



The Institute of Ismaili Studies

The Institute of Ismaili Studies

Discrimination, Harassment and Bullying Policy

1. Policy Aims and Scope

The Institute of Ismaili Studies (IIS) is committed to fostering an inclusive culture which promotes equality and values diversity. The IIS also aims to provide a safe and tolerant working, learning, and social environment for all those in our physical and virtual spaces, in which the rights and dignity of all members of our community are respected, free from discrimination, harassment and bullying.

Discrimination, bullying, harassment are unacceptable behaviours and contrary to the Equality Act 2010 and/or the Protection from Harassment Act 1997, and to the ethos and mission of the IIS.

The IIS rejects all forms of bullying, harassment and sexual misconduct, and will act swiftly and decisively should any cases come to light in accordance with this policy. The IIS is committed to preventing incidents of discrimination, bullying, or harassment where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. The IIS also commits to making available timely support for those who have been affected by such behaviours; and to providing prompt and equitable methods of investigation and resolution to stop bullying, harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence in accordance with this policy.

Appropriate steps will be taken to deal with behaviour, intentional or unintentional, that results in a breach of this Policy and IIS procedures make provision for the investigation of allegations made and for disciplinary action to be taken where allegations are upheld.

The IIS is also committed to protecting and promoting freedom of speech within the law and as such this Discrimination, Harassment and Bullying Policy operates in accordance with the [IIS Code of Practice on Freedom of Speech](#). The IIS is also committed to academic freedom and critical analysis within the law, for academic staff to be able to question, challenge and debate new ideas and opinions. There are instances where this may be limited by law where it is necessary to prevent crime, for national security purposes, public safety or to prevent unlawful discrimination and harassment.

For the purposes of this policy, references to the IIS community includes but is not limited to all salaried and non-salaried members of staff (including visiting staff), students, volunteers, governors, and other members of the IIS including all those individuals authorised to be at the Aga Khan Centre for the purposes of work or study at the IIS.

This policy also applies to members of The IIS community who may be working remotely and engaging with others remotely via an online platform. The way individuals work, and study has become more diversified over time and can now include working or studying remotely within student



The Institute of Ismaili Studies

accommodation or one's home environment where all communication takes place on an online platform. As such, any discrimination, harassment and bullying via online platforms can make individuals feel more exposed or vulnerable. The impact on an individual may be amplified where their home and work life seem to merge into one and where there is no physical distance between the two. In such circumstances, The IIS will take reasonable steps to eliminate discrimination, harassment and bullying and other unacceptable behaviour set out in this policy which may occur, and which may be more magnified, within the remote learning or working environment.

This policy applies to any behaviour as set out in this policy perpetrated by students, members of staff, volunteers, or governors, against other students, members of staff, or governors. It also applies to behaviour committed against any other third party (including but not limited to contractors, alumni, visitors, and applicants for job vacancies or courses offered by the IIS) where it occurs on premises and/or where third-party contact is made in relation to work/study purposes.

The above list is not exhaustive and may also include unacceptable behaviour being perpetrated by any other party who is required by The IIS to abide by this Policy. The IIS will also take reasonable steps to prevent any third-party harassment (e.g. from a visitor, supplier, member of the public) that may occur against a member of The IIS community.

For the avoidance of doubt, behaviour that may constitute direct discrimination, indirect discrimination and discrimination arising from a disability would normally only be considered as being carried out by the Employer/Provider (The IIS), a member of staff or a governor.

The IIS may also consider third-party allegations and/or historic allegations of discrimination, harassment, bullying and victimisation against a member of The IIS community that is raised formally with it and where The IIS assesses that there may be a continued risk to other members of its community. Where possible, reasonable attempts will be made to obtain relevant information to determine an appropriate response.

The IIS Sexual Harassment and Sexual Violence Policy is intended to cover instances of harassment and/or violence of a sexual nature. In the event of a conflict between this discrimination, harassment and bullying policy and the Sexual Harassment and Sexual Violence Policy, the terms of the latter policy will prevail.

2. Responsibility of The IIS community

All members of The IIS community should help to prevent discrimination, harassment and bullying by being sensitive to the reactions and needs of others and ensuring that their conduct does not cause offence.

All members of The IIS community should understand what constitutes discrimination, harassment and bullying by attending training sessions and, where necessary, seeking advice from the appropriate staff such as the Office of People & Culture or Student Services. It is possible to discourage discrimination,



The Institute of Ismaili Studies

harassment and bullying by others by making it clear that such conduct is unacceptable and supporting colleagues and peers who are taking steps to stop it.

The IIS is responsible for taking reasonable steps to eliminate discrimination, bullying and harassment as well as to promote the safe, tolerant working, learning, and social environment to which we aspire.

The IIS is also responsible for taking appropriate action when it is aware that discrimination, harassment, and bullying are or may be taking place; raising awareness to help everyone identify and deal with discrimination, harassment and bullying; and implementing training of members of staff in relation to discrimination, harassment and bullying.

All line managers and others with positions of responsibility have an additional obligation to ensure that this policy is implemented, to promote a safe and tolerant working, learning, and social environment, and to tackle swiftly and fairly any discrimination, harassment and bullying that is reported to them.

It should be noted that unacceptable behaviour, as outlined in this policy, is not necessarily confined to the behaviour of senior staff towards more junior staff, or indeed staff towards students. It can take place between individuals at the same level or involve staff or students behaving inappropriately towards more senior members of the IIS.

Members of the IIS community may be personally liable for their actions, which in some instances could lead to criminal or civil action in the Courts under the Protection from Harassment Act 1997, Crime and Disorder Act 1998, the Equality Act 2010, or any other relevant legislation.

3. Definitions

For the purposes of this policy the following definitions apply:

Discrimination

Discrimination is defined under The Equality Act 2010 and takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman unfavourably because she is breastfeeding), race (including colour, nationality, ethnic and national origin), religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership. Discrimination includes the following categories; direct discrimination (which includes discrimination by association and perception), indirect discrimination and discrimination arising out of a disability.

Direct discrimination occurs where an individual is treated less favourably because of one of the protected characteristics. For someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected



The Institute of Ismaili Studies

characteristic is receiving or has received. If there is no comparator, it can still be considered direct discrimination if an individual can show that another individual who did not have their protected characteristic would have been treated better in similar circumstances.

Discrimination by association (other than pregnancy and maternity) refers to a situation where an individual is discriminated against because of the protected characteristic of another individual(s), with whom they are associated.

Discrimination by perception (other than pregnancy and maternity) is discrimination against an individual because he or she is wrongly perceived to have a certain protected characteristic.

In relation to pregnancy and maternity, it is discriminatory to treat an individual (including a student) unfavourably because of their pregnancy and any related illness or because an individual is seeking to take, is taking or has taken maternity leave/pay during what is known as 'the protected period.' This protected period begins from the start of pregnancy and ends when maternity leave ends, or an individual returns to work after giving birth. If an individual is not an employee or worker, the protected period ends two weeks after a child is born.

Indirect discrimination occurs when an individual is disadvantaged by an unjustified provision, criterion, or practice that puts an individual with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic. Any individual claiming indirect discrimination must be able to show that they have been disadvantaged personally or that they will be disadvantaged and it cannot be shown that there is a good reason for applying that specific provision, criterion or practice. For the avoidance of doubt, a provision, criterion or practice can include but is not limited to IIS policies, ways in which access to any benefit, service or facility is provided and one-off decisions.

Another category of discrimination is discrimination arising out of a disability, which occurs when a disabled individual is treated unfavourably because of something connected with their disability, and there is no justification for this treatment. The Equality Act 2010 protects a person from being treated badly because of something connected to their disability, such as needing time off for medical appointments. It will not apply if the individual alleged to have committed discrimination arising from disability did not know, or could not have reasonably be expected to know, that the individual making the allegation had a disability. In the Equality Act 2010, disability means a physical or a mental condition which has a substantial and long-term impact on an individual's ability to do normal day-to-day activities.

Discrimination arising from disability will occur if the following three conditions are met:

- a disabled individual is treated unfavourably, and are therefore at a disadvantage, even if this was not the intention, and,



The Institute of Ismaili Studies

- this treatment is because of something connected with the disability (which could be the result, effect, or outcome of that disability), and,
- the treatment cannot be justified by showing that it is 'a proportionate means of achieving a legitimate aim.'

It is not unlawful discrimination to treat a disabled person more favourably than a non-disabled person if they require it.

Under the Equality Act 2010, an employer has certain duties to make 'reasonable adjustments'. This is to ensure that a disabled person is not put at a substantial disadvantage by the employment/study arrangements or by any physical feature of the workplace or learning environment. There is a responsibility to make sure that disabled people can access jobs, education and services as easily as non-disabled people. This is known as the 'duty to make reasonable adjustments'. What is reasonable will depend on a number of factors.

When discrimination may be lawful and the Occupational Requirement

The following types of discrimination may be justified in certain circumstances:

- indirect discrimination,
- discrimination because of something connected to an individual's disability,
- direct age discrimination.

Where the following three circumstances may apply:

- Positive action – to help a disadvantaged or underrepresented group
- Objective justification – when an employer can prove a legitimate need for less favourable treatment
- Using protected characteristics in recruitment.

Under the Equality Act 2010, there can be objective justification for discrimination where both of the following apply:

- there's a 'legitimate aim', such as a genuine business need or a health and safety need, and,
- the discrimination is 'proportionate, appropriate and necessary.' This means the legitimate aim is more important than any discriminatory effect.

If discrimination is found to be justified, then it will not be considered unlawful discrimination.

There may also be other situations where it is lawful for an employer to require a job to be done by someone with a particular characteristic, if having this characteristic is an occupational requirement for the job.



The Institute of Ismaili Studies

The Equality Act 2010 states all of the following need to be shown for the discrimination to be lawful:

- the requirement is an occupational requirement and there must be a link between the requirement and the job,
- the employer has a good business reason or a legitimate aim for applying the requirement and must be able to show it,
- having the requirement is the best way to achieve the employer's aim. This must be proportionate.

The occupational requirement exception only applies in relation to a decision about:

- recruitment - whether or not to offer a job,
- access to training,
- promotion or transfer to another job,
- Dismissals.

Harassment

Harassment is set out under the Protection from Harassment Act 1997 and the Equality Act 2010. Section 1 of the Protection from Harassment Act 1997 sets out that: as:

'A person must not pursue a course of conduct: (a) which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other. Whilst harassment is not defined references to harassment under section 7(2) of the Act include 'alarming the person or causing the person distress.'

It can include repeated attempts to impose unwanted communications and contact upon other individual(s) in a manner that could be expected to cause distress or fear in any reasonable person.

Under s.26 of the Equality Act 2010, harassment is defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. As such, individuals are protected from three types of harassment. Firstly, it is unlawful to treat someone less favourably where it relates to a 'relevant protected characteristic,' which for the purposes of harassment includes: age; disability; gender re-assignment; race; religion or belief, sex and sexual orientation. For the avoidance of doubt, pregnancy and maternity, marriage and civil partnership are not specifically included within the harassment provisions of the Equality Act 2010, although unwanted conduct related to these would be considered as harassment due to sex. In addition to this, an individual may put forward a case for harassment if they do not have the specific protected characteristic but instead have a connection with the protected characteristic.



The Institute of Ismaili Studies

Another form of harassment is **Sexual Harassment** which occurs when you engage in unwanted conduct or behaviour which is of a sexual nature, and which has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading or offensive environment. The IIS Sexual Harassment and Sexual Violence Policy is intended to cover instances of harassment and/or violence of a sexual nature.

Harassment may also occur when an individual is treated less favourably because they have rejected or submitted to unwanted conduct of a sexual nature or behaviour that is related to gender identity or sex.

Misogyny is the conscious or unconscious hatred/dislike of, contempt for or ingrained prejudice against women. It can take many forms such as male privilege, patriarchy, gender discrimination, sexual harassment, belittling of women, violence against women and the sexual objectification of women. It can also be expressed in many forms including psychological and physical abuse, sexual harassment, and sexual violence.

Victimisation

Victimisation means treating an individual unfavourably (subjecting them to a detriment) because they have done a protected act.

A protected act can be:

- making a claim or complaint under the Equality Act (for example, for discrimination or harassment)/Public Interest Disclosure Act 1998,
- helping someone else to make a claim by giving evidence or information,
- alleging that someone has breached the Equality Act, or,
- doing anything else which may relate to the Equality Act.

Victimisation also means subjecting an individual to a detriment because it is believed they have done or are going to do a protected act or giving evidence to support an individual complaining about a protected act. The individual does not actually need to have done the protected act.

Bullying

Bullying is defined as intimidating, hostile, degrading, humiliating or offensive behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct. Bullying does not need to relate to a protected characteristic.

It may be physical or psychological in nature and conducted in an open environment or a secretive manner. It is behaviour that is often repetitive and intended to dominate another person or group by



The Institute of Ismaili Studies

making them feel degraded, humiliated, intimidated, or offended. It can cause a person to lose respect and confidence.

Stalking

Stalking is an offence under English law and is also considered a form of harassment and/or bullying, regardless of whether the perpetrator is known or a stranger to the victim. It is usually persistent and unwanted conduct. It can be physical or psychological and take place directly against a person, or by approaching a third party about a person. Following a person home, pestering them, sending or leaving them unwanted and repeated messages on their telephone or email, bullying them on social media or making intrusive or unwanted visits are examples of how stalking may take place.

Hate Crimes, Incidents and Speech

Hate crimes are any crimes that are perceived to be targeted at an individual because of hostility or prejudice towards that individual's disability, race or ethnicity, religion or belief, sexual orientation, or transgender identity.

A hate incident is behaviour which is not a crime, but which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on the 5 protected characteristics as mentioned in the paragraph above. When hate incidents become criminal offences they are known as hate crimes and can be prosecuted.

Hate speech is all forms of speech which spread and justify racial hatred, xenophobia, homophobia, biphobia, transphobia, Islamophobia, antisemitism, or other forms of hatred based on intolerance (The IIS for Strategic Dialogue). This includes hate speech directed at others due to their protected characteristics (all protected characteristics as set out in the Equality Act 2010).

4. Harassment and bullying via the internet and/or email and social media sites

Harassment, bullying and stalking can also take place on the internet and through the misuse of email and social media. This can include but is not limited to the use of any social media apps and services, as well as chat rooms and forums, personal web pages, emails, text messages, conference calling, and other online tools. This may also occur during online teaching sessions or any other online meeting that may be arranged and connected to a student's learning experience.

When using social media or posting online, all members of the IIS community should consider the content, language and appropriateness of such communications. Use which is deemed unacceptable includes but is not limited to the following:



The Institute of Ismaili Studies

- making and/or sharing sexually explicit, racist, violent messages and/or offensive messages or other such content via social media,
- forming or participating in an online group that isolates or victimises fellow students, members of staff and or other members of The IIS community,
- using social media to access or share illegal content,
- using language which would be deemed to be offensive, threatening or humiliating to others in a face-to-face setting,
- making defamatory comments,
- sharing confidential information,
- imitating another IIS community member on social media.

Any such unacceptable use can lead to an investigation under the relevant disciplinary procedure.

Members of the IIS community are additionally required to comply with relevant IIS policies relating to the use of IT facilities, such as the IT Acceptable Use Policy for staff.

5. Action against discrimination, harassment, victimisation and bullying

Where possible and where there is no risk to safety, the IIS would always encourage an individual to inform the alleged perpetrator that they find the behaviour directed against them unacceptable and ask them to stop. In some cases, the situation may be resolved in this way. A written record should be kept by the individual concerned of all incidents including the details, dates, times, circumstances and witnesses. If the matter is not resolved or the behaviour persists, then an individual should approach the relevant members of the IIS to escalate the matter as set out under the relevant procedure (see below).

Where an allegation is brought forward to be considered formally, the IIS will conduct confidential and impartial investigations into allegations made. In deciding whether conduct is discrimination, harassment or bullying, the IIS will take account of the following factors:

- the alleged reporting individual's perception of the conduct,
- other circumstances of the case,
- whether it is reasonable for the conduct to have had the effect of discrimination, harassment or bullying.

The IIS will take into consideration any aggravating factors such as unacceptable behaviour arising from an abuse of power from an individual who is in a senior position against an individual who is in a junior position.

Where an allegation is upheld, this may normally result in disciplinary action which can include dismissal, expulsion or referral to the police in serious cases. The relevant procedures are outlined below:



The Institute of Ismaili Studies

For students:

[The Student Disciplinary Policy.](#)

For the avoidance of doubt, where a student reports an incident (as outlined under this Policy) against a member of staff, then this will be referred to the People & Culture Department to investigate under their procedures.

For members of staff:

Disciplinary Policy.

Allegations by or against other members of the IIS community will be considered under their relevant contract/engagement with the IIS or any other relevant IIS Procedure/Policy/ Code which may relate specifically to them.

Disclosures/Reports regarding discrimination, harassment and bullying may also be made using the IIS Report + Support tool. Reports raised through this tool may subsequently be investigated under one of the above set out procedures.

If an individual has experienced or witnessed third-party harassment of a member of the IIS community, they should initially discuss this with their line manager, supervisor, academic mentor, or a member of the Office of People & Culture, in the first instance. The IIS will then consider what appropriate action will need to be taken which may include, but is not limited to, notifying third parties and using their complaints procedure if applicable, or notifying the police, if required.

Where a disclosure or report indicates that there may be a risk of harm to that individual or others within the IIS community, then a small, select few members of the IIS which may include a representative from Student Services, People & Culture, and management, will meet on a "need to know basis" to assess the risks arising from such a disclosure/report and consider what immediate and long term action may be necessary.

Malicious and/or vexatious allegations

Disciplinary action may be taken if allegations are found to be malicious or vexatious. However, individuals will not be subject to disciplinary action or to any other detriment simply because their complaint is not upheld and will only face disciplinary action if it is found both that the allegation is false and made in bad faith (that is, without an honest belief in its truth).

6. Confidentiality and Data Protection

The IIS will conduct confidential and impartial investigations into allegations made relating to unacceptable behaviour or conduct as outlined in this policy. It will always comply with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Any information provided in



The Institute of Ismaili Studies

relation to harassment, discrimination and/or bullying shall be kept confidential and will only be shared with others within the IIS on a “need to know” basis.

There may be instances where the IIS may have to disclose confidential information to the police (where in exceptional circumstances the IIS considers that there is a high risk of continuing harm to the reporting individual or others within its community or to prevent a further incident which constitutes a criminal offence from occurring), the civil and criminal courts if requested formally or to the Office of the Independent Adjudicator (OIA).

The IIS may also use anonymous data on cases internally for reporting, learning, training and evaluating or externally with regulators in the higher education sector.

7. Monitoring of Cases

The IIS will compile anonymous information about the number, nature and outcomes of, discrimination, harassment and bullying cases each academic year, with a view to keeping the Academic Council updated. The policy will also be reviewed at regular intervals to monitor its effectiveness.