

# Bullying, Harassment & Sexual Misconduct Policy

Classification – *Public*

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## Introduction

Arden University has a zero-tolerance approach to any form of harassment, bullying, and sexual misconduct. We aim to provide a safe and secure environment for all students, staff and visitors.

This policy outlines our approach to bullying, harassment and sexual misconduct ('Unacceptable Behaviour') experienced by students through their enrolment, studies and participation in educational, and social activities at Arden University (the 'University'). This policy applies to students but there is a separate and complimentary policy which outlines the information for Arden University staff and visitors.

It's important to note, if you believe you have been the victim of crime, this should be reported first and foremost to the police in your location or suitable emergency service. If you believe you have been a victim of Unacceptable Behaviour, you may make a report to Arden University using the procedure as further detailed in this policy.

## About this policy

- This policy is designed to outline the zero-tolerance approach Arden University has for all forms of Unacceptable Behaviour and to outline how all reports or complaints will be handled by Arden University with the appropriate sensitivity, care, confidentiality and following due procedure.
- We are committed to providing an environment free from Unacceptable Behaviour and ensuring all students, staff and visitors (including contractors) are treated, and treat others, with dignity and respect.
- This policy covers Unacceptable Behaviour towards all students from a member of the Arden community which occurs, including but not exclusively on any Arden University premises, wherever teaching and learning is undertaken, on programme related activities, University associated events or social functions, and includes in person, written and electronic communications.
- It's important that this policy relates to and should be read alongside other fundamental University policies, these include:
  - Equity, Diversity & Inclusion Policy
  - Student Complaints Procedure
  - Safeguarding Policy
  - Student Disciplinary Procedure
  - Student Code of Conduct

- Acceptable Use and Social Media Policy
  - Staff Bullying, Harassment & Misconduct Policy
- All Arden University policies can be found [here](#) and are regularly updated to reflect institutional context, operational change, regulation change and feedback from stakeholders.

## Who is covered by the policy?

This policy applies to all students at Arden University, including those studying an Arden University programme through a collaboration or partnership provider.

## Policy responsibilities

All members of Arden University, including students and staff, and anyone working on our behalf have a duty to ensure that people do not suffer any form of Unacceptable Behaviour and that, if they do, they are supported by Arden University in challenging and stopping it through either informal or formal resolution procedures. All students have a responsibility to understand the level of behaviour expected of them, how to act when Unacceptable Behaviour occurs and how students will receive the relevant support.

The operational oversight for this policy is the Pro Vice-Chancellor Student Experience, with delegated responsibility for implementing from Academic Standards and Ethics Committee.

Arden University commits to reviewing this policy annually at the relevant Arden University committee, with input from all stakeholders including student feedback. Additionally, any reporting linked to this policy will be regularly reviewed within Arden University governance to understand ongoing trends, challenges and opportunities to introduce further support, resource or awareness.

All colleagues are responsible for ensuring they understand this policy and how it applies to them and/or students.

All students are required to understand and comply with this policy

## Definitions

### What is Harassment?

- Harassment is unlawful in accordance with the Equality Act 2010 and Protection from Harassment Act 1997.

- Harassment is any unwanted physical, verbal or non-verbal conduct relating to a protected characteristic that has the **purpose** or **effect** of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- The protected characteristics are ("Protected Characteristics"):
  - age;
  - disability;
  - gender reassignment;
  - marital or civil partner status;
  - pregnancy or maternity;
  - race;
  - colour;
  - nationality;
  - ethnic or national origin;
  - religion or belief; and
  - sex or sexual orientation.
- Harassment also includes treating someone less favorably because they have submitted or refused to submit to such behaviour in the past.
- Behaviour can amount to harassment even when that is not the intention and the victim of harassment need not be the victim of the behaviour. Harassment can be committed when anyone feels intimidated, threatened or experiences a hostile environment.
- Examples of harassment may include, but is not limited to:
  - jokes and remarks about a different ethnic group, if this creates an offensive environment.
  - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - outing or threatening to out someone as part of the LGBTQIA+ community;
  - offensive e-mails, text messages or social media content; or
  - mocking, mimicking or belittling a person's identity or characteristics.

### What is Bullying?

- Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal intellect, strength and the power to coerce through fear or intimidation.

- Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
  - physical or psychological threats;
  - unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing;
  - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - offensive e-mails, text messages or social media content;
  - overbearing and intimidating levels of supervision;
  - inappropriate derogatory remarks about someone’s performance;
  - indirect undermining and criticism of an individual to others in secret.
- Where bullying relates to one of the Protected Characteristics set out above, the behaviour becomes harassment.
- Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to a student in the course of their studies, will not amount to bullying on their own. Claims of bullying in response to reasonable criticism of performance or behaviour may, in itself, be bullying and intimidating behaviour.

#### What is Sexual Misconduct?

- Sexual misconduct relates to all unwanted conduct of a sexual nature.
- This includes, but is not limited to:
  - Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
  - Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
  - Assault (as defined by the Sexual Offences Act 2003) iv.
  - Rape (as defined by the Sexual Offences Act 2003)
  - Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
  - Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
  - Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).
- Sexual misconduct can be carried out through any medium, including face to face, over the telephone, in writing or online.

## **What do to if you have experienced Unacceptable behaviour?**

### ***Reporting a crime (if suitable)***

If you think that you are the victim of a crime, including harassment or sexual misconduct, the incident should be reported to the police immediately.

We will support you throughout the process and we recommend that you approach the relevant emergency service at your given location.

Where an incident has been reported to the police, we will not take any further steps under this policy, any subsequent action taken by us against the alleged perpetrator will be in accordance with our Student Disciplinary Procedure. If you feel comfortable in sharing that you have reported to the police or the details of that report, please do so via your relevant Student Hub contact. This will be shared appropriately and with confidence to the relevant colleague to support and in relation to any University Disciplinary action.

### ***Reporting Harassment or Sexual Misconduct***

Arden University must comply with a new condition of registration effective from August 1st 2025 regarding Sexual Misconduct and Harassment. As part of that, we have created a single source of information in relation to Sexual Misconduct and Harassment where you can find how Arden University is responding. As part of this, we have created a new reporting form for any allegations or incidents of Sexual Misconduct and/or Harassment. This reporting form can be found [here](#), and can be completed anonymously or non-anonymously, for yourself or on behalf of another student.

This reporting form is handled with due sensitivity, confidentiality and reasonably by the relevant Arden University staff teams to investigate or offer support to anyone who has requested so. The form follows the below process.

The reporting form is explicitly for harassment and sexual misconduct and can be found here. The form takes an individual, whether staff, student or visitor, through a series of questions to ascertain details of the alleged incident, any opportunity to provide evidence or detailed information, and a series of optional questions to understand how best to investigate the report including information about the individual raising the report. All data is handled appropriately and only relevant staff members who have been sufficiently trained will have access for investigation purposes and/or support, if requested.

Once the report is raised, this will be reviewed by the relevant Arden University staff depending on if the report is from a student, staff member or a visitor. This will be reviewed within 3 working days and if contact details are provided, the staff member will reach out for further information or to guide the individual to relevant support mechanisms based on the report, as appropriate.

How the investigation process works is outlined in the proceeding section on investigation, if this is the course of action an individual wants to take in a non-anonymous manner.

### ***Reporting Unacceptable Behaviour, not inclusive of Sexual Misconduct & Harassment***

Any complaint about Unacceptable Behaviour (not related to Harassment or Sexual Misconduct) should be raised in accordance with the [Student Complaints Procedure](#) found on our Website ([www.arden.ac.uk](http://www.arden.ac.uk)) and published in the Student Handbook.

We recognise that the first stage of the Student Complaints Procedure may not be suitable in respect of the Unacceptable Behaviour experienced and a complaint can be raised under the second stage immediately.

As a general principle, the decision whether to progress a complaint is up to the individual making the complaint. However, the University has a duty to protect all students and staff and so may pursue the matter

independently if, in all the circumstances, we consider it appropriate to do so.

If we consider it appropriate in all the circumstances and in accordance with our duty to protect students and staff, as well as the wider community, we may report a complaint of unlawful Unacceptable Behaviour to the police. We will use reasonable endeavors to notify the victim of the allegation before making a report to the police but, we reserve the right to make a report to the police without notifying you in advance where we believe it is appropriate to do so.

Any report related to Harassment and Sexual Misconduct, should follow the specific reporting form as outlined in previous sections.

### **Other Steps you can take**

If you experience or witness any Unacceptable Behaviour, we recommend taking the following steps:

- Keep records of the incident(s) including dates and times, locations or platforms and details of anyone present.
- If the Unacceptable Behaviour is experienced in an online or electronic media forum keep copies of messages or take screen shots and note dates and times to preserve a record of the Unacceptable Behaviour. We understand that this may be distressing for you, but the evidence will support any investigation.
- Report Unacceptable Behaviour as soon as you can. We recognise that you may be nervous about this but by doing so you may be able to prevent the Unacceptable Behaviour from escalating or affecting more people.

### **Investigation**

Where a student has made a formal complaint, outlined in the [Student Complaints Procedure](#), this will be investigated in accordance with that policy and with the relevant stages and support mechanisms for students.



Where a student has reported non-anonymously via the Harassment & Sexual Misconduct reporting [form](#), this will be directed to the relevant University staff team to review the information. As outlined above, investigating staff members may contact you for further information and/or to provide additional evidence to aid the investigation process and it is in a student's right to provide this or not, depending on what they are comfortable with. If you are unsure that the member of staff whom is contacting you is legitimate, please contact [wellbeing@arden.ac.uk](mailto:wellbeing@arden.ac.uk) initially.

We understand that repeating an experience of this nature is difficult, so we support anyone's decision in what is shared or re-shared. All data is handled appropriately, and only relevant staff members who have been sufficiently trained will have access for investigation purposes or support, if requested.

To note, where a report is anonymous and optional information is not shared, this may impact the nature of how an investigation progresses. Additionally, this would also mean the individual reporting would not be able to access the support directly. However, any anonymous report can still be signposted to the [single source of information](#) for further details about what support is on offer.

Where a report refers to a student-to-student incident, the student who has had the allegation made against them will be subject to tiered process outlined in the [Student Disciplinary Procedure](#). The student can access specific support via the Wellbeing Team if they are subject to the [Student Disciplinary Procedure](#).

Where a report refers to a student-to-staff incident, the staff member who has had the allegation made against them will follow a tiered process outlined in the Staff Disciplinary & Policy Procedure (available on the Staff Intranet). The staff member can access specific support via People Services if undergoing this.

Where a formal decision against an individual, pending an investigation, is made, the individual will have the right to appeal the outcome, as outlined in our [Academic Appeals Procedure](#).

## Support

Relevant sources of support for Harassment and Sexual Misconduct can be found on the single source of information webpage [here](#), which will be routinely updated for students, staff and visitors.

In addition, our sources of support related to other forms of Unacceptable Behaviour, can be found in other policies such as the [Student Complaints Procedure](#) and [Student Disciplinary Procedure](#), and in addition a list of resources can be found on our [single source of information](#) alongside the and in our [Student Wellbeing Portal](#).

Any sources of support are available throughout any informal or formal process and can be accessed by those raising an allegation or those who the allegation is referring to.

## Social Media & IT Systems

Arden University clearly sets out its expectations and standards on how you use any Arden system and your own personal social media in our [Acceptable Use Policy](#). This is extremely important in relation to the principles of this policy as the University takes a zero-tolerance approach to any form of Unacceptable Behaviour on social media and IT systems.

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