

STUDENT BULLYING & HARASSMENT POLICY

Organisation: Falmouth University

Applies to: Students

Policy owned by: Quality Assurance & Enhancement and Student Support (FXPlus)

Required consultees: Quality Assurance & Enhancement, Student Support (FXPlus), Falmouth Online, Academy for Continuing Education and Legal & Compliance

Approved by: Academic Board

Date approved: WEDNESDAY, 02 JULY 2025

Review date: MONDAY, 31 AUGUST 2026

STUDENT BULLYING & HARASSMENT POLICY

1 Purpose

- 1.1 The purpose of this policy is to create and maintain a safe, respectful, and supportive environment at Falmouth University (the “University”), free from bullying and harassment, regardless of study mode.
- 1.2 It aims to foster a culture of dignity and respect among all members in line with our values, where individuals feel empowered to speak out and challenge inappropriate behaviour.
- 1.3 The University does not tolerate any form of bullying or harassment, and this policy emphasises the University’s commitment to investigating and addressing incidents of bullying and harassment with seriousness, sensitivity, impartiality and fairness, ensuring support for all those affected. It also highlights the responsibility of all members of the University’s community in upholding these values and provides clear, accessible procedures for reporting and support related to bullying and harassment.
- 1.4 The University will ensure that anyone making a complaint in good faith or supporting anyone else in making such a complaint in good faith about any alleged incident of bullying or harassment will not experience any victimisation or any other detriment as a result of reporting their concerns to it or any of its academic partners or franchised providers.

2 Scope

- 2.1 This policy applies to all students of the University.
- 2.2 The University is jointly responsible with franchise delivery partners for ensuring that students are protected from bullying and harassment. For students directly studying with the University any reports of bullying and/or harassment will be investigated under its applicable procedures as set out in this policy. For students studying with franchise partners, their teaching institution will have a policy which mirrors the University provision and other than in exceptional cases any students studying with franchise partners should refer any complaints to them for investigation under their applicable policies and procedures.
- 2.3 This policy is intended to be used by its students to report incidents involving other students and its members of staff and its contractors and is not limited to incidents only occurring on Falmouth University or partner institution premises but also covers incidents that happen off-campus and/or online where its students, staff and contractors are involved.
- 2.4 Conduct which amounts to bullying and harassment as defined by this policy may also constitute a potential criminal offence. In such circumstances, and where a complaint has been reported to the police or other relevant external authority, priority over internal processes may need to be given to the relevant authority investigating the matter. Regardless of the fact of an external investigation or the outcome of any criminal investigation or criminal proceedings the University has discretion to proceed

with an internal investigation under its own policies and procedures where it considers it reasonable and appropriate to do so.

- 2.5** Where a student's conduct comes under investigation by the police, the University's own investigations into alleged misconduct or proceedings under its procedures may be deferred until such time as the police and/or courts have completed their investigations and proceedings. The University may also, as appropriate to the circumstances, at any time, suspend a process already underway under this policy. In determining whether to commence or proceed with any action or process under this policy, the University is not bound by the outcome of any police or criminal investigation or prosecution. However, where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this policy.
- 2.6** The University has a separate student policy on sexual misconduct which outlines the steps that the University will take to address incidents of sexual misconduct experienced by its students. Students who have suffered sexual misconduct in the form of sexual harassment may wish to refer to that policy. In addition, the University reserves the right to refer matters involving sexual harassment to be dealt with under the most appropriate policy and procedure taking account of the facts and circumstances of the individual case.

3 Policy statements

- 3.1** The University is dedicated to providing a safe and supportive environment where bullying and harassment is not tolerated, and individuals are supported in reporting incidents to it or its academic partners and/or franchise partners in good faith or supporting individuals in making such reports.
- 3.1** The University offers an inclusive and positive cultural environment where all members can flourish, be equally valued and respected, and where bystanders are empowered to challenge problematic behaviour.
- 3.2** The University recognises that bullying and harassment can cause significant harm and violate human dignity. Reports of such behaviour will be taken seriously.
- 3.3** The University is committed to effective prevention and response to incidents of alleged bullying and harassment, acknowledging that unintentional harm can still constitute a breach of this policy and/or University's [Student Code of Conduct](#).
- 3.4** The University will provide guidance and support to those who experience bullying and harassment and also staff who may be responsible for receiving disclosures and reports from students, ensuring all disclosures, and reports about alleged bullying and harassment are handled sensitively, fairly, impartially and effectively.
- 3.5** The University will provide a single comprehensive source of information available on our website dedicated specifically to bullying and harassment with clear signposting to: support both internally and from external agencies; pathways to reporting; our policies and procedures; details of accessible counselling services; guidance relating to consent and defining sexual misconduct; and details of work being undertaken in this

area. Equivalent facility will be provided to academic franchise partnership students as appropriate.

3.6 Reports of bullying and harassment can be made in the following ways:

- **Anonymous or informal report via the University's Support and Report tool:** students who have witnessed or been affected by harassment, on our campuses or in the wider community, can use this online reporting tool to make an informal report or disclosure. Any student using the service who has informally reported (by providing their contact details) will then be contacted by the Student Support team about what they would like to do next and how the University can help them find support. A student can also choose to remain anonymous; while sharing their experience so the University can protect the wider community but the University may not be in a position to take any formal action under this policy unless a complaint report is made.
- **Report to the Police:** In parallel to the University's own internal procedures students may also have the right to report conduct which may also constitute a criminal offence to the Police. The University's Student Support team can advise and support students in making a report to the Police. Where appropriate the University can put precautionary measures in place, which can include a requirement for a student not to contact another student, and/or a suspension, while a Police investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence.
- **Formal complaint to the University:** If a student would like the University or a franchise provider (as appropriate) to take action under this policy and their proper procedures, they can make a formal complaint. A student can take this step even if the alleged incident may constitute a criminal offence and they do not want to report the matter to the Police or in parallel to any report to the Police. The Student Support team can support them through the process, and the Students' Union can also provide impartial advice. As above, the University can put precautionary measures in place, which can include a requirement for a student not to contact another student, and/or a suspension, while an internal investigation is in progress as well as pausing any internal process pending the outcome of any external investigation that may need to take precedence. The University can also take steps under its own procedures even after the completion of any criminal process where appropriate.
- More information on reporting can be found on the University's reporting guidance pages here: <https://www.falmouth.ac.uk/experience/support/harassment-and-sexual-misconduct>.

3.7 Complaints about the conduct of another student covered by this policy will be considered under the University's Student Disciplinary Policy and Procedure. Complaints about the conduct of a member of staff covered by this policy (including, but not limited to, all employees and contractors of the University) will be referred to People and Culture to determine whether any action is required under the University's Managing Conduct Policy for staff. The civil standard of proof (ie on the balance of probabilities)

will be used to determine whether misconduct has occurred in accordance with the terms of the appropriate procedure applied.

- 3.8** The University recognises that students may disclose an incident of bullying and/or harassment to any member of staff that they trust. As a disclosure is not a report a student must be provided with information about the support available and their options for reporting. This must be provided without the student having to disclose their identity (a no name consultation). With consent a staff member can refer a student for formal support.
- 3.9** If a student decides not to make a report the member of staff should agree with the student the details of the disclosure and any records kept regarding the same. Any notes taken should be brief and factual and the staff member should notify the student that they will have to notify QAE that a disclosure has been made to them subject to agreeing the detail with the student.
- 3.10** The University treats disclosures and reports of bullying and harassment with sensitivity and confidentiality, and information will only be disclosed to staff as necessary in order to provide support, make decisions, and where appropriate, to investigate a case, in accordance with applicable policies and procedures. In exceptional circumstances where there are safeguarding concerns or it is believed that a student or other individual is in immediate risk of harm then the University may notify the Police or other external agency in line with University's Safeguarding Policy. In situations where the University has to take this step it will provide the student or students with a full explanation of its reasons.
- 3.11** Close personal relationships between staff and enrolled students are not permitted, as stated in the relevant People and Culture staff-facing policy ([Relationships at Work Policy](#)). Students can report harassment or sexual misconduct within staff-student relationships, regardless of the policy's stance on such relationships, and will not be penalised for participating in such relationships. If a student wishes to report harassment or sexual misconduct within a staff-student relationship in good faith they will be protected from retaliation.
- 3.12** Reporting will be student-led, however you should be aware that where a serious allegation against a student or a member of staff is made, or where the University has grounds to suspect that harassment has taken place or is taking place, it may have a duty to investigate a case, regardless of whether you wish to formalise a report or complaint. In some cases, the University may also have a duty to notify the Police.
- 3.13** All members of the University's community are expected to take responsibility for maintaining a safe, respectful, and supportive environment and will be held accountable for their actions.
- 3.14** This policy should be read in conjunction with the following [related policies and procedures](#):
- Student Disciplinary Policy and Procedure
 - Student Sexual Misconduct Policy

- Student Code of Conduct
- Complaints Policy and Complaints Procedure
- Suspension Policy
- Safeguarding Policy
- Relationships at Work Policy (for staff)

4 Key definitions

- 4.1** The University uses the Office for Students' definition of harassment, taken from section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997, which they have summarised as follows:

'Harassment, including sexual harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.'

'A course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.'

The OfS have also extended these definitions to include harassment of one student by another student.

- 4.2** Bullying does not have a legal definition, but the Department of Education defines bullying as 'behaviour by an individual or group, repeated over time, that is intended to hurt or harm another individual or group either physically or emotionally'. It is similar to harassment but does not necessarily relate to protected characteristics. The University does not tolerate *any form of harassment or bullying*, regardless of whether such behaviour is related to a protected characteristic or not.

- 4.3** Examples of bullying include, but are not limited to, the following:

- a) Verbal bullying such as, shouting, using profane language, personal insults, sarcasm
- b) Coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence.
- c) Any form of physical aggression, such as pushing, hitting, or damaging someone's belongings.
- d) Ignoring or excluding someone, for example from group activities, social events or conversations.
- e) Spreading rumours, gossip or false information about another student or member of staff.
- f) Cyberbullying: sending threatening or abusive messages, or posting harmful or false information about someone online.
- g) Being complicit in any behaviour which knowingly helps, promotes or encourages any form of bullying by another person.

4.4 Examples of harassment include, but are not limited to, the following:

- a) Making comments or statements that are, ableist, ageist, anti-Semitic or Islamophobic (or prejudicial against another religion or belief), racist, sexist, or transphobic.
- b) Sharing ableist, ageist, anti-Semitic or Islamophobic (or prejudicial against another religion or belief), racist, sexist, or transphobic material which the recipient views as objectionable.
- c) Sexual harassment: unwanted behaviour or conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person, even if this was unintended. This form of harassment is also covered in the University's Student Sexual Misconduct Policy and incidents of sexual harassment may be considered under that policy if the University considers it more appropriate .
- d) Stalking: repeated and unwanted communication or behaviour which has the effect of causing fear and/or distress, such as following someone persistently.
- e) Cyberstalking: use of digital methods to engage in repeated and unwanted communication or behaviour which has the effect of causing fear and/or distress, such as spying on someone.
- f) Microaggressions: subtle, nuanced behaviour towards people with protected characteristics which has the effect of making them feel uncomfortable or marginalised.
- g) Being complicit in any behaviour which knowingly helps, promotes or encourages any form of bullying and/or harassment by another person.

4.5 In the case of incidents of bullying and harassment it is accepted that differences of attitude, background, religion, nationality and/or culture and the misinterpretation of social signals can often result in a perception of bullying and or harassment by one person which may not be seen so to another; nevertheless this does not make such conduct acceptable however innocent the reasons. It is the perception of the recipient and the other circumstances of the case that are most relevant and not the motive or intent behind it. However, the University will also have to consider whether it is reasonable for the conduct to have had the perceived effect.

4.6 The University has a statutory duty to uphold free speech principles which include a rebuttable presumption which requires the University to assume that exposing students to course materials, statements made and views lawfully expressed by individuals as part of teaching, research or discussions related to any subject matter connected with the curriculum are unlikely to constitute unlawful harassment. However, if it is demonstrated that these factors do not apply then appropriate action will be taken in accordance with this policy.

5 Related information

5.1 The University aims to provide sensitive, impartial and confidential support to all students affected by issues of bullying and harassment. The University's priority is to empower students; providing them with the information and time to consider their options and make decisions for themselves. If a student discloses experiencing bullying

and harassment or is the subject of an accusation of such acts or a witness, they will have equal access to support regardless of when or where the events occurred. In relation to students disclosing an incident the University will support them in deciding whether or not they wish to make a formal report. Information about support can be found here:

- <https://www.falmouth.ac.uk/experience/support/harassment-and-sexual-misconduct>
- <https://fxplus.ac.uk/mental-health-and-wellbeing-support/>

- 5.2 If a student is studying at one of Falmouth University's franchise collaborative partner institutions they will be supported by the appropriate team at that institution.

6 Responsibilities

- 6.1 The Vice-Chancellor and CEO, Pro-Vice Chancellor (Academic Services) and Chief People Officer are the strategic leads who hold institutional responsibility for our approach to addressing bullying, harassment and sexual misconduct.
- 6.2 Quality Assurance & Enhancement, People & Culture, Student Support (FXPlus) and Legal & Compliance are responsible for the application of this and related regulations, policies and procedures.
- 6.3 This policy will be reviewed annually accompanied by a monitoring schedule linked to cases and reporting for audit and compliance purposes.

7 Contact for further information

- 7.1 Quality Assurance & Enhancement: QAE@falmouth.ac.uk and/or Student Support: Student.Services@fxplus.ac.uk

VERSION CONTROL

PURPOSE/CHANGE	AUTHOR/OWNER	DATE
Original document approved at AQSC.	QAE	10 December 2015
Update to reflect new practices in relation to the recognition, reporting and supporting victims of, harassment/bullying.	QAE	July 2020
Rewrite approved at Academic Board	QAE & Student Support	2 July 2025