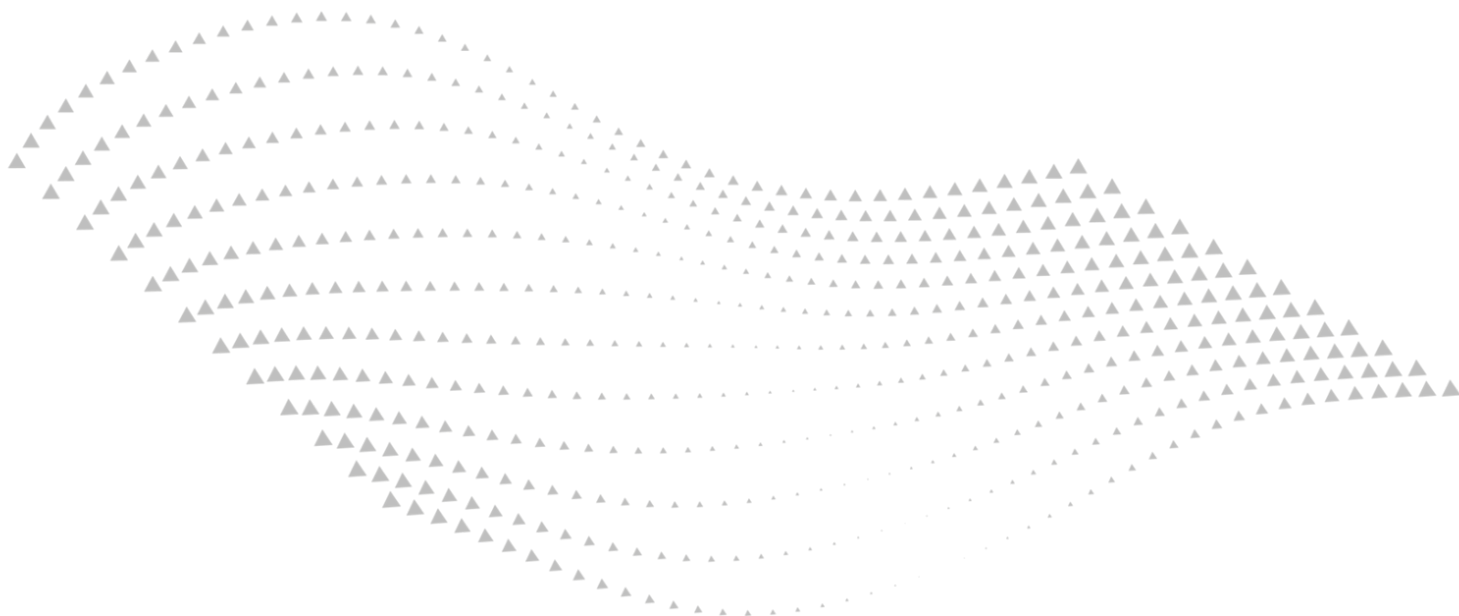


Bullying & Harassment Policy & Procedure



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1. Introduction

This Policy applies to all students registered on a course at BIMM University (this includes students studying on short courses) and to all staff at the University (including visiting lecturers), members of BIMM University Board or a third party working on behalf of BIMM University.

BIMM University is dedicated to creating a safe, welcoming, inclusive and diverse community that nurtures a healthy environment and culture of mutual respect and consideration, allowing all members to thrive without fear of bullying, harassment, discrimination, sexual violence, abuse, coercive behaviours or related misconduct.

BIMM University provides a range of support for students to access where they have experienced any form of bullying or harassment. Whether or not a student wants to make a complaint or a formal report, it is important that they have access to support in relation to their experience. Students should speak to their Student Wellbeing team for confidential guidance or advice, either in person or via mail or phone.

BIMM University also recognises that incidents of bullying or harassment may occur within its community and will not tolerate staff or students who engage in behaviours that include forms of bullying and harassment or conduct likely to violate a student's dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment for a student. If a student has experienced behaviour of this kind where another BIMM University student or staff member is involved, they can make a complaint or a formal report as set out in this Policy & Procedure so that it can be thoroughly investigated and, if appropriate, action can be taken by BIMM University.

Allegations of bullying or harassment may result in disciplinary action being taken against the student or staff member involved. Any individual who makes a vexatious, demonstrably false or malicious claim of bullying or harassment will be dealt with in accordance with BIMM University's [Student Disciplinary Procedure](#).

As part of its commitment to eliminating bullying or harassment, BIMM University undertakes to:

- Apply this Policy & Procedure equally to all students registered at BIMM University;
- Treat all allegations of bullying or harassment seriously, fairly, sensitively, promptly and with appropriate regard to confidentiality;
- Publicise this Policy & Procedure as widely as possible to ensure that students are aware of its existence;
- Monitor the effectiveness of this Policy & Procedure.

Further information about the behaviour expected of students can be found in BIMM University's [Student Code of Conduct](#), [Sexual Misconduct Policy](#) and [Student Social Media Policy & Guidelines](#).

2. What is Bullying & Harassment?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment is unwanted conduct which causes an individual to experience alarm or distress. It may be making discriminatory or offensive statements or behaviour relating to an individual's (actual or perceived) age, sex, race, ethnic or national origin, disability, religion or belief, sexual orientation, gender reassignment, or any other personal characteristic. It may be persistent behaviour or a single

isolated incident. The key is that the actions or comments could reasonably be viewed as being hostile or intimidating, demeaning and unacceptable to the individual, and likely to cause them alarm or distress. Students can be subject to harassment and thus have a right to make a complaint even if the harassing behaviour is not directed at them personally, but instead at another student or member of staff. Harassment may have either the purpose or the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It is recognised that differences in attitude, background and culture can often mean that what is perceived by one individual as bullying or harassment may not necessarily be perceived in the same way by another.

It should be noted, therefore, that when deciding whether bullying or harassment has occurred, the perception of the individual who has reported the incident, the other circumstances of the case, and whether it is reasonable for the conduct to have that effect are the most relevant factors, not the motive or intent behind it. Bullying or harassment can be verbal or non-verbal and can include hate crimes. The following list of examples is not intended to be exhaustive:

- Verbal abuse.
- Insulting behaviour or personal insults.
- Sexist jokes, racist jokes, or jokes about an individual's sexual orientation, disability, religion, beliefs or age (actual or perceived).
- Behaviour which incites racial hatred, such as displaying an insignia or badge associated with racist groups.
- Offensive written or computer-generated material, including the use of social media or email.
- Unreasonable, unfair or offensive behaviour relating to an individual's disabilities or mischievous interference with personal aids or equipment.
- Unwanted physical contact ranging from touching to serious assault.
- Leering and offensive gestures.
- Display or circulation of sexually suggestive or racially abusive material.
- Coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence.
- Asserting a position of seniority in an aggressive, abusive or offensive manner, e.g. inappropriate or derogatory remarks made in connection with performance of duties / responsibilities.
- Intrusion by pestering, spying or stalking.
- Ridicule, isolation or exclusion from everyday social interaction or activities.

BIMM University upholds the principles of freedom of speech, which includes a general assumption in favour of open academic discussion. This presumption requires BIMM University to assume that exposing students to course materials, statements made, and views expressed by individuals as part of teaching, research, or discussions related to any subject matter connected with the content of a higher education course are unlikely to constitute harassment. However, if it is demonstrated that these matters do indeed amount to harassment, appropriate action will be taken.

Online Bullying & Harassment

Bullying & Harassment can be conducted by digital, electronic and online media, and examples of this behaviour could include:

- Cyberstalking; or repeated and deliberate use of the internet and other electronic communications tools to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone;
- Sending or posting harmful, untrue or cruel statements about a person to other people;

- Sharing someone else's personal information without their permission;
- Purposeful isolation of individuals from online communications with others in a network;
- Pretending to be someone else online;
- Engaging in tricks to solicit personal information that is then made public, often to blackmail the individual;
- 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', or where a person tries to attract attention to someone else by getting other people to bully a person, for example where large numbers of people are encouraged to target one individual with numerous messages or by using hashtags to encourage other people to join in;
- Image-based sexual abuse; or online disclosure of sexual or intimate photos or videos, without the consent of the person pictured;
- The exchange of online sexual image or videos. This is illegal for under-18s. Where sexual photos or videos of adults are shared online between adults (that is, over 18s) without permission of those involved, this is usually classified as 'revenge porn';
- 'Upskirting', or filming or photographing under a person's clothes without their consent to capture images of their body or underwear.

In certain instances, including some of the examples listed above, bullying or harassment may be considered as Sexual Misconduct, and BIMM University has a separate Sexual Misconduct Policy & Procedure specifically to deal with such matters. If there is a conflict or overlap between this and any other BIMM University policy or procedure, then Academic Services will decide which policy should apply.

If BIMM University decides not to deal with a complaint under this Policy & Procedure, there is a right of review as detailed in the 'Review Request' section below.

Any difficulty in defining bullying or harassment should not deter a student from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation. BIMM University will respect the sensitivity of complaints of bullying or harassment and their consequences and will treat any complaint with the utmost confidentiality and in line with the provisions of the Data Protection Act. Complaints will not normally be taken further than the complainant wishes.

Complaints of bullying or harassment covered by this Policy & Procedure will be considered by BIMM University as appropriate: where the Responding Party is a student, this will be under the [Student Disciplinary Procedure](#) and where the Responding Party is a staff member, this will be under the [Staff Disciplinary Procedure](#).

BIMM University requires all partners including placement providers to uphold equivalent standards, ensuring that robust mechanisms are in place to prevent and respond to bullying or harassment. BIMM University undertakes Due Diligence of all partners including placement providers to ensure that they have clear policies, accessible reporting routes, and appropriate support structures, in line with the expectations of the Office for Students and our shared commitment to student safety and wellbeing. If any incidents occur while on a placement or work experience, our community are encouraged to seek support under this Policy and through the reporting options set out within it.

Off-Campus Bullying & Harassment

Students are expected to behave in a respectful manner towards each other both on and off BIMM University's campuses. Incidents of off-campus bullying or harassment, including those that take place online via social networks, etc., will be treated as seriously as those committed within BIMM University's

facilities and will be considered by BIMM University under this Policy and under the Student Disciplinary Procedure or Staff Disciplinary Procedure, as appropriate.

Support

BIMM University is committed to providing support for any members of its community affected by Bullying and Harassment and will provide information on support resources available and offer interim measures as appropriate to the Reporting Party, Responding Party and any witnesses involved in alleged incidents of Bullying and Harassment.

Support resources are available to any member of BIMM University who discloses an incident, regardless of their choice to make a Report to BIMM University, and this support remains available irrespective of the outcome of an investigation.

The Reporting Party and Responding Party will each have separate members of staff assigned to them to offer welfare and pastoral support and may be signposted to an appropriate external body to access free, impartial and confidential advice.

Before Completing an Anonymous Disclosure or making a formal report, students are advised to:

- Read this Policy and the accompanying [Student Disciplinary Procedure](#) in full.
- Seek confidential advice or support from Student Wellbeing Advisors.
- Contact the Student Wellbeing Team for help to explore options available and guidance on the relevant processes.
- Review the University's [Single Comprehensive Source of Information relating to Harassment and Sexual Misconduct](#), which includes contact details for local Student Wellbeing teams.

3. What to do if you are the victim of Bullying or Harassment

If you experience bullying or harassment, you can do one or more of the following:

- take it up with the person concerned
- take informal advice (such as from the Student Wellbeing team)
- [make an anonymous disclosure](#) under this Policy & Procedure
- make a complaint under the [Student Complaints Procedure](#)
- make a [formal report](#) under the [Student Disciplinary Procedure](#)
- refer to our [comprehensive single source of information](#) for further details of support available

If you consider yourself to be under physical threat or at serious risk of imminent harm, you should always contact the police in the first instance. Support for students in this situation can be provided in confidence by members of your Student Wellbeing team and via the [single comprehensive source of information](#) webpage.

Reports / complaints of bullying or harassment should be made in a timely manner and without unreasonable delay. Unless BIMM University is notified of incidents of bullying or harassment within a reasonable length of time, it may not be able to adequately investigate or take steps to prevent or eliminate them.

All parties involved should act in good faith to seek a successful resolution of any complaint at as early a stage as possible and all parties will be treated fairly, consistently and with respect.

A student making a complaint under this Policy & Procedure has the right to have that complaint investigated and handled appropriately by BIMM University in a fair, transparent and timely manner.

The individual or individuals against whom a complaint is made shall have the right to respond to any allegations made against them.

Use of a third party (such as a mediator) to help resolve the problem, whether internal or external, may be considered where deemed appropriate by BIMM University.

A complaint determined by BIMM University to be malicious, demonstrably false or vexatious may give rise to disciplinary proceedings against the complainant.

Anonymous Disclosure

A Student can anonymously disclose an allegation of Bullying or Harassment to BIMM University using [this Anonymous Disclosure Form](#). This process is completely anonymous and enables BIMM University to understand the prevalence and type of Bullying & Harassment happening and the reasons why those making a disclosure wish to remain anonymous. Its purpose is to collect statistical information and it will normally not result in any action being taken in relation to the disclosed incident. However, discretion should be retained to act where it's appropriate to do so, for example, where multiple disclosures contribute to identifying patterns or trends in behaviour that warrant further investigation (even if ultimately a disciplinary cannot progress).

4. Process

Informal Process

Informal Stage 1: Taking it up with the Person Concerned

If possible, the first stage should be for you to try and resolve any issues with the person concerned by making it clear that their behaviour is unacceptable. You can do this either verbally or in writing. If you do so in writing, you should always keep a copy, bearing in mind that this can be used in evidence by the other person. You should always keep detailed notes of any incidents that distress you, including information on the ways in which the incidents cause you to change the pattern of your work or social life. You should keep a note of who witnessed the incidents.

If you don't feel able to take it up with the person concerned, or this approach does not resolve the matter to your satisfaction and if the Bullying or Harassment continues, you can take further action under Informal Stage 2 of this Procedure.

Informal Stage 2: Taking Informal Advice

You can take advice from various sources, including Student Wellbeing staff and your Course Leader. All such discussions are private and confidential, and you can bring a friend with you if you wish. The abovementioned members of staff may be able to make informal approaches to the accused to ensure that the bullying or harassment is not repeated. The decision whether to go further will depend on you.

In the event that neither of these steps resolves the matter to your satisfaction, you may request an informal investigation to be carried out by your Student Wellbeing Team where the complaint is made about a student, or BIMM University's People Team where the complaint is made about a member of staff. Advice about the conduct of the informal investigation can be sought from either of those teams, as appropriate.

The member of staff who undertakes the informal investigation (the Investigating Officer) will meet with the individual about whom the complaint has been made to advise them of the allegations and invite their response.

If appropriate, the Investigating Officer may advise that a meeting be held with both parties with the aim of facilitating a discussion and reaching a resolution. This may include the use of trained mediators where appropriate.

The outcome of the Informal Stage 2 of this Procedure may reach one of the following conclusions:

- No further action necessary.
- Situation mutually resolved.
- Further action necessary.

Where it is decided that, on the balance of probabilities, there is sufficient evidence to find that action is necessary, but BIMM University considers measures short of disciplinary action to be appropriate to reach a suitable resolution, either or both of the following may be requested:

- The person against whom the complaint was made should offer a written apology to the student who made the complaint. Where the complaint relates to comments or content posted on a public forum, such as on social media, the apology should be made on the same forum, with the wording to be agreed in advance with the Investigating Officer.
- The person against whom the complaint was made should undertake additional training
- to ensure repeats of such behaviour shall not occur in the future.

Retaliation of any kind, including any words or actions, intimidation, threats or coercion, against a student for instigating or engaging with an investigation will be dealt with as Misconduct.

Review Request

If the Complainant is dissatisfied with the outcome of the **informal** investigation, or if they believe the matter has not been handled fairly or properly in accordance with this Policy & Procedure, they will be given the opportunity to request a review.

A Review Request must be made in writing to the Campus Dean within 14 days of receipt of the outcome of the informal investigation. The Review Request should include details of why the Complainant is dissatisfied with the way the case has been handled, or why they believe the outcome is not reasonable, together with any supporting documentation.

The Campus Dean will identify a member of staff, independent of the case, to undertake the review. The case will be reviewed on the basis of the documentation provided by the Complainant and that held by the original Investigating Officer. The Reviewing Officer may decide to seek further information if necessary. If it is decided that the case was not handled appropriately, the Reviewing Officer will either refer it for new investigation or recommend specific action to resolve the matter.

If it is decided that the case has been handled fairly and properly, the Review Request will be dismissed. The Complainant will be informed of the outcome of the Review Request within 20 working days of receipt, and that this decision is final.

Formal Process

You are strongly encouraged to take the informal route first, with the support of those individuals or services suggested above, who may help you explore options and decide whether to make a formal

report. However, this is not a requirement. You have the right to make a formal report at any time, and in situations where bullying or harassment is particularly severe or distressing, you may choose to proceed directly to the formal process. Formal reports should be made using [this Reporting Form](#), and you are encouraged to read the [Student Disciplinary Procedure](#) in full before completing the form.

Where a formal report is received, it will initiate an investigation process under BIMM University's Student or Staff Disciplinary Procedure, as appropriate. Please bear in mind that, even where you are reporting criminal conduct, no formal investigation can take place without your approval and evidence, and that it is for you to choose whether or not to give that evidence. It may be the case that a formal investigation into an incident to which you are the only witness is not possible without the disclosure of your statement to the accused.

Any student who has reported an incidence of Bullying and Harassment which progresses to the formal stage will receive an update on the case following any outcome of the Student Disciplinary Procedure.

4. Right of Appeal following completion of the Student Disciplinary Procedure

The responding party has the right of appeal following the outcome of an incidence of Bullying and Harassment which has been processed using the [Student Disciplinary Procedure](#). At the end of this stage, the student will be sent a 'Completion of Procedures Letter'.

If the student remains dissatisfied, they have the opportunity to apply for a review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body which considers student complaints which have not been resolved through an institution's internal procedures. The deadline for an appeal to the OIA is 12 months from the date of the Completion of Procedures Letter. This service is free to students. For further details, [visit the OIA website](#).

Appendix 1 – Changes since version 1.0

- The policy now explicitly applies to students on short courses (implied previously but not explicit) and Board members.
- Clarifies that off-campus and online incidents are treated as seriously as on-campus ones.
- Enhanced definitions of bullying and harassment, including:
 - o Emphasis on the perception of the person experiencing the behaviour, not the intent of the perpetrator.
 - o Inclusion of hate crimes and coercive behaviours.
- Clearer examples of online harassment, such as cyberstalking, image-based abuse, and “virtual mobbing”.
- New section detailing support resources, including:
 - o Contact details for Student Wellbeing Teams across all campuses.
 - o Assurance that support is available regardless of whether a formal report is made.
- Clearer distinction between:
 - o **Disclosures** (informal sharing of experiences)
 - o **Formal reports** (which may lead to disciplinary action)
- Reference to Office of the Independent Adjudicator (OIA) for unresolved complaints (this was always a right of students but not specified directly in this procedure)
- Clarifies that students on placements or work experience are encouraged to report incidents to BIMM, even if the incident occurs under a third-party provider.
- Local responsibility shifted from **Head of School** to **Campus Dean**.