

Union

Union School of Theology Policy On Harassment

Approved by Union School of Theology (UST) Academic Board 17-01-2018

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This document should be read along with [UST's Equal Opportunities Policy](#) and our [Safeguarding Policy](#)

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1. INTRODUCTION

1.1 Union School of Theology does not tolerate any form of harassment, bullying or victimisation whether on campus, in learning communities or online and expects all members of the UST community, its visitors and contractors to treat each other with respect, courtesy and consideration.

1.2 The UST is committed to fostering an inclusive, caring, Christian culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the UST community are respected.

2. POLICY FRAMEWORK

This policy has been developed in accordance with the following regulations, policies and procedures. This list is not exhaustive:

- Union School of Theology BA, GDip. MTh [Handbooks](#)
- Union School of Theology '[UST Code of Conduct](#), Conflict Resolution and Student Disciplinary Policy and Procedures'
- Union School of Theology [Safeguarding Policy](#)
- [Union School of Theology 'Equal Opportunities Policy'](#)
- [QAA 'UK Quality Code for Higher Education'](#)
- [Open University Handbook for Validated Awards](#)
- Equality Act 2010
- Protection from Harassment Act 1997
- The Counter-Terrorism and Security Act 2015
- Sexual Offences Act 2003
- Voyeurism Act 2019
- Domestic Abuse Act 2021

3. AIMS

The aims of UST as reflected in this Policy are to:

- 3.1** Promote a positive environment in which people are treated fairly and with respect;
- 3.2** Make it clear that harassment and victimisation is unacceptable and that all members of the UST have a role to play in creating an environment free from harassment;
- 3.3** Provide a framework of support for staff and students who feel they have been subject to harassment or victimisation; and
- 3.4** Provide a mechanism by which complaints can wherever possible be addressed in a timely way.

4. COMMITMENT:

UST is committed to:

- 4.1** Being a community in which equality of opportunity is a reality for all students and staff, whether temporary, short term, part-time, full-time or distance learners. Its mission and values motivate the UST to create a positive environment in which all staff and students are respected, provided with development and progression opportunities and can make the most of their abilities.
- 4.2** Fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the

UST community and its visitors are respected and where individual differences and the contributions of all staff and students are recognised and valued. UST celebrates and encourages diversity in all areas of its community since it makes such a positive contribution to the learning experience at the School.

- 4.3** Identifying and eliminating unfair or unlawful discrimination of all those with whom we interact. No member of, or applicant to, the UST will receive unfair or unlawful treatment due to the Equality Act 2010 protected characteristics of disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race (including colour, ethnic/national origin or nationality), religion or belief, sex (gender) and sexual orientation, nor face unwarranted discrimination on the grounds of age.
- 4.4** Creating a working and learning environment free of harassment, bullying, victimisation and unlawful discrimination and expecting all members of the UST community, (students, staff, contractors) and its visitors (guests, enquirers, conference users, contractors or any others) to treat each other with respect, courtesy and consideration at all times.
- 4.5** Taking seriously complaints of harassment, bullying, victimisation and unlawful discrimination by all members of the UST community, (students, staff, contractors) and its visitors (guests, enquirers, conference users, contractors or any others) in the course of UST's activities.
- 4.6** Opposing all forms of unlawful discrimination among our workforce, including: in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

5. IMPLEMENTATION:

UST will therefore:

- 5.1** make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of UST
- 5.2** make decisions concerning student and staff recruitment and/or employment based on merit. (NB There are some necessary and limited exemptions and exceptions to this which are allowed under the Equality Act. E.g. the 'positive action' provision whereby a job or place may be offered to a person of a minority background when there are two candidates equally suitable for the same position)
- 5.3** review employment practices and procedures regularly to ensure fairness, and also update both them and this policy to take account of changes in the law.
- 5.4** monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy

- 5.5 annually monitor how the [Equal Opportunities Policy](#) and any supporting action plan are working in practice, and take any appropriate action to address any issues.
- 5.6 train all members of senior management, line managers and all other employees and students about their rights and responsibilities under this policy. (See penultimate paragraph).
- 5.7 inform all staff and students that they as well as their employer, can be held liable for acts of harassment, bullying, victimisation and unlawful discrimination, in the course of their employment, against all members of the UST community, (students, staff, contractors) and its visitors (guests, enquirers, conference users, contractors or any others) and the general public.
- 5.8 respond to all complaints of harassment, bullying, victimisation and unlawful discrimination by fellow employees, students, visitors the public and any others in the course of the UST's activities.

6. DEFINITIONS

6.1 Harassment is where one person engages in unwanted and uncalled-for behaviour which has the purpose or effect of:

- violating another person's dignity, (every person has an innate right to be valued, respected and to be treated in a morally correct way) or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A person does not need to have clearly stated at the time that the behaviour was unwanted for it to be harassment.

6.1.1 There are various types of harassment, which could include:

- **Bullying** is a form of harassment which may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- **Sexual harassment** is harassment which is either of a sexual nature, or which is based on a person's sex, and which is regarded as unwelcome or offensive to the person to whom it is directed.
- **Stalking** is a type of harassment which takes the form of unwanted or obsessive attention and may include following the victim in person or monitoring them. (see behaviours below).

6.2 Victimisation occurs where an individual is treated less favourably than others because they have taken action to assert their legal rights or assisted another in their legal rights to make, what they believe to be a genuine complaint of mistreatment.

7. BEHAVIOURS

UST believes that harassment, bullying, unlawful discrimination and victimisation are behaviours which undermine the well-being of the person concerned and may also adversely affect their work

performance. No such conduct is a part of a culture in which all staff and students are treated with dignity and respect. They are also fundamentally incompatible with the Christian values that undergird the UST community.

7.1 Activity Which Constitutes Harassment

7.1.1 Harassment (see definition above) can be committed:

- through individual behaviour face to face,
- either verbally or physically
- towards one or more individuals
- through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of the UST's [Acceptable Use of the Internet Policy](#).
- directly to the person concerned, or to a third party
- through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying.

7.1.2 Harassment is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- unwanted physical contact, ranging from an invasion of space to an assault, (this includes sexual harassment see 15 below)
- open hostility, verbal or physical threats
- offensive comments or body language, insults, jokes and banter based on race, religion, gender or other 'protected characteristics'
- malicious rumours, insulting, abusive, embarrassing or patronising behaviour or comments,
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- behaviour which causes the victim to feel intimidated, humiliated, patronised or harassed, such as persistent teasing, and/or demeaning criticism
- constantly criticising an individual without providing constructive support to address any performance concerns
- persistently overloading an individual with work that s/he cannot reasonably be expected to complete
- posting offensive comments on electronic media, including using mobile communication devices
- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- isolation from normal work or study place, conversations, or social events

- publishing, circulating or displaying pornographic, racist, or otherwise offensive pictures or other materials.
- or constant unfounded criticism of the performance of work tasks, unfair allocation of work and responsibilities or exclusion from normal work place conversation or social events.

7.1.3 The intentions of the alleged harasser are not always determined by whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.

7.1.4 The recipient does not need to have explicitly stated that the behaviour was unwanted.

7.1.5 Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

7.2 Activity Which Constitutes Bullying

Bullying (see definition above) is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- persistent teasing
- regular unfounded criticism of performance of work tasks,
- unfair allocation of work and responsibilities
- exclusion from normal conversation or social events.

7.3 Activity Which Constitutes Sexual Harassment

7.3.1 Sexual Harassment (see definition above) is characterised by, but not limited to, such behaviour as any of the following unwanted behaviours:

- inappropriate body language, for example staring or gestures
- voyeurism (as defined in the Sexual Offences Act 2003 and Voyeurism Act 2019)
- suggestive remarks, propositions or gestures, pin-ups, graffiti, ,
- unwanted sexual advances, propositions, suggestions or pressure for sexual activity, where it has been made clear that this is not welcome
- unwanted touching or any other physical contact of a sexual nature,
- sexually explicit jokes, remarks or innuendos
- suggestions that sexual favours may further a student/member of staff's academic or employment career/grade, or that refusal may hinder it;
- derogatory or demeaning remarks based on gender, or the display of sexually explicit material anywhere on the UST site.

7.3.2 UST regards sexual harassment (regardless of the motivation) as a form of denial of equal opportunity which has the effect of insulting and demeaning the person against whom it is perpetrated.

7.3.3 Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations.

7.3.4 Harassment which is not limited to circumstances where harassment relates to a protected characteristic is a criminal offence under the Protection from Harassment Act 1997

7.4 Activity Which Constitutes Stalking

7.4.1 Stalking is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

7.5 Activity Which Constitutes Victimisation:

7.5.1 The UST will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:

- made an allegation of harassment, or
- indicated an intention to make such an allegation, or
- assisted or supported another person in bringing forward such an allegation, or
- participated in an investigation of a complaint, or
- participated in any disciplinary hearing arising from an investigation, or
- taken any other steps in connection with this Policy and Procedure, or is suspected of having done so.

7.5.2 UST seeks to protect any member of its community from victimisation, which is a form of misconduct which may itself result in a disciplinary process.

8. POLICY APPLICATION

- 8.1** Any member of the UST community who feels they have been subject to any form of harassment can contact the Safeguarding Officer. This service is also available to those against whom an allegation of harassment has been made.
- 8.2** Allegations of harassment in whatever form it takes by any member of the UST community are major offences and will be taken very seriously. The '[UST Code of conduct](#),' '[Staff Handbook](#)', and '[Complaints Policy](#)' offer advice as to the best way to proceed, depending upon the circumstances.
- 8.3** Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice (staff) or termination of registration (student).
- 8.4** Use of the Staff Disciplinary Procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.
- 8.5** All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation) should maintain the confidentiality of the process. Failure on the part of any member of UST staff to do so will be regarded as a failure to fulfil the responsibilities of their position. All steps will be taken to maintain confidentiality as far as is consistent with progressing the complaint. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.
- 8.6** When a criminal offence may have been committed, the relevant harassment procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student members can seek advice from their Personal Tutor, their Programme Leader or Academic Dean, or speak directly with the Provost, and/or approach the Police directly. Staff members can seek advice from the UST Executive Director or speak to the Provost and/or approach the Police directly.
- 8.7** If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. This would be dealt with by the Student Disciplinary Process ([See Code of Conduct](#)) and the Staff disciplinary procedure (staff handbook) in the case of a member of staff. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

9. RESPONSIBILITIES, POLICY APPROVAL AND UPDATING

- 9.1** This document, as well as all other policy, procedure and guidance documents relating to students studying at Union School of Theology, will be available to all, monitored regularly and reviewed and evaluated periodically.

9.2 Those in positions of authority, such as the Members of the Board, President, Provost, Academic Dean, Programme Leaders and Tutors, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. The Provost has overall responsibility for the UST Policy on Harassment, including its approval and annual review.

9.3 All members of the UST community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the UST community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:

- a. Treating others with dignity and respect;
- b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable;
- c. Supporting any member of the UST who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.

9.4 The Provost also has responsibility for overseeing any complaints brought under the terms of the policy and ensuring that decision making complies with Open University regulations.

9.5 If a student feels that an issue is not resolved, they can refer their concerns to the Office of the Independent Adjudicator for Higher Education <https://www.oiahe.org.uk/>

10. POLICY COMMUNICATION

10.1 This document can be found in the full UST 'Handbook of Policy and Procedures' document which is located on the UST (Cloud)VLE and in the UST library.

10.2 The Staff Disciplinary Procedure is the Staff Handbook Appendices which is obtainable from the UST Finance Officer.

10.3 The Student Disciplinary Procedure can be found in the UST Code of Conduct.

10.4 Every effort will be made to respond to any request to provide this policy in a different format.

10.5 This policy will be included in staff and student induction.

Version	Author	Review Date	Reason for change	Equality Impact Assessment check (and comment)	AB Approval date *
1.0	Sheila Stephens	Nov 2022	No changes	Checked – see 4.3	29 th November 2022
1.1	Iain McGee	March 2023	Implementing feedback from OU. Updated references to laws. New provision of appeal in 9.5. Note: Future revisions should include student input.	Checked	23 rd May 2023