

Policy on harassment, bullying and discrimination for students

1. Statement of commitment

King's College London (the College) is committed to providing its staff and students with a working and learning environment that is free from all forms of harassment, bullying and discrimination. It fully supports the right of all people to be treated with dignity and respect at work and study and will take appropriate steps to achieve this. Harassment, discrimination, bullying and victimisation can lead to fear, stress and anxiety and may be unlawful. The College finds any form of such behaviour unacceptable.

The College will make all students, employees, contractors, visiting appointees etc. aware of the policy forbidding harassment, bullying and discrimination and their responsibility to comply with the policy. Appropriate action, which may include: warnings, compulsory transfers and dismissal/disciplinary proceedings for serious or repeated offences, may be taken against any student or employee who violates this policy.

A flowchart outlining the key stages of the policy is available at Appendix A.

2. Key definitions

Further definitions can be found at Appendix B.

2.1 Harassment

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim.

Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting.

Source: ACAS

2.2 Bullying

Bullying is a serious form of harassment and may involve actions, comments, physical contact or behaviour that is found to be objectionable. Personal vindictiveness against an individual/s is also a factor.

Bullying can be defined as persistent actions, criticisms or personal abuse either in public or private, which humiliates, intimidates, undermines or demeans the individual involved.

2.3 Victimisation

Victimisation is defined as treating a person/group of people less favourably because of action they have taken under or in connection with equality legislation – for example, if someone made a formal complaint of discrimination or has given evidence in a tribunal case.

2.4 Direct Discrimination

Direct discrimination, occurs where a person is treated less favourably than another on grounds of race, gender, disability, sexual orientation, religion or belief or age.

Direct discrimination occurs when factors unrelated to the merit, ability or potential of a person or group are used as an explicit reason for discriminating against them. An example would be deciding to admit a male student to a programme rather than an equally qualified female student because of irrational, prejudicial or stereotypical views, or not admitting a student because they have a disability.

2.5 Indirect Discrimination

Indirect discrimination occurs where a provision, criterion or practice, which is applied generally, puts persons of a particular race, gender, disability, sexual orientation, religion or belief or age at a disadvantage and cannot be shown to be a proportionate means of achieving a legitimate aim.

For example:

- only making available course materials in certain formats could discriminate against students with visual or hearing impairments;
- expecting all students to attend classes during the evenings, without providing a suitable alternative could discriminate against those with family or religious commitments.

3. General principles for dealing with allegations of harassment, bullying or discrimination

3.1 People subjected to harassment, bullying or discrimination may be vulnerable and reluctant or afraid to complain. Generally they want the unacceptable behaviour to stop and may suffer in silence rather than have attention focused on them or risk some form of reprisal. This means that all staff and students must be alert to the impact of their behaviour on others and be prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way.

3.2 The over-riding principles in dealing with allegations or concerns of harassment, bullying or discrimination are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.

3.3 Any student who feels that he/she is the subject of harassment, bullying or discrimination, either by a fellow student, member of staff or anyone else with whom they have come into contact with during the course of their studies, or in relation to the application of a College policy or practice, may wish to make a note of incidents, dates, times and any witnesses, for future reference¹.

3.4 Should harassment or bullying occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and take speedy action to stop it. It is important that it is made clear to the alleged

¹ See also paragraph 6.13 which is relevant to criminal offences.

offender that such behaviour is unacceptable to the College and will not be tolerated. Silence or inaction can be seen as collusion and an endorsement of such behaviour. If the person in authority is the offender, others within the group should support the individual being harassed/bullied to take action to report the harassment to the individual's supervisor/line manager.

3.5 Any student who feels that a College policy or practice is discriminatory, can raise this with the body responsible for the policy or practice through eg the Head of Department or Head of Service.

3.6 Subject to paragraph 6.12 below, the College will seek to offer protection from victimisation to a student making a complaint under the Policy.

4. Informal resolution - Dealing with allegations of harassment

Students are advised to act promptly and should not feel that the unwanted behaviour is their fault or that they have to wait until the situation is intolerable.

In some cases, the alleged offender/s may be unaware that his/her behaviour is objectionable. The student could explain to the offender that his/her conduct is unacceptable and this may well prove sufficient.

It is recognised however, that as harassment may be connected to power it might require very assertive action for someone to rebut the alleged harasser. Students may find it helpful to seek informal help and advice from fellow students in the College. However if further advice, counselling or support is required they are encouraged to utilise one or more of the following sources outlined below.

4.1 Harassment Adviser

The role of the adviser is to listen to the complainant's concerns and provide them with support by:

- Giving information about the policy and options for taking a complaint forward
- Assisting the complainant to decide on a course of action, without being directive
- Providing information about sources of professional support available
- Treating the details of the case with due confidentiality

The Adviser will record very brief details of the complaint (whilst ensuring confidentiality is not compromised) on a monitoring form which is returned to the Equality and Diversity Department.

Whatever action is taken, it is recommended that the Adviser arranges to meet with the complainant after a suitable period of time to monitor the situation and review possible courses of action if the matter has not been resolved.

Contact details can be found at Appendix C

4.2 Further sources of support

For general advice/support:

- Personal Tutor, Graduate Tutor, Senior Tutor or Course Tutor
- Head of Department or any other member of staff in the Department/School in whom they have confidence
- Halls of Residence Manager
- Senior Student
- Student Welfare and Advice Service
- Equality and Diversity Department

For counselling:

- Counselling Service
- Chaplaincy

For representation:

- KCLSU Academic Advice service
- A KCLSU elected representative

After receiving further support the student may feel sufficiently confident to raise the issue of the behaviour with the alleged offender/s. The complainant's wishes will be respected if he/she opts against taking further action.

All complaints at this stage will be handled with due confidentiality.

5. Informal resolution - Dealing with allegations of discrimination**5.1 Local informal resolution**

A student who believes they are experiencing either direct or indirect discrimination may in the first instance wish to raise the complaint informally with an appropriate person at the earliest opportunity, for example one of those listed in section 4.2 above.

If the complaint is to do with the conduct of services delivered by a central College department or the application of a College policy, the complaint should initially be raised informally with the relevant line manager or Head of Section/Department. The person contacted, will listen to and discuss informally the nature of the complaint. This person will not carry out a formal investigation but they can advise on how the matter could be resolved swiftly and keep informal notes for their own purposes.

5.2 Equality and Diversity Department

If the complainant is not satisfied with the outcome of the discussion above, they may choose to contact the Equality and Diversity Department as soon possible after the event/s have occurred in order obtain informal advice on how to resolve the issue.

In relation to allegations of direct discrimination, where the student believes they have received less favourable treatment on grounds of their race, gender, disability, sexual orientation, religion/belief or age, the Equality and Diversity Department may meet with the student and take relevant details of the complaint. Where appropriate they will liaise with the relevant individual/s and/or Head of Department/Service to raise awareness of the issues and any legal implications in order to work towards a suitable outcome.

In relation to allegations of indirect discrimination, where the student believes a criterion or practice has been applied uniformly for all students but has had a proportionally greater adverse impact on a particular individual/group, the Equality and Diversity Department may meet with the student and take relevant details of the complaint. Where appropriate they will liaise with the relevant Head of Department/Service or responsible body to assess whether it is possible to make further adjustments or whether a particular provision/policy needs to be revised.

In these cases the Equality and Diversity Department will keep a record of the complaint on the complainant's file which is kept securely by the Department. This will

include a record of any communication with the relevant Head of Department/ Service and any agreed actions.

Contact details for the Equality and Diversity Department can be found at Appendix C.

6. Formal Complaint

If an informal approach does not achieve satisfactory results or the complainant feels a more formal approach is more appropriate, a written statement should be prepared giving full details of the complaint as soon as possible after the incident.

The written statement must include the nature of the complaint and the name of the complainant, with (where possible) details of dates, times and places in relation to specific incidents, plus details of any action taken to informally resolve the issue. The names of witnesses should also be included if relevant.

Investigation of the complaint

- 6.1 The complainant will refer the written statement to the Head of Administration & College Secretary who will determine how to proceed. The Head of Administration & College Secretary may delegate the functions ascribed to him/her under this procedure to a senior colleague as appropriate.
- 6.2 The Head of Administration & College Secretary may appoint a suitable senior member of staff from an area of the College not otherwise involved in the case to investigate the matter (the 'Lead Investigator'). The Lead Investigator may nominate another senior individual to share the tasks of investigating the complaint if necessary.
- 6.3 The investigation will be conducted in a confidential manner and the Investigator should inform both the complainant, the individual/party named in the complaint and any individuals with whom they make contact, that the details of the complaint and the substance of any evidence which is provided shall remain confidential to the College unless the individual providing the information has agreed it maybe disclosed, or where there is a legal obligation to disclose the information provided.
- 6.4 The Investigator will conduct his or her investigation by interviewing the complainant and the individual/party named in the complaint. Information may be sought as appropriate from others with knowledge material to the complaint and this may take the form of written submissions and/or personal interviews.
- 6.5 The object of the investigation is to determine the facts of the matter and to make recommendations to the Head of Administration & College Secretary as to possible courses of action.
- 6.6 All parties that are interviewed may be accompanied by a College member, fellow student or KCLSU representative as appropriate.
- 6.7 At the conclusion of the investigation the Investigator will prepare a written report for the Head of Administration & College Secretary setting out their findings and any recommendations.
- 6.8 The Head of Administration & College Secretary will consider the report and will respond to the complainant and the individual/party named in the complaint, normally within 25 working week days of receipt of the formal written statement initiating the complaint, notifying them of the outcome, and will take such further action as he/she deems appropriate.
- 6.9 Any recommendation relating to an individual member/s of staff will be referred to the individual's line manager or above, for consideration in the context of any relevant College procedure or in order that any other appropriate measure be put in place.
- 6.10 Any recommendation relating to an individual student/s will be referred to the Academic Registrar in the context of the relevant College procedure in order that any appropriate measure may be put in place.

- 6.11 Any recommendation relating to service delivery or policy changes to minimise the likelihood of similar issues arising, will be considered by the relevant Head of Department/Service. If the Head of Department/Service considers that no service changes are required, the decision will be recorded and a copy provided to the Head of Administration & College Secretary.
- 6.12 If the Investigator concludes that the complaint could be deemed to be vexatious, then the Head of Administration & College Secretary will consider what measures might be taken to prevent a recurrence.
- 6.13 Where the Investigator concludes that a criminal offence may have taken place, special provisions will apply and the College's own misconduct investigations or proceedings may be delayed until such time as the Police and/or courts have completed their investigations and proceedings.

7. Appeal

- 7.1 An appeal against the findings of the investigation, but not in respect of any proposed action, may be made in writing to the Vice Principal (Students) normally within 10 working week days of receiving notification of the outcome of the investigation. In making the appeal, the complainant should set out the ground(s) for the appeal in writing, with any supporting evidence.
- 7.2 The Vice Principal (Students) will allow an appeal to be heard if he/she is satisfied that either or both of the following criteria apply:
- i) that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation;
 - ii) that evidence can be produced of significant procedural error on the part of the Investigator before or during the investigation.
- 7.3 The Vice Principal (Students) will write to the complainant within 15 working week days of receiving the written appeal request stating whether or not the request has been accepted.
- 7.4 Where the appeal is allowed to proceed, the Vice Principal (Students) will convene a panel to discuss the written evidence. The panel will be held within no more than 15 working week days of the issue of the letter to the complainant confirming that an Appeal Panel is to be convened.
- The Vice Principal (Students) will provide the Appeal Panel with a copy of the Investigators report, the Head of Administration & College Secretary's letter to the complainant, the complainant's written grounds for appeal and any supporting material submitted by the complainant.
- The Appeal Panel will be constituted as follows:
- (a) A Head of School/Division, in the Chair
 - (b) One member, from among the senior members of the College's academic staff;
 - (c) One member, from among the full-time sabbatical officers or part-time elected officers of KCLSU;
 - (d) The Director of Human Resource Services (or a nominee), where a member of staff is the individual/party named in the complaint.
- The Appeal Panel will be serviced by a clerk acting on behalf of the Academic Registrar.
- 7.5 No member of the Appeal Panel, including the Chair, will be a member of staff from a department of the College previously involved in the case.
- 7.6 The complainant and the individual/party named in the complaint have the right to attend the Appeal Panel.
- The Director of Equality and Diversity will advise the Appeal Panel as appropriate and may be invited to attend the meeting of the panel for this purpose.

- 7.7 It shall be open to the Appeal Panel to uphold the appeal, or to reject it. Where the appeal is upheld, the Panel may order that the findings of the Investigation be modified or reversed. The outcome of the appeal process will be final.
- 7.8 The decision of the Appeal Panel will be sent in writing, by the Chair, normally within 7 days of the panel hearing, to the complainant and the individual/party named in the complaint.

8. The Office of the Independent Adjudicator for Higher Education (OIA)

With effect from 1 January 2005, student members of the College have been entitled to ask the OIA to consider any unresolved complaint against the College. The OIA has replaced the Visitor as the final stage of appeal for student complaints. A complainant can bring a complaint to the OIA's office as soon as he or she has exhausted the internal procedures of the College.

In order to bring a complaint the student member will need to obtain a Completion of Procedures letter from the College. This Completion of Procedures letter, together with an OIA application form, needs to be lodged with the OIA's office within three months from the date of the Completion of Procedures letter. A student member will also need to provide grounds for the complaint and copies of any relevant documentary evidence.

An OIA scheme application form can be obtained from the Academic Registrar's Office and may be downloaded from the OIA website www.oiahe.org.uk. Full guidance on the OIA scheme can also be obtained from the OIA website.

9. Further complaint

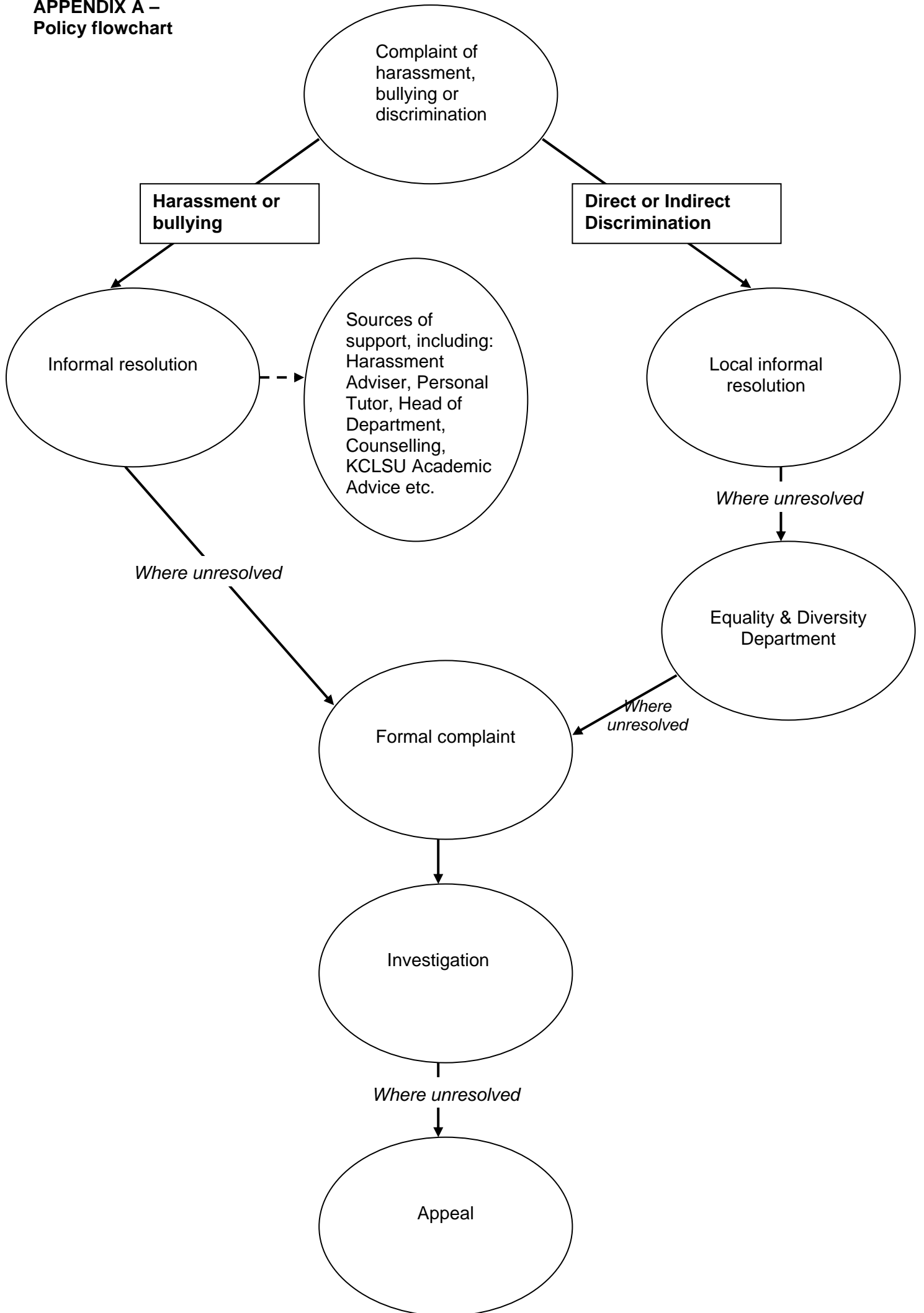
Where the complainant presents new evidence to substantiate a further complaint concerning the individual/party named in the complaint, a further investigation may be undertaken following the Formal Complaint Procedure given above in section 6. If the Head of Administration & College Secretary determines that the complaint is the same as the original, then no further action under this procedure will ensue.

10. Monitoring

Once an investigation of a formal complaint under Section 6 of this Policy has closed, the parties involved should be encouraged to review the situation after an appropriate period of time, to ensure no victimisation or further harassment/discrimination has occurred and that where specific/time bound commitments were identified as part of the report, that these have been suitably met.

The Head of Administration & College Secretary will be responsible for ensuring that the implementation of the policy is monitored and the findings reported to the Equal Opportunities Committee on an annual basis. Monitoring should include: the number of allegations that reach the formal stage (with cases of harassment and discrimination counted separately), the number that are determined to have sufficient grounds/evidence for further investigation and how these are resolved; the number of appeals made and their outcomes. Data should be analysed by equality strand (gender, race, disability and age) and Department (without compromising anonymity).

**APPENDIX A –
Policy flowchart**



APPENDIX B

Further definitions of harassment, bullying and discrimination

1. Harassment

Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment for that person which interferes with their learning, working or social environment. Harassment can cause stress, anxiety, fear or sickness on the part of the harassed person.

Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another; nevertheless, this does not make it acceptable.

Being under the influence of alcohol or drugs will not be accepted as an excuse for harassment.

The defining features of harassment are any behaviour, including either verbal, written or physical, that appears or feels offensive, humiliating, hostile, degrading, threatening or intimidating to the recipient or would be so regarded by a reasonable person.

Some general examples of harassment might include teasing, comments about personal characteristics or appearance, unreasonable criticism, promises of reward or threats made to secure sexual favours or negative comments about someone's race, ethnicity, nationality, age, gender, gender identity, sexual orientation, disability, religion or belief. Some more specific forms of harassment are detailed below.

2. Sexual harassment

Sexual harassment is illegal under the Sex Discrimination Act (1975) and is considered a form of sex discrimination. Sexual harassment could include:

- the inappropriate introduction of sexual comments or activities into teaching, learning, working or social situations, or
- harassing someone because of their gender, sexuality, their perceived sexuality or the perceived sexuality of those with whom they associate, or
- harassment on the grounds of gender identity

Sexual harassment often, though not always, arises between people of unequal status. Any act of sexual harassment will be regarded by the College as very serious if it involves the abuse of a position of authority or trust.

The following are some examples of activities that might constitute sexual harassment:

- unnecessary and unwelcome physical contact
- sexual assault
- suggestive and unwelcome comments or gestures emphasizing the gender or sexuality of an individual or a group
- persistent unwelcome requests for social or sexual encounters and favours
- display of, or electronic transmission of, pornographic, degrading or indecent pictures or e-mail containing threatening, abusive or unwanted comments of a sexual nature
- homophobic behaviour or the use of homophobic language or display of homophobic materials

These activities will be considered to be very serious if they are accompanied by one or both of:

- explicit or implicit promises for compliance that are a misuse of institutional position (promises of *eg* higher assessment marks for a student)
- explicit or implicit threats of penalties for non-compliance that are a misuse of institutional position (*eg* refusal to provide appropriate support/advice or resources)

3. Harassment on the grounds of race

In a culturally diverse community such as the College, harassment on the grounds of race is especially unacceptable and will not be tolerated. Harassment on the grounds of race is illegal under the terms of the Race Relations Act (1976) and is regarded as a form of racial discrimination.

The College considers harassment on the grounds of race to include any hostile, intimidating, humiliating, degrading, threatening or offensive act or expression by a person or group against another person or group on grounds of racial, ethnic, or national origin, or incitement to commit such an act on racial grounds. Such behaviour includes:

- intentional unlawful discrimination on the grounds of race, ethnicity or nationality
- derogatory name-calling
- insults, threats and racist jokes
- ridicule of an individual for racial or ethnic difference
- racist graffiti, images or insignia

4. Harassment on the grounds of religion or belief

Harassment on the grounds of religion or belief is illegal and will not be tolerated. Using religion to justify harassment on the grounds of gender, gender identity, ethnicity or sexuality, is also unacceptable. Any attempt at coercion of others to comply with the requirements or teaching of a religion, faith or belief system, or a particular interpretation of a religion, faith or belief system by any means or medium including electronic means by a student, member of staff or visitor is unacceptable.

Harassment on the grounds of religion or belief of an individual or group can be because:

- of their religious beliefs
- they have no religious belief
- they have changed or renounced their religious allegiance

5. Harassment on the grounds of disability

Harassment on the grounds of disability is illegal and will not be tolerated.

The College will consider such harassment to include behaviour that is hostile, degrading, humiliating, threatening or offensive on the grounds of disability such as:

- direct verbal abuse or comments that make a disabled person feel uncomfortable, intimidated or degraded
- excluding a disabled person from activities without consultation
- refusing to consider reasonable adjustments that would enable a disabled person to take part in an activity
- refusing a disabled person goods or services that are available to others
- refusing to consider dietary requests
- physical abuse

6. Harassment on the grounds of age

Harassment on the grounds of age is unacceptable, is illegal and will not be tolerated.

The College considers such harassment to include behaviour that is hostile, degrading, humiliating, threatening or offensive on the grounds of age such as:

- unjustified direct or indirect discrimination

- direct verbal abuse or comments about age that make a person feel uncomfortable, intimidated or degraded
- unjustified exclusion or exclusion of a person on the grounds of age without consultation

7. Bullying

Bullying is offensive behaviour, which violates a person's dignity, or creates an intimidating, hostile, degrading, threatening or offensive environment or which humiliates or undermines an individual or group.

Bullying can be carried out by an individual or a group of people. It frequently involves someone in a position of authority bullying someone who is in a more junior position.

Bullying is typically unpredictable, irrational and sometimes unseen by others.

Examples of being bullied include:

- being shouted at
- being 'told off' in front of colleagues or other people
- being criticized in an inappropriate manner or belittled about your work, personality or personal appearance
- being persistently ignored or 'talked down'
- being pressurized by a group into behaviour/actions against your wishes

8. Victimisation

A person is victimised if they are punished or treated unfairly because they have made a complaint, or are believed to have made a complaint, or to have supported someone who has made a complaint in relation to equalities legislation.

Victimisation is unlawful where a person has been treated less favourably than another person because:

- They have made allegations of race, sex, disability, age, sexual orientation or religion/belief discrimination or unequal pay. It does not matter if the allegations are not true, providing they were made in good faith.
- It is known that he or she intends to bring a case under the [equality] legislation.
- He or she has given evidence in such a case.

Students could be victimised by a Higher Education Institution or a member of staff for example, by a refusal of application or unfair marking. Victimisation can also occur by members of the community or agencies in the community, and can be experienced through such things as verbal abuse, assault, robbery and refusal to provide information and services.

9. Direct discrimination

Direct discrimination, occurs where a person is treated less favourably than another on grounds of race, gender, disability, sexual orientation, religion or belief or age.

Direct discrimination occurs when factors unrelated to the merit, ability or potential of a person or group are used as an explicit reason for discriminating against them. For example the following would constitute direct discrimination if they occurred solely on the basis of someone's race, gender, disability, sexual orientation, religion or belief or age:

- refusing to admit an individual to a programme of education
- refusing to employ an individual
- deciding to discipline or exclude an individual
- deciding not to take a someone on a field trip
- refusing to provide academic support

Intentions and motives are irrelevant in cases of direct discrimination because it is the act that is punished, not the intention behind it. For example, if a University does not accept a student on the basis that they are Muslim and it turns out later that the individual is, in fact, Hindu, a directly discriminatory act has still taken place. Harassment and victimisation are also types of direct discrimination.

10. Indirect discrimination

Indirect discrimination means selection criteria, policies, benefits, employment rules or any other practices which, although they are applied to all students or staff, have the effect of disadvantaging people from a particular equalities group, unless the practice can be justified.

Indirect discrimination is unlawful whether it is intentional or not.

An example of indirect discrimination would be a rigid adherence to qualification requirements such as 'evidence of sporting achievement' when some students may not have had similar access to sporting facilities or opportunities. Or specifying only relatively recent awards are accepted such as GCSEs, when older students might have GCEs.

APPENDIX C

Contact details

Harassment Adviser

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