

# **Bullying and Harassment Policy**

## **1. Policy Statement**

The College is committed to creating an environment that is free of harassment, and which provides an environment that protects the dignity of all staff, students, governors and visitors and treats all with respect.

The College regards sexual, racial and personal harassment as most serious matters. It is the duty of all staff, students, governors and visitors to implement and uphold the policy and all have a responsibility to ensure that bullying and harassment have no place in the College.

This policy is designed to inform employees and members of the College community of the type of behaviour that is unacceptable and provide those who are the victims of harassment and bullying with a means of redress.

The College will also not tolerate harassment of staff or members of the College community by third parties and will take appropriate action to deal with all reported incidences.

The policy applies to all staff, including peripatetic workers, volunteers and contractors.

The College recognises that workplace bullying and harassment can take place through a number of different methods of communication including face to face, text message and use of social media platforms. As such this policy applies to all methods of communication through which workplace bullying and harassment can take place.

## **2. Roles and Responsibilities**

It is the responsibility of every member of the College community to help us achieve an inclusive and supportive environment and to promote good relations between groups by being tolerant and having a respect for diversity.

Managers have an important role to play in terms of fostering a culture that does not tolerate or encourage bullying or harassment and will be responsible for insuring that bullying and harassment is not permitted within their sphere of management, and that incidents arising are dealt with firmly and fairly. If managers observe inappropriate conduct they should take steps to prevent this conduct from continuing.

Formal complaints will be investigated thoroughly. Those who complain or are the subject of complaint will be protected during the process. In cases where the complaint is substantiated, the individual responsible may be subject to action under the College's Disciplinary Procedure.

All members of staff, students and the wider College community have a personal responsibility to ensure their own conduct does not cause offence.

The College will take steps to ensure that those individuals with responsibility for dealing with matters raised under the provisions of this policy receive appropriate guidance and training as to the nature and potential consequences of sexual, racial and personal harassment

## **Definitions**

### **3. Harassment**

Harassment is defined as unwanted conduct which intentionally or unintentionally has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is indicative of a lack of respect for the person harassed, undermines their position and may have a negative impact upon health, job performance and sense of personal security.

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable, then they have every right to say so and their right will be respected. Harassment on any grounds will not be tolerated.

Harassment takes many forms. It is uninvited and unwanted actions that cause offence and / or embarrassment, fear, stress or tension. It can be an isolated act such as a comment or a wilful gesture, or it can take the form of repeated behaviour against a person.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, a single incident may constitute harassment.

### **4. Bullying**

Bullying is offensive behaviour that humiliates or undermines an individual or group. Bullying can be carried out by an individual or group of individuals. It frequently involves a person in a position of authority bullying a person who is in a more junior position. Bullying is typically unpredictable, irrational and sometimes unseen by others

### **5. Examples of Harassment.**

The defining feature of bullying and harassment is behaviour that the recipient perceives to be offensive or intimidating.

People can be subjected to harassment on a wide variety of grounds. Outlined below are some examples of personal harassment. Some, if occurring only once, may cause only mild irritation but if repeated become harassing. Other examples are clearly harassment even if they occur only once. All of them are inappropriate if staff, students and visitors are to have equality of opportunity.

#### **5.3.1 Sexual Harassment**

- unwelcome sexual advances or suggestive behaviour i.e. touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advance being accepted or rejected.(which the harasser may perceive as harmless)
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet)
- sexist, homophobic, or derogatory or stereotypical remarks about a particular group or gender
- outing or threatening to out someone as gay or lesbian or using offensive comments of a homo / transphobic nature

- using offensive or obscene language verbally or in emails, text messages or social media content
- making threats or comments about job security/ employment status e.g. part-time, fixed term, permanent, self-employed etc. without foundation

Harassment of persons on grounds of their actual or perceived sexual orientation will constitute sexual harassment.

### **5.3.2 Racial Harassment**

Examples might include, but are not limited to:

- insensitive jokes or pranks of a racial, ethnic, religious or national nature
- racist graffiti
- racially abusive language
- offensive images or racist propaganda
- offensive comments about physical racial characteristics or lifestyle
- the transmission of racially offensive materials or statements via electronic means or through the post
- attempts to promote or entrench racist attitudes through the recruitment of students or staff to overtly racist organisations and groups

Harassment of a person on the grounds of their association with a person(s) who belongs to a racial, minority ethnic or religious group will also constitute racial harassment.

### **5.3.4 Disability Harassment**

Examples might include but are not limited to:

- mocking, mimicking or belittling a person's disability.
- unreasonable, unfair or offensive expectations about an individual's disabilities or mischievous interference with personal aids or equipment
- behaviour which makes direct or indirect reference to disability or impairment and this causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability

### **5.3.5 Other forms of Harassment**

Examples might include but are not limited to:

- coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence
- ridicule, isolation or non-cooperation, exclusion from everyday social interaction or activities
- withholding important work/ study related information
- intrusion by pestering, spying and stalking.
- being ridiculed or victimised for raising a complaint or showing willingness to challenge harassment
- adverse comments regarding:
  - membership or non membership of a trades union
  - Religious or political beliefs
  - Health e.g. AIDS / HIV status etc.
  - Physical characteristics

## 6. Examples of Bullying

. Examples might include, but are not limited to:

- asserting a position of seniority in an aggressive, abusive or offensive manner.
- using inappropriate or derogatory remark in connection with performance of duties / responsibilities
- being shouted at
- being reprimanded in front of others
- repeated statements to an individual or third parties which demean his / her professional status and performance
- repeated gibes in reference to personal traits or appearances, invasion of privacy, or practical jokes causing physical or psychological distress
- persistent pressure to become involved in anti-social or unlawful behaviour
- spreading of malicious rumours.

(Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to an employee in the course of their employment at the College will not amount to bullying).

### 6.2 Cyberbullying

Cyberbullying can be defined as the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Typically cyberbullying involves the use of the Internet, email or mobile phones to send or post text or images intended to hurt or embarrass another person. In many cases, the spreading of offensive jokes or shocking or sexual material via phone or email may also constitute cyber-harassment.

Anyone found to be using technology to bully or harass a colleague, student or third party will be subject to the relevant disciplinary procedure.

## 7. Victimisation

Victimisation is when the person who has made a complaint of harassment is treated less favourably than would otherwise be the case.

The College will not tolerate any incidents of victimisation arising from either:

- (i) making an allegation of personal harassment; or
- (ii) having been accused of harassment

Victimisation may be dealt with as a disciplinary issue.

## 8 Malicious or Vexatious Complaints

Any complainant found to be making malicious or vexatious complaints could be subject to disciplinary action.

## 9. Criminal Offences

Where an alleged case of harassment appears to constitute a criminal act, the aggrieved individual will be advised to report the matter to the police.

## **10. Freedom of Expression**

Whilst it is recognised that the College must provide for freedom of expression, it is essential that a working and learning environment be maintained which is not intimidating. Education requires the communication of the views and / or beliefs of others and, therefore, it is important that the context of such communication is made quite clear.

## **11. Procedure for Dealing with Harassment**

### **General Advice**

Anyone experiencing harassment should not wait until matters become intolerable. Sometimes the harasser may not realise that their behaviour is unwanted or unacceptable and in such cases the misunderstandings can be resolved quickly.

It is helpful to make a note of the time, place and nature of any specific incidents and attempts to discuss them. This will provide useful information in following these procedures.

As a general principle, confidentiality will be preserved and no action will normally be taken without the consent of the complainant.

### **Individual Action**

If possible, the individual experiencing harassment should state clearly to the person concerned that their behaviour is unacceptable and should cease. In some circumstances the individual might prefer to write a letter to the person concerned that should be dated and signed, and a copy kept.

If the individual does not feel able to talk or write to the person concerned or if the harassment does not stop, they should raise the matter with a member of College staff.

Staff would normally contact their line manager or the Senior Manager HR and Administration who can provide confidential advice and assistance in resolving the matter informally

Concerns involving the Principal or Clerk to the Governing Body should be made to the Chair to the Governing Body.

## **11. Formal Procedure**

Where it has not proved possible to resolve the matter through informal means, or where the aggrieved individual feels that the harassment is so serious that immediate action is necessary, the matter should be referred, normally by the complainant, to the Principal (or delegated alternate) who will pursue the issue according to the College's Grievance Procedure.

The complaint should be in writing. It should set out

- full details of the conduct in question
- the name of the harasser or bully
- the nature of the harassment or bullying
- the date(s) and time(s) at which it occurred
- the names of any witnesses
- any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to the individual complainant. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

## **12. Confidentiality**

Confidentiality is an important part of the procedures. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under the College's Disciplinary Procedure.

Information about a complaint by, or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the College Data Protection and Record Retention Policies.

Confidentiality of any statements taken during these procedures will be used only for the purposes of the investigation and for any disciplinary action that might follow. However, if legal proceedings ensue, the College may be obliged to disclose such statements at that stage.

## **13. Formal Investigation.**

Complaints will be investigated in a timely and confidential manner. The investigations will be conducted by a senior manager with appropriate experience and no prior involvement in the complaint. The investigation will be thorough, impartial and objective and carried out with sensitivity and due respect for the rights of all parties concerned.

Complaints will be investigated under the terms of the College's Grievance Procedure

If the investigation officer concludes that harassment or bullying has occurred prompt action will be taken to address it as follows

- Employees- the matter will be dealt with as a case of possible misconduct or gross misconduct under the terms of the College's Disciplinary Procedure.
- Third Party- Senior Management will deal with the issue and take appropriate action.

There will be a right of Appeal as outlined in the Colleges' Grievance Procedure. The decision of the Appeal Committee will be final and is considered to be the end of the process.

## **14. Protection and support for those involved in the process.**

Staff, students and witnesses will not be ridiculed or victimised for making or assisting in the complaint, even if it is not upheld, as long as it is made in good faith. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the College's Disciplinary Procedure.

If an employee believes they are being victimised as a result of their formal complaint they should inform the Senior Manager – HR and Administration or the Principal for the matter to be remedied.

Concerns involving the Principal or Clerk to the Governing Body should be referred to the Chair of the Governing Body.

During the formal process consideration will be made to temporary changes to arrangements for the complainant or the alleged perpetrator, pending the outcome of the investigations.

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