UNIVERSITY OF BIRMINGHAM

HARASSMENT AND BULLYING POLICY

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Part I – Introduction and Definitions

1. Purpose and Scope of the Policy

1.1 In this Policy:

- "Harassment" shall mean harassment, bullying or victimisation as defined in Part I, sections 3-8 of this Policy.
- "Complainant" shall mean the person or group who make an allegation of Harassment
- "Alleged Harasser" shall mean the person or group who are the subject of allegations of Harassment

1.2 This Policy has the status of a Code of Practice in the University's legislative framework.

1.3 The purpose of this Policy is to state the University's position on Harassment, to raise awareness amongst the University community of behaviour that would be considered Harassment, and to provide guidance on informal and formal means of dealing with Harassment when it occurs.

1.4 This Policy applies to all Registered Students of the University, Students on a Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands (referred to in this Policy as 'students'), all members of staff, including honorary staff, and all visitors to the University.

1.5 Copies of this Policy are available on the University website or in hardcopy format from Human Resources, Employee Support Services (Workplace Wellbeing), Registry, Student Services and the Guild of Students. Copies of the Policy in accessible formats are available from Design and Publications.

2. University Policy Statement on Harassment

2.1 The University believes that Harassment pollutes the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it. The University is committed to creating a working and learning environment free from Harassment and discrimination in which all staff, students and visitors to the University are treated with dignity and respect. These principles are enshrined in the University Charter and its Statutes, which states:

'*The University promotes equal opportunities and shall exercise no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation in the admission of students, or the appointment or promotion of staff or the awarding of any Degree, Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.*'[1]

2.2 All staff and students are expected to uphold these principles and to support and promote the creation of a Harassment-free working and learning environment.

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[1] University Charter of Incorporation 2013-14

2.3 The University strongly encourages any staff, student or visitor who considers they are suffering Harassment to take action using the procedures set out in this Policy. The University in turn commits to take seriously and thoroughly investigate any allegations of Harassment that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, action will be taken against the perpetrators, up to and including dismissal of staff or expulsion of students. Individuals who engage in unlawful Harassment may also be held personally liable for their actions and subject to prosecution under criminal law.

3. What is Harassment?

3.1 Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it. For the purposes of this Policy, the University will use and apply the following definition of Harassment as being:

'Unwanted 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.'[2]

3.2 Harassment may take place for any number of reasons. A person may be subjected to Harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the Alleged Harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that Harassment can occur in less obvious scenarios and outside of traditional power relationships. For example a staff member could be harassed by a student or a manager by a member of staff. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment because of association) or it is directed at them but they do not have the protected characteristic but are perceived to have it (harassment because of perception).

3.3 The protected characteristics are:

- age
- disability (physical or mental)
- gender reassignment
- race (including ethnic and national origins, colour and nationality)
- religion or belief (including lack of belief)
- sex (including sexual harassment)
- sexual orientation

3.4 Harassment related to these characteristics is unlawful[3]. Appendix 1 provides further details of these forms of Harassment.

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[2] Section 26 of the Equality Act 2010
[3] Equality Act 2010. Protection from Harassment is also provided by the Protection from Harassment Act 1997.

4. What behaviour constitutes Harassment?

4.1 As the definition of Harassment makes clear, any behaviour that is unwanted and could reasonably be considered as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially Harassment. Typically, for behaviour to be considered Harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute Harassment.

4.2 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages and graffiti. It may be expressed directly to the Complainant, occur in their presence or be communicated about them to a third party. Often Harassment is targeted at a particular individual. However, a prevailing workplace or learning culture, where, for example, the telling of racist jokes or homophobic comments is tolerated, can also constitute Harassment.

4.3 Behaviour amounting to Harassment may include:

- Insults, name-calling and offensive language and gestures
- Inappropriate jokes
- Ridiculing and undermining behaviour
- Inappropriate or unnecessary physical contact
- Physical assault or threats of physical assault
- Intimidating, coercive or threatening actions and behaviour
- Unwelcome sexual advances
- Isolation, non-cooperation or deliberate exclusion
- Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
- Offensive images and literature
- Pestering, spying or stalking

4.4 These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University. Appendix 1 provides further examples.

5. Reasonableness

5.1 On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to Harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to Harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if Harassment has taken place.

5.2 When considering allegations of Harassment, the University will therefore apply a test of 'reasonableness' to determine if Harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the Complainant, could the behaviour in question 'reasonably be considered' to cause Harassment, e.g. could it reasonably be considered to:

- violate the Complainant's dignity, or
- create an intimidating, hostile, degrading, humiliating or offensive environment for them.

5.3 The University recognises Harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst staff and students will clearly hold a range of views on a variety issues, they would be expected to treat all members of the University community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

6. What is Bullying?

6.1 Bullying can be defined as unwanted 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'4 Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. a member of staff may be bullied by a student or a manager by a member of staff.

7. What behaviour constitutes Bullying?

7.1 Behaviour generally accepted as amounting to bullying includes:

- Ridiculing a person
- Shouting or screaming at a person
- Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
- Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
- Making threats or comments about job security or academic success or failure without foundation

7.2 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University.

7.3 When considering allegations of bullying, the University will apply the test of 'reasonableness' to determine if bullying has taken place. The test will be applied as outlined in paragraphs 5.1-5.2 above with due regard in particular to the perception of the Complainant and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the Complainant.

7.4 Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the

[4] ACAS "Bullying and Harassment at Work: A Guide for Managers and Employers."

distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

7.5 **Electronic bullying and the use of Social Media (Blogs, Wikis, Forums, Email etc)**

Electronic bullying is a term used to refer to bullying through electronic media. In sending emails all staff and students should consider the content, language and appropriateness of such communications.

7.5.1 The use of Social Media for appropriate purposes has grown considerably over the last few years. The *General Conditions of Use of Computing and Network Facilities* must be followed and is accessible at: http://www.birmingham.ac.uk/Documents/university/legal/general-conditions-use-computing-v3.pdf. The following guidance is also relevant for both students and staff:

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on an individual will be much the same
- avoid forming or joining an online group that isolates or victimises students or colleagues
- ensure that you never use such sites to access or share illegal content

If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

8. Victimisation

8.1 Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes they have), in good faith, made allegations of Harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.

8.2 Examples of victimisation may include labelling an individual a ‘troublemaker’ and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.

8.3 Victimisation is unlawful under Harassment and discrimination legislation and will be treated as a form of Harassment under this Policy.

9. Hate Crimes

9.1 The University accepts the following definition of hate crime and intolerance, put forward by Universities UK, the Equality Challenge Unit and SCOP:

‘Crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful

working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence.'5

9.2 The University reaffirms its belief that the diversity of its staff and students is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.

9.3 Any hate crime will be treated as a form of Harassment under this Policy and the University reserves the right to report to the Police any incident which it believes may constitute a criminal offence.

10. Good Faith

10.1 If, at any time, there is evidence that allegations of Harassment or bullying have been made vexatiously or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.

[5] 'Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance,' Universities UK, Equality Challenge Unit, SCOP, 2005. The University understands the term 'religion and belief' to mean religion or similar philosophical belief, as defined in the Employment Equality (Religion or Belief) Regulations 2003.

Part II – Staff and Student Procedures

11. Addressing Harassment and Sources of Support

11.1 The University encourages staff, students and visitors to take action against Harassment using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

11.2 If a person believes they are being subjected to Harassment it is recommended that, where possible and appropriate those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the Complainant to decide how they wish to proceed.

11.3 Whichever approach is chosen, it is recommended that a written record of any incident of Harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

- Details of when and where the Harassment took place, including dates and times;
- Details of the behaviour; and
- Details of any witnesses to the behaviour.

11.4 The University Harassment Advice Service can also provide support and advice for staff and students affected by Harassment. Advisers can provide guidance on the informal and formal options available and assist individuals in thinking those options through. All Advisers are trained staff volunteers and the service they provide is completely confidential. The Harassment Advice Service can offer support at any stage of the procedure, from initial concerns to formal complaints/allegations. Further information about the Harassment Advice Service and other sources of support is attached in Appendices 2 and 3.

11.5 Staff may also wish to make an appointment with the Employee Advice and Listening Service (contact details as for the Harassment Advice Service) or speak with their union Harassment adviser as an alternative source of support and advice.

11.6 Human Resources can provide signposting for staff on the options available under this Policy. Staff should be aware however, that if specific allegations are reported to Human Resources, the Director of HR has the right to take this forward as a formal complaint of Harassment. Staff not wishing to make a formal complaint should take action under the informal procedures below and/or discuss their options with a Harassment Adviser.

11.7 Academic Policy & Standards can provide advice to students on the options available under this Policy, as well as details of the sources of help and support available to advice.

11.8 Notwithstanding the above, behaviour occurring on campus that is extreme and/or violent should be reported directly to the Campus Security.

12. Informal Procedures for Addressing Harassment

12.1 If a person believes they are being subjected to Harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a number of 'informal approaches' that can be adopted, as outlined in sections below.

12.2 Individual Action

12.2.1 The University recommends that anyone who believes they are being subjected to Harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. If approaching the person directly does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Ideally, the Alleged Harasser should be approached at the earliest opportunity.

12.2.2 When taking individual action, the Complainant or a person acting on their behalf should try to:

- Pick a time and a place where they can speak privately and without interruption;
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
- Make it clear that the behaviour is unwelcome and must stop immediately.

Further guidance for the Alleged Harasser who may be approached informally about their behaviour is at paragraphs 14.1.2 to 14.1.3 below.

12.2.3 Although asking someone to assist with discussions of this type might be helpful, Complainants should avoid involving too many people in the situation. This can be counter-productive and may lead to allegations being made against the Complainant.

12.2.4 It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

12.2.5 All persons involved in an allegation of Harassment can seek support and advice from the people/groups listed in Appendix 2. Specific advice regarding procedures can be obtained from Human Resources or Academic Policy & Standards as appropriate.

12.3 Third-party intervention

12.3.1 If approaching the Alleged Harasser directly does not resolve the situation, or is inappropriate, seeking third party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the Alleged Harasser can often help get the right message across. For staff,

an appropriate third party would be their line manager in accordance with the relevant staff grievance procedure or, where this is not possible, the next senior level of management. For students, it may be a personal or welfare tutor and/or senior member of their School. It would not normally be appropriate to engage the support from fellow students.

12.3.2 The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the Alleged Harasser to discuss the allegation and make clear that any behaviour that could be considered Harassment under this Policy must stop immediately. Alternatively, the third-party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship, (see section 2.4 below). In the case of staff, both the Complainant and Alleged Harasser have the right to be accompanied by a work colleague or union representative to any meetings at this stage in the process. Students may be accompanied by a Friend at their request.

12.3.3 Although asking someone to act as a third party may be helpful, Complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against Complainant.

12.4 Mediation

12.4.1 Where relationships have been damaged, the University's Mediation Service can help both parties to rebuild their relationship. Mediation is a voluntary and confidential process which enables parties to resolve issues with the assistance of a professionally-qualified mediator. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

12.4.2 Staff referrals for mediation should be made to Employee Support Services (Workplace Wellbeing), who will first meet with the parties to determine whether the case can be mediated in a 'mediation suitability conference'. Suitability is determined according to the nature of the alleged Harassment, risk to individuals involved, the individual situation and the nature of Harassment. Further information about the mediation and conflict resolution service is available from Workplace Wellbeing.

12.4.3 Students who may wish to consider mediation as a way forward should contact Academic Policy & Standards.

13. Formal Procedures for Addressing Harassment

13.1 If informal methods do not resolve the matter, or if the Harassment is particularly serious, a formal allegation of Harassment should be submitted.

13.2 Formal allegations of Harassment should be made in writing and include:

- The Complainant's personal details (including staff or student ID number);
- An outline of the allegation (including dates, times and places);
- Details of the Alleged Harasser;
- Details of any witnesses; and, if relevant

- Details of any informal attempts which have been taken to resolve the situation and the outcome(s).

13.3 Members of staff should address their letter in accordance with the requirements of the relevant formal grievance procedure. This is whether their allegation is against a member of staff or a student. Formal complaints are made under the relevant staff grievance procedure and will involve a formal investigation into the allegations.

13.4 Students who wish to make a formal allegation against members of staff or students should be directed to the Code of Practice on Student Concerns and Complaints and should submit a Concern Review form.

13.5 When the complaint is from a student and if the Alleged Harasser is a member of staff, the Investigating Officer shall inform HR of the allegations and keep them informed throughout the process to enable HR to decide whether and when a separate staff procedure may need to be instigated.

13.6 Where an investigation finds that Harassment has taken place, this may result in disciplinary action under the relevant staff or student procedure.

13.7 Allegations should be made by named individuals. The University cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

14. Guidance

14.1 Guidance for Persons Accused of Harassment (the Alleged Harasser)

14.1.1 Persons who are accused of Harassment, either under the formal procedure or who are approached informally about their behaviour can seek support and advice from the University Harassment Advice Service. If a formal complaint/allegation has been made, the Human Resources Team (for allegations made by members of staff) or Academic Policy & Standards (for allegations made by students) can provide guidance on the investigatory process. Details of other sources of help and advice can be found in Appendix 2.

14.1.2 Persons who are approached about their behaviour are advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute Harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.

14.1.3 In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause Harassment. In this case the Alleged Harasser should explain that the behaviour would not be repeated and parties should come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

14.1.4 Persons subject to a formal allegation of Harassment should not contact the Complainant or any named witnesses as this is unlikely to solve, and may aggravate, the situation.

14.1.5 Staff and students, who are or who have been the subject of a complaint, should be aware of the guidance on Victimisation in Section 8 of this Policy.

14.2 Guidance for Persons Witnessing Harassment

14.2.1 In the case of staff, when Harassment occurs in a group situation the person in authority in that group has the responsibility to recognise this behaviour and to take action to stop it. This may mean reporting the behaviour to a more senior colleague or, if they are the line manager of the person, by speaking with the Alleged Harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which Harassment is deemed to be ‘acceptable’.

14.2.2 If the person in authority is the Alleged Harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the Harassment in taking one of the courses of action outlined in this Policy.

14.2.3 Students who believe they may have been a witness to Harassment may want to consider;

- Speaking to the ‘victim’ of the Harassment to ask how they felt about the behaviour and to offer support in pursuing the matter as outlined in this Policy;
- Speaking to the Alleged Harasser to see if they understood that their actions were potentially hurtful.

14.2.4 Any person who thinks they may have witnessed Harassment can seek help and advice from the persons/groups listed in Appendix 2.

Appendix 1
Forms of Harassment

1. Introduction

1.1 Harassment related to age, disability, gender reassignment, race, religion or belief, sex (including sexual harassment) and sexual orientation is unlawful. Harassment related to these characteristics is defined as:

'Unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'[6]

1.2 The following section describes these forms harassment in greater detail and provides examples of how such harassment may be manifested. These examples are not intended to be exhaustive. They are, however, indicative of conduct that would be considered unacceptable by the University.

2. Racial Harassment

2.1 Racial harassment is unwanted conduct related to a person's race, including their ethnic or national origins, colour or nationality. It is usually, although not exclusively, directed at individuals from minority ethnic groups.

2.2 Specific manifestations of racial harassment may include racist jokes, 'banter' and language, the expression of racist views and stereotypes related to, the display of racist materials, or deliberately excluding or refusing to cooperate with someone because of their race. Conduct that focuses upon a person's appearance, dress, culture or customs can also constitute racial harassment, as does behaviour that has the effect of fostering hatred and/or prejudice towards individuals of particular racial groups. Racial harassment is explicitly prohibited under the Equality Act 2010.

3. Sexual Harassment

3.1 Sexual harassment is unwanted conduct by either sex that is sexual in nature. Conduct that would amount to sexual harassment includes:

- Physical contact, ranging from invasion of personal space, inappropriate touching or physical assault
- Intrusive questions and remarks about a person's private life
- Inappropriate remarks about a person's appearance or dress
- Sexually explicit language, jokes, verbal and physical innuendo
- Using demeaning, gender-specific terminology
- Display or circulation of sexually explicit materials
- Coercive demands for sexual favours, (such as promotion or academic success depending on the response to the demand)
- Intrusion by pestering, spying or stalking

[6] Equality Act 2010. Protection from Harassment is also provided by the Protection from Harassment Act 1997.

- Persistent, unwanted advances, (e.g. inviting a colleague or friend out would not in itself amount to harassment. However, if it was indicated that the approach was unwelcome and the individual persisted in making such approaches, this is likely to be considered harassment by the recipient).

3.2 Sexual harassment is specifically prohibited under the Equality Act 2010.

4. Harassment related to Sex

4.1 Harassment related to sex describes unwanted conduct that is directed at a person because they are male or female. For example, to deliberately exclude someone because they are the only man or woman in a team, group or class would be considered sex harassment. Harassment related to sex is distinct from sexual harassment as, whilst the behaviour relates to a person's sex, it is not sexual in nature. Harassment related to sex is unlawful under the Equality Act 2010.

5. Harassment related to Disability

5.1 Harassment related to disability is unwanted conduct directed at a person because of their physical or mental disability. It may relate to the disability itself or the person's real or presumed capabilities. A person can also be harassed on the grounds of disability where they themselves are not disabled - for example, if they are the carer of a child with disabilities and suffer harassment on that basis.

5.2 Specific examples of disability-related harassment include individuals being ignored, disparaged or ridiculed, inappropriate personal remarks, unnecessarily intrusive and inappropriate questions about a person's condition or excessive and unnecessary references to a person's disability. At its extreme, it can manifest as refusal to work or study alongside someone with a disability. Harassment related to disability is unlawful under the Equality Act 2010.

6. Harassment related to Religion or Belief

6.1 Harassment related to religion or belief is unwanted conduct directed at a person because of their religion or a comparable belief system. It can also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or because of a person's non-adherence to a religion or belief system.

6.2 Harassment may take the form of insults or ridicule of a person's religion or belief. Behaviour may focus upon a particular aspect of a religion or belief system, such as clothing, religious artefacts, beliefs and rituals or the expression of stereotyped perceptions and assumptions about a religion or belief and its followers. It can also take the form of coercive pressure to convert or conform to a religion or belief system.

6.3 Harassment related to religion or belief is unlawful under the Equality Act 2010. Specific advice regarding cults can be found in Chapter 1 'Welfare, advice and guidance' of the Student Handbook.

7. Harassment related to Sexual Orientation

7.1 Harassment related to sexual orientation is unwanted conduct directed at a person because of their actual or perceived sexual orientation. It most frequently affects individuals who are gay, lesbian or bisexual, but can sometimes be directed at heterosexuals too. Harassment related to sexual orientation may go unreported because a person does not wish to disclose their sexuality.

7.2 Harassment related to sexual orientation may be specifically manifested as intrusive questions about a person's private life, homophobic comments, jokes and 'banter' about sexuality, gossip and speculation about a person's sexuality, refusal to work or study alongside someone because of their sexuality and actual physical assault. 'Outing' someone by, for example, the release of personal information, would also be considered harassment. Harassment related to sexual orientation is unlawful under the Equality Act 2010.

8. Harassment related to Gender Identity

8.1 Harassment related to gender identity is unwanted conduct directed at a person who is transgender or transsexual. This includes individuals who are undergoing, have undergone or plan to undergo a gender reassignment process to change their gender identity. Specific examples of such harassment include excluding a person, jokes and name-calling and refusing to acknowledge the person in their acquired gender. Harassment related to gender reassignment is unlawful under the Equality Act 2010.

9. Harassment related to Age

9.1 Harassment related to age is unwanted conduct related to a person's age. It can occur because of a person's real or perceived age and applies to the 'young' and 'old' alike. Specific examples of age-related harassment include jokes, name-calling and comments relating to a person's age or comments about their presumed abilities. Harassment related to age is unlawful under the Equality Act 2010.

Appendix 2
Sources of Help and Advice

The University recommends the Harassment Advisers Services as the first source of support and advice for anyone who believes they are being subjected to Harassment. The Harassment Advisers Services is also available to offer support and advice to any person involved in an allegation of Harassment. Full details of the Harassment Advisers Service are provided in Appendix 3.

The groups/people below will also be able to offer support, help and advice to those subjected to, witnessing or accused of Harassment.

Service	Contacts
Harassment Advisers Service	Visit https://intranet.birmingham.ac.uk/hr/wellbeing/employeesupportservices or email: harassment@contacts.bham.ac.uk
Specifically for Staff	
Employee Advice and Listening Service	0121 415 8774 j.harris.3@bham.ac.uk
Occupational Health	0121 414 4435
Line Manager/Senior Manager	
Union Representative	
Specifically for Students	
https://intranet.birmingham.ac.uk/as/studentservices/conduct/help/index.aspx	

Appendix 3
Harassment Advice Service

1. Who can a Harassment Adviser Assist?

1.1 Harassment Advisers are dedicated to making the University of Birmingham a safe and positive environment in which to work and study. Harassment Advisers are here to assist any member of the University of Birmingham including staff, students and visitors who feel that they are affected by unwanted behaviour including harassment, bullying, stalking and victimisation. The service is confidential, and allows members of the University to discuss their problems without recourse to formal University processes.

2. What can a Harassment Adviser do?

2.1 A Harassment Adviser is an empathetic, unbiased, neutral colleague who can support those who feel they are experiencing unwanted behaviour and those whose behaviour has been called into question.

2.2 A Harassment Adviser can:

- Provide a supportive, confidential environment in which to discuss problems;
- Empathise without judgement;
- Support those seeking their advice in making decisions that are right for them and their situation;
- Provide information on the options that are available;
- Assist those seeking advice in thinking those options through; and
- Where mutually agreed, in an informal capacity for the purpose of moral support, attend informal meetings.

3. What can't a Harassment Adviser do?

3.1 Harassment Advisers cannot:

- Force those seeking advice to do anything they don't want to do;
- Pass on specific information or details about who has accessed the service;
- Make decisions for service users or 'fix' their situation;
- Take action against the alleged perpetrator;
- Mediate or negotiate between the different parties to a situation;
- Provide counselling. Staff counselling support can be discussed with The Employee Advice & Listening Service. The Student Support and Counselling Service can provide confidential counselling to registered students;
- Act as an advocate. Harassment Advisers provide informal support only;
- Meet with other parties to the situation; or
- Meet with service users outside of office hours or outside of the University premises.

4. Who are the Harassment Advisers and how can they be contacted?

4.1 The Harassment Advice Service is provided by volunteer members of staff for the benefits of the University community. Harassment Advisers have volunteered their own time to the programme and are dedicated to making the University a safe and productive environment in which to work, study and visit. Harassment Advisers are from a variety of areas of the University, including the Guild of Students, Corporate Services and the Colleges, and represent a wide range of staffing levels and social groups.

4.2 To access support from a Harassment Adviser contact Employee Support Services via e-mail to: harassment@contacts.bham.ac.uk or telephone 0121 415 8774, ext 58774.

5. How can I become a Harassment Adviser?

5.1 The Harassment Advice Service endeavours to work towards maintaining the highest standard of service possible. Recruitment to the service takes place on an as needed basis. Interested parties can contact Employee Support Services as per 4.2. All Harassment Advisers will undertake a recruitment and selection process.

5.2 To ensure best practice newly recruited Harassment Advisers as part of their induction will undergo initial training including: the legal context of harassment, bullying, stalking and victimisation; relevant University policies and procedures; how to assist clients and when to seek further support.

5.3 As part of the on going development for Advisers, they will be expected to participate in training session-ns, team meetings, one-to-ones and casework/supervision meetings.

6. Confidentiality

6.1 The Harassment Advisers adhere to the Employee Support Services Confidentiality Policy (a copy of which can be found at: - https://intranet.birmingham.ac.uk/hr/wellbeing/employeesupportservices/harassment/index.aspx#Confidentiality). Advisers will not release identifiable information about staff, students or visitors that use the service without their consent. All records and information will be maintained in accordance with the Data Protection Act.

6.2 For statistical purposes, information in relation to services users may be collated. It will not be presented or used in such a way as to make individual users identifiable.