

Document Details

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Referenced policies and documents

Student Bullying and Harassment Policy

1. Policy Statement

- 1.1 As part of the University's commitment to equality, it seeks to: (a) recruit students and staff from a diverse range of backgrounds; and (b) promote a supportive and inclusive culture in which everyone feels valued and can achieve their full potential. The University is committed to providing a progressive, collaborative and healthy environment for learning, living, visiting and working. It values and promotes personal dignity and all members of the community have a shared duty to create and sustain an environment which upholds the dignity of all.
- 1.2 The purpose of this Policy is to assist in the promotion of an inclusive environment on campus, as well as in external relationships connected with the University as it relates to student life. This Policy is also intended to give individuals the confidence to report any Hate Incidents or incidents involving Bullying and/or Harassment in the knowledge that their allegations will be taken seriously and due process followed in resolving the matter. Hate Incidents, Bullying and Harassment will not be tolerated and are breaches of the University's Student Discipline Regulations. The University acknowledges the potential detriment of any such behaviour to all aspects of the student experience.
- 1.3 The University values its partnership with the Students' Union. This partnership is crucial to the promotion of a culture of dignity and respect and to responding appropriately and supportively to student-related occurrences of Bullying, Harassment and Hate Incidents.
- 1.4 The Students' Union has a [Code of Conduct](#) for its student members, along with a procedure that is followed when there is an allegation of an alleged breach of the Code. As students are members of both the Students' Union and the University, there may be cases where it is appropriate for information to be shared between the University and the Students' Union, e.g. in order that an alleged incident can be considered under both the Student Discipline Regulations and the Student Union's Code of Conduct.

2. Principles

- 2.1 The following set of principles underpin Lancaster University's commitment to a culture of dignity and respect. All members of the University have a responsibility to uphold the following principles.
 - We strive to enhance equality, diversity and inclusion within our community, and will promote an environment which has equality, dignity and respect at its core.

- We will treat all members of our community with dignity and respect at all times. It is expected that all members of our community will share in this responsibility for creating and sustaining an environment which upholds the dignity of all. This means that we will treat others fairly, display courtesy and respect in all interactions, value differences in others and the contribution they make, and work and study within the University on a co-operative basis.
- We will promote a culture of dignity, respect and diversity through close collaboration between the University and the Students' Union, including but not limited to raising awareness of the University's Policy on Bullying and Harassment.
- We will encourage a culture in which all members of our community feel empowered and confident to challenge and/or report unacceptable behaviour.
- We will take all allegations of Hate Incidents, Bullying and Harassment seriously and will actively respond to all reports without preconception or bias. We will deal with reports through a process that is transparent and clearly communicated to the individuals involved, in a timely manner, and paying due regard to the sensitivity of the situation. All parties involved in alleged Hate Incidents or incidents of Bullying or Harassment will be able to request access to support from Student Wellbeing Services and/or from other University services as appropriate. They can also seek wellbeing and advocacy support from the [Students' Union](#).
- The University will assist the Police in any criminal processes as required by the authorities, but is entitled to act on allegations of Harassment, Bullying or Hate Incidents without reference to the Police.
- The University will alert all staff and students to this Policy, and will strive to provide training as appropriate. All staff involved in handling Hate Incidents, Bullying and Harassment cases will be trained as appropriate to their roles and will strive to act with impartiality and sensitivity at all times.
- In addressing experiences, the University will:
 - learn from experience, review and refine this Policy and the procedure set out in the Student Discipline Regulations, as necessary; and
 - undertake regular assurance activities to ensure that the University is acting in compliance with this Policy and the procedure set out in the Student Discipline Regulations; and
 - keep up to date with national developments and sector best practice.

3. Legal Context

- 3.1 Information on the University's legal obligations relating to Harassment and Hate Incidents/Crimes can be found in Appendix 1.

4. Scope

4.1 This Policy relates to dignity and respect across all aspects of student life. It covers situations in which the University's principle of equality, dignity and respect has not been upheld and the Reported Party¹ is a current Lancaster University student. The Policy includes (but is not exclusive to) Hate Incidents and/or incidents involving Bullying or Harassment (excluding Sexual Harassment),² as defined below. This Policy covers situations in which an allegation of a Hate Incident, Bullying or Harassment has been made by:

- another current student of the University; or
- a member of staff³/external affiliate/associate⁴ of the University; or
- a person entirely external to the University, with no association or affiliation.

To be investigated, the alleged incident must have occurred during the Reported Party's time as a student of the University. Allegations of Hate Incidents, Bullying or Harassment made under this Policy are not limited to incidents occurring on University premises or the immediate geography of the University.

The University's 'students' are defined within section 2 of the Student Discipline Regulations.

There may be incidents where there are multiple Reporting and/or Reported Parties. This Policy applies in such cases.

4.2 This Policy does not cover student-related incidents of *Sexual* Harassment, as the University has a separate policy ('Student Sexual Misconduct Policy') relating to all types of Sexual Misconduct.

4.3 This policy recognises the organisational interface between Student and Education Services and People and Organisational Effectiveness and the necessary co-operation between these two divisions for the proper support and implementation of this policy where cases involve both staff and students.

¹ As defined in section 5, the **Reported Party** is the person(s) whose behaviour it is alleged amounted to a Hate Incident or an incident of Bullying or Harassment. The **Reporting Party** is the person(s) who has been the subject of the alleged Hate Incident or incident of Bullying or Harassment.

² As set out in 4.2, incidents of sexual Harassment are covered in the Student Sexual Misconduct Policy.

³ Includes honorary staff and staff from other organisations on placement or visiting the University, as well as staff holding contracts of employment.

⁴ Includes contractors working at the University, visitors (including external persons or agencies using the University's premises) and individuals working or acting on the University's behalf including suppliers of goods and services.

4.3.1 Where an allegation of a Hate Incident, Bullying or Harassment is received in which the Reported Party is a member of staff or external affiliate/associate of the University, an investigation will be carried out under the 'Bullying, Harassment and Sexual Misconduct Policy – Staff Procedure'. In such cases, People and Organisational Effectiveness is responsible for the communication of appropriate information to the Reporting Party.

4.3.2 Where an allegation of a Hate Incident, Bullying or Harassment is received in which the Reported Party is both a student and a member of staff (e.g. the Reported Party is a postgraduate student with teaching responsibilities or a Student Ambassador), the Director of Students, Education and Academic Services (or nominee) and the Director of People and Organisational Effectiveness (or nominee) will make a decision on which procedure will be used, based on factors including (but not limited to):

- the nature of the alleged offence;
- the capacity in which the Reported Party was acting when the alleged offence took place;
- whether the Reported Party's primary relationship with the University is as a member of staff or student.

In some circumstances, it may be necessary for both staff and student procedures to be followed, either in full or in part, and the University will, as appropriate, share information between Student and Education Services and People and Organisational Effectiveness in such cases.

4.4 This Policy should be read in conjunction with other relevant policies, e.g. the Lancaster University 'Safeguarding Vulnerable Groups and Individuals Policy', the 'Student Discipline Regulations', the 'Student Sexual Misconduct Policy', the 'Computer User Agreement' and 'Fitness to Practise Procedures'. Other policies which may be relevant are listed in the Student Discipline Regulations.

4.5 Examples of the types of behaviour that constitute a breach of the Student Discipline Regulations are set out in section 5 below. Allegations of such behaviour will be considered by the University under its internal disciplinary procedures, as set out in the Student Discipline Regulations. Some Hate Incidents or incidents of Bullying and Harassment may also constitute a criminal offence under English law.

4.6 The Reporting Party may choose to report an incident to the Police directly. If requested by the Reporting Party, the University will refer a case to the Police on their behalf. If the Reporting Party does not wish the University to refer a case to the Police, the University will normally act in accordance with the wishes of the Reporting Party. However, in exceptional circumstances, the University may determine it to be necessary to refer a case to the Police despite the wishes of the Reporting Party.

Where criminal proceedings have been initiated, with or without the University's input, the University will at all times cooperate with any criminal investigation, and will provide pastoral support to the student(s) involved.

Where criminal proceedings are taking place, and the Reporting Party also wishes the University to consider the allegation, it is likely that the University will need to delay its internal disciplinary proceedings until the conclusion of the criminal proceedings. Any decision to delay will be taken on a case by case basis and delays will be avoided where at all possible. The UUK/Pinsent Masons Guidance for HEIs on ['How to Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence'](#) states:

“The criminal process must take priority. There should be no duplication of that process and no other process should operate at the same time. Consequently, if the matter is being dealt with under the criminal process, then save for taking any necessary precautionary action... the internal disciplinary process should be suspended until the criminal process is at an end.”

In such cases, the University reserves the right to take immediate and precautionary action to mitigate risk, as set out in section 5 of the Student Discipline Regulations, including, but not limited to, requiring the Reported Party to move to alternative accommodation or temporarily excluding the Reported Party while the police investigation and any subsequent criminal processes are undertaken. Precautionary actions are to mitigate risk and should not be regarded as a penalty or an indication of a presumption of guilt.

- 4.7 A list of definitions is provided below to further clarify the scope of the Policy.

5. Definitions

- 5.1 The definitions below have been separated into explanations of the types of behaviour captured under this Policy, clarification of the terminology used within the Policy and associated breaches of the University's Student Discipline Regulations.

Types of Behaviour

Hate Incidents

- 5.2 Hatred is a strong term that goes beyond simply causing offence or hostility. A Hate Incident is any incident (which may or may not be a criminal offence) which is perceived by the victim or any other person witnessing the incident, as being motivated by prejudice or hate about:

- race, colour, ethnic origin, nationality
- religion and faith (or lack of religious belief)
- gender (including misogyny)

- gender identity and/or gender expression (including, but not limited to, resentment of trans individuals, non-binary individuals and expression of transphobia)
- sexual orientation (including, but not limited to, homophobia and biphobia)
- disability (including physical disabilities, sensory impairments, learning disabilities, mental health issues and any other impairments).

5.3 It is important to note that under these definitions a person does not have to possess the protected characteristic for them to have been the victim of a Hate Incident. For example, a person does not have to be gay to be a victim of a homophobic Hate Incident. It may be that the perpetrator perceives the victim to be gay. Under the Equality Act 2010, this is referred to as 'discrimination by perception'.

5.4 Further information about Hate Incidents can be found in Appendix 2.

5.5 Situations may arise where the rights of one individual cut across the rights of another: for example, a member of staff may object to lesbian, gay and bisexuality on grounds of his or her religion or belief. The University recognises anyone's right to hold these views, but not their manifestation in such a way that intimidates, humiliates, or is hostile or degrading to others or in any other way infringes the rights of others.

Bullying and Harassment

5.6 Bullying or Harassment are behaviours or actions that are unwelcome, unwarranted and cause a detrimental effect to wellbeing. Harassment and Bullying can also apply to a group of people as well as individuals. Bullying and Harassment can include unwelcome physical, verbal or non-verbal conduct or can be online/facilitated by technology. Some incidents of Bullying or Harassment can also constitute a hate crime/incident.

5.7 Bullying may include offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power through means that undermine, humiliate, upset, threaten, denigrate or injure the recipient or can make the recipient feel vulnerable.

Bullying may include, but is not limited to:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority;
- ridiculing or demeaning behaviour including displaying inappropriate material that could offend someone;
- spreading malicious rumours or insulting someone;

- systematic belittling, intimidation or exclusion;
- unfair treatment that discriminates against people, e.g. telling racist or homophobic jokes in the classroom or in student accommodation;
- making threats with or without foundation or inciting others to do so;
- inappropriate acts towards students/staff/visitors including racist, sexist or homophobic behaviours;
- any other action which harms dignity, safety and wellbeing.

Such actions will not be tolerated anywhere including in, for example, the classroom, the laboratory, the office, sporting events, social events, or online.

The following are not acceptable excuses for actions which may harm dignity, safety and wellbeing:

- a 'clash of personalities';
- it is deemed to be character building;
- it is a manifestation of an individual's 'management' or 'leadership' style;
- it was provoked by the victim;
- it was 'just banter'.

Bullying does not include students in positions of responsibility giving reasonable instructions to other students under their supervision/direction/care e.g. to keep them safe during an activity.

- 5.8 Harassment takes many forms, occurs on a variety of different grounds and can be directed at one person or many people. Notwithstanding academic freedom – which permits the exploration of controversial topics in the context of teaching or research – Harassment is conduct that is unwanted by the recipient and which the recipient finds offensive or unacceptable. Conduct can be Harassment even if it was not intended to violate the recipient's dignity if it has that effect. Malicious reporting of false incidents and vexatious reporting (as defined below) may also constitute Harassment.
- 5.9 Conduct normally becomes Harassment if it persists once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to Harassment if it is sufficiently serious.
- 5.10 Unlawful Harassment is specifically defined under the Equality Act 2010 and may involve conduct of a sexual nature (sexual Harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. It may also include victimising someone because they have been willing to challenge Harassment. Harassment is unacceptable even if it does not fall within any of these categories. Where Harassment involves behaviour of a sexual nature, it will be handled under the 'Student Sexual Misconduct Policy'.

- 5.11 A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.
- 5.12 Online Harassment can take many forms, including but not limited to:⁵
- cyberstalking: repeated and deliberate use of the internet and other electronic communication methods to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone;
 - denigration: sending or posting harmful, untrue or cruel statements about a person to other people;
 - 'doxxing': sharing someone else's personal information without their permission;
 - exclusion: purposeful isolation of individuals from online communications with others in a network;
 - internet pile-on: where large numbers of people are encouraged to target one individual with numerous messages;
 - masquerading: pretending to be someone else online;
 - trickery: engaging in tricks to solicit personal information that is then made public, often to blackmail the individual.
 - trolling: sending or posting deliberately inflammatory, inappropriate or controversial messages or comments on the internet in order to upset and provoke responses from other internet users;
 - virtual mobbing: where a person tries to attract attention to someone else by getting other people to bully a person e.g. using hashtags to encourage other people to join in.

Online Harassment can also be sexual in nature; examples are described in the Student Sexual Misconduct Policy.

- 5.13 Harassment will be assessed from the perspective of the Reporting Party, in the context of the circumstances of the case, taking into account whether it can be considered reasonable for the behaviour to have the purpose or effect of violating dignity.

Sexism/laddism

- 5.14 Unwanted Harassment or Bullying that demonstrates misogyny, sexism or contempt can include everyday physical, verbal, emotional, psychological, financial or cyber abuse. 'Lad culture' has been identified and defined within universities as a group or 'pack' mentality sometimes displayed in activities such as team sport socials involving heavy alcohol consumption, and 'banter' which can be sexist, misogynistic and/or homophobic.

⁵ Examples taken from UUK document 'Tackling Online Harassment and Promoting Online Welfare', September 2019.

Academic freedom and freedom of speech

- 5.15 Academic Freedom is enshrined in Statute 20, which protects the right to explore controversial topics in the context of teaching or research, which may be considered offensive but which would not normally constitute Harassment.
- 5.16 Under Article 10 of the Human Rights Act 1998, 'everyone has the right to freedom of expression' in the UK. The right to free expression is, however, not absolute – it can be limited to protect the rights of others e.g. to protect national security or to prevent a crime taking place.
- 5.17 The University's [Code of Practice on Freedom of Speech](#) sets out how the University balances its duty to ensure freedom of speech and academic freedom with that of protecting student and staff welfare and safety. In cases where issues around freedom of speech and/or academic freedom are relevant to the reported incident, this Code of Practice will be referenced during the University's handling of the case.

Victimisation

- 5.18 Victimisation occurs when a person is mistreated because they have reported discrimination, Harassment or Bullying or have supported another person in reporting such behaviour. In some instances, victimisation can relate to mistreatment associated with unwanted conduct relating to a relevant protected characteristic; in these cases the definition of victimisation in the Equality Act 2010 is relevant.

Initiations

- 5.19 Initiations are forbidden at the University. In this context, an initiation is defined as an event during which others take part in demeaning activities to gain formal access to any clubs, societies or student groups, or for the awarding of an emblem or other status associated with that club, e.g. a tie, trophy or club/society/group office. Involvement in an initiation, planning an initiation event and/or participation in the improper coercion or manipulation of students during an event constitutes a breach of the Student Discipline Regulations, whether or not the student(s) involved were under the influence of any intoxicating liquids, solids or gases, to their physical or mental detriment and regardless of the agreement of the participants (explicit or otherwise).

Terminology

Reporting Party is, for the purposes of this Policy, the person(s) who has been the subject of the alleged Hate Incident or incident of Bullying or Harassment.

Reported Party is, for the purposes of this Policy, the person(s) whose behaviour it is alleged amounted to a Hate Incident or an incident of Bullying or Harassment.

Third Party is, for the purposes of this Policy, the person(s) who has witnessed another individual being the subject of the alleged Hate Incident or incident of Bullying or Harassment.⁶

Associated Breaches of Student Discipline Regulations

The University recognizes that there are potentially additional types of associated behaviour that may constitute a breach of the University's Student Discipline Regulations and against which action may be taken, although the frequency and likelihood of such offences are likely to be low. These include the following.

Vexatious reporting which involves the creation of persistent, unwarranted reports of Bullying or Harassment, or a refusal to accept any reasonable decisions arising from the application of the Student Discipline Regulations.

Malicious reporting which occurs when an individual makes allegations of Bullying or Harassment that they know lacks a basis in fact.

Complicity which is any act that knowingly helps, promotes, encourages or covers-up any form of Bullying or Harassment by another individual.

Retaliation which may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports of Bullying or Harassment, by any individual including both the Reported Party and the Reporting Party, as well as witnesses, friends, or relatives.

Condoning behaviour which involves excusing or 'looking the other way' when observing a Bullying, Harassment or Hate Incident, instead of challenging the perpetrator or reporting the incident.

6. Addressing Hate Incidents, Bullying or Harassment

6.1 In the event that an individual feels that they are experiencing a Hate Incident, Bullying or Harassment, they have a number of options open to them.

- Seek informal resolution of the matter (as described in 6.2 below).
- Report the incident formally to the University under the University's 'Bullying and Harassment Policy' (as described in 6.5 below).
- Report the incident to the Police by telephone or [online](#). Hate crimes can also be reported via [True Vision](#).

⁶ As described in 5.11, a person may be harassed even if they were not the intended 'target', so there may be occasions in which a Third Party is also the subject of an alleged Hate Incident, or incident of Bullying or Harassment.

- Make no report of the incident.
- Take some time to consider the options, taking advice from, e.g. the Students' Union, the College Office or the Student Conduct Manager (within Student and Education Services).

The Reporting Party can choose to take one or more of the above actions, and will be supported by the University whatever their decision.

There is no requirement that informal action is taken, and individuals should only take such action where they feel comfortable to do so. If individuals prefer, they can instigate formal action as the first step in addressing an incident.

Informal Action

- 6.2 If they feel comfortable to do so, individuals may speak directly to the individual concerned and/or write to them stating that the action or behaviour is unacceptable and requesting that it must stop. If the individual causing offence is asked to stop this behaviour at an early stage, this may be sufficient to end the behaviour. A constructive discussion of differences of views and approaches can therefore sometimes be helpful at an early stage and may prevent the escalation of a situation. In some cases it may be helpful for the individual to ask a third party for their perspective and/or to help them speak to the individual concerned. The focus of any conversation should be on resolution of the issues, with a view to improving the relationship. As this is a voluntary process, all individuals have a choice as to whether they participate. Where individuals agree, they should engage in the conversation(s) in a positive and constructive manner with a view to achieving resolution.

Formal Action

- 6.3 Where the methods above do not achieve satisfaction for the individual concerned, or where an individual does not feel comfortable to pursue them, the Reporting Party can choose to submit a formal report of the allegations to the University and/or to the Police, with a view to action being taken.
- 6.4 A formal report to the University can be made:
- in person by contacting a specialist member of staff (who can also provide support) e.g. a College Manager, Member of Security, Member of Student Mental Health team, Academic member of staff or the Student Conduct Manager (within Student and Education Services);
 - online via the University's reporting system Unisafe.

Where a formal report is made in person to someone other than the Student Conduct Manager, the recipient of the report must send it to the Student Conduct Manager in Student and Education Services. Reports made to members of staff in associated but separate bodies, e.g. the Students' Union, must also be sent to the Student Conduct Manager.

- 6.5 In the event that an individual does not wish to be identified, allegations can be reported anonymously via Unisafe, where an individual reports an incident relating to them, but does not wish to be identified, the University will do all it can to investigate but its ability to address the issue may be limited. In reviewing anonymous reports, the University will identify any individual, community or University risks and take appropriate action as necessary. All anonymous allegations will be forwarded by the Student Wellbeing Services team (which monitors Unisafe app submissions) to the Student Conduct Manager.
- 6.6 Third party or bystander submissions, for example where a student has witnessed another student being harassed, bullied or the subject of a hate incident, can also be submitted via the above methods and will be considered. Prior to taking forward such a case under the Student Discipline Regulations, the University will seek the consent of the individual against whom the alleged incident was perpetrated (where known). The University does, however, reserve the right to take forward such a case even if consent is not granted by the individual against whom the alleged incident was perpetrated.
- 6.7 Following receipt of a report to the University (or to the Police in cases where the Reporting Party chooses to inform the Police), the Student Conduct Manager will refer to section 5 of the Student Discipline Regulations, and will liaise with the Director of Students, Education and Academic Services (or nominee with delegated authority) when necessary to determine whether a risk assessment is required.
- 6.8 Section 7 of the [Student Discipline Regulations](#) sets out the disciplinary procedures that will be applied following receipt of a report to the University. Any questions on these procedures should be directed to the Student Conduct Manager on studentconduct@lancaster.ac.uk.
- 6.9 During all aspects of case handling, information will be kept securely and shared only in appropriate circumstances with relevant people involved in the case. If the Reporting Party chooses to make a Report in order to initiate an investigation by the University, relevant information will need to be shared with the Reported Party in order that they can respond to the allegation(s). All students involved in a case must not share any personal data relating to the case with any individuals not directly involved in the case. Any inappropriate information sharing by any party may lead to disciplinary action. The University reserves the right, and may be under an obligation, to share information e.g. to prevent a crime from taking place, or to comply with statutory obligations. In such cases, the amount of information shared will be proportionate to the incident. Throughout all proceedings, the University will act in compliance with the Data Protection Act 2018 and the General Data Protection Regulation.
- 6.10 Allegations of behaviours and actions which meet the definitions detailed above will be taken very seriously. Any student found to be in breach of the Student Discipline Regulations will receive an appropriate penalty, which, in the most serious cases, could include temporary or permanent exclusion from the University.

7. Support

- 7.1 The University recognizes that experiencing a Hate Incident, Bullying or Harassment can be extremely distressing. Students can seek support from the University's Student Wellbeing Services team information as to how to do this can be found on the University's ASK pages: [Wellbeing | ASK - Lancaster University](#). The same sources of support are available to those against whom a report has been made. Those providing wellbeing support will not normally be involved in the investigation, and support will be given without making any judgement on the allegations.
- 7.2 The Student Conduct Manager can provide advice and guidance on this Policy, on making a formal report and on the associated procedures within the Student Discipline Regulations.
- 7.3 Upon request, the Students' Union can provide wellbeing support and/or advocacy to any student(s) affected by alleged incidents that fall under this Policy.

8. Key Responsibilities

- 8.1 As set out in section 2, all students and staff have a responsibility to promote and provide an environment in which everyone is treated with dignity and respect at all times, and in which Hate Incidents, Bullying and Harassment do not take place. Students and staff should discourage behaviours that are not in line with this Policy by making it clear that they find such behaviour unacceptable, by supporting those who suffer mistreatment and by considering whether to report it. Student positions of responsibility, for example student representatives or leaders of Students' Union sanctioned clubs and societies, carry with them greater expectations, particularly in relation to honesty and providing an example to others. Students holding such positions will have this taken into account in any disciplinary procedure.
- 8.2 The University's Student Wellbeing Services team can provide wellbeing support to any students affected by Hate Incidents, Bullying or Harassment incidents.
- 8.3 The Student Conduct Manager within Student and Education Services receives formal reports of alleged Hate Incidents, Bullying or Harassment and is responsible for initiating and ensuring progression of the procedures set out in the Student Disciplinary Regulations. The Student Conduct Manager provides advice on procedural matters relating to the University's consideration of reports of alleged Hate Incidents, Bullying or Harassment. The Student Conduct Manager is also responsible for communication with all relevant parties about the University's handling of an allegation, and will provide appropriate information relating to e.g. the stage of a case, next steps, expected timeframes and the reasons for any delays (should they occur). The Student Conduct Manager can provide advice and guidance on the application of the Policy and the procedures within the Student Discipline Regulations.

- 8.4 The Director of Students, Education and Academic Services is accountable for the application, monitoring and regular review of this Policy. When necessary, the Director of Students, Education and Academic Services (or nominee) will propose revisions to this Policy for consideration by the relevant committee(s). The Director of Students, Education and Academic Services (or nominee) will seek the views of the Students' Union in advance of any revisions being proposed.
- 8.5 The Academic Registrar is responsible for operational matters relating to this Policy.
- 8.6 The Associate Director (Student Wellbeing and Inclusion) has responsibility for the University's Student Wellbeing Services team and is therefore responsible for the provision of pastoral and specialist support to all parties affected by the case.

9. Freedom of Speech

- 9.2 Lancaster University is fully committed to the protection and promotion of freedom of speech. This commitment is set out in the University's Code of Practice which applies to all members, students, staff and invited visitors. As such, we draw your attention to our Code of Practice to help you uphold the institution's values and expectations in relation to freedom of speech.

10. Monitoring

- 10.1 The Student Conduct Manager will keep a record of all formal reports of alleged Hate Incidents, Bullying and/or Harassment in order that the University can effectively engage in prevention and response initiatives.
- 10.2 The University will undertake regular assurance activities to ensure that the University is acting in compliance with this Policy and the procedure set out in the Student Discipline Regulations. This will include the provision of reports to Council, Senate, Audit Committee, the University's senior leadership team, the Student Experience Committee and the wider University community. Any data provided will be anonymized.

Appendix 1: The University's Legal Obligations Relating to Harassment and Hate Incidents/Crimes

Lancaster University has a legal obligation to ensure that Harassment on the grounds of a Protected Characteristic does not take place, as this can constitute discrimination under the Equality Act 2010. A 'Protected Characteristic' includes age, disability, gender identity and expression, marital or civil partner status, pregnancy or maternity, race, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Both the harasser as an individual and the University may be held liable for this conduct. Lancaster University has a legal duty of care to staff and students which includes safeguarding those who are vulnerable. All staff and students have personal liability under legislation (Protection from Harassment Act 1997 and Equality Act 2010). Harassment can also lead to criminal prosecution (e.g. for Harassment, hate crimes, communication offences, etc.).

The Crown Prosecution Service defines a **hate crime** as 'any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; or race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity'. When a criminal offence is classified as a hate crime, the judge can impose a tougher sentence on the offender under the Criminal Justice Act 2003. The College of Policing defines a **Hate Incident** as 'any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race/religion or perceived religion/sexual orientation or perceived sexual orientation/disability or perceived disability/transgender or perceived to be transgender'. Hate Incidents can be reported to the police but the police can only prosecute when the law is broken. However, the police can work with other organisations to prevent the escalation of any situations involving Hate Incidents.

The Workers Protection Act 2023 (amendment to the Equality Act 2010) introduces a new legal obligation for employers to take reasonable measures to safeguard their workers from sexual harassment. It comes into force from 26 October 2024. The new duty requires employers to take 'reasonable steps' to prevent sexual harassment of their workers in the course of their employment. This extends not only to sexual harassment by other workers, but also the prevention of sexual harassment by third parties (including students).

Appendix 2: Hate Incidents

Hate Incidents can reveal themselves in many ways. For example:

- verbal and physical abuse, bullying (for example, including cyber-bullying via social networking sites), hate mail, etc.;
- harassment or victimisation;
- verbal and/or physical threats to staff, students or members of the public;
- negative coverage of particular groups through formal or informal University communications;
- name calling and degrading/humiliating/derogatory language or slurs or associated actions;
- offensive graffiti;
- defacing posters.

The definitions below reflect the legal definition of Hate Incidents.

Disability Hate Incidents: a disability Hate Incident is any behaviour which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability or perceived disability. For example, a disabled student being called derogatory names in the Students' Union bar.

Homophobic/Biphobic Hate Incidents: a homophobic/biphobic Hate Incident is any behaviour which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's sexual orientation or perceived sexual orientation. For example, a couple in a same-sex relationship being made to justify their relationship.

Race Hate Incidents: a race Hate Incident is any behaviour which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race. For example, a black and minority ethnic staff member is racially abused by a student's parent.

Religious Hate Incidents: a religious Hate Incident is any behaviour which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion. For example, a student's Christian belief system being ridiculed in one of the University's Learning Zone areas.

Transphobic Hate Incidents: a transphobic Hate Incident is any behaviour which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender. For example, comments made about a trans person's clothing or appearance.