

### Document

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| Policy Responsibility       | College Director / Principal                                                                                 |
| Brief Description of Policy | This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for Harassment. |

### Version Control

| Date         | Version | Summary of changes                                                                                                                                        | Approver            |
|--------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| January 2023 | 2022/01 | <ul style="list-style-type: none"> <li>Initial policy version</li> </ul>                                                                                  | NUKH Academic Board |
| July 2025    | 25_01   | <ul style="list-style-type: none"> <li>Renamed Policy – changed from QS13 Bullying and Harassment</li> <li>Content aligned to OfS Condition E6</li> </ul> | NUKH Academic Board |

### Key Related Documents

| Document Name                                    | Student Location | Staff Location  |
|--------------------------------------------------|------------------|-----------------|
| QS07 Student Support                             | College Website  | Policy HUB      |
| QS10c Student Complaint and Appeals Form         | College Website  | Policy HUB      |
| QS10a Student Complaints Policy                  | College Website  | Policy HUB      |
| QS11 Student Disciplinary Policy                 | College Website  | Policy HUB      |
| QS3b Sexual Misconduct Policy                    | College Website  | Policy HUB      |
| QS19 Freedom of Speech                           | College Website  | Policy HUB      |
| Harassment and Sexual Misconduct Information Hub | College Website  | College Website |

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### Key Contacts:

The College Student Services team members who are available for students that wish to speak to a trained member of the College, in confidence, are:

- **Dan Atkinson** | College Safeguard Officer (SO) | Harassment and Sexual Misconduct Responder (HSM-R)  
E: dan.atkinson@ua92global.com | T: +44 (0)161 528 1876 | M: +44 (0)7442 927264
- **Sarah Toledo** | College Designated Safeguarding Lead (DSL) | Harassment and Sexual Misconduct Investigation Officer (HSM-IO)  
E: sarah.toledo@ua92global.com | T: +44 (0)1615 281870 | M: +44 (0)7595 490999

Our College Student Services staff members undertake regular training and have experience of managing safeguarding concerns / incidents and providing wellbeing and welfare support.

Where there has been a concern, disclosure or formal report of Sexual Misconduct the College Director / Principal, the Navitas Safeguarding Lead and HR Representative (where a staff member is involved in an incident) will be informed and may be invited to support in the actions and outcomes of any formal investigation.

## Introduction

This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for harassment of students and staff. Navitas UPE has, as part of its corporate code of practice, a commitment to continuous improvement and the UPE College\* network has demonstrated its adherence to this commitment through the implementation of a harassment procedure in each College. Navitas UPE has a long history of and commitment to the provision of quality services and support to students. It recognises the importance of engaging students early in their learning experience and places immense value on the Student Voice. Working together with students, our teaching and support staff are committed to providing an education and student experience that is shaped, reviewed, and enhanced in the spirit of partnership and co-determination.

*\*Please interpret 'College' as 'Campus' where applicable*

Navitas UPE strives to provide a safe and comfortable environment for students and staff from all backgrounds that values diversity and is free from discrimination. We fully subscribe to all equality legislation to protect our students and staff from harassment:

- Equality Act 2010 - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equality Act (Specific Duties) Wales - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equality Act 2012 (Specific Duties) Scotland - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equal Treatment Law of the Kingdom of the Netherlands - [ec.europa.eu](http://ec.europa.eu)
- Community law in the field of the fight against discrimination France - LOI n° 2008-496 du 27 mai 2008 [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr)
- General Equal Treatment Act Germany - [www.antidiskriminierungsstelle.de](http://www.antidiskriminierungsstelle.de)

## Freedom of Speech

In applying this procedure, Navitas will have particular regard to, and place significant weight on, the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context or environment, including in premises and situations where educational services, events and debates take place.

Navitas will apply a rebuttable presumption to the effect that students being exposed to any of the following is unlikely to amount to harassment:

- The content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures
- Statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

Section 43 of the Education Act 1986 protects Freedom of Speech and Academic Freedom within law. We therefore recognise and emphasise that vigorous academic debate, when it is conducted respectfully, does not accordingly constitute any form of harassment.

It is our expectation that all students, staff, and visitors to Navitas UPE Colleges will adhere to this policy. Failure to comply with this policy will result in disciplinary action up to and including dismissal or exclusion from the College (see **QS11 Student Disciplinary Policy**).

### Definition of Harassment

Harassment is defined in the Equality Act 2010 as:

**‘unwanted behaviour or conduct related to a protected characteristic which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them’.**

This definition is also aligned to the Office for Students (OfS) Harassment Statement.

It is unlawful to discriminate against people with any of the below mentioned protected characteristics.

### Protected Characteristics

| Protected Characteristics by Nation       |                                                                                                                                                                    |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Equality Act 2010<br>England and Scotland | Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief/lack of belief, sex and sexual orientation |
| Equality Act 2010<br>Wales                | Age, marriage (including equal/same sex marriage) and civil partnership, impairment or health condition, sex, sexual                                               |

|                                                       |                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       | orientation, pregnancy and maternity, race, religion or belief, gender identity or gender expression                                                                                                                                                               |
| Equal Treatment Law of the Kingdom of the Netherlands | Religion, personal beliefs, political opinion, race, sex, nationality, hetero-or homosexual orientation and civil status                                                                                                                                           |
| General Equal Treatment Act Germany                   | Race, sex, religion, handicap, age or sexual identity                                                                                                                                                                                                              |
| French Labor Code (Code du travail)                   | Origin, sex, morals, sexual orientation, gender identity, age, family situation, pregnancy, genetic characteristics, economic vulnerability, physical appearance, ethnicity, nationality, political opinions, trade union activities, religion and language skills |

The OfS have also summarised the following section 1 of the Protection from Harassment Act 1997 as follows:

**‘a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.’**

These definitions include tests that are designed to establish, objectively and reasonably, whether conduct could be considered as 'harassment'.

Navitas UPE will take into account:

- The perception of the person who is at the receiving end of the conduct
- the other circumstances of the case whether it is reasonable for the conduct to have the effect under scrutiny

Under section 1 of the Protection from Harassment Act 1997, an offence is committed only if:

- The person knows the conduct amounts to harassment of the other
- A reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person

## Office for Students (OfS) Condition E6

The OfS Condition E6, extends the harassment definition beyond the protected characteristics specified in the Equality Act, covering any student experiencing such conduct, as set out in the examples below.

### Examples of Harassment

Examples of behaviour that may amount to harassment. These harassment examples are including the conduct of staff towards students and/or students towards students.

- **Sexual Harassment:** This includes unwanted sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature – please see **QS13b Sexual Misconduct Prevention and Response Policy and Procedure**
- **Verbal Harassment:** This involves using offensive, inappropriate, or abusive language to intimidate, belittle, or offend a colleague
  - Name-calling: Using derogatory or offensive names to insult someone's character or appearance
  - Threats: Making statements that imply harm or danger to the recipient
  - Intimidation: Using verbal tactics to make someone feel afraid or controlled
  - Belittling: Criticising someone's abilities, worth or intelligence
  - Ignoring or dismissing: Intentionally disregarding someone's feelings or opinions
- **Physical Harassment:** This includes any type of unwanted physical contact, such as touching, grabbing or assault to a person or their personal property
  - Unwanted physical contact: this includes touching, patting, hugging, or any other physical interaction that is not welcomed or invited
  - Physical assault: This involves actions like punching, hitting, pushing, slapping, kicking or biting
  - Damaging personal property: Intentionally damaging someone's belongings can be considered physical harassment
  - Threats of physical violence: Even without physical contact, threats of harm can be a form of physical harassment
  - Coercion: Forcing someone to do something against their will, through threats or physical force can be a form of harassment

- **Discriminatory Harassment:** This type of harassment is based on a person's race, gender, religion, age, disability or other protected characteristics listed above
  - Racial discrimination: Making offensive remarks or jokes about someone's race or ethnicity
  - Disability discrimination: Excluding someone with a disability from social events or making inappropriate comments about their condition
  - Religious discrimination: Making offensive remarks or jokes about someone's religion or religious practices
  - Sexual orientation discrimination: Using derogatory terms or making offensive comments about someone's sexual orientation
  - Age discrimination: Making offensive remarks or jokes about someone's age
  - Gender discrimination: Making offensive remarks or jokes about someone's gender
- **Psychological Harassment:** This involves behaviour that harms a person's psychological well-being, such as bullying, intimidation, or threats
  - Verbal abuse: Insults, name-calling, threats, and derogatory language
  - Bullying and intimidation: Aggressive behaviour, physical threats, or intimidation tactics
  - Social isolation and exclusion: Deliberately excluding someone from work activities or social events
  - Public humiliation: Embarrassing someone in front of others
  - Gaslighting: Manipulating someone to make them doubt their sanity or perception of reality
  - Sabotage and malicious gossip: Undermining someone's work or reputation through rumours and/or sabotage
- **Online Harassment:** This refers to harassment that occurs through electronic communication, such as social media, email, or text messages
  - Cyberbullying: Repeatedly sending or posting negative, harmful, or upsetting messages to someone online.
  - Cyberstalking: Monitoring someone's online activity, sending unwanted messages, or attempting to find their location online.
  - Threats and Intimidation: Sending messages that threaten harm or make someone feel unsafe

- Doxing: Publishing someone's private information online to encourage harassment from others
- Impersonation: Creating fake accounts to harass or deceive others
- Online Mobbing: A group of people targeting an individual with abusive messages or actions
- Spamming and Trolling: Flooding someone's inbox with unwanted messages or posting inflammatory comments to provoke a reaction

The examples listed above are not intended to be exhaustive.

The following behaviour is not considered as harassment and **is not covered** by this policy:

- Reasonable requests that are made by tutors or fellow students to attend class, participate in class activities or groupwork, or complete homework and assignments
- Techniques to manage and improve a student's performance including use of the COMPASS programme (see **QS07 Student Support**)
- Healthy and robust discussion and debate of academic matters in which differences of opinion are respected
- Feedback on performance of work

### Overview of the Harassment Process

All academic and support staff at Navitas UPE Colleges are required to make every effort to ensure that harassment does not occur in the classroom or wider learning environment. This responsibility may require regular training of students and staff.

Students should be made aware of the existence of this policy and the College's commitment to remove all forms of harassment.

### The Procedure: An overview for Students

Any student is entitled to take action against harassment at the College at any time. However, should a student decide not to take action following a harassment incident this is to be respected unless the disclosure meets the requirements of mandatory reporting laws relating to abuse of a child or vulnerable person. No person will be treated less favourably or suffer any detriment as a

result of having raised a legitimate allegation. However, raising a false or malicious complaint may be considered a disciplinary offence (see **QS11 Student Disciplinary Policy**).

For Sexual Harassment /Misconduct please see **QS13b Sexual Misconduct Prevention and Response Policy and Procedure**.

### **Informal Procedure**

Students who feel that they are being harassed should notify the College Student Services (see Key Contacts on page 2) or use the Harassment and Sexual Misconduct Information Hub for advice and guidance in the first instance on how to approach the matter; they will also advise on the appropriate procedure to follow. A **Harassment and Sexual Misconduct Responder (HSM-R)** will respond to this initial notification within **24 hours**. Where possible, they will try to resolve the matter at an informal level as this is the preferred resolution mechanism. Where no initial resolution is sought, **Harassment and Sexual Misconduct Responder (HSM-R)** will then notify the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** within **three working days** to seek further advice and final resolution.

Within **two working days** the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** may meet informally with the student(s) and representative/friend if appropriate to discuss the details of the allegations. They may choose to pursue the matter further, seek to resolve the matter or decide that that matter does not need any further action. They will keep a record of the discussions and notify any third party of the contents of the discussion if appropriate.

Where the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)** considers the case to be too serious to be dealt with through an informal discussion, they may at their discretion decide to invoke formal proceedings immediately. Formal notification of procedures will be communicated with the student(s) and representative/friend within **24 hours** of the meeting.

### **Formal Procedure**

Once the formal proceedings have been invoked by the **Harassment and Sexual Misconduct Investigation Officer (HSM-IO)**, please see **QS11 Disciplinary** for process and procedure.

Should a student(s) believe that the matter has not been resolved adequately at the Informal stage or if they believe that the incident is too serious to be resolved informally, they should use the Formal Student Complaint procedure **QS10a Student Complaints Policy**.

The complaint should be made on the Student Complaint and Appeals form **QS10c Student Complaint and Appeals Form** that is available on the College website.

On the complaint form they should make sure to include:

- An outline of the full detail or details of the allegation: dates, times, people
- Details of the person conducting the alleged behaviour
- Details of any witnesses
- Details of any informal attempts that have been taken to resolve the incident
- How they would like the matter to be resolved

### **Availability of the Harassment Policy**

This policy will be made available to students on the College website, on the Virtual Learning Environments (VLE) and during student induction meetings.

### **Policy Review**

This policy will be reviewed every two years unless there are internal or legislative changes that necessitate an earlier review.