



Bishop Grosseteste University

Document Administration

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Alternative Format	If you require this document in an alternative format, please contact regulatorycompliance@bishopg.ac.uk

Version Control Table

Version Number	Date Authorised	Summary of key changes
1.0	01/06/2013	Policy first issues and approved by EDI Committee (Now People and Inclusion Committee)
2.0	01/03/2019	Revised and reviewed – housekeeping
3.0	01/02/2025	Reviewed and revised in alignment with current practices and nomenclature
4.0	01/06/2025	<p>Reviewed in accordance with E6 regulations. The E6 regulations, issued by the Office for Students (OfS), set out requirements for higher education institutions to prevent and address harassment and sexual misconduct. These regulations mandate that institutions implement measures to protect students and staff.</p> <p>Additionally, the Policy is being reviewed in response to the recent Supreme Court ruling on the Equality Act (gender). This ruling mandates that all Equality, Diversity, and Inclusion (EDI) policies be reviewed to ensure they comply with the new legal interpretation.</p>

1. Introduction

- 1.1 Bishop Grosseteste University is committed to promoting equality, dignity, and respect in an environment free from harassment, discrimination, bullying, and victimisation. This policy outlines the University's commitment to fostering a culture where all individuals are treated fairly and outlines procedures to prevent and address inappropriate conduct.
- 1.2 This policy is designed to comply with the regulatory requirements of the Office for Students (OfS) E6 Conditions, which mandate higher education providers to prevent and address harassment and sexual misconduct effectively.
- 1.3 This policy should be read in conjunction with related policies including:
 - Prevention of Bullying, Harassment and Sexual Misconduct Policy
 - Equality, Diversity, and Inclusion Policy
 - Staff and Student Disciplinary Procedures

2. Principles

- 2.1. The University upholds the following rights for all staff and students:
 - The right to work and study in a safe, respectful environment.
 - The right to raise concerns and make complaints.
 - The right to have complaints taken seriously and managed confidentially.
 - The right to receive support throughout the process.

Any form of harassment, discrimination, bullying, or victimisation is unacceptable and will be addressed accordingly.

3. Definitions

- 3.1. Harassment
 - Harassment is unwanted conduct related to a protected characteristic that violates an individual's dignity or creates an intimidating, hostile, degrading, or offensive environment. Under the Equality Act 2010, individuals can complain about behaviour they find offensive even if it is not directed at them.
 - Harassment can be perpetrated by third parties, such as contractors, visitors, or service users.

- The OfS E6 regulations require employers to proactively prevent harassment rather than merely responding to complaints. This includes monitoring workplace culture, taking steps to eliminate potential risks, and ensuring that victims are supported through confidential reporting mechanisms and appropriate action.
- The OfS E6 regulations require higher education providers to maintain a single comprehensive source of information that sets out policies and procedures on harassment and sexual misconduct, including intimate personal relationships between staff and students.

3.2. Discrimination

- Direct discrimination: Treating someone unfairly due to a protected characteristic.
- Indirect discrimination: Applying policies or practices that disproportionately disadvantage individuals with protected characteristics.

3.3. Bullying

- Bullying is offensive, intimidating, malicious, or insulting behaviour that undermines, humiliates, or injures an individual. Examples include:
 - Publicly belittling an individual.
 - Persistent criticism or overbearing supervision.
 - Unwanted sexual advances or offensive materials.
 - Threats related to job/course security without justification.

3.4. Victimisation

3.4.1 Victimisation is unfair treatment due to a previous complaint or participation in an investigation related to harassment or discrimination.

3.5. For further clarity on definitions, please refer to the University's Prevention of Bullying, Harassment and Sexual Misconduct Policy.

3.6. Sex and Gender Reassignment

3.6.1 Under the Equality Act 2010, "sex" is defined as biological sex (male or female).

3.6.2 "Gender reassignment" is a separate protected characteristic that applies to anyone undergoing, proposing to undergo, or who has undergone a process to change their gender.

- 3.6.3 The University is committed to upholding the rights of both sexes, and of trans individuals, in line with these definitions and legal protections.

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4. Legal Context

- 4.1. Harassment, discrimination, bullying, or victimisation can have serious consequences, including negative impacts on mental and physical health, job performance, and overall well-being.
- 4.2. The Dignity Policy reinforces the right of an employee or student to seek legal redress for harassment, discrimination, and victimisation through relevant legislation.
- 4.3. Under the Criminal Justice and Public Order Act 1994, it is an offence to intentionally cause a person harassment, alarm, or distress. This includes:
- Using threatening, abusive, or insulting words or behaviour.
 - Displaying any visual representation that is threatening, abusive, or insulting.
- 4.4. Under the Protection from Harassment Act 1997, it is an offence for someone to:
- Behave in a way which they know, or ought to know, causes another to fear the use of violence against them.
 - Behave in a way which they know, or ought to have known, causes harassment.
- 4.5. These provisions are current and enforceable, ensuring protection against harassment and related behaviours.
- 4.6. Employees and students alleging harassment can complain to the police, and managers should also consider this where there is evidence suggesting criminal action. Employers may be liable for acts committed by employees during their employment, regardless of employer awareness. However, they can defend against claims of unlawful discrimination by demonstrating they took reasonable steps to prevent the offence.
- 4.7. The University considers harassment, discrimination, bullying, and victimisation as misconduct. Such behaviour will be addressed under disciplinary procedures for staff and students and may result in dismissal or expulsion. The University also has a legal duty under the Worker Protection (Amendment of Equality Act 2010) Act 2023 to take proactive measures to prevent sexual harassment, including third-party harassment, ensuring a safe and respectful environment for all.

- 4.8. In accordance with the Equality Act 2010 and the clarification provided by the UK Supreme Court, there may be situations where the University lawfully applies single-sex exemptions (Schedule 3, Equality Act 2010) to maintain privacy, safety, or fairness. These will be considered carefully on a case-by-case basis, balancing the rights of all individuals.
- 4.9. The OfS E6 regulations require the University to ensure that policies and procedures on harassment and sexual misconduct are published and accessible at all times. The University must also ensure that historical versions of policies are available for an appropriate period and that changes to policies are transparent.

5. Reporting and Complaint Procedures

- 5.1. It is crucial to report any incident immediately to your line manager or tutor for prompt investigation and action. If your complaint involves your manager or tutor, please escalate it to the next highest level. Employees and contractors can also refer to the Whistle Blowing Policy available on the University website.

Informal Resolution

- 5.2. If you feel safe doing so, speak directly with the individual responsible and ask them to stop. Alternatively, seek support from a colleague, manager, or tutor to intervene on your behalf.
- 5.3. It is important to keep a written record of incidents to ensure accurate reporting. This should include the date, time, nature of the incident, and the names of any witnesses. If you believe others are experiencing the same behavior, encourage them to keep similar records. Witness evidence is particularly valuable for those handling the complaint.

Formal Complaints

- 5.4. A formal complaint should be submitted if:
 - Informal efforts fail or are not feasible.
 - The behaviour is severe and warrants immediate action.
- 5.5. Complaints will be managed through the appropriate procedures: the Grievance Procedure for staff complaints against other staff members, the Student Disciplinary Procedures for complaints by staff against students, and the Processing Complaints (by Students) Policy & Procedures for student complaints against staff.
- 5.6. All investigations will be conducted confidentially, and any necessary disciplinary actions will be coordinated between Contention and HR. For incidents relating to sexual harassment and misconduct, please refer to the University's Prevention of Bullying, Harassment and Sexual Misconduct Policy.

Third-Party Harassment

- 5.7. Harassment from non-University individuals (e.g., contractors, service users) should be reported immediately. The University will take appropriate action to prevent recurrence, including engaging with external organisations where necessary.

6. Support & Mediation

- 6.1 Mediation is available as an alternative resolution method. It requires mutual consent and is facilitated by an independent mediator. The mediation process is voluntary and non-binding.

7. Consequence and Monitoring

- 7.1 Proven cases of harassment, discrimination, or bullying will result in disciplinary action, including potential dismissal or expulsion.
- 7.2 False or malicious complaints may also result in disciplinary consequences.
- 7.3 The University will monitor and review incidents to ensure compliance and continuous improvement of this policy.
- 7.4 The University will ensure that all policies and procedures related to harassment and sexual misconduct are regularly reviewed and updated in compliance with the OfS E6 regulations.

8. Help and support

- 8.1 Suggested contacts are listed below:
- Human Resources (for all staff concerns)
 - Student Advice & Wellbeing (for student concerns) including Twilight Mental Health Advisors
 - Safeguarding, Contention Officer and Projects Officer (for student concerns)
 - Recognised Unions
 - Head of Campus Operations & other estates contacts including Senior Residents

9. Policy Review

- 9.1. The University will ensure that all policies and procedures related to harassment and sexual misconduct are published and accessible at all times, in compliance with the OfS E6 regulations. Historical versions of policies will be made available for an appropriate period, and changes to policies will be transparent.

For additional guidance, refer to:

- **Advance HE:** www.advance-he.ac.uk
- **Equality and Human Rights Commission:** www.equalityhumanrights.com
- **ACAS (Advisory, Conciliation and Arbitration Service):** www.acas.org.uk