



## **Bullying and Harassment (Students) Policy and Procedures**

### **1 Scope and Purpose of the Policy**

- 1.1 This policy relates to all BHASVIC students. The College has a firm commitment to equality and diversity and will not tolerate the bullying or harassment of one member of its community by another. The purpose of this policy is to assist in developing a working environment in which bullying and harassment are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying, should they arise, in the knowledge that their concerns will be dealt with confidentially, appropriately and fairly.
- 1.2 The policy is accompanied by procedures to be followed if a student feels they are being bullied or harassed in the course of their period of study at the College.
- 1.3 A separate policy on Dignity at Work exists for staff and advice on this may be obtained from the Personnel Department.

### **2 The College's commitment**

- 2.1 The College welcomes diversity and believes that every student has a right to work and study in an environment which encourages harmonious relationships. The College is committed to preventing bullying and harassment and its commitment to equal opportunity is enshrined in its Equality and Diversity Policy and in the College Charter.
- 2.2 Every student is also personally liable under the Equality Act 2006, Human Rights Act 2000, Race Relations Act 1976, Sex Discrimination Act 1975 and the Protection from Harassment Act 1997. Allegations of bullying and harassment will be treated very seriously by the College and could result in disciplinary action being taken against the perpetrator.
- 2.3 The College will ensure that any student raising a genuine concern under this policy is not victimised as a result.
- 2.4 As allegations of bullying and harassment are very serious, the College will also treat very seriously any such allegations proven to be malicious and these are also likely to be the subject of disciplinary action.
- 2.5 The College will also treat very seriously allegations of harassment and bullying of a member of staff by a student or students and if such allegations are proven they are likely to be the subject of disciplinary action.

### **3 Monitoring of the Policy**

- 3.1 The Senior Management Team will keep the implementation of this policy under review and the Equality and Diversity Officer will monitor its use.

### **4 Related Policies**

- Equality and Diversity Policy
- Race Equality Policy
- Student Disciplinary Policy
- Complaints Policy

- Child Protection Policy

## **Procedures for dealing with Bullying and Harassment (Students)**

### **1 What are bullying and harassment?**

1.1 Bullying and harassment can take a variety of different forms ranging from repeatedly ignoring someone or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of bullying and harassment include physical threats or violence. Behaviour that may appear trivial as a single incident can constitute bullying or harassment when repeated, or in the context of the staff/student relationship.

1.2 Bullying and harassment may not always be intentional but are always unacceptable, whether intentional or not.

1.3 Some of the most prevalent forms of harassment and bullying include the following.

- Bullying is the exercise of power over another person through negative acts or behaviour that undermines him/her personally and/or academically. Bullying can involve threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic performance or constant criticism. This could be oral, written, electronic or through a social network. Bullying is to be distinguished from reasonable academic debate or the actions of a teacher or supervisor making reasonable (but perhaps unpopular) requests of his/her students.
- Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
- Racial harassment is usually, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture, or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.
- Harassment of people with disabilities can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their disability rather than their ability can become the focus of attention, and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.
- Harassment on the grounds of a person's sexuality may be aimed at heterosexuals but is more usually experienced by gay men and lesbians, transgender or bisexuals. Examples of harassment relating to sexuality are homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status. The European Commission code of practice on sexual harassment points out that lesbians and gay men often encounter disproportionate levels of harassment relating to their sexuality. The response of lesbians and gay men to harassment may also be complicated by the fact that in order to complain about it, or confront it, they may have to be open about their sexuality with colleagues, perhaps for the first time.

1.4 The above list of examples is not exclusive and harassment can also take place on the grounds of a person's age, style of dress or any other characteristic that makes them

different from the majority or from the person who harasses or bullies them. Although the terms 'bullying' and harassment' are not synonymous, the guidance in these procedures relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

## **2 Harassment - general principles**

- 2.1 The over-riding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.
- 2.2 Any student who feels that he/she is the subject of harassment, either by a fellow student, a member of staff or anyone else with whom they come into contact in the course of their time at the College, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any student who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved. There are usually a number of options. Anyone who feels they have been harassed is likely to wish to speak to someone with whom they feel they share something in common. For this reason they should be able to approach one of a number of different people within the College (see section 4.1 below).
- 2.3 Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take speedy action to stop it. It is important that it is made clear to the perpetrator that such behaviour is unacceptable to the College and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority is the harasser, others within the group should support the individual being harassed in taking action to report the harassment.

## **3 How will allegations of harassment be dealt with?**

- 3.1 In the event that a student considers that they are experiencing harassment they have a number of options open to them. They may be able to speak directly to the individual concerned or to write to him/her expressing their concerns and requesting that the harassing behaviour stop immediately. Alternatively, or subsequently if they achieve no success, they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. It is envisaged that the large majority of cases will be resolved by such informal procedures, which are described in more detail below, but a final option is to make a formal complaint.

## **4 Conciliation**

- 4.1 A student who is concerned about harassment should initially discuss the matter with one of the people listed below (referred to later as an 'advisor'):
  - ⇒ their personal tutor
  - ⇒ their senior tutor
  - ⇒ a subject teacher, Head of Department or any other member of staff with whom they feel comfortable.
  - ⇒ the College Counsellor
  - ⇒ the College Equality and Diversity Officer
  - ⇒ a representative of the Student Union, such as the Student Union Equality and Diversity Officer

4.2 Any advisor approached by a student who wishes to discuss a potential harassment issue should:

- ⇒ Be aware of Child Protection issues and if in doubt, consult with the Student Services Manager.
- ⇒ Find a quiet place to discuss the issue confidentially and without interruption.
- ⇒ Listen carefully to what they are being told and ensure that they understand the full facts.
- ⇒ Make brief notes as a summary
- ⇒ When they are sure they understand the issue, and if they feel confident to do so, they should discuss the options open to the student.
- ⇒ Members of staff and students who are aware of any incidence of harassment or bullying should pass on evidence of this to the relevant Senior Tutor.

4.3 Confidentiality is very important in dealing with cases of alleged harassment as experience shows that they will be much more difficult to resolve through conciliation if information about the matter becomes common knowledge. Anyone approaching a member of staff or other individual for advice may, however, wish to be accompanied by a friend. However, as stated in 4.2, in all cases, the advisor should inform the relevant senior Tutor of the alleged harassment.

4.4 If, after having been approached, the advisor wishes to obtain guidance on how to deal with an alleged case of harassment, they should seek the agreement of the person who has confided in them to that course of action and then consult with the student's Senior Tutor or the Equality and Diversity Officer. If the advisor does not feel able to help in a particular case, they should explain the reasons to the complainant and refer them to another advisor.

4.5 Having heard the facts about the incident and the context of the action or behaviour that caused concern, there are a number of options available to the advisor to facilitate resolution of the matter. For example:

- The advisor could talk to the alleged harasser to try and resolve the conflict.
- Alternatively, the student who has experienced harassment could be encouraged to talk to the alleged harasser on his/her own or with a friend, who should be a member of the College, accompanying him/her. The purpose of the conversation would be to make the perpetrator aware of the way his/her behaviour has been perceived and ask him/her not to repeat it.
- Or, the advisor could facilitate a meeting between both parties to give the student the opportunity to talk to the alleged harasser and explain his/her view of the offending behaviour. Normally, the advisor should not take action following an approach concerning harassment without the agreement of the individual concerned other than to inform the relevant Senior Tutor.

4.6 As well as aiming to resolve matters through conciliation, advisors should consider appropriate action to facilitate the restoration of working relationships after the event.

4.7 The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. If, however, a conciliatory approach does not achieve satisfactory results, or the nature of the incident(s) prompts the person who feels harassed to take a more formal approach, a formal complaint can be made in writing to the Principal.

## **5 A formal complaint**

5.1 Formal action may be considered where conciliation proves ineffective, or where a student, a teacher, tutor, friend or relative feels that conciliation is not appropriate. A formal complaint must be registered in writing, as soon as possible after the incident concerned, with the Principal, who will normally delegate an investigation to the Student Services

Manager (or more senior person if appropriate, see paragraph 6.4). It is, however, recognised that complaints of this nature may relate to cumulative actions taking place over a period of time.

- 5.2 A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s) should also be included (where possible).

## **6 Investigating a formal complaint**

- 6.1 On receipt of a formal complaint where the alleged harasser is another student, the Principal will require the relevant Senior Tutor or other delegated person to investigate the matter following the College's Complaints procedure. Accordingly, the relevant Senior Tutor or other delegated person will discuss with the complainant whether further action should be taken under the Student Disciplinary Policy.
- 6.2 Where the alleged harasser is a member of staff, the Principal will refer the complaint to the Vice Principal. The Vice Principal will then inform the student of the procedure to be followed.
- 6.3 Where the situation is more complex than outlined above, for example in cases of alleged group harassment involving both staff and students, the relevant Senior Tutor will liaise with the Vice Principal to decide how best to proceed.
- 6.4 Investigation of formal complaints about a senior member of staff cannot be delegated by the Principal. A complaint about the Principal should be addressed to the Chair of the Corporation.
- 6.5 Details of the arrangements for appeals are available from the Vice Principal.

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