

Prevention of Harassment and Sexual Misconduct Policy

Harassment, bullying, discrimination, hate crimes, physical violence, sexual harassment and violence, and victimisation are unacceptable. We will not tolerate unacceptable behaviour against a student, member of staff or visitor.

Definitions

Examples of what we consider to be such misconduct are included in the appendix to this document.

Reporting

Anyone who has been subject to harassment or bullying, or who witnesses it, should report the incident(s) so that we can investigate and act. Please follow the same procedure whether the behaviour is from a student, staff or third party.

If you are a **student** you should use the student complaints procedure (available on www.theofed.cam.ac.uk/policies) to start the process informally or formally, as you choose.

If you are a member of **Bounds House staff** you should report it using the Grievance Procedure.

Everyone else should contact the Chief Operating Officer on coo@theofed.cam.ac.uk to make a report.

Process

- If the report concerns treatment by a member of staff directly employed by the Federation it will be investigated and resolved through the Federation's Staff Disciplinary procedure.
- If the report concerns treatment by a member of ARU staff it will be forwarded to ARU to investigate and resolve.
- If the report concerns treatment by a member of staff appointed by one of the Houses, it will be referred to them to investigate and resolve.
- If the report concerns treatment by a Federation student it will be investigated and resolved through the Student non-academic disciplinary procedure.

Sanctions

The sanctions that can be imposed if our expectations are not met are set out in the relevant policy documents (non-academic disciplinary procedure, staff disciplinary procedure). Academic staff who are not employed by a House may have their contract for services terminated, depending on the severity of the misconduct.

Governance

The board will review this policy annually and receive a report giving suitable information about incidents that have taken place in the previous academic year.

Appendix: What we consider to be harassment and bullying

In this appendix¹, we provide examples of misconduct that may be subject to disciplinary action.

Acts of bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power, position or knowledge. Bullying is intentional and can make a person feel humiliated, threatened, undermined and vulnerable. Victims may not always recognise what is happening and so may feel trapped, isolated or powerless.

Bullying tends to happen persistently, often without witnesses, over time. It can involve one individual against another or involve groups of people. Bullying can take the form of physical, verbal, and non-verbal conduct and so can include social media communications, telephone communications, filming or taking pictures of people and/or using these without their knowledge or consent.

This is not an exhaustive list, but examples of bullying may include:

- being shouted at, being sarcastic towards, ridiculing or demeaning others;
- deliberately excluding or ignoring an individual;
- physical or psychological threats;
- unfair or excessive supervision or monitoring;
- unfair blaming for mistakes or unwarranted fault finding;
- singling out or treating an individual unfairly.

It is important to make the distinction between bullying and firm management. Bullying is unfair and can undermine a person's best efforts to perform well. Legitimate, reasonable, and constructive criticism of performance or behaviour, or reasonable instructions given to staff during their employment will not amount to bullying on their own.

Acts of discrimination

Discrimination is contrary to the Equality Act 2010 and takes place when an individual or a group of people is treated less favourably than others based on one of the nine protected characteristics:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity (we will also consider the same for paternity leave, parental leave or shared parental leave)
- race
- religion or belief (including lack of belief)
- sexual orientation Discrimination can be direct or indirect.

¹ This is mirrored in our Student Non-academic disciplinary procedure

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination can happen when there is a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. However, it isn't classed as indirect discrimination if it can be shown that the condition, rule, policy or practice is reasonable.

Acts of harassment

Harassment is unwanted behaviour which violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment is against the law when the unwanted behaviour occurs because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief (including lack of belief)
- sexual orientation

Harassment is often persistent, although a single incident may be serious enough to constitute it. Harassment can be deliberate or unintentional, however the effect on the victim is the main factor to be considered in claims of harassment, not the intention behind it.

Harassment can take the form of physical, verbal and non-verbal conduct and so can include social media communications, telephone communications, filming or taking pictures of people and/or using these without their knowledge or consent.

This is not an exhaustive list, but examples of harassment may include:

- unwanted physical conduct or 'horseplay' including touching pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking, or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about an ethnic or religious group or gender;
- outing or threatening to out someone as gay, lesbian, bisexual or trans;
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a social activity.

Hate crime

'Hate incidents' and 'hate crimes' are terms used to describe acts of violence or hostility directed at people, which appear to the victim or anyone else to be, because of who they are or who someone thinks they are. They are motivated by hostility or prejudice based on one or more of the following:

- disability
- race
- religion
- sexual orientation
- transgender identity

Hate incidents can be against a person or against property and includes materials posted online. This is not an exhaustive list, but some examples of hate incidents may include:

- abusive phone calls
- bullying
- graffiti
- harassment
- intimidation
- abuse through the means of any form of electronic media
- threats of violence
- verbal abuse

When hate incidents become criminal offences they are known as hate crimes. A criminal offence is something that breaks the law. This is not an exhaustive list, but some examples of hate crimes may include:

- assault
- burglary
- criminal damage
- fraud
- harassment
- hate mail
- murder
- sexual assault
- theft

Anti-Semitism

In December 2020 the Board adopted the International Holocaust Remembrance Alliance's definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Physical misconduct

Physical misconduct is unwanted physical contact which has the purpose of violating a person's dignity or causing them distress or harm, whether or not there is personal injury.

This is not an exhaustive list, but examples of physical misconduct may include:

- punching
- kicking
- slapping
- pulling hair
- biting
- pushing
- shoving

Sexual misconduct

Sexual misconduct is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. You don't need to have previously objected to someone's behaviour for it to be considered unwanted.

This is not an exhaustive list, but examples of sexual misconduct may include:

- sexual intercourse or engaging in a sexual act without consent;
- attempting to engage in sexual intercourse or engaging in a sexual act without consent;
- sharing private sexual materials of another person without consent;
- kissing without consent;
- touching inappropriately through clothes without consent;
- inappropriately showing sexual organs to another person;
- repeatedly following another person without good reason;
- making unwanted remarks of a sexual nature.

A person must have the capacity to give free agreement (consent) to sexual activity. A person consents if he/she agrees by choice and has the freedom and capacity to make that choice. Capacity is based on the person:

- being the right age
- being sober
- having the mental and physical ability to agree freely
- not being threatened or afraid of harm
- not being detained against their will

The Federation may investigate allegations of sexual misconduct. However, we need sufficient evidence to show the alleged misconduct took place and the accused was responsible.

Sexual assault is a criminal offence and is committed if another person intentionally touches someone, the touching is sexual, and the person does not consent. It is often more appropriate for the police to investigate given their greater powers of investigation.

We usually allow the victim to decide whether to make a report to the police. If the victim is a member of the Federation community who wishes to make a report, we will support them in the

process. We will work with the police in such matters. In fairness, we would also provide support for a student who is the subject of the complaint.

Acts of victimisation

Victimisation is when a person is punished or treated unfairly because they have made a complaint; they are believed to have made a complaint; they have supported someone who has made a complaint; or it is suspected that they might make a complaint.