

STUDENT vs STUDENT HARASSMENT CASES - GUIDANCE FOR STAFF

This guidance must be read in conjunction with the Student Anti-Harassment Policy and Procedure and the Disciplinary Regulations for Students

Introduction

- 1 The University is obliged by law and its own policies to take seriously any allegation of harassment by one student of another. This does not mean that it should always take action but it should, at the least, undertake an initial investigation, and consider whether taking action would give necessary or additional protection to a student.
- 2 A definition and examples of harassment are given in the [Student Anti-Harassment Policy and Procedure](#). Fortunately such cases are not common but when they occur they cause a considerable amount of distress and are often difficult to deal with. In particular, it is often difficult to balance protection of the alleged victim against the rights of the alleged perpetrator. They are often characterised by claims and counter claims. Usually harassment will emerge out of a relationship which has ended or never got started. However, it can relate to other issues such as bullying or disputes over money.
- 3 A further complication is that this is often a situation in which families become involved and have unreasonable expectations. It's also important that we do not speak to family members or friends about a specific case without the authorisation of the student. They should be referred to the policy itself which indicates what we can and can't reasonably do. It may also be helpful to direct them to [information on how we respond to enquiries](#) about students from parents and family members.

Procedural matters

- 4 There are clear University procedures for dealing with alleged breaches of the Student Code of Conduct under the [Disciplinary Regulations for Students](#). With most disciplinary issues there is a clear Faculty or departmental responsibility or involvement which makes it obvious which staff should take the lead in the first instance. This is not always the case with harassment because the two students may be in different faculties. First contact will almost certainly be made with someone in the Faculty of the alleged victim, or someone in a student facing department, or the Student Union. If any uncertainty remains regarding what action to take, advice can be sought from the Assessment, Awards and Regulations Team about how to proceed.
- 5 Remember what we are trying to achieve - to ensure that no student is prevented from participating fully in the life of the University because of harm, stress or fear created by the unreasonable actions of another student.
- 6 It is important to focus on the harassment and not on any situations or disputes that may have led to the harassment.
- 7 Every case should be treated on its merits as no two cases are likely to be exactly the same.
- 8 The accounts of two students are likely to be completely different. The more documentary evidence that can be obtained and the more information that can be acquired from the police (if involved) the better.

- 9 As with all potentially controversial situations it is very important to keep all relevant emails and to make notes of telephone conversations and meetings.
- 10 The investigation may upset one party and sometimes both parties and their families. Family members should only be spoken to if the student gives permission for this. Whether it is wise to do so is difficult to judge. It can produce useful information and insights into a student's behaviour and enable you to provide reassurance, however it can mean additional pressure.
- 11 Both the students involved may be stressed and very upset. The harassment itself may be because the alleged perpetrator is acutely distressed. This does not excuse the actions but both students should be made aware of University support not just the alleged victim. It is also important that, as far as possible, both students are kept informed about what the University is doing, or not doing, and the reasons why.
- 12 Where allegations are referred to the relevant Faculty PVC or Head of Directorate for formal action under the Disciplinary Regulations for Students, it is important to remember that any actions we can take may already have been exhausted and it may not be appropriate to move to the formal stage. If so, this must be conveyed to the student and a Completion of Procedures letter issued via the Assessment, Awards and Regulations team in Registry Services. At the completion of the Disciplinary procedure, the final letter must be copied to the Assessment Awards and Regulations team in Registry Services so a Completion of Procedures letter can be issued.

Involvement of the Police

- 13 Most criminal justice agencies take harassment seriously and are prepared to act. There can sometimes be a problem with liaison between different police services. Generally if the harassment appears serious either in extent (it has been going on for some time) or nature (actual violence or threats of violence or constant unwanted attention) then the alleged victim should be encouraged to contact the police. An unwillingness to do so makes it very difficult for the University to act although it does not rule it out if there is clear and unambiguous evidence. If the allegation is not sufficiently serious for the police to be informed (perhaps because it is near the beginning of a possible period of harassment) it might be appropriate for the University to instigate disciplinary action, perhaps at the informal or local formal stage. This might prevent something more serious developing.

Precautionary action

- 14 The [Disciplinary Regulations for Students](#) outlines the procedure for considering and recommending that a student be temporarily suspended or excluded whilst an investigation is ongoing. This may be considered where the alleged victim fears a repetition or significant additional stress if the alleged perpetrator remains around, and there is no other sufficient protection in place. Generally, if the police consider the allegations to be serious they will give warnings and/or seek bail conditions limiting the movement of the alleged perpetrator. To what extent, if at all, the University may need to supplement these will depend on circumstances. For example if the two students are on the same course and the same year it might need to intervene whereas it might not if they were on different courses in different buildings and the evidence was that the harassment took place outside the University in the city.

Version:	1.1		
Original Version Approved by and date:	Assessment, Awards and Regulations, June 2016		
Date for Review:	June 2018		
Amendments since Approval:	Amendments to reflect update to the Disciplinary Regulations for Students	July 2017	Assistant Registrar