

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	July 2018	Original policy established
2.0	01/04/2021	Instillation and amendments based on new practice – Approved at P&I Committee
3.0	03/05/2025	Amended to consider the new E6 regulations as they pertain to policy and procedure

1. Introduction

- 1.1 Bullying, harassment, and sexual misconduct are unacceptable behaviours that violate the Equality Act 2010 and the Protection from Harassment Act 1997. These actions are also fundamentally opposed to the ethos and mission of Bishop Grosseteste University.
- 1.2 This policy has been designed to comply with the regulatory requirements of the OFS (E6 Conditions) and the legislative amendments introduced by the Worker Protection (Amendment of the Equality Act 2010) Act 2023, which aim to enhance protections against harassment and sexual misconduct. This policy and its connected codes of practice apply to local students and those within partnerships.
- 1.3 No member of the BGU community should be subjected to any form of bullying, harassment, or sexual misconduct, from another member of the BGU community, a third party such as a supplier or visitor to the University, or a member of the public. This policy aims to ensure that BGU students, staff, and the wider BGU community are protected from such unacceptable behaviours.
- 1.4 Staff, students, research participants, and members of the public have the right to disclose experiences of unacceptable behaviour experienced while working, studying, or participating in a BGU activity.
- 1.5 Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure, which may result in dismissal or expulsion or referral to the police.
- 1.6 Breaches by members of the public or institutional community, for example contractors, suppliers, or visitors, will be referred to the police.
- 1.7 The associated Codes of Practice / policies on the University's website include¹:
 - 1.7.1 Freedom of Speech Policy
 - 1.7.2 Prevent Statutory Duty Policy
 - 1.7.3 Safeguarding Children and at-risk Adults Policy
 - 1.7.4 Student Charter
 - 1.7.5 Student Disciplinary Procedure
 - 1.7.6 Staff Disciplinary and Dismissal Policy and Procedure
 - 1.7.7 Statement on Academic Freedom
 - 1.7.8 Dignity at work Policy
 - 1.7.9 Grievance Policy

2. Definitions

2.1 **Abuse of power** is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms, which may include, but is not limited to manipulation, coercion, or pressuring someone to do something that may be illegal or against the regulations or something with which they are not comfortable.

2.2 According to ACAS guidance, **bullying** is intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct which may occur through any medium, including online.

2.3 In Regulation "vulnerable adult" means a person aged 18 or over who is receiving services of a type listed below and/or a disability of a type listed below.

The services are—

- accommodation and nursing or personal care in a care home;
- personal care or nursing or support to live independently in his own home;
- any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;
- social care services; or
- any services provided in an establishment catering for a person with learning difficulties.

2.4 The conditions are—

- a learning or physical disability;
- a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- a reduction in physical or mental capacity.

The disabilities are—

- a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- severe impairment in the ability to communicate with others; or

- impairment in a person's ability to protect himself from assault, abuse or neglect.
- In this regulation "care home", "independent clinic", "independent hospital", "independent medical agency" and "National Health Service body" have the same meanings as in the Care Standards Act 2000. (The police act 1997 (Enhanced criminal Record Certificates) (protection of vulnerable adults) regulations 2002).

This list is not exhaustive and should not be used as a restriction to access services.

2.5 **Harassment** includes unwanted behaviour or conduct which makes a person(s) feel offended, intimidated, or humiliated if it occurs because of, or connected to, one or more of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation (as defined by Section 26 of the Equality Act 2010). It includes any incidents of physical violence towards another person(s) based on a protected characteristic. BGU will investigate all reported hate incidents (e.g. racially motivated graffiti) and will involve the police where any potential hate incident is considered to break the law of the land – i.e. a hate crime (this being: 'a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity').

BGU has formally adopted the definition of harassment as outlined in the Office for Students (OfS) Statement of Expectations that: "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 of, or connected to, one or more of the following protected characteristics:

- I. Age
- II. Disability
- III. Gender reassignment
- IV. Marriage or Civil Partnership
- V. Pregnancy or Maternity
- VI. Race
- VII. Religion or belief
- VIII. Sex
- IX. Sexual orientation"

Harassment includes: “domestic violence and abuse (which can also involve control, coercion, threats), and stalking.... [and] 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”.

Harassment may occur through any medium, including online.

2.6 **Sexual misconduct.** BGU has adopted the OfS definition of sexual misconduct: “Sexual misconduct relates 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)

As above, sexual misconduct may occur through any medium, including online.

2.7 **Disclosure,** for the purposes of this Policy, involves an individual choosing to tell anyone who is part of the University about their experience of bullying, harassment, or sexual misconduct. Unlike reporting, disclosure does not trigger

an investigation or action (unless the University has a duty to act under the Safeguarding Children and at-risk Adults or Prevent Statutory Duty policies) but it would lead to support being offered. Disclosures may be anonymous; however, this may limit the ability of the University to directly address individual issues.

- 2.8 A member of the University includes any member of the staff of the University or Students' Union (i.e., with a contract of employment with the University or Bishop Grosseteste Students' Union), University Council member or University Council Committee member, any student or apprentice of the University and BGU volunteers undertaking University activities.
- 2.9 **Reporting** is the sharing of information with a staff member of the University regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this Policy.
- 2.10 The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment, or sexual misconduct.
- 2.11 The Reporting Party is the person(s) who witnessed or was subject to the alleged incident of bullying, harassment, or sexual misconduct.
- 2.12 A **'Safeguarding Intervention'** is an action taken by the university to address or circumvent a present or transferable risk to the health and wellbeing of the individual subject to the report or those around them.
- 2.13 **'Wellbeing Intervention'** is a term used to include a wide range of support focusing on the health and wellbeing of those within the institutional community. Where a present or transferable risk is not identified or is no longer prevalent, a wellbeing intervention (such as continued talking therapy) may be used support the individual's personal recovery or development.
- 2.14 **'Safeguarding Support'** is an encompassing term used to define the broader training, prevention and reflective support offered by the institution to better empower all individuals, regardless of association with active cases.

3. Roles and Responsibilities

- 3.1 The University is committed to fostering a culture in where incidents of bullying, harassment, or sexual misconduct are un-acceptable, and interventions are installed where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. The University's expectations in respect of acceptable standards of behaviour will be clearly available on the website. Examples of this can be found within the diversity and equality policies on the institutions website.
- 3.2 The University is committed to making available timely support for those who have been affected by such behaviours (including both the reporting and reported parties) and to provide prompt and equitable methods of investigation and resolution to stop bullying, harassment, and sexual misconduct, to remedy any harm, and to prevent its recurrence.
- 3.3 All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of the University is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct through self-awareness; and by modelling positive behaviour for others, and raising any concerns.
- 3.4 Human resources is responsible for monitoring disclosures in relation to bullying, harassment and/or sexual misconduct in relation to staff and ensuring that all reports are appropriately investigated. For incidents involving students, cases are managed through the safeguarding office and over seen by the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead (DSL / DDSL).
- 3.5 Student Advice are responsible for ensuring appropriate support and advice are available for students disclosing or reporting incidents under this policy and students against whom allegations are made. Advice and support are also available through the Chaplaincy and through the Students' Union, who may also accompany any parties to relevant meetings.

- 3.6 Human Resources are responsible for ensuring appropriate support and advice are available for staff disclosing or reporting incidents under this policy and for staff against whom allegations are made.
- 3.7 Visiting staff and contractors will be made aware of this Policy and their obligation to comply with it by their lead staff member, under the contractor management policy.
- 3.8 The Students' Union is an independent entity with its own policies and procedures. Any incident of bullying, harassment, or sexual misconduct, involving members or activities of the Students' Union may be dealt with via Students' Union policies and procedures. Consideration will be given as to where the University or Students' Union policy and procedures should be used. Care will be taken to ensure matters will normally only be addressed once by either the University or the Students' Union.
- 3.9 The Safeguarding, Contention and Projects Officer is responsible for ensuring appropriate record keeping for all matters pertaining to safeguarding.

4. Support

- 4.1 BGU is committed to providing support for members of its community affected by these issues, including those making allegations and those against whom allegations are made. Support resources are available to any member of BGU who discloses an incident regardless of whether they choose to make a report to the University or Police. Staff at BGU who receive a report or disclosure should direct the reporting party to the support available. BGU will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

5. Information Disclosure and Resolution

- 5.1 A person affected by bullying, harassment or sexual misconduct under this policy may wish to resolve the behaviour informally. Students are encouraged to speak to their personal tutor, Student Advice, the Student's Union staff member. Research participants, or members of the public, should speak to the person who is in charge of the activity in which they are participating or to contact regulatorycompliance@bishopg.ac.uk. Staff are encouraged to speak to their manager or supervisor, their HR Business Partner, a Chaplaincy staff member, or a trade union representative.

- 5.2 The staff member with whom the matter is raised should write to the student or staff member making the disclosure to ensure they are;
- I. encouraged to seek support and directed to the appropriate material; and
 - II. informed that the limited disclosure may affect BGU's ability to make a comprehensive response.
- 5.3 If the member of staff is concerned that the student is a risk to themselves or others, or there may be an impact on the health and safety of the student or others, (e.g., in a placement setting) they should contact regulatorycompliance@bishopg.ac.uk and discuss the matter without making reference to the identity of the individual student involved.
- 5.4 Should the matter raised be covered by the BGU's Safeguarding or Prevent Statutory Duty policies or should there be sufficient concern that a person may be at risk, BGU may be required to investigate the matter raised under these policies. Further clarification on this matter will be provided by Regulatory Compliance.
- 5.5 Engaging in informal resolution is not a barrier to bringing a formal complaint.
- 5.6 Any records will be retained in accordance with BGU's Records Retention Policy; however, no information will be added to a student or staff members' record as a result of an informal procedure.

6. Formal Reporting and Resolution

- 6.1 Anyone student who feels they have experienced or witnessed bullying, harassment or sexual misconduct may make a formal report by contacting regulatorycompliance@bishopg.ac.uk. For members of staff, this contact should be HRhelp@bishopg.ac.uk. The exception to this is if the behaviour noted involves a member of the Safeguarding and / or Senior Leadership Team at the University. In these instances, reports should be made to the University DVC via vcoffice@bishopg.ac.uk.
- 6.2 Students may contact Student Advice, the Students' Union, or the Chaplaincy Team who will support them through the formal reporting process.

- 6.3 Staff members may contact HR for support through the formal reporting process.
- 6.4 Reports involving students or staff at BGU will be addressed through the relevant disciplinary procedure.
- 6.5 Students or members of staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a third party or a member of the public should discuss this with their line manager, supervisor or personal tutor or contact regulatorycompliance@bishopg.ac.uk. This may involve notifying third parties and using their complaints procedure and/or the police when involving members of the public. Students on work placement should make themselves aware of the relevant policies and procedures in respect of their work placement setting.
- 6.6 Third parties or members of the public who feel they have experienced or witnessed bullying, harassment or sexual misconduct by an employee or student while at BGU or whilst participating in a BGU activity, may make a formal complaint using the Procedure for dealing with Complaints (non-student).

7. Interim Measures

- 7.1 Following a report, or a disclosure that requires an investigation, BGU may determine it necessary to introduce interim measures. An Interim Measures Panel (IMP) may assess support needs and consider how to respond sensitively to all parties and members of the University community who may be impacted by the case and agree on the next steps. This will be achieved through a robust risk assessment (see Appendix 1 below) to consider the academic, welfare and support needs of the parties, and any interim measures necessary to ensure a fair and transparent investigation, where appropriate.
- 7.2 Any interim measures will be appropriate to the nature of the risk(s) being managed. Interim measures may include alternative working/ studying arrangements, provision of support, or a recommendation to partially or fully suspend an employee or student during this time. These will be recommended by the Panel in accordance with BGU's policies and procedures.
- 7.3 The Chair of the Panel will be a member of the Senior Leadership Team or their nominee. Should the allegation concern a member of University Executive

Group, the Chair of the Remuneration Committee will be informed and invited to participate in the IMP. The composition of the Panel will depend on the nature of the allegations and the parties involved e.g., between students, between a student and a staff member, between a research participant, a student, or staff member or between staff members. Care will be taken to avoid any conflict of interest. There will be a minimum of three, and a maximum of four members, including the Chair, and will comprise of a selection of the following (as appropriate):

- I. a senior representative from the Faculty/ the Head of Research (or their nominee);
- II. an independent senior academic and/or senior professional services manager from a trained pool (where the reported party is a staff member);
- III. a Student Union Student Leaders (where the reported party is a student);
- IV. the Head of HR (or their nominee).

- 7.4 Every effort will be taken to ensure the Panel is diverse and reflects any relevant protected characteristics.
- 7.5 The membership of the Panel will be shared with the reporting and reported party in advance of the meeting to ensure transparency and to manage any conflicts of interest.
- 7.6 The risk assessment and any interim measures that are put in place will be shared with both parties and will be reviewed regularly by the IMP and amended as appropriate.

8. Risk Assessment

- 8.1 Any allegations reported under this Policy will be subject to a risk assessment. The risk assessment will use the template attached as Appendix 1.
- 8.2 The conclusions and recommendations of the assessment may be shared with statutory agencies and may inform a subsequent disciplinary process.

9. Environmental Enquiries

- 9.1 Where there are a number of reports concerning unacceptable behaviour, BGU may conduct an environmental enquiry with staff and/or students within a department or a Faculty Programme Area to understand the behaviours in more detail and identify and target appropriate support and interventions.
- 9.2 An environmental enquiry will involve an agreed terms of reference with the department or Faculty Programme Area, and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions. It will be led by an independent Chair and include a minimum of three, and a maximum of four members, including the Chair. It will comprise of a selection of the following (as appropriate):
- I. a senior representative from the Faculty/ the Head of Research (or their nominee);
 - II. an independent senior academic and/or senior professional services manager from a trained pool (where the reported party is a staff member);
 - III. Student Union, Student Leaders (where the reported party is a student);
 - IV. Director of Corporate Services (or nominee).

10. Victimisation

- 10.1 BGU will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.
- 10.2 If a formal complaint of victimisation is made about a student's or employee's behaviour it will be fully investigated and dealt with in accordance with the University's Student Disciplinary Procedure or Staff Disciplinary Policy.

11. Data Protection and Confidentiality

- 11.1 Any information regarding bullying, harassment and sexual misconduct issues will be held in accordance with relevant data protection law and regulations and the BGU's Record Retention Schedule.
- 11.2 Confidentiality is especially important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff overseeing the report should only divulge information to relevant people on a 'need-to-know' basis.
- 11.3 In accordance with the BGU's Privacy Policy, information relating to bullying, harassment and sexual misconduct disclosures will only be distributed outside of the University to relevant public bodies, the police, or to others where it is required by law or if circumstances were to arise that gave reasonable cause for concern that there was a real risk of harm to a child or at-risk adult. The University will ensure that there is a legal basis for any such disclosure and that this is in accordance with its relevant privacy notices.

12. False, Bad Faith or Misleading Complaints

- 12.1 Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the University's Student Disciplinary Procedure or Staff Disciplinary Procedure, as appropriate.

13. Whistleblowing

- 13.1 In accordance with the Public Interest Disclosure Act 1988, the University will support and protect those staff and students who in good faith and without malicious intent report suspicions of bullying, harassment or sexual misconduct or concerns about BGU members and their actions.

14. Monitoring and Reviewing

- 14.1 Safeguarding, Contention and Projects Officer in liaison with HR and Student Advice will report annually to the University Executive Group (UEG) and the Finance, Employment and General Purposes (FE&GP) Committee on matters relating to bullying, harassment, and sexual

misconduct. Any concerns or patterns that emerge from this report will be addressed and an update provided to subsequent UEG/ FE&GP Committee meetings.

- 14.2 The Policy will be reviewed annually, or as required following a change in UK legislation. The review and any proposed changes will be reported to Senate and the FE&GP Committee.
- 14.3 Formal approval of this Policy is undertaken by the University Council upon the recommendation of Senate.