Appendix 3: Definitions and Examples of behaviour

Definitions

**Harassment** is unwanted behaviour or conduct which is related to a legally protected characteristic defined in the Equality Act 2010 (as detailed below). It has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, humiliating or offensive environment for that individual. Whether it is deliberate or unintentional, the salient point is that the individual feels it is unwelcome and unwanted. It may be against an individual by an individual or involve groups of people.

Examples of harassment could be (but are not limited to):

- Harassment or intimidation arising from current or historical conflict between people of different ethnic or religious groups;
- Deliberate or unintentional harassment brought about by differing perceptions of attitude, culture and/or the misrepresentation of social signals.

**Protected characteristics** are legally defined as age, sex, race, disability, religion or belief, sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity. The complainant does not necessarily have to possess the characteristic.

Discrimination by perception is where the conduct or behaviour is based on the perception that an individual has a protected characteristic, and Discrimination by association is where an individual is treated less favourably because of that person’s association with another individual who has a protected characteristic. Racism, sexism, homophobia, transphobia and bigotry are examples of harassment by perception or harassment by association.

**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.

Examples of bullying could be:

- abuse of power or authority
- verbal, written and/or physical intimidation e.g. threats, derisory remarks
- persistent unjustified criticism
- public humiliation
- the setting of impossible deadlines or intolerable workload burdens
- having responsibilities or decision-making powers withdrawn without good reason or explanation
- unwarranted exclusions
- open and obvious, for example, shouting at people, threats or physical intimidation, personal/offensive remarks, inappropriate physical touching
- hidden, disguised or not immediately apparent, for example, innuendo, excluding someone or other methods of ostracism, intrusively questioning a person regarding his/her personal circumstances
- through verbal exchanges, face to face conduct, or the display or circulation of physical material in any media, which could be offensive and is not approved for academic purposes

Vigorous speech and comment, academic debate and legitimate management of the performance of staff or students can be distinguished from bullying behaviour. However care should be taken to ensure that neither staff nor students are made to feel intimidated.

**Victimisation** occurs where an individual is subjected to detrimental conduct or behaviour because that person has raised a complaint of discrimination, or because the person has supported another person in raising a complaint of discrimination. This may involve groups of people.
The Student/Teacher Relationship is one of special trust. Teaching staff are required to recognise their professional and ethical responsibilities to protect the interests of students, to respect the trust involved in the staff/student relationship and to accept the obligations inherent in that responsibility. The University’s Personal Relationships Policy may be found at: https://www.kent.ac.uk/hr-staffinformation/policies/relationships.html.

The protection of young people, under the age of 18, and vulnerable adults is governed under the Safeguarding Vulnerable Groups Act 2006. All members of the University have a duty to raise concerns about behaviour that may be harmful to young people and vulnerable adults. The University of Kent Safeguarding Policy for Students may be found at: https://www.kent.ac.uk/governance/policies-and-procedures/Safeguarding-Policy-and-Procedure%20Feb2017.pdf

Third party harassment concerns the conduct and behaviour of people who are not students of the University but who are on campus for academic or other purposes. Examples would include students of other universities visiting to attend research seminars or to discuss their work with Kent students or staff. Where the University is aware that third party harassment has taken place it will take reasonable steps to prevent it from happening again.

Examples of behaviour
The following is an indicative list of positive or negative behaviours provided for guidance purposes only.

Positive behaviours which can work with the principles of equality and respect include:

- Respect for an individual’s differences;
- Value being placed on an individual’s contribution;
- No tolerance of prejudice;
- Every individual has a responsibility to behave in a way that is not offensive to others and to acknowledge that views and opinions held by others may differ from their own.

The following examples of behaviour (not exhaustive) shall be treated as a breach of this Policy and may result in disciplinary action being taken. Further information can be found in Section 14 of the Regulations on Student Discipline in relation to non-academic matters.

Note that what one person believes is discrimination, harassment or bullying may not seem so to another, however the underlying factor is whether the behaviour is unwanted or unwelcome in the recipient’s perception.

<table>
<thead>
<tr>
<th>Disciplinary offence</th>
<th>Examples (not exhaustive)</th>
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| **1. Physical misconduct**   | a. Punching  
|                              | b. Kicking  
|                              | c. Slapping  
|                              | d. Pulling hair  
|                              | e. Biting  
|                              | f. Shoving  |
| **2. Sexual misconduct**     | a. Sexual intercourse or engaging in a sexual act without consent.  
| Sexual misconduct is a broad term encompassing any unwanted behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by anyone of any | b. Attempting to engage in sexual intercourse or engaging in a sexual act without consent.  
|                              | c. Sharing private sexual materials of another person without consent.                      |
gender/non-gender and can occur between anyone, whether they are the same or different gender/non-gender. Sexual misconduct may vary in its severity and consists of a range of behaviour or attempted behaviour. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

Further advice and information can be found in the Guidance for Students who have been Sexually Assaulted or Raped.

3. Unacceptable behaviour

a. Threats to hurt another person.
b. Abusive comments relating to an individual’s sexual orientation, religion or belief, race, pregnancy/maternity, marriage or civil partnership, gender, gender identity, disability or age.
c. Acting in an intimidating and/or hostile manner.
d. Use of inappropriate language, in person, by word deed or online, including cyber bullying.
e. Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person.
f. Bullying or harassment, including repeatedly following another person without good reason.
g. Disorderly behaviour.

Behaviour in Class

Students are expected:

- To arrive on time for meetings with staff and teaching events such as lectures, seminars, supervisions and laboratories
- To refrain from using mobile phones and other electronic devices for non-educational purposes during teaching events, unless specifically authorised by the responsible lecturer, and in areas where use is forbidden e.g. library
- To treat staff and students with dignity and respect
- Not to behave in a way that distracts other students
- Refrain from indecent or abusive language or behaviour.

This list is not exhaustive.

A student, whose behaviour is considered inappropriate, may be asked to leave a teaching event and, if so, will be reported to the student’s Head of School. Serious or repeated instances may lead to disciplinary action under the Regulations on Non-Academic Student Discipline.

Drugs and Alcohol

The University has Policies concerning the misuse of alcohol and drugs. The Policies cover the University’s intent to provide a healthy and safe environment for students and others; to support students with drug or alcohol problems and to deal with drug or alcohol-related problems or incidents which affect the conduct, safety or academic performance of an individual student, other students, staff, campus life and/or the wider community.

The University will take action to prevent injury, damage or other serious risk where, as a result of alcohol or drug misuse, a student acts in such a way as to endanger him/her and/or others. A student
believed to be under the influence of alcohol or drugs may, for example, be asked to leave a lecture, seminar, practical workshop, laboratory session or other teaching event. In appropriate circumstances the procedures on Support to Study may be invoked to help a student to receive professional help and advice in relation to his/her academic work. An on-going alcohol or substance misuse problem will not constitute an acceptable excuse for bad behaviour or performance or exempt the student(s) concerned from the normal consequences of inappropriate performance or misconduct.

University Staff

All university staff play a critical role in demonstrating appropriate behaviour and setting the expectations they have of students and colleagues. They should demonstrate professional behaviour and foster an inclusive University culture which encourages positive, supportive and open interactions.

If you wish to report a breach of this Policy, or submit a complaint, please see Appendix 1: Complaints and Confidentiality.