

DEALING WITH PERSONAL HARASSMENT



CODE OF PRACTICE FOR STUDENTS

1. Preamble

The University Court has adopted a policy of providing equal opportunities for all its students, staff, applicants and others involved in its business. One aspect of this policy is its intention to prevent, as far as possible, the harassment of one person by another, whether on the basis of gender, sexual orientation, sexuality, race or ethnic origin, religion, disability, or any other personal attributes or views held by the person harassed.

To assist in this the University has adopted codes of practice to guide its staff and students in dealing with each other and with others. This code is for the information and guidance of students. (The equivalent code for the guidance of staff is available at <http://www.humanresources.ed.ac.uk/policies/sams/SAM55.html> or from the Human Resources, 9-16 Chambers St, Telephone 0131 650 8235)

This document describes various types of harassment and what you should do about it if you feel you are being harassed. Harassment can be very distressing - if you are being harassed and feel you need to talk to someone without delay, The Advice Place or the EUSA office in Bristo Square or at Kings Buildings, have staff who are trained to help. No prior appointment is necessary.

2. Personal Harassment

The Oxford English Dictionary defines “harass” as “to trouble or vex by repeated attacks”. This highlights the two normal requirements for harassment to occur:

- it is unwelcome
- it is repeated.

Common sense suggests, however, that certain behaviour will by its nature or severity be unwelcome even on a single occasion. Conduct which is acceptable to one person may prove to be unwelcome to another and the test applied must be that the conduct (whether unwitting or deliberate) is unacceptable to the recipient and would be judged as harassment by any reasonable person.

Harassment is particularly unacceptable where the harasser occupies a position of power or authority - for example, in the role of a supervisor, Head of School, teacher, examiner or administrator who is able to affect the mark, grade, qualification, employment or the career of the target. (For further comment on professional relationships see Annex 1.)

Harassment also occurs between members of an equal group, i.e. students, or staff, and in the reverse direction to that commonly assumed e.g. women to men, and all are equally undesirable within the University. All members of the University, staff and students, have a duty to ensure that individuals do not suffer any form of personal harassment and that, if they do, they are supported in seeking its elimination and in pursuing any legitimate complaint about the harassment.

a) Harassment generally

Personal harassment on any grounds can be a source of great stress to an individual. It is the conduct of one person against another or others when an intimidating, hostile or offensive atmosphere is created for the victim(s) based on derogatory name calling, belittling remarks, ridicule, insults, verbal abuse, threats or physical assaults. It may be so serious and/or relentless that the person who is being, or has been harassed feels it necessary to change a course of study.

Harassment can occur anywhere but it is generally recognised that certain groups of people are more vulnerable than others. Some examples are described below.

b) Racial and Religious Harassment

Racial or religious harassment may be defined as unacceptable conduct of one person against another or others, where the motivation is the colour, race, ethnic origin or religion of the target. Such behaviour might include derogatory name calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse, threats or physical assault because of cultural and/or religious differences. It might also include any comments which imply that race or religion impair the person's ability to perform their role in the academic community. Harassment occurs where any such conduct creates an intimidating, hostile or offensive environment for the individual or group in dealings within the University community.

c) Gender and Sexual Harassment

There are two main forms of such harassment. The first, on a similar basis to racial harassment, is the conduct of one person against the other on the basis of the gender, marital status, sexual orientation or sexuality of the other. Such harassment occurs when an intimidating, hostile or offensive atmosphere is created for the victim based on derogatory name calling, belittling remarks, ridicule, insults, verbal abuse, threats or physical assault simply on the grounds of the gender, marital status, sexual orientation or sexuality of the individual. It also includes any comment which implies that gender impairs the person's ability to perform their role in the academic community.

The second form concerns itself with aspects of a physical relationship and may include suggestive looks or remarks, compromising invitations, unwanted demands for sex, offers of academic advantage in return for sex (or threats of disadvantage if refused), unwanted physical contact, indecent assault or rape. It may also include displays of sexually suggestive or degrading pictures or objects in the workplace.

Sexual harassment can, of course, occur between members of the same sex as well as members of the opposite sex.

d) Harassment on grounds of disability

Harassment on grounds of disability may be defined as unacceptable conduct by an individual against another or others, where the motivation is the physical or other disability of the target.

Such behaviour might include derogatory name calling, belittling remarks, ridicule, insults, jokes, graffiti, verbal abuse and threats simply on the grounds of the disability.

3. Policy on Harassment

Certain types of harassment - those on the grounds of race or ethnic origin, gender or marital status - may lead to a claim against the University or the perpetrator under anti-discrimination legislation. The threat of legal action apart, however, the University believes that it has a

paramount responsibility to provide a work environment for the conduct of its business that is free of harassment.

Accordingly, the University Court on behalf of the University as a whole, the Trades Unions on behalf of staff, and the Students Association on behalf of students, are united in seeking to eradicate personal harassment, on any grounds, of one member of the University community by any other. In support of this policy these bodies will give support to any victim of harassment, and the University will bring its codes of conduct and discipline to bear on any member who is shown to be harassing another.

4. If Personal Harassment happens to you

To assist you in responding to a situation which you interpret as personal harassment, the following guidelines may be helpful.

a) Individual Action

If you feel you are being subjected to personal harassment in any form you should seek, at the earliest possible stage to bring it to an end. Remember that no persistently upsetting behaviour is too trivial to raise through the channels suggested below.

- If possible, make it clear to the person causing the offence that such behaviour is unacceptable to you. This should in many instances be sufficient to bring it to an end.
- If you feel unable to speak to the person concerned, or if having spoken the behaviour persists, you should keep a note of details and dates of any incidents which distress you, including a note of any ways in which the incidents cause you to change the pattern of your work or social life.

Unwillingness to approach the individual will not be interpreted by the University to constitute consent nor will it prejudice any complaint you may bring.

b) Seeking Informal Assistance

If you feel unable to act singly in this matter, you may wish to seek assistance from a fellow student or other person you feel you can trust. To provide a valuable option in this regard, a network of trained Contact Advisers has been set up (see Annex 3). Their role is to give you support and to provide advice as to how best your particular problem can be resolved. Contact Advisers are trained to respond sensitively to your problem and to provide advice about the procedure if a formal complaint becomes necessary. The role of the Contact Adviser is set out more fully in Annex 3. A list of Contact Advisers is available on request from the sources listed in Annex 2. If you choose to seek assistance from a Contact Adviser your first move, then, will be to obtain the list, select a name and arrange a meeting with the person you have selected. The Contact Adviser will discuss with you three possible ways forward:

- employing self-help and general strategies for dealing with the problem (see Annex 3, Stage 1);
- dealing with situation through an informal conciliation procedure which will involve a personal interview with the harasser by a conciliator trained to deal with the situation (see Annex 3, Stage 2);
- how to go about making a formal complaint which may involve formal disciplinary proceedings (see Annex 3, Stage 3).

No course of action with regard to these will be taken without your permission.

c) Making a formal Complaint

If the problem is serious, or has not been resolved by informal means, then you or someone acting on your behalf, should make a formal complaint to your Director of Studies, Head of School or College or to any other person within the College or the University you feel able to approach. Your Contact Adviser will advise you about how to make a formal complaint. More details are set out in para. 8 of Annex 3. See below for the action which will then ensue. It is important that you should not be deterred from making a complaint because of embarrassment, fear of intimidation or publicity, or fear that your academic progress would be adversely affected. Measures to counter the possibility of bias, whether unwitting or deliberate, are already included in the University's examination regulations and procedures. Nevertheless, if a student who had complained of harassment subsequently had reason to believe that victimisation through downward marking or assessment had occurred, it would be open to that student to appeal under the provisions of the Degree Examination Regulations (where applicable) or, in the case of class examinations or assessments to the Head of College, who could request the Head of School to put in train a review of the assessment of that student.

5 Action by the University

Any member of the University staff who is approached by a student regarding a matter of personal harassment should deal with it sympathetically, with sensitivity and in confidence. Complaints of harassment should be considered expeditiously and the appropriate action taken in terms of this Code to ensure that the harassment does not recur. In general the first practical steps will be to ensure that the student is aware of the University's policy and procedures concerning harassment, in particular the network of Contact Advisers.

A network of Contact Advisers exists throughout the University, trained in advising those subjected to personal harassment and available for consultation by any student. The Contact Adviser will deal with the matter as promptly as possible and in a way which meets the needs and merits of each situation. Wherever possible, the interview will be arranged within ten working days. The complainant may be accompanied by a fellow student or a member of University staff. If appropriate, the Contact Adviser will help to identify a suitable conciliator (See Annex 3, sections 5,6,7). At the discretion of the Contact Adviser and with the permission of the complainant, the advice of the Equal Opportunities Panel may exceptionally be sought to help in the conciliation process (See Annex 4).

Though some cases of personal harassment may be conciliated informally by direct approach to the harasser (in accordance with Stages 1 or 2 described in Annex 3) some cases will inevitably be incapable of conciliation. Those cases which are incapable of successful conciliation or are too serious to warrant a conciliation process will be referred to the appropriate level of the University management for further investigation. Such cases will then fall within the ambit of the University's formal disciplinary procedures for students or staff (Annex 3 section 8)

The possibility that complaints could be brought with mischievous or malicious intent is also recognised and may provide grounds for disciplinary action against the complainant. The procedures and sanctions for this will be in accordance with the University's disciplinary codes.

Summary

In whichever way is most appropriate, then, the University will fulfill its obligation to:

- a) the complainant - to take the complaint seriously, to investigate the allegation thoroughly and, if it is proved, to take swift and effective action to prevent a recurrence.
- b) the person against whom the complaint is made - to investigate impartially, to ensure that he/she has had the opportunity to be represented, and to give him/her a clear account of the

Disciplinary proceedings will include warnings and the possibility of dismissal or expulsion from the University under the relevant code.

Where a serious criminal offence appears to have been committed, the University will normally refer the matter to the police for investigation but the wishes of the complainant will be taken into account in all cases.

The University will treat as confidential all records concerning allegations of personal harassment. Cases will be investigated impartially, and the University will ensure that all parties have the opportunity to be given a clear account of the allegation, to present a case, and to be represented if that is their wish.

6. Rehabilitation

Serious cases of harassment may amount to gross misconduct, which if proved can lead to expulsion or summary dismissal. In less serious cases, however, it may be sufficient for the harasser to enter an undertaking not to reoffend, and to be warned as to his/her future conduct. Sometimes it will not be considered appropriate for the harasser and the victim(s) to continue working or studying in close proximity. In such cases it will be the University's normal practice, so far as is practicable to relocate the harasser rather than the victim(s). Where such relocation is not practicable, arrangements will be made to provide a harassment-free work or study environment by, for example, setting down codes of behaviour which will be monitored.

The University regards the use of expert counselling about harassment as of positive benefit and arrangements will be made for such counselling for all offenders who indicate they would find it useful.

7. In cases of threatened or actual physical assault

If you have been assaulted or threatened with assault you should seek help immediately. You should report the matter to your Director of Studies, or, if you prefer, to your Head of School who may recommend a trained counsellor interview you. The assault may be serious enough to justify reporting the matter to the police, who will arrange medical help and advice for you.

Certain of the agencies listed in Annex 2 of this code are also willing to assist in such cases.

ANNEX 1

Professional relationships

The relationship between an undergraduate or postgraduate student and his/her tutor or supervisor is an integral part of the educational development of students. Ideally, it should be a supportive relationship that enables good communication between teachers and students so that enquiry and learning may be facilitated. Trust, confidence and fairness are important in this relationship. The University sets considerable store by good, professional relationships

between staff and students both within the classroom, studio, laboratory, or in one-to-one tutorials, and in social gatherings.

In addition to this professional relationship, close personal relationships may exist or may develop between staff and students.

There are circumstances in which such relationships may not be advisable. For example, staff who are responsible for assessing, directing or advising students should be especially aware of the potential for conflict of interest and other problems which may prejudice good professional practice where a close personal relationship exists (or has existed) with a student for whom that member of staff has a professional responsibility.

Where such a relationship is or becomes unwelcome to one of the parties or ends, the outcome may include personal harassment in terms of this code and would fall to be dealt with accordingly.

A separate Code of Practice setting out the University's policy and procedures to be observed by staff involved in close personal relationships with students or other members of staff is in preparation. Members of staff who fail to observe these procedures fall short of the professional standards expected in the discharge of their duties. In certain circumstances this may result in action being taken under the University's Disciplinary Procedures.

ANNEX 2

Sources of Information and Help

(University telephone extension numbers given below - if phoning from outside the University dial 6 before the number given below)

Information

Equal Opportunities Office	508235
Head of School	
Chaplaincy	502596
Student Counselling Service	504170
(or at Kings Buildings)	505773
Directors of Studies	
Tutor/Supervisor	
Wardens of Halls	
University Health Service	502777
The Advice Place	509225
Students' Association Offices	502656
International Office	504296
Careers Service	504670
Accommodation Services	504669
College Offices	
Postgraduate Office	502158/ 502160
Rector's Office	504028
University Personnel Office	502260
Registry	502845

Help

Within the University

The Advice Place, Potterow	509225	or email: advice.place@eusa.ed.ac.uk
Students Association Offices	502656	

Contact Advisers (list of names of trained Advisers available from any of the sources listed above)

Equal Opportunities Officer	508235
University Chaplains	502596
Head of School	
Nightline	557 4444

External

Samaritans	221 9999
	or 0345 909090
Rape Crisis Centre	556 9437
Lothian Coalition of Disabled People	555 2151
Lothian Racial Equality Council	556 0441
Edinburgh Gay Switchboard	556 4049

(between 7.30 and 10.00 pm)

ANNEX 3

Role of Contact Advisers

1. A network of Contact Advisers shall be appointed by the Principal on the advice of the Staff Committee. They will be chosen for their suitability based on their personal qualities and experience. The key qualities and skills looked for in Contact Advisers are:

- a thorough knowledge of the University
- good listening skills
- maturity and objectivity
- the trust and respect of students
- the ability to be caring and to empathise
- approachability and the capacity to be easy to talk to

2. Care will be taken to maintain a balance of men and women spread across all locations and across all categories of staff, taking into consideration:

- position (eg lecturer, departmental secretary etc.)
- location (School, Old College, New College, Kings Buildings etc)

Suitable individuals may be:

- self-nominated
- nominated by the Students Association
- nominated by Heads of Colleges, Heads of Schools or Heads of Support Service Departments.

3. Being a Contact Adviser is not a formal part of the duties of University staff but is evidence of service to the University. The work undertaken in this capacity is entirely voluntary and no pressure should be put on staff to undertake such work.

All such participation in these matters shall be with the knowledge of and the compliance of the Head of School or Support Service Department, who shall be expected to allow the individual time off for such service to the University. It is not expected that the activities of a Contact Adviser should occupy more than an average of 6 hours per month.

4. The responsibilities of Contact Advisers are to provide:

- a first point of contact
- advice about the University's Personal Harassment policies and procedures
- advice on options for action
- assistance with self-help strategies
- support for the complainant throughout the conciliation procedure.

5. At all stages of the procedure, Contact Advisers :

- will respect the wishes of the complainant
- will maintain complete confidentiality
- may seek advice from the Equal Opportunities Panel without revealing the names of the complainant or the alleged harasser

It is not the role of the Contact Adviser to become involved in negotiations with the person complained of, unless the Contact Adviser is also willing to act as, and has been trained as a Conciliator.

Different cases will require different responses, and all three stages outlined below will not be appropriate in every case. Some, for example, may be resolved by stage 1, while in other cases, it might be appropriate to move directly to stage 3.

6. Stage 1 : Seeking advice/strategies:

At this stage the Contact Adviser may:

- suggest strategies for the complainant himself/herself to deal with the harassment without confronting the person causing the harassment
- accompany the complainant to outline the matter to the alleged harasser
- approach the person complained against and make the nature of the complaint known if asked to do so by the complainant
- provide information about what further steps may be taken to resolve the matter

7. Stage 2 : Conciliation

At this stage the Contact Adviser will:

- advise the complainant of the options for conciliation and the choice of a Conciliator
- assist in identifying an appropriate Conciliator if requested by the complainant and in informing that person of the complaint
- support the complainant throughout the conciliation procedures

The choice of a person to undertake conciliation rests with the complainant, usually with the advice of a Contact Adviser. A Conciliator will normally be a person in a position to take effective action such as a Head of College or a Head of School, the Head of an administrative section or Director of Studies, but it may also be a member of the Equal Opportunities Panel or another conciliator of the complainant's choice. The person initially approached may decline to act, either for reasons of work or for personal reasons.

8. Stage 3 : Formal Complaint

At this stage the Contact Adviser must:

- advise the complainant of the formal complaints procedure
- assist the complainant in making a formal complaint to:

i) Where the alleged harasser is a member of University staff

the appropriate line manager. This would normally be the Head of School or Support Service Department, but in certain circumstances be the Head of College or other member of the University's senior management.

The complaint would then be referred for consideration under the formal stages of the University's Disciplinary or Grievance Procedures

OR

ii) Where the alleged harasser is a student

the appropriate Authorised Officer as designated in the Student Code of Discipline.

- support the complainant throughout the investigation of the harassment

9. Training

Contact Advisers will be required to attend appropriate training provided by the University. This will provide them with, for example, a knowledge of strategies and procedures and help build confidence in handling the role.

ANNEX 4

Conciliation of Complaints

1. Who should deal with Complaints?

The choice of Conciliator to undertake informal intervention rests with the complainant, usually with the advice of a Contact Adviser. A Conciliator will normally be a person in a position to take effective action such as a Head of College or Head of School or Director of Studies. (Postgraduate research students may find Section 5 of the Code of Practice for Supervisors and Students useful in identifying the most appropriate person) In addition, a member of the Equal Opportunities Panel may act as Conciliator. If the person approached declines to act as Conciliator and is the complainant's Head of School or supervisor, or the Head of School or supervisor of the person about whom the complaint is made, that person should explain why he or she is not appropriate to act and should assist in finding another person acceptable to the complainant to undertake the conciliation.

2. The Process of Conciliation

The Conciliator, as agreed by the complainant, will attempt conciliation in the following manner:

- He/she will discuss the complaint with the complainant(s) and the Contact Adviser, if appropriate. The Conciliator may also act on the basis of a written and signed complaint.
- The Conciliator will determine whether the complaint is one of generalised harassment, (i.e. conduct or language affecting more than one person) or direct harassment against an individual. In either case the Conciliator will approach the person complained of to explain what behaviour has caused offence and to obtain a response to the complaint.
- The Conciliator will attempt to find a basis for an outcome acceptable to both the complainant and the person complained of.
- If agreement cannot be reached, both the complainant and the person complained of should be informed, so that the complainant can consider other options including making a formal complaint. The Conciliator may also, with the consent of the complainant, refer the unresolved complaint to an appropriate person in the alleged perpetrator's line management for further investigation under the disciplinary procedures.
- If the complaint is felt to be misplaced but sincerely felt, the Conciliator may wish to recommend counselling to the complainant.

3. Training

Members of staff who may be asked to act as Conciliators will be invited to attend the training provided by the University for members of the Equal Opportunities Panel, to become familiar with the University's policy and procedures with regard to personal harassment and the role of the Conciliator.

ANNEX 5

The Equal Opportunities Panel

1. The Equal Opportunities Panel - Constitution

There shall be an Equal Opportunities Panel of six persons including a Convener, which shall report to the Staff Committee. Of these, the Convener and two others shall be nominated by Staff Committee (not necessarily from among its membership) and three shall be nominated by the Trade Unions. The Director of Human Resources and the Equal Opportunities Officer shall also be in attendance.

Where student issues or issues of a general policy nature are being discussed, at least one student representative nominated by the Students Representative Council shall be invited to attend.

2. Remit and role of the Equal Opportunities Panel

The role of the Equal Opportunities Panel shall be to :

- provide support and advice to Contact Officers and Contact Advisers and those involved in the Conciliation process where required
- exceptionally to provide a Conciliator for informal complaints where requested to do so by the complainant (i.e. it shall, itself, provide a pool of potential conciliators on occasions where no suitable alternative conciliator can be found)
- exceptionally to advise on particular cases and take any other appropriate action to resolve allegations of harassment, unless and until such allegations are dealt with through the formal Disciplinary and/or Grievance procedures
- report to Staff Committee on the incidence of personal harassment within the University, at least on an annual basis and make such recommendation on procedures as may be appropriate

3. Training

Members of the Equal Opportunities Panel will be required to attend appropriate training provided by the University to assist them in conciliating disputes and investigating complaints