UCL Human resources

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**Prevention of Bullying, Harassment and Sexual Misconduct Policy**

[1. Purpose 2](#_Toc26866471)

[2. Scope 2](#_Toc26866472)

[3. Definitions 3](#_Toc26866473)

[4. Roles and responsibilities 6](#_Toc26866474)

[5. Informal Resolution 7](#_Toc26866475)

[6. Procedure for making a formal complaint 8](#_Toc26866476)

[7. Outcome of a formal complaint /disciplinary case 8](#_Toc26866477)

[8. Support available 9](#_Toc26866478)

[9. Interim Measures 9](#_Toc26866479)

[10. Environmental investigations 10](#_Toc26866480)

[11. Police investigations and judicial proceedings 11](#_Toc26866481)

[12. Victimisation 12](#_Toc26866482)

[13. False, bad faith or misleading complaints 12](#_Toc26866483)

[14. Confidentiality 13](#_Toc26866484)

[15. Review of Policy 13](#_Toc26866485)

[16. Related Procedures 13](#_Toc26866486)

[17. Appendix 1 14](#_Toc26866487)

[Examples of unacceptable behaviour 14](#_Toc26866488)

#  Purpose

1.1 This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of the UCL community, where all staff and students are equally valued and respected. Bullying, harassment and sexual misconduct are unacceptable behaviours and contrary to the Equality Act 2010 and/or the Protection from Harassment Act 1997, and to UCL’s ethos and mission.

1.2 No member of the UCL community is expected to tolerate such unacceptable behaviour, whether by a member of the UCL community, or by a third party such as a supplier or visitor to the University; or a member of the public. This policy seeks to ensure that UCL students and staff are protected from bullying, harassment and sexual misconduct. Staff and students have the right to disclose experiences of unacceptable behaviour experienced while studying or working; to be listened to, and to seek support.

1.3 Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and referral to the police.

 Breaches by members of the public will be referred to security and/or the police.

#  Scope

2.1 This Policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by students, academic, research or professional services staff, UCL appointees, or third parties.

2.2 The alleged misconduct may have occurred:

* On UCL property;
* Via UCL IT systems;
* Off UCL property;
* Online whether via email, the internet or social media;

and is alleged to have the effect of creating a hostile environment for a member of the University community.

#  Definitions

**3.1 Abuse of power**

 An 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 and may include, but is not limited to manipulation, coercion, pressuring staff to engage in workplace or research misconduct, bullying and harassment. Abuse of power may also occur in the context of a close personal or intimate relationship.

 [Please read more about this in the [Personal Relationships Code](https://www.ucl.ac.uk/human-resources/personal-relationships-code-conduct).]

 The above behaviours may be expressed in person, in writing and/or by electronic means.

**3.2 Bullying**

 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.

**3.3 Consent**

 Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

 **Freedom to consent**: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

* they are being threatened with violence (by the perpetrator and/or by someone else);
* they are being threatened with humiliation;
* they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused;
* they are being blackmailed;
* there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

 **Capacity to consent**: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:

* they are drunk or under the influence of drugs - this means someone may still be physically able to have sex but they may not be able to consent;
* they are asleep or unconscious;
* a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

**3.4 Disclosure**Disclosure,for the purposes of this Policy and procedure, 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 of Care](https://www.ucl.ac.uk/human-resources/policies/2019/feb/report-support-duty-care-guidance)), but it would lead to support being offered.

**3.5 Discrimination**

 The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably on the basis of a protected characteristic. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

**3.6 Grooming**Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

**3.7 Harassment under the** [**Equality Act 2010**](https://www.legislation.gov.uk/ukpga/2010/15/section/26)

 Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal.

**3.8 Reporting**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 and the accompanying procedure (different from *Disclosure*).

**3.9 Reported Party**The Reported Partyis the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.

**3.10 Reporting Party**

The Reporting Party is the person(s) who is the subject of the alleged incident of bullying, harassment or sexual misconduct.

**3.11 Sexual misconduct**

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include: sexual harassment; sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; comments; non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

**3.12 Stalking**Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

**3.13 Victimisation**

 Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure.

#  Roles and responsibilities

4.1 **UCL** is committed to preventing incidents of bullying, harassment or sexual misconduct where reasonably possible; and to provide educational and preventative and training programs regarding such behaviours. UCL also commits to make available timely support for those who have been affected by such behaviours; 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.

4.2 **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 staff and each student 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.

4.3 **UCL academic and professional services staff, student mentors and ambassadors** are in a position of trust. It is important that exemplary behaviour is demonstrated. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being undertaking.

4.4 **Report and Support** is a service for students and staff through which they may make an anonymous disclosure or a full report on an incident of bullying, harassment and/or sexual misconduct. Report and Support will provide information on support options, internal and external to UCL, and will direct the staff member or student on how to take the informal or formal complaint forward.

4.5 Staff and students are required to disclose criminal convictions acquired during employment or study at UCL, for staff see [DBS Checks and Criminal Convictions Policy](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/dbs.pdf); for students see [Criminal Convictions Declaration Policy and Procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/annex_1.4_criminal_convictions_declaration_policy_and_procedure_2019-20_0.pdf).

# Informal Resolution

5.1. A person affected by bullying, harassment or sexual misconduct under this policy may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious. Staff are encouraged to speak to their manager or supervisor; their [HR Business Partner](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/people-hr/hr-business-partnering-contact-details), a [Dignity Advisor](https://www.ucl.ac.uk/equality-diversity-inclusion/dignity-ucl/dignity-advisors), or a [trade union representative](https://www.ucl.ac.uk/human-resources/policies/2019/aug/trade-unions). Students are encouraged to speak to their personal tutor, a [Dignity Advisor](https://www.ucl.ac.uk/equality-diversity-inclusion/dignity-ucl/dignity-advisors), the [Students Union Advice service](http://studentsunionucl.org/help-and-advice/advice-service) or the [Student Mediator.](https://www.ucl.ac.uk/student-mediator/) UCL recognises it is for the person affected to determine the preferred pathway for resolution, and that engaging in informal resolution is not a barrier to bringing a formal complaint at a later time.

5.2. However, UCL may be under a duty of care to investigate the behaviour, for further information please visit [duty of care guidance](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/report_support_duty_of_care_guidance.pdf).

5.3. If a student, or a member of staff is approached and told that their behaviour could be construed as bullying, harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the student or colleague to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed. If the nature of the complaint is serious or inappropriate, the student or staff member should speak with their line manager or supervisor to agree the next steps.

# Procedure for making a formal complaint

* 1. Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by another student may make a formal report to the Student Casework Team by emailing them on casework@ucl.ac.uk . This process may also be initiated through [Report + Support.](https://report-support.ucl.ac.uk/)

	Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a member of staff may make a formal report to HR through [Report + Support.](https://report-support.ucl.ac.uk/)
	2. The student may contact the [Student Mediator](https://www.ucl.ac.uk/student-mediator/) who will support them through either formal reporting process.
	3. Members of staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct may make a formal complaint against a staff member by using the [Staff Grievance Policy](https://www.ucl.ac.uk/human-resources/ucl-staff-grievance-policy) or they may make a formal complaint against a student by contacting the Student Casework Team by emailing them on casework@ucl.ac.uk . Either process may also be initiated through [Report + Support.](https://report-support.ucl.ac.uk/)

6.4 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 in the first instance. This may involve notifying third parties and using their complaints procedure; or notifying UCL Security and/or the police when involving members of the public.

6.5 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 UCL may make a formal complaint using the [Public Complaints procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/section_11_public_complaints_about_ucl_2018-19.pdf).

6.6 Where the student or member of staff who has experienced bullying, harassment or sexual misconduct is under the age of 18 or is deemed to be an “adult at risk”, there may be a safeguarding element involved, and the [Safeguarding Children and Adults at Risk Policy](https://www.ucl.ac.uk/human-resources/working-vulnerable-groups) should be referred to.

# Outcome of a formal complaint /disciplinary case

7.1 The Reporting Party will be told whether their complaint has been upheld or not; and whether the Reported Party has been dismissed or expelled.

7.2 If the complaint is not upheld or the Reported Party is not dismissed or expelled, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or study environment, where possible, but there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party.

7.3 Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

# Support available

8.1. UCL is committed to providing support for members of its community affected by these issues. Support information is outlined on the [Report + Support pages](https://report-support.ucl.ac.uk/support) and includes internal and external support providers. Support resources are available to any member of the University who discloses an incident regardless of whether they choose to make a report to the University or Police. Staff at UCL who receive a report or disclosure should direct the reporting party to the support available. UCL will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

# Interim Measures

* 1. Following a report, or a disclosure that requires an investigation (covered under the [Duty of Care guidance](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/report_support_duty_of_care_guidance.pdf)), UCL may determine it necessary to introduce interim measures. An Interim Measures Panel (IMP) may assess support needs, consider how to protect the interests of all parties and members of the university community who may be impacted by the case, and agree to next steps. This will be achieved through a robust risk assessment 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.
	2. Any interim measures will be proportionate to the nature of the risk(s) being managed. Interim measures may include alternative working arrangements, provision of support, or a recommendation to partially or fully suspend an employee or student during this time and will be recommended by the panel in accordance with UCL’s policies and procedures.
	3. The Chair of the panel will be a senior HR Manager or Director, or the Deputy Director of Casework and Governance.
	4. The Behaviour and Culture Change Manager (or nominee) will attend all panel meetings, in an advisory capacity.
	5. 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 or between staff members. There will be three or four members, including the Chair, and will comprise of:
* A senior representative from the reported party’s department
* An independent senior academic and/or senior professional services manager from a trained pool (where the reported party is a staff member)
* A Students Union sabbatical officer (where the reported party is a student)

A senior HR Manager or Director and/or Deputy-Director of Casework and Governance (Chair)

 The Chair of the panel will ensure that members have received appropriate training and that where possible, the panel is diverse and reflects any relevant protected characteristics.

9.6 The membership of the panel will be shared with the reporting party in advance of the meeting to ensure transparency and to manage any conflicts of interest.

9.7 The risk assessment and any interim measures that are put in place will be shared to both parties; and will be reviewed regularly by the IMP and amended as appropriate.

9.8 All information disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.

# Environmental investigations

10.1 Where there are a number of reports concerning unacceptable behaviour, UCL may conduct an environmental investigation with staff and/or students within a department or faculty to understand the behaviours in more detail, and identify and target appropriate support and interventions.

10.2 An environmental investigation will involve an agreed terms of reference with the department, and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions.

10.3 The introduction of environmental investigations is intended to ensure effective resolution of complaints and prevention of future unacceptable behaviours.

# Police investigations and judicial proceedings

* 1. Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, the University will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.
	2. Where, following police advice or otherwise, UCL decides not to undertake its own investigation until the case has concluded, UCL reserve the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.

11.3. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the University’s investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, the University may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party.

11.4. An internal investigation is focused exclusively on whether a breach of the Prevention of bullying, harassment and sexual misconduct policy and/or other applicable obligations or policies has occurred. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may, depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

11.5. Where a student or staff member is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of UCL’s Prevention of bullying, harassment and sexual misconduct policy, they must declare this to the University (for staff refer to [DBS Checks and Criminal Convictions Policy](https://www.ucl.ac.uk/hr/docs/dbs-checks-criminal-convictions-policy.pdf); for students refer to the [Student Disciplinary Procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/section_8_student_disciplinary_procedure.pdf).) The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University. Appropriate measures may be taken (if they have not already) under the respective [Student Disciplinary Procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/section_8_student_disciplinary_procedure.pdf) and [Staff Disciplinary Procedure.](https://www.ucl.ac.uk/human-resources/disciplinary-procedure)

# Victimisation

12.1 UCL 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.

12. 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 [Student Disciplinary Procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/section_8_student_disciplinary_procedure.pdf) or [UCL Staff Disciplinary Policy](https://www.ucl.ac.uk/human-resources/ucl-staff-grievance-policy).

# False, bad faith or misleading complaints

13.1 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 [Staff Disciplinary Procedure](https://www.ucl.ac.uk/human-resources/disciplinary-procedure) and [Student Disciplinary Procedure](https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/section_8_student_disciplinary_procedure.pdf).

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# Confidentiality

14.1. Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis.

# Review of Policy

15.1 This policy is not contractual and may be varied from time to time following consultation with UCL’s recognised trade unions.

15.2 Equality data will be collected for the purposes of equality monitoring, and an annual equality assessment will be undertaken on the impact of this policy

# Related Procedures

* Social Media policy
* Personal Relationships Code
* Student Disciplinary Code
* Staff Grievance Policy and Procedure
* Staff Disciplinary Policy and Procedure
* Statute 18
* Safeguarding of Children and Adults at Risk Policy

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# Appendix 1 Examples of unacceptable behaviour

**17.1. Examples**of unacceptable behaviour that are covered by this statement include (but are not limited to) the following:

* Shouting at, being sarcastic towards, ridiculing or demeaning others
* Repeatedly or deliberately ignoring people who are waiting to make a contribution to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions;
* Deliberately excluding someone from meetings, communications or a social activity without a good reason;
* Abuse of power by blaming a team member if something has gone wrong, rather than taking personal responsibility;
* Deliberately creating an environment where a team member is side-lined or has their responsibilities limited or narrowed;
* Physical or psychological threats;
* Overbearing and intimidating levels of supervision;
* “Grooming” behaviour, for example making someone feel special by buying them gifts, for example, then gradually manipulating them to carry out duties outside of their normal remit, or which are in breach of UCL policy;
* Allocating staff unreasonable workloads with unreasonable deadlines that require an individual to work excessive hours for sustained periods.
* Inappropriate and/or derogatory remarks about someone’s performance
* Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault.
* Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking or belittling a person’s protected characteristic, see para. 3.2
* Outing or threatening to out someone as gay, lesbian, bisexual or trans
* Speculating or gossiping about someone's perceived sexuality or gender identity, refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming').
* Practices which are potentially discriminatory and have the effect of excluding certain people. Examples may include regularly holding a meeting at a time or on a day that a part-time worker cannot make or arranging an away day with a physical activity which a wheelchair-user cannot access.
* Not providing equal development opportunities or promotional prospects to those in a team.
* Being discriminatory in recruitment practices or appointing staff in a non-transparent way.
* Sexual harassment, which can include (but is not limited to) unwanted sexual advances, sexual comments or comments about someone’s body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone’s clothing, or stalking.
* Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions.
* Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by UCL policy, such as flexible working, or requests for annual leave.
* Overtly or covertly recording colleagues in order to gather evidence that may be used against them.