



UNIVERSITY OF  
**WINCHESTER**

## **Race Harassment Guidance**

## Race Harassment Guidance

### Purpose of this Guidance

This guidance is provided to clearly outline the behaviours considered to be racial harassment under the University's Disciplinary Procedures for Students; and for staff through our Grievance Policy and Procedure, Disciplinary Procedures and Dignity at Work Policy.

The process that will be followed when pursuing these issues can be found in those documents as relevant.

Issue of harassment can be reported through [report@winchester.ac.uk](mailto:report@winchester.ac.uk).

### 1. What is harassment because of race?

- a. Racial harassment is unwanted behaviour or conduct related to race, ethnic or national origins, immigration status and related issues that violates your dignity or creates an intimidating, hostile, degrading or offensive environment.
- b. Harassment might be directed at a person because of their identified or their perceived race or national origins, or because of the real or perceived race, ethnic or national origins of someone associated with them.
- c. Behaviours will be regarded as violating a person's dignity, creating an intimidating, hostile, degrading or offensive environment if it is *intended* to do so or if it has this *effect*. Any disciplinary investigation in respect of racial harassment will also consider whether it is *reasonable* for that behaviour to have this effect.
- d. Any actions relating to this guidance will be brought under the following policies and procedures as relevant:
  - I. Disciplinary Procedures for Students
  - II. Disciplinary Procedure (staff)
  - III. Dignity at Work Policy (staff)
  - IV. Grievance Policy and Procedure (staff)
- e. Racial microaggressions and microinsults [explained here](#) can sometimes be the subject of a disciplinary investigation, particularly if they are persistent

and from a particular person or group. Racial microaggressions are statements, acts or incidents which are indirect, covert or subtle discrimination against a marginalised ethnic minority. They may also be unintentional.

- f. Harassment related to race occurs even if there is no intended target of that conduct or behaviour, if the conduct or behaviour creates an intimidating, hostile, degrading or offensive environment or violates someone's dignity.
- g. Harassment because of Muslimness, Antisemitic behaviour and other ethnoreligious harassment, and xenophobia, can be examples of harassment because of race. Xenophobia is prejudice, actions or behaviour portraying fear or dislike of people from other countries. Harassment because of Muslimness is also included in this policy to recognise the close connection between the common, though erroneous, conflation of race and Islam and consequent harassment. Harassment because of Muslimness and Antisemitism are defined at the end of this document.
- h. Harassment related to race occurs even if the conduct or behaviour was not intended to create such an environment, for instance if it was intended as a joke, banter, or as an example of a dark sense of humour.
- i. Harassment related to race occurs even if there is no recipient of that conduct or behaviour that is of an ethnic minority background or from the background that is the subject of the behaviour.
- j. A single incident of such behaviour, if it is sufficiently serious, can constitute harassment under this policy.
- k. Harassment related to race can occur even if someone from the ethnic background in question is the originator of, or joins-in with that behaviour.
- l. Harassment related to race can occur even if the behaviour was intended to remain private or in a private or virtual space. The originator of that behaviour always retains the risk that the behaviour may be visible or capable of creating an intimidating, hostile, degrading or offensive environment.
- m. Commentary perceived as anti-white or reverse racism will not be treated as racist under this policy, as whiteness defines the dominant culture in the

UK. For instance, challenges around white supremacy, privilege, dominance or the historical advantages enjoyed because of whiteness are not actionable under this policy. This does not affect the rights under this policy of white minority ethnic staff and students (for instance those of Romani, Irish Traveller, Belarusian or other national or minority ethnic origins).

- n. Legitimate academic use of racial themes, where handled in an appropriate, scholarly, ethical and respectful manner, and whether taught, researched, published or through public engagement are not considered harassment under our policies.

Appropriate use might be (where scholarly):

- Reading or discussing works of literary or historical importance which employ racialised terminology or themes
- Interrogating the meaning and usage of racialised and racist slurs
- Critically evaluating the arguments and contexts of work by racists, racial purists, and/or other holders of prejudice

Inappropriate use might be:

- Use of prejudiced terminology where an accessible alternative and equally academically useful alternative is available and **could be** used in place of the problematic term - particularly where use of the problematic term is likely to cause offense, e.g. articulation of racist slur. For instance, articulation of the N-word is always offensive and an alternative is always available.

This is always subject also to our Freedom of Speech and Code of Practice for External Speakers, Conferences & Events On & Off Campus

## 2. Examples of behaviour covered by this policy.

The following examples are not exhaustive.

- a. A student displays offensive posters within their rooms in University halls of residence. These are widely known about and/or are visible from the

doorway. (This can create an intimidating, hostile, degrading or offensive environment.)

- b. A student/staff member posts racially offensive memes to a small number of friends in a closed social media group. These are intended as jokes between people who share this sense of humour. (There may be a member of this group who is actually offended by this behaviour but too intimidated to openly challenge it. And/or the posts may be forwarded to others, or become publicised outside of the group and thus create an intimidating, hostile, degrading or offensive environment. The originator of such behaviour retains the risk of this occurring.)
- c. A student/staff member makes derogatory remarks of a racist nature about an Asian student to a white student/colleague.
- d. A student/staff member verbally or physically abuses or threatens a black student or their friend because of their race.
- e. A student/staff member continually emails a black student asking them to make a presentation about life in the country they come from.
- f. A student/staff member uses terminology that is a racial slur (e.g. saying/rapping/singing/writing the n-word in full).
- g. A student/staff member *persistently* asks an ethnic minority student or staff member where they are from.
- h. A student/staff member encourages another person repeat a highly offensive racist statement about Roma people.
- i. A student/staff member engages in behaviour that incites racial hatred, e.g. wearing racist insignia or badges.
- j. A student/staff member makes derogatory, inflammatory or inaccurate statements about Islamic and/or Jewish cultures to other students/staff members.
- k. A student or staff member makes negative or blaming comments about Asian staff/student/community (or folk perceived as Asian) in relation to Covid *because* of their ethnicity.
- l. A student or staff member mocks the accent of another student or staff member.

### **3. How to report**

Issues relating to behaviours or conduct of staff can be raised with Human Resources, Student Services, through [report@winchester.ac.uk](mailto:report@winchester.ac.uk), or with any member of staff.

Issues relating to behaviours or conduct of students can be raised through [report@winchester.ac.uk](mailto:report@winchester.ac.uk), through Student Services, or with any member of staff.

#### **If you are a member of staff and a report is made to you:**

A member of staff that receives notice of an issue will need to either signpost the reporting party to HR, Student Services (for support) or report@ as relevant - or further report the matter to HR if the offending behaviour relates to a member of staff, or to [report@winchester.ac.uk](mailto:report@winchester.ac.uk) if the offending behaviour relates to a student.

Behaviours that are of a serious nature (which will always be the case if the offending behaviour is alleged to be committed by a staff member) **MUST** be reported, even in cases where the report is in confidence. If unsure whether the behaviour is sufficiently serious to breach confidence - the behaviours can be anonymised and advice sought from HR or the Director of Equality and Staff Development.

If you have signposted the reporting party to HR, student services or report@ - you will need to check that the student has actually made that report if the nature of the incident is sufficiently serious to invoke our duty of care.

### **4. SCOPE**

This policy relates to harassment that is committed or alleged to have been committed by students, academic, research or professional services staff, or third parties connected to University of Winchester (for instance Governors, Emeritus staff or contractors).

The alleged misconduct may have occurred:

- On University of Winchester property
- Via University of Winchester IT systems
- Off University of Winchester property
- Online, via email, the internet or social media. (see University policies relating to use and misuse of social media)

## **5. What happens if reported**

### **Informal Action against a Student**

A student/staff member may wish to resolve a matter informally themselves or take no action, whether the offending party is a student or a member of staff. If this is preferred, the report will be logged and the student can simply take no further action, or pursue an informal conversation themselves, or can ask for a facilitated conversation with a third-party present.

However, if the matter is reported and it is deemed to be sufficiently serious so as to invoke the University's duty of care\* to the reporting student/staff member or other students/staff, then the University may investigate or report the matter to an external third party such as the police, with or without the reporting party's consent.

\*A duty of care is a moral or legal obligation to ensure the safety or well-being of others.

### **Formal Action against a student**

A matter which is reported formally or which is deemed sufficiently serious so as to be considered without the consent of the reporting party or victim [accessed here](#) will be investigated and determined under the Disciplinary Procedures for Students.

The matter may be investigated as a complaint in the name of the reporting party or a complaint in the name of the University as reporting party.

### **Informal action against a member of staff**

A student/staff member may wish to resolve a matter informally themselves, or take no action. If this is preferred, the report will be logged and the student/staff member can either pursue an informal conversation themselves, or can ask for a facilitated conversation with a third-party present. Where the complaining party is a member of staff these informal proceedings will take place under either the informal process of the Staff Grievance Policy or the Dignity at Work Policy.

Where an issue of race harassment is raised however, serious consideration will always be given to pursuing the matter formally as a first course of action.

If the matter is reported and it is deemed to be sufficiently serious so as to invoke the University's duty of care\* to the reporting student/staff member or to other students/staff, then the University may investigate or report the matter to an external third party such as the police, with or without the reporting party's consent

\*A duty of care is a moral or legal obligation to ensure the safety or well-being of others.

### **Formal action against a member of staff**

Formal complains will either be considered under the Grievance procedures or as a disciplinary matter in an appropriate case.

Matters deemed sufficiently serious so as to be considered without the consent of the reporting party or victim will be investigated and determined under the Staff Disciplinary Policy. The University reserves the right to act as the complainant in an appropriate case.

### **For staff and students: Potential criminal action**

Some incidents of racial harassment may be a criminal as well as an internal matter. If there is a concern that an incident is happening and may be a criminal matter - you can call 999 or 112, or if not an emergency matter contact the local police station or report online at [www.police.uk](http://www.police.uk). The University may, at its discretion and under its duty of care\*, report such matters with or without the consent of the parties involved. [accessed here](#)

\*A duty of care is a moral or legal obligation to ensure the safety or well-being of others.

## **6. Support**

All alleged victims and accused staff and students will be offered support through either our Wellbeing Officer (staff) or Student Services team (students). Any retaliation or further action against a reporting party or party perceived as being the reporting party will result in an escalation of proceedings under the relevant disciplinary policy.

The University's BAME (Black, Asian and minority ethnic) Network is a group open to both staff and students of colour, as well as White allies and can offer informal advice and support. [BAMENetwork@winchester.ac.uk](mailto:BAMENetwork@winchester.ac.uk).

Winchester Student Union are an independent organisation and can offer advice and support.

Staff members can receive advice, support and representation from their recognised trade union, UCU or UNISON.

## **7. Monitoring**

Reporting of types of incident under this policy whether formal or informal, staff or student will be gathered centrally and reported annually to the: Equality and Diversity Committee; Human Resources Committee and the Student Experience Excellence Strategy Group, and recognised trade unions .

### **Policies related to this document**

Disciplinary Procedures for Students

Disciplinary Procedure (staff)

Dignity at Work Policy

Grievance Policy and Procedure (staff)

Freedom of Speech and Code of Practice for External Speakers, Conferences & Events On & Off Campus

Social Media Policy

Consent Statement

## Definitions of Harassment because of Muslimness and Antisemitism

### Definition of Harassment because of Muslimness

Harassment because of Muslimness is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.

Contemporary examples of harassment because of Muslimness in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist/ fascist ideology, or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism, and claims of a demographic 'threat' posed by Muslims or of a 'Muslim takeover'.
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.
- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.
- Accusing Muslim citizens of being more loyal to the 'Ummah' (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
- Denying Muslim populations the right to self-determination e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavour.

- Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, e.g. loyalty tests.
- Using the symbols and images associated with classic Islamophobia (e.g. Muhammed being a paedophile, claims of Muslims spreading Islam by the sword or subjugating minority groups under their rule) to characterize Muslims as being ‘sex groomers’, inherently violent or incapable of living harmoniously in plural societies.
- Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.

The above definition (based upon the UK All Party Parliamentary Group definition) does not assume that Muslimness defines one race, but we align this with race because of the function of anti-Muslimness which often targets individuals in a racialised way.

This definition, without additional evidence to show that it also falls under the above definition, does not preclude criticism of Islam, Islamic theology, the policies or actions of particular Muslim or Islamic states, or the words or actions of individual or groups of Muslims.

### **Definition of Antisemitism**

The International Holocaust Remembrance Alliance working definition of antisemitism is:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property - such as buildings, schools, places of worship and cemeteries - are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

This definition of Antisemitism is adopted by University of Winchester subject to the following further clarification points, the first two of which were recommended by the [Home Affairs Select Committee in 2016](#):

- It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent
- It is not antisemitic to hold the Israeli government to the same standards as other liberal democracies, or to take a particular interest in the Israeli government's policies or actions, without additional evidence to suggest antisemitic intent
- It is not antisemitic to propose alternative concepts of statehood (for instance proposals of shared statehood or challenging the concept and value of "statehood") without additional evidence to suggest antisemitic intent