

# Anti-Harassment and Discrimination Policy

Oxford Brookes University's commitment to promoting a culture of dignity and respect

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## 1. Policy statement

- 1.1. The University takes a zero tolerance approach to any form of [discrimination](#), [harassment](#), [bullying](#) and [victimisation](#). Oxford Brookes expects all members of the University community to treat everyone - staff, students and visitors alike - with dignity and respect.
- 1.2. Zero tolerance means that Oxford Brookes will always take complaints of discrimination, harassment, bullying or victimisation seriously and will investigate complaints in a sensitive and timely manner. Appropriate and [proportionate action](#) will be taken, though this may mean different things in different situations; in some instances it could mean disciplinary action up to and including dismissal / expulsion, while in other cases informal action may be more appropriate. The proportionality of any sanctions will be determined by factors such as severity, impact and intent. Zero tolerance does not mean going outside usual procedures or making hasty decisions; it means following a fair process, whilst treating everyone with dignity and respect.
- 1.3. The purpose of this policy statement is to:
  - Communicate the University's commitment to promoting a culture of dignity and respect;
  - Make it clear that discrimination, harassment, bullying and victimisation are never acceptable;

- Outline the rights and responsibilities that all members of the University have in relation to working, studying and participating in University life in an environment free from discrimination, harassment, bullying and victimisation.
- 1.4. The University is committed to the [guiding principle](#) of Inclusivity - we take positive steps to create an environment in which we celebrate, value and provide equal opportunity for all. At Oxford Brookes we believe people flourish in a culture of respect and support, where we celebrate differences and thrive on each other's success. We are proud of the diversity of the University community and seek to ensure that each individual is treated with dignity and respect, feels able to be themselves and is empowered to participate fully in the life of the University. Instances of discrimination, harassment, bullying and victimisation hinder the development of such an environment and have an impact on people's self worth, wellbeing, and physical and psychological safety.
  - 1.5. The University recognises the existence of societal and systemic factors that increase the likelihood of particular individuals and groups being subject to discrimination and harassment on the basis of their identity or the intersection of different aspects of their identity. The University actively seeks to understand, challenge and change the underlying structures, processes and attitudes that can lead to such issues perpetuating. This policy sits alongside our [Equality, Diversity and Inclusion \(EDI\) Policy](#) and Strategy, and supporting [programme of work](#).
  - 1.6. The University will take action to ensure that all staff, students and visitors are made aware of and have access to this policy statement and related procedures. We will take steps to ensure that all members of the University community are able to recognise and, where necessary, complain about any instances of discrimination, harassment, bullying or victimisation with confidence that their concerns will be treated seriously and sensitively and investigated promptly and fairly. Within this, the University recognises the centrality of the perception and experience of the complainant in determining whether there has been a breach of the policy.
  - 1.7. The University will ensure that all staff and students who are subject to or witness discrimination, harassment, bullying or victimisation receive [appropriate support](#) both to deal with the impact of the incident(s), whether or not they wish to report it, and to make a complaint, where they wish to do so. Support will also be offered to those accused of discrimination, harassment, bullying and victimisation. This includes a commitment to communicate clearly with affected parties throughout a complaints procedure.
  - 1.8. The University recognises that many of our staff have a duty to manage the performance of others, whether that is through staff management or student supervision. Legitimate management conducted in a fair, proportionate and reasonable manner is unlikely to constitute discrimination, harassment, bullying or victimisation. However, staff should be aware of the power imbalances that exist in such relationships, must not abuse their authority and should ensure they are [fair in their approach](#), setting reasonable performance and review standards that are communicated effectively.
  - 1.9. Freedom of speech and academic freedom are protected by law, though these rights must be exercised within the law. The University is committed to maintaining an open environment

where debate, challenge and dissent are permitted and expected; and where controversial and offensive ideas may be advanced within the context of legitimate academic debate<sup>1</sup>.

- 1.10. This policy statement is underpinned by a [framework of procedures](#) and support mechanisms for staff, students and visitors. This includes procedures to deal with complaints in a timely and fair manner and details of support and advice available to staff and students who have experienced, witnessed or been accused of discrimination, harassment, bullying and victimisation.
- 1.11. The University is committed to an ongoing programme of activity to ensure that this policy, expected behaviours and the associated framework are clearly communicated and to build and reinforce a culture of dignity and respect, including through the provision of appropriate induction, guidance and training. We will actively seek feedback and learn from experience to continually improve our processes and wider culture.

## 2. Scope

- 2.1. This policy statement applies to:
  - **All members of staff**, both full-time and part-time, including temporary staff, affiliates, contracted staff and self-employed consultants, whether remunerated or not.
  - **All students**, including those studying with Associate College Partners, international teaching partners and via distance learning.
  - **All visitors** to the University, including external members appointed to University committees; external persons or agencies using the University's premises, facilities or services; contractors working at the University; individuals and organisations working or acting on the University's behalf, including suppliers of goods and services; applicants for study and employment, including offer holders; and members of the public participating in University activities.
- 2.2. This policy statement applies to any incident of discrimination, harassment, bullying and victimisation, as defined in section 3, that occurs on University premises. It also applies to incidents that occur away from University premises where staff, students or visitors are representing the University, undertaking University business, participating in University activities, attending University events or can be identified as being currently connected to the University, for example through wearing logoed tops or identity badges. For avoidance of doubt, this includes activities relating to sports events, sports club activities and sports committees.
- 2.3. This policy applies to incidents of discrimination, harassment, bullying and victimisation, within the bounds of paragraph 2.2, that happen in person, whether physically or verbally, and through

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<sup>1</sup> The University recognises that the boundaries between freedom of expression and unlawful discrimination and harassment are not always easily defined. However, helpful guidance has been published by the Equality and Human Rights Commission:

- Freedom of Expression Legal Framework: [www.equalityhumanrights.com/en/publication-download/freedom-expression-legal-framework](http://www.equalityhumanrights.com/en/publication-download/freedom-expression-legal-framework)
- Freedom of Expression: A Guide for Higher Education Providers and Students' Unions in England and Wales: [www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-education-providers-and-students-unions-england](http://www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-education-providers-and-students-unions-england)

other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communication device<sup>2</sup>.

- 2.4. In cases where a criminal offence may have been committed, the University may also have a responsibility to report the matter to the Police. Such instances will include, but are not limited to, [sexual violence](#), [hate crimes](#), assault or threat of assault. If an incident is reported through the University's procedures, this does not impact an individual's right to also report a matter to the Police.

### 3. Definitions

- 3.1. **Discrimination** is the unfair treatment of an individual on the basis of one or more of the 'protected characteristics' defined by the Equality Act 2010.
- 3.2. **Harassment** is unwanted behaviour that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Under the Equality Act 2010 harassment on the basis of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation is unlawful. However, the University recognises that the legislation is not fully inclusive and therefore this policy covers all members of the University community regardless of their background or how they identify.
- 3.3. **Bullying** is unwanted behaviour from a person or group that is offensive, intimidating, malicious or insulting; or which is an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.
- 3.4. **Victimisation** is treating an individual unfairly because they made or supported a complaint of discrimination or harassment, participated in the investigation of a complaint, or is suspected of having done so.
- 3.5. Discrimination, harassment, bullying and victimisation may occur as a regular pattern of behaviour or a one-off incident. An incident may amount to discrimination, harassment, bullying or victimisation even if the recipient does not explicitly state at the time of the incident that the behaviour is unwanted and / or the perpetrator does not intend for their behaviour to have a detrimental effect.
- 3.6. Being under the influence of alcohol or drugs or otherwise intoxicated is not an excuse for discrimination, harassment, bullying and victimisation.
- 3.7. [Appendix A](#) provides further detail and additional definitions, including of some specific forms of discrimination and harassment.
- 3.8. [Appendix B](#) provides examples of different forms of discrimination, harassment, bullying and victimisation to aid understanding of what would constitute unacceptable behaviour and conduct in respect to this policy.

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<sup>2</sup> Online behaviour may also be subject to the [IT Acceptable Use Policy](#).

## 4. Roles and responsibilities

- 4.1. All members of the University community, including staff, students and visitors, are entitled to work, study and participate in University life in an environment free from discrimination, harassment, bullying and victimisation. Where they feel that they have been subject to discrimination, harassment, bullying or victimisation, they have a right to raise a complaint and for their complaint to be taken seriously and dealt with sensitively.
- 4.2. In turn, all members of the University community have a responsibility to treat others with dignity and respect, to understand and comply with this policy, and to play a role in creating an environment free from discrimination, harassment, bullying and victimisation. This may include discouraging such behaviour when it is safe and appropriate to do so.
- 4.3. Those in positions of authority, including Deans / Directors, line managers and teaching staff, may have formal responsibilities under the complaints procedures and / or may receive disclosures of discrimination, harassment, bullying and victimisation. They are expected to familiarise themselves with the procedures and available sources of support. They should make every effort to ensure that discrimination, harassment, bullying and victimisation do not occur in the areas of work, study and university life for which they are responsible. Where such behaviour does occur they must address the issues promptly and effectively, and seek advice where necessary.
- 4.4. The [People Directorate](#) is responsible for developing, updating and putting in place policies and procedures relating to staff, for ensuring that staff are provided with appropriate guidance and training to uphold this policy, for giving advice to all parties when a disclosure of discrimination, harassment, bullying or victimisation is made, and for ensuring that appropriate support is available.
- 4.5. The [Academic and Student Administration Directorate](#) (ASA) is responsible for developing, updating and putting in place policies and procedures relating to students, and for giving advice and support to students.
- 4.6. The [Directorate of Financial and Legal Services](#) is responsible for procurement procedures relating to third party contractors and service providers operating on behalf of Brookes, and for ensuring that Faculties and Directorates are provided with appropriate guidance and tools to support them to enact this policy through the awarding of contracts and ongoing contract relationship management.

## 5. Framework of procedures

- 5.1. This policy details the University's commitment to facilitating a culture of dignity and respect for staff, students and visitors, and applies to a wide range of parties as detailed in [section 2](#). The way this is put into practice necessitates different procedures for these different constituencies.
- 5.2. The underpinning framework of procedures details the way in which complaints can be raised, reported and addressed. It also provides information on the support available to individuals who experience, witness, are accused of or receive disclosures of inappropriate behaviour.
  - [Appendix C](#) provides an overview of the framework for students.
  - [Appendix D](#) provides an overview of the framework for staff employed by Brookes

- 5.3. Students studying with some partners, especially overseas, may be subject to the procedures of the partner institution. Details about local practices will be set out in their Partner Handbook.
- 5.4. Individuals who are employed by parties other than Brookes, such as staff working on Brookes premises but employed by another organisation contracted to provide services to the University, or staff teaching students in our Associate Partner Colleges, should expect to experience dignity at work in line with this policy and are expected to treat any Brookes staff, students and visitors with whom they interact with dignity and respect. Any complaint against a third party employee should be made via the route detailed in the staff or student framework but will be subject to the procedures of the relevant employer. Any complaint by a third party employee against a Brookes student or staff member should be made via their relevant employer's procedure. Third party employers will co-ordinate with relevant Brookes teams, such as the contract manager for procured services or the Partnerships team, to ensure that the complaint is dealt with effectively.
- 5.5. Other visitors who do not have an employment relationship with Brookes but who wish to make a complaint under this policy should:
  - Submit a complaint via the University's [Student Complaints Procedure](#), where the complaint is about a student: or
  - Where the complaint is about a member of staff, submit a complaint in writing to a relevant responsible person (e.g. the organiser of an event or the chair of a recruitment panel) or, where this is not discernible, to the Chief People Officer.

## 6. Confidentiality, data protection and transparency

- 6.1. The University will treat all complaints in a sensitive and confidential manner, balancing its commitment to confidentiality with the need to take reasonable steps to prevent repeat offences and harm to others.
- 6.2. The University has signed the [Can't buy my silence pledge](#) and has made a public commitment to never using non-disclosure agreements (NDAs) to silence people who come forward to raise complaints of sexual harassment, abuse or misconduct, or other forms of harassment and bullying.
- 6.3. All parties involved in a complaint (including any witnesses who are interviewed as part of an investigation or any representatives supporting any of the parties) should maintain confidentiality. Should there be concerns about potential risk to other parties, these should be raised with the relevant University staff dealing with the complaint. Individuals can also refer to the University [Whistleblowing \(Public Interest Disclosure\) Policy](#) if they feel their concerns have not been addressed.
- 6.4. Those advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose information where this is necessary to maintain a duty of care to the individual and / or others. Exceptional circumstances might include where there is a risk of harm to the individual or others or where a criminal offence may have been committed or there is a risk that a criminal offence will be committed.

- 6.5. Both the complainant(s) and the respondent(s) will be notified of the outcome of any investigation, subject to the University maintaining an appropriate duty of care towards both parties and the requirements of the [General Data Protection Regulations \(GDPR\)](#).
- 6.6. In some instances, the University has a duty to disclose information relating to upheld allegations and / or investigations of bullying or harassment to funding bodies if the staff member holds or is submitting an application for research funding from that body. The staff member involved will be informed of this disclosure.
- 6.7. Confidential records of cases will be retained by the People Directorate in respect of staff and by ASA in respect of students as appropriate, in accordance with the University's [Data Protection Policy](#) and [General Data Protection Regulations \(GDPR\)](#).
- 6.8. Brookes has a commitment to transparency, within the boundaries of data protection considerations, even where this may generate adverse publicity. To help improve understanding and ensure continual improvement of our approach to preventing and responding to inappropriate behaviour we will undertake relevant data collection and analysis. This may include:
  - Internal reporting on prevalence data and on the number and outcomes of reported incidents.
  - The inclusion of summarised statistics on complaints and outcomes in annual reports.
  - Collection of anonymous feedback from staff and students through surveys or other methods on the implementation of this policy and their experience of discrimination, harassment, bullying and other forms of misconduct.

## 7. Policy review

- 7.1. This policy was approved by VCG on 3 April 2023.
- 7.2. The policy is owned jointly by the People Directorate and Academic and Student Administration and will be subject to review every three years or following any changes to relevant legislation or regulatory frameworks.
- 7.3. Responsibility for review of this policy will lie with the Director of Equality, Diversity and Inclusion.

## 8. Related documents and legislation

### Related University documents

#### General documents

#### [Brookes Guiding Principles](#)

Brookes five Guiding Principles of Inclusivity, Confidence, Enterprising Creativity, Connectedness and Generosity of Spirit underpin our culture and behavioural expectations

#### [Equality Diversity and Inclusion Policy](#)

Policy detailing the University's commitment to EDI and the wider provisions of the Equality Act 2010

### [EDI Strategy](#)

Long term plan of action to improve equality, diversity and inclusion within the University

### [Religion and Belief Policy](#)

Policy detailing the University's commitment to create an environment where the cultural, religious and non-religious beliefs of all are respected

### [Transgender and Gender Identity Equality Policy](#)

Policy detailing the University's commitment to advancing equality and promoting fair and inclusive practice for our trans staff and students

### [Race Equality Strategy and Action Plan](#)

Strategy detailing the University's commitment to and plans for advancing race equality, promoting good relations and eliminating discrimination on the basis of race

### [Code of Practice on Freedom of Speech](#)

Framework outlining the University's obligations and commitment to maintaining an open environment where academic freedom and freedom of speech are valued

### [IT Acceptable Use Policy](#)

Policy outlining measures to provide authorised users of University IT with a safe and acceptable working environment

### [Whistleblowing \(Public Interest Disclosure\) Policy](#)

Policy outlining the means by which individuals who have a reasonable belief that there are significant matters of public interest that are causing concerns can report them and ensure that they are appropriately considered

## **Documents for staff**

### [Code of Conduct for Staff](#)

Framework outlining general expectations in relation to staff conduct including probity, conflict of interests and behaviour. The Anti-Harassment and Discrimination Policy forms part of this framework and expands on the Code of Conduct to outline the University's expectations of conduct specific to this area

### [Staff Disciplinary Procedure](#)

Document setting out the procedure that will be invoked if staff do not meet expected standards of behaviour

## **Documents for students**

### [Brookes Behaviour Policy](#)

Document detailing expectations for student behaviour. The Anti-Harassment and Discrimination Policy forms part of this framework and expands on this document to outline the University's expectations of conduct specific to this area.

### [Student Conduct Procedure](#)

Document setting out the procedure that will be invoked if students do not meet expected standards of behaviour



## Relevant legislation

The main legislation underpinning this policy is the [Equality Act 2010](#) which defines [protected characteristics](#), which are specific aspects of a person's identity that are protected from discrimination in law. The University recognises it has a legal duty as defined by the Public Sector Equality Duty under the [Equality Act 2010](#) to prevent and eliminate unlawful harassment, discrimination and victimisation. The University also has a duty to advance equality of opportunity and foster good relations between all members of our community.

Other relevant legislation includes:

[Protection from Harassment Act 1997](#)

[Health and Safety at Work Act 1974](#)

[Human Rights Act 1998](#)

[Public Interest Disclosure Act 1998 \(Whistleblowing\)](#)

[Education Reform Act 1988 \(Freedom of Speech\)](#)

# Appendix A: Definitions

**Discrimination** means being treated unfairly because of one or more of the [protected characteristics](#) defined by the Equality Act 2010. Discrimination that occurs because of one or more of the protected characteristics is unlawful. Unlawful discrimination can be:

- *Direct Discrimination* Under similar circumstances, treating someone with a protected characteristic less favourably than someone without that protected characteristic.
- *Indirect Discrimination* When a practice, policy, rule or arrangement which is applied to everybody in the same way puts someone with a protected characteristic at a disadvantage as compared to others.
- *Discrimination by Association* Treating someone unfairly because someone they know or are associated with someone who has a protected characteristic.
- *Discrimination by Perception* Treating someone unfairly because it is believed that they have a certain protected characteristic even if they do not.

## [Discrimination examples](#)

**Harassment** is unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It may involve repeated forms of unwanted behaviour but can also involve a one-off incident. Harassment can also be the effect of an accumulation of [subtle acts of exclusion](#). Harassment related to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation is unlawful under the Equality Act 2010 and may also be a criminal offence under the Prevention of Harassment Act 1997.

## [Harassment examples](#)

**Bullying** can be defined as unwanted behaviour from a person or group that undermines the integrity and confidence of a person or group of people that is either:

- Offensive, intimidating, malicious or insulting;
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Bullying can cause the recipient of the behaviour to feel vulnerable, humiliated, degraded or frightened. Misuse of power may include, but is not limited to, a position of authority, physical strength and knowledge. However, bullying can also happen from staff towards a more senior employee, a manager or an employer (this can be called 'upward bullying' or 'subordinate bullying'). Bullying can be physical, verbal or social, in person or virtual/online (known as cyberbullying). It may involve repeated forms of unwanted behaviour, be a one-off incident or be the effect of an accumulation of more [subtle acts of exclusion](#). Where bullying is related to one or more of the protected characteristics, it may also be classified as harassment.

## [Bullying examples](#)

**Victimisation** is where a person is subjected to detrimental treatment because they have, in good faith:

- Made an allegation of harassment or bullying; or
- Indicated an intention to make such an allegation; or
- Assisted or supported another person in bringing forward such an allegation; or
- Participated in an investigation of a complaint; or
- Participated in any disciplinary hearing arising from an investigation; or
- Taken any other steps in connection with this policy and procedures; or
- Is suspected of having done so.

### Victimisation examples

**Protected characteristics.** The [Equality Act 2010](#) identifies nine [protected characteristics](#) which are protected from discrimination in law. These are age, disability, gender reassignment, marriage and civil partnership (in respect of employment only), pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief (including lack of belief), sex and sexual orientation.

The University recognises that the legislation is not fully inclusive and therefore this policy covers all members of the University community regardless of their background or how they identify.

The University also recognises that individual characteristics do not exist in isolation and that identities such as race, gender, sexuality and disability can overlap, referred to as **intersectionality**. In some instances the combined effects of different aspects of identity can deepen the impact of discrimination on the individual.

**Sexual misconduct** describes a range of conduct or attempted conduct of a sexual nature including sexual assault, sexual harassment, stalking, voyeurism, revenge porn and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person. It includes:

- *Sexual violence*: an umbrella term used to refer to the different criminal sexual offences including:
  - Sexual assault: the intentionally touching of another person in a sexual manner, without that person's consent. Sexual assault can be committed by a person of any gender.
  - Rape: The penetration of the vagina, anus or mouth, by a penis, without consent. Only a person with a penis can commit a rape but people of any gender can be victims of rape.
  - Sexual assault by penetration: the penetration of the vagina or anus by a body part (such as fingers or tongue) or anything else (such as a bottle or vibrator) without consent. The offence can be committed by a person of any gender.
- *Sexual harassment*: unwanted conduct of a sexual nature which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is unlawful under the Equality Act 2010.
- *Stalking*: persistent and unwanted attention that makes an individual feel pestered and harassed. It includes behaviour that happens two or more times, which causes a person to feel alarmed or distressed or to fear violence might be used against them.
- *Revenge porn*: a criminal act defined as disclosing private sexual photographs, videos and audio recordings of another person without their consent and with intent to cause that person distress.

Sexual harassment overlaps with sexual violence once any physical contact with another person is involved, for example, physical unwanted sexual advances, kissing, touching, hugging, stroking, patting

of someone's clothes, body, hair, and rubbing up against someone, where the touching is sexual. Sexual harassment can be experienced and perpetrated by people of any gender.

### Sexual harassment and misconduct examples

**Racial discrimination and racial harassment** refer to:

- Behaviours that result in a continued unfair advantage to some people and unfair or harmful treatment of others based on race (including colour, nationality and ethnic or national origins).
- Harmful or unfair things that people say, do or think based on the belief that their own racial identity makes them more intelligent, good or moral than people of other racial or ethnic identities.
- An incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race or nationality. Racial harassment can also be the effect of an accumulation of more [subtle acts of exclusion](#). It is unlawful under the Equality Act 2010.

### Racial harassment examples

**Hate crime** is not a specific criminal offence in itself but is defined as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice on the basis of race, religion, disability, sexual orientation or transgender identity. Someone can be a victim of more than one type of hate crime.

### Hate crime examples

**Subtle acts of exclusion** (SAE) - also known as micro-aggressions or micro-incivilities - are verbal or non-verbal acts that serve to exclude people by subtly telling them that they 'are not normal', 'don't belong', 'are inadequate' and so on. SAEs are rarely intentional but they nonetheless act to reinforce a sense of exclusion and/or emphasise difference.

### SAE examples

**Proportionate action.** The University's zero tolerance means that it will always take complaints of inappropriate behaviour seriously and will investigate complaints in a sensitive and timely manner. However, where complaints are upheld, the sanctions applied may vary.

The [Staff Disciplinary Procedure](#) and [Student Conduct Procedure](#) provide guidance as to what would constitute 'gross misconduct' or a 'major breach' respectively, i.e. serious misconduct for which the sanction of summary dismissal or expulsion would be considered, subject to due process. For guidance, such conduct would generally be deliberate and willful, and be sufficiently serious as to undermine the trust and confidence central to the relationship between the individual and the University. This could be the result of a single act or a pattern of conduct. Such trust is considered in reference to the wider expectations of conduct including our [Guiding Principles](#).

In contrast, [subtle acts of exclusion](#) (SAE), particularly where they are unintentional, would generally be considered to fall within the bounds of behaviour most appropriately dealt with through informal action. However, it should be noted that an ongoing pattern and/or intensity of SAEs, especially following informal intervention, would escalate the severity of this behaviour such that addressing it via formal conduct procedures commensurate with 'misconduct' or 'breach' would likely be appropriate.

## Appendix B: Examples

Discrimination, harassment, bullying and victimisation are context-specific and different factors will determine whether or not an offence has been committed. This Appendix is intended to provide indicative examples of the sorts of behaviours and conduct that are not conducive to a culture of dignity and respect. They do not represent an exhaustive list and nor do they suppose that a complaint about such behaviour will always be upheld. An investigation and possible sanctions will take into account the perception of the complainant and the extent to which that perception may be regarded as reasonable in the circumstances.

### Discrimination

**Direct Discrimination:** A job applicant who has the qualifications and experience necessary for a post is rejected at interview because they are considered to be ‘too young’ or ‘too old’.

**Indirect Discrimination:** A manager refuses to allow any member of their team to take annual leave at a particular time of year even though there is no clear operational need for all team members to be working. Although all team members are subject to the same rule, this period falls over a major religious festival, and indirectly discriminates against people of that religion.

**Discrimination by Association:** A student is refused service in a catering outlet because they are with another student who is of a particular ethnicity.

**Discrimination by Perception:** A student is heterosexual but receives threatening messages in their halls of residence because of an incorrect assumption that they are gay, based on the way that they look and dress.

### Harassment

- Making negative comments about personal or physical characteristics or appearance, including teasing, insults, derogatory name-calling.
- The telling of homophobic, biphobic, lesbophobic, sexist, transphobic, ageist, ableist or racist jokes and / or directing comments of this nature towards someone in a joking way (‘banter’).
- Spreading rumours or engaging in open hostility through verbal or physical threats.
- Offensive gestures or body language.
- Unwelcome physical contact, ranging from an invasion of personal space to assault.
- Intrusive questioning about someone’s private life or of an intimate nature.
- Publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other visual or written materials, communications or images.
- Insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism.
- Persistently ignoring or patronising (“talking down to”) someone.
- Shouting at, insulting, threatening, disparaging or intimidating someone.
- Repeatedly criticising an individual without providing constructive support to address any performance concerns.
- Exclusion from normal work or study place, conversations, or social events.

## **Racial harassment**

- Refusing to work with someone or deliberately isolating them because of their ethnic origin, colour, race or nationality;
- Derogatory name calling;
- Verbal threats, insults, insinuations, taunts and racist jokes;
- Displaying racially offensive material;
- Exclusion from normal workplace conversation or activities;
- Physical abuse or attacks motivated by ethnic origin, colour, race or nationality;
- Encouraging others to commit any such acts.

## **Age-based harassment**

- Denial of training, development or progression opportunities based on stereotypes or assumptions about the abilities of certain age groups, e.g. assuming that older employees will be slow at learning new IT skills, or choosing not to promote someone because they're too young to lead a team;
- Persistent reference to age in relation to performance or ability;
- Exclusion of someone from discussion, meetings, social events, etc. because of their age;
- Name-calling, insults, nicknames, intrusive or inappropriate questions or offensive jokes on the basis of age.

## **Disability-related harassment**

- Asking intimate questions about an individual's impairment such as how it occurred and what it is like to be disabled;
- Name-calling, jokes, taunts and use of offensive language;
- Excessive staring or mimicking;
- Unwelcome interference with personal aids or equipment;
- Assuming that an impairment means that the individual is inferior;
- Speaking to colleagues rather than the person with the disability;
- Uninvited physical contact;
- Exclusion from workplace events and social activities because of barriers.

## **Harassment on the basis of religion or belief**

- Remarks, banter or jokes about particular religious or philosophical beliefs or religious practices;
- Making assumptions about a person's religion or belief or non-religion or belief;
- Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of their religion;
- Making it unnecessarily difficult for people to conform to their religious beliefs;
- Pressure to participate in religious or other belief groups.

## **Harassment on the basis of sexual orientation or gender identity**

- Threatening to disclose, or disclosing ("outing"), a person as lesbian, gay, bisexual, or other sexual orientation, or transgender or other gender identity to others without their permission, or spreading rumours about their identity;
- Persistently or deliberately using the wrong name or pronoun in relation to a transgender or non-binary person or referring to their gender identity history;
- Refusing to treat a person as their new gender when they transition;

- Intrusive questioning about someone's private life or of an intimate nature, especially related to a transgender or non-binary person;
- Excluding a person from conversation and activities;
- Circulating prejudiced myths or stereotypes such as that all gay men are HIV positive, bisexual people are attracted to everyone, lesbians don't have caring responsibilities or that LGBTQ+ people are a threat to children;
- Excluding a same sex partner when opposite sex partners are included;
- Assuming that everyone is heterosexual or that being heterosexual is normal.

## **Sex-based harassment**

- Refusing to work with someone or deliberately isolating them on the basis of their sex;
- Unfair work allocation;
- Treating someone as inferior or less skilled or refusing to respect their knowledge or authority;
- Persistent unwarranted criticism;
- Intentionally blocking promotion, career progression or training opportunities.

## **Sexual harassment and misconduct**

- Verbal harassment such as whistling, catcalling, sexual comments, sexual innuendo, telling sexual jokes and stories, intrusive questioning of an intimate nature, spreading rumours about a person's sex life;
- Non-verbal harassment such as looking someone up and down, displaying pictures of a sexual nature, sending emails containing sexual content, making sexual gestures, using suggestive body language;
- Unwelcome sexual advances, propositions and demands for social or sexual encounters and favours - these activities will be considered very serious if accompanied by either explicit or implicit promises for compliance or threats of penalties for non-compliance;
- Unwanted or derogatory comments about clothing or appearance;
- Leering and suggestive gestures and remarks or jokes;
- Displaying offensive material, such as pornographic pictures, page-three type pin-ups or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media;
- Unwanted touching of a sexual nature, for example of a person's breasts, genital area or buttocks, or unwanted kissing. This includes touching through clothing or another item (e.g. a bedsheet) and touching done with any part of the body or anything else;
- Any act of sexual violence including sexual assault, rape and sexual assault by penetration. Sexual violence is a serious criminal offence;
- Encouraging others to commit any such acts.

For further information on sexual misconduct see:

<https://rapecrisis.org.uk/get-informed/types-of-sexual-violence/what-is-sexual-assault>

## **Stalking**

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material relating or purporting to relate to a person/persons, or purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private) where the person who is the focus of unwanted attention is likely to be;
- Interfering with any property in the possession of a person;

- Watching or spying on a person/persons including through the use of CCTV or electronic surveillance.

See further examples from the Crown Prosecution Service: [www.cps.gov.uk/legal-guidance/stalking-and-harassment#a02b](http://www.cps.gov.uk/legal-guidance/stalking-and-harassment#a02b)

## Bullying

- Persistently ignoring, undermining or belittling someone;
- Deliberately withholding information or excluding someone from meetings, events or activities;
- Setting unreasonable demands or giving someone a heavier workload than others;
- Excessive supervision or misuse of power or position;
- Excessive negative criticism or trivial fault-finding;
- Spreading a malicious rumour about someone;
- Putting humiliating, offensive or threatening comments or photos on social media;
- Persistently undermining someone's authority or showing continued disrespect.

## Bullying versus acceptable management practices

The differences between a manager who is firm but fair and a manager who is bullying and harassing staff are sometimes seen to be unclear. The Department for Work and Pensions has developed a framework to make clear distinctions between the two management styles.

<b>Firm but fair</b>	<b>Bullying / harassment</b>
consistent and fair	aggressive, inconsistent and unfair
determined to achieve the best results, but reasonable and flexible	unreasonable and inflexible
knows their own mind and is clear about their own ideas, but willing to consult with colleagues and staff before drawing up proposals	believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
insists upon high standards of service in quality of and behaviour in the team	insists upon high standards of service and behaviour but blames others if things go wrong
will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame on others when things go wrong	loses temper, regularly degrades people in front of others, threatens official warnings without listening to any explanation
asks for people's views, listens and assimilates feedback	tells people what is happening, does not listen

## Cyberbullying

Cyberbullying or cyberharassment is a form of bullying or harassment using electronic means. Examples of cyberbullying can include:

- Spreading malicious and abusive rumours and gossiping;
- Emailing or texting threatening or intimidating remarks;
- Mobbing (a group or gang targeting an individual or group);
- Harassment using email, social media, etc.;
- Intimidation and blackmail;
- On-line stalking;
- Posting embarrassing or humiliating images or videos without consent;
- Posting private details on-line without consent;



- Setting up a false profile, identity fraud or identity theft;
- Using gaming sites to attack or bully.

For further information see the [Social Media Guidelines](#) and the [IT Policies, Procedures and Regulations](#).

## Victimisation

- Giving a warning or other sanction to someone for being a witness to a complaint of discrimination made by a work colleague;
- Being denied a promotion / career progression, being moved to a position with lower responsibility or having work tasks removed after helping a colleague make a discrimination complaint;
- Dismissal from employment, being refused further contract work or being given a poor reference after making a complaint of sexual harassment;
- Being bullied, picked on or belittled by a manager or being ostracised or excluded from a team after making or supporting a complaint of discrimination.

## Hate crime or hate incidents

Examples of hate incidents are assault, sexual offences, verbal abuse, bullying, intimidation, harassment, abusive phone calls, online abuse, graffiti, criminal damage, hate mail and threats of violence where they are motivated by hostility or prejudice on the grounds of race, religion, sexual orientation, disability or transgender identity.

Further information on [Hate Crime](#)  
[www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/what-are-hate-incidents-and-hate-crime/](http://www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/what-are-hate-incidents-and-hate-crime/)

## Subtle Acts of Exclusion (SAE) or micro-aggressions

Subtle acts of exclusion (SAE) can occur with any potentially minoritised or marginalised group and/or where stereotypes exist. SAEs are rarely intentional but nonetheless act to reduce someone's sense of belonging and inclusion and as such should not be ignored/overlooked. The following are examples:

### Race

"You're so articulate." Implied message: people of colour or from other countries don't speak English/are not intelligent.

"Where are you *really* from?" Implied message: you're not from here/one of 'us'

### Gender

'That dress really shows your curves.' Implied message: the most important thing about a woman is the way that she looks rather than how she contributes or does her job.

'Is your boss around?' Implied message: women don't hold senior/managerial positions.

### Disability

Raising your voice or speaking slowly when addressing a blind person. Implied message: a person with a disability is lesser in all aspects of physical and mental functioning.

Read more at: [Micro-behaviours - microaggressions and micro-inequities](#)

# Initiations

**Oxford Brookes does not tolerate any form of initiation within its sports clubs and will take appropriate action where these are found to have taken place.** Activities that might fall under the scope of this policy and result in additional sanctions, up to and including expulsion, include those encompassed by the BUCS definition of 'problem initiation', i.e. any activity that could reasonably be perceived as resulting in either the risk or occurrence of physical or mental detriment to participants, regardless of an individual's willingness to participate, where and when it takes place or whether it has been labelled as such by the group. These include, but are not limited to:

- Bullying, harassment and power inequality, often used as a means to coerce participation in activities, challenges and other risky behaviours designed to humiliate, often against a person's will;
- Activities involving the consumption of excessive quantities of alcohol;
- Activities involving the consumption of abnormal/unpleasant substances;
- Forced acts of nudity;
- The humiliation of a person in public (i.e. setting someone up to fail);
- Isolation or ostracising of individuals through the removal of their mobile phones, geographical remoteness or physical isolation;
- Physical acts perpetrated against a person's body (e.g. shaving their hair);
- Psychological torment;
- Sexual assault and sexual harassment;
- Victimisation of a specific group of individuals (e.g. "Freshers").

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## Other terminology and definitions relating to harassment and discrimination

These external definitions are provided to provide guidance but do not necessarily represent the position of Oxford Brookes.

- [Ableism/ Disablism](#)
  - [Antisemitism](#)
  - [Biphobia](#)
  - [Homophobia](#)
  - [Islamophobia](#)
  - [Misogyny](#)
  - [Sexism](#)
  - [Transphobia](#)
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# Appendix C: Underpinning Framework for Complaints Raised by Students

**Note:** Students studying with some partners, especially overseas, may be subject to the procedures of the partner institution. Details about local practices will be set out in their Partner Handbook.

## Raising and reporting

Students can use the University's [online reporting tool](#) to report issues in relation to this policy. This can be done either anonymously or with contact details, in which case one of the Student Welfare Team will make contact to discuss ongoing support and options for onward formal reporting.

The [Student Complaints Procedure](#) provides information in relation to raising a complaint. If a student is unsure who to raise a concern with, advice can be sought from a Student Support Coordinator, the Student Investigation and Resolution Team (SIRT), or from the Brookes Union Advice Service.

These reporting routes apply whether the issue relates to another student or a member of staff.

## Supporting

Information about the support available to students can also be found on the University's [support webpages](#). This includes information about emergency and 24-hour support provision and external support services with expertise in different areas, as well as internal support available from:

- [Student Welfare Team](#)
- [Brookes Counselling Service](#)
- [Brookes Union Advice Service](#)

## Addressing

Complaints or allegations against students will be addressed in accordance with the [Student Conduct Procedure](#). The [Staff Disciplinary Procedure](#) will be used as appropriate where the complaint relates to the conduct of a University employee.

# Appendix D: Underpinning Framework for Complaints Raised by Staff

## Raising and reporting

Individuals are encouraged to discuss the matter with their line manager or alternatively to contact their Directorate/Faculty People Manager who can be found via the [People Directorate contact page](#).

Depending upon the severity of the complaint, an informal approach will usually take place at first. The process for raising an issue informally is covered in the [Resolving Issues at Work Procedure](#).

Where the complaint is not resolved informally, or where it is considered to be very serious, or where there may be a risk of harm, the formal [Staff Grievance Procedure](#) should be referred to.

## Supporting

Support and advice is available to staff from:

- [Employee Assistance Programme \(EAP\)](#) (this includes confidential 24-hour provision);
- [Occupational health - self referral](#);
- [Multi Faith Chaplaincy](#);
- [Staff Harassment Advisors](#);
- Directorate/Faculty People Managers, who can be found via the [People Directorate contact page](#).

## Addressing

Where an investigation under the [Staff Grievance Procedure](#) identifies that there has been potential misconduct by a member of staff the [Staff Disciplinary Procedure](#) will be followed. In some instances, and only with the agreement of both parties, mediation may be proposed.

Where the issue relates to the conduct of a student the [Student Conduct Procedure](#) will be followed.