviour of another student, we may apply the [Student Disciplinary Procedure](#). We will assume that the matters raised constitute free speech unless our investigation demonstrates that bullying, harassment, or any other behaviour in breach of University policies or procedures, has taken place.

8. Training

- 8.1 Students can access a training module called 'Consent and Healthy Relationships' through Moodle. The module includes content on bullying and harassment.
- 8.2 Staff can access training relevant to bullying and harassment through ERP, including:
- Introduction to Safeguarding
 - Bullying and Harassment
 - Challenging Behaviour
 - The Effective Bystander
 - Allyship
 - Banter in the Workplace
 - Understand and Confronting Sexual Harassment at Work
 - Sexual Misconduct at Universities
- 8.3 All staff undertake mandatory training on safeguarding and responding to disclosures of sexual misconduct. Frontline staff providing specialist support to students (i.e. staff in MHWB) also undertake regular additional training.

- 8.4 Where the University undertakes investigations into allegations of student-on-student bullying and / or harassment, we will use staff who have undertaken specialist investigator training if considered necessary and / or appropriate. There may be occasions when we use external investigators if this is deemed necessary and / or appropriate in the full circumstances of the case.
- 8.5 Training on Report and Support and safeguarding is delivered through sessions delivered regularly by the [Mental Health and Wellbeing team](#) and advertised to staff via Tiger Today, the staff newsletter.

9. Sources of support

Internal

- 9.1 The following sources of support are available to students from the University and Students' Union:
- [Mental Health and Wellbeing](#): wellbeing, mental health, and counselling support, including support in accessing external specialist agencies.
 - [Money, Housing and Childcare Advice](#): support and additional resources for any student experiencing financial hardship or seeking guidance on matters relating to budgeting, funding and / or childcare.
 - [Student Governance](#): information regarding the disciplinary and complaints processes.
 - [BCU Students' Union Advice Centre](#): independent advice on navigating and understanding University procedures.

External

- 9.2 The following sources of support are available to students and staff unless stated otherwise:
- [Safer Students](#): liaison officers with West Midlands Police who can offer advice or take formal reports. The officers are student-focused but will support staff wishing to make a report of criminal behaviour.
 - [Equality and Human Rights Commission](#): advice and guidance on all types of discrimination and related issues.
 - [National Bullying Helpline](#): information and advice for anyone dealing with bullying.
 - [Stop Hate UK](#): advice and support relating to hate crime and discrimination.
 - [Birmingham and Solihull Women's Aid](#): supporting women and children affected by domestic violence and abuse.

- [Black Country Women's Aid](#): can support women and men over 16 who are experiencing harassment and stalking.
- [Mind](#): can provide mental health support and other resources for anyone whose mental health is impacted by racism.
- [Tell MAMA](#): a public service which supports victims of anti-Muslim hate and measures and monitors anti-Muslim incidents.
- [Galop](#): support for LGBT+ people who have experienced abuse and violence.
- [Victim Support](#): guidance and support for victims of crime.

10. Monitoring and overview

- 10.1 Reports on safeguarding and harmful behaviours, including bullying and harassment, are provided twice yearly to meetings of the Student Experience Committee; EDI Committee; University Executive Team; and the Board of Governors.
- 10.2 The Student Experience Committee is responsible for promoting awareness of this Policy across the University, and for using data captured from reports to inform learning and drive forward best practice in the University's approach to bullying and harassment.
- 10.3 This Policy will be reviewed every year, or sooner if there is good reason.

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