

POLICY STATEMENT

TITLE:	Student Harassment and Bullying Policy				
INTRODUCTION/ OVERVIEW:	Northampton College recognises that bullying and harassment can seriously damage working and social conditions for students. This policy outlines behaviour that would be considered inappropriate or unacceptable and provides procedures for the making and hearing of complaints.				
POLICY STATEMENT:	<p>It is the policy of Northampton College that:</p> <ol style="list-style-type: none"> 1. Every Student has the right to be safe from bullying and discrimination 2. All staff and students are responsible for creating a learning environment free of bullying, threat, harassment and intimidation. 3. This policy will be supported by both Student and Staff Disciplinary Procedures within the College. 4. Any person alleging harassment will be provided with help and support throughout the process and will be protected from victimisation. 				
QUALITY STATEMENTS	<ol style="list-style-type: none"> 1. The publication of this policy and procedures represents a significant commitment to achieving a positive environment where personal dignity and integrity is respected and bullying and harassment are understood by all as not to be tolerated. 2. All staff and students will be made aware of this policy and procedures through training and the publication and display of supporting statements and inclusion in Staff and Student Handbooks. 3. The College will provide training for appropriate members of staff in implementing this policy. 				
LINKED POLICIES/ PROCEDURES:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Equality and Diversity Strategy</td> <td style="width: 50%;">Student Disciplinary and Behaviour Policy</td> </tr> <tr> <td></td> <td>Safeguarding Children and Vulnerable Adults Policy</td> </tr> </table>	Equality and Diversity Strategy	Student Disciplinary and Behaviour Policy		Safeguarding Children and Vulnerable Adults Policy
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	Safeguarding Children and Vulnerable Adults Policy				
MONITORING PROCEDURE:	This Policy will be monitored by the staff responsible for managing student complaints. An annual, anonymised report will be prepared for the EMT.				
DATE FOR REVIEW AND NEXT DIVERISTY IMPACT ASSESSMENT	July 2016				

RESPONSIBILITY:
Overall
(Directorate/Dept):
Implementation:

Deputy Principal

ENDORSED BY EMT:
(Principal to sign)

(Signature)

Pat Brennan-Barrett Principal

October 2014

Date

COMMUNICATIONS PLAN

TITLE OF COLLEGE POLICY:	DATE APPROVED BY EMT/CORPORATION:
Student Harassment and Bullying Policy	

AUDIENCE (select appropriate with ✓)				
Managers	✓	Curriculum teams	✓	Business Support teams
All staff	✓	Suppliers		Partners
Other (please state)				

CHANNEL (select appropriate with ✓)				
Policy & Strategy Team (PST)	✓	Quality Improvement Network (QIN)	✓	Marketing team
Meeting		Meeting		e.g. NC Update Managers' Update Intranet Website
Individual team		Suppliers		Partners
Staff Handbooks	✓	e.g. Letter or email Meeting		e.g. Letter or email Meeting
College Management Team (CMT)	✓	Students		
Meeting		Posters and Handbooks		

COMMUNICATIONS PLAN ACTIVATED BY:		
Name: B Hansford	Job title: Director of Student Services	Date: October 2014

DEFINITIONS

Definition and Examples of Bullying and Harassment

The standard definition for harassment is unwanted conduct on the grounds of race, gender, sexual orientation etc. which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The following are some examples of specific types of harassment, but it should be noted that this policy applies to all forms of harassment and/or bullying.

Bullying

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

Vigorous speech and comment, academic debate and legitimate management of the performance or behaviour of students can be distinguished from bullying behaviour. However, care should be taken to ensure that students are not made to feel intimidated.

Sexual Harassment

Sexual harassment may be homosexual or heterosexual. It may be defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that creates an intimidating, hostile, degrading or offensive environment. It may include:

- physical contact
- invasion of personal space
- suggestive remarks or sounds
- unwanted comments on dress and appearance
- jokes of a sexual nature
- display of sexually offensive material
- inappropriate downloading of pornographic or sexually exploitive and degrading material by computer
- verbal threats

It is important to remember that sexual harassment can occur of women by men, men by women, and also between members of the same sex. It can also refer to unwanted conduct that is related to the sex of the other person.

Racial Harassment

Racial harassment is any behaviour, deliberate or otherwise pertaining to race, colour, nationality - including citizenship, or ethnic or national origins, which is directed at an individual or group and which is found to be offensive or objectionable to recipients and which creates an intimidating, hostile or offensive environment. Such behaviour may include:

- derogatory name calling
- insults and racist jokes
- display of racially offensive material and abusive language
- exclusion from normal workplace conversation or activities
- unfair allocation of work
- verbal threats
- physical attack
- incitement of others to commit any such acts

Harassment on Grounds of Sexual Orientation

This act of harassment is any behaviour deliberate or otherwise, pertaining to sexual orientation. Homophobia is a term used to describe hatred and rejection of gays, lesbians and homosexuality. It may be directed against individuals or groups of people who are, or are thought to be lesbian, gay, bisexual or transgendered and is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples may include:

- offensive jokes
- ridicule
- verbal threats
- derogatory comments
- intrusive questioning about a person's domestic circumstances
- innuendo
- gossip
- physical attack
- unfair allocation of work
- exclusion from class conversation or activities
- incitement of others to commit any such acts

Harassment on Grounds of Religion

Religious Harassment is any behaviour deliberate or otherwise, pertaining to religion, religious belief or other similar philosophical belief and it is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples can include:

- offensive jokes
- ridicule
- display of offensive material

Political Harassment, or Harassment on the Grounds of Trade Union Membership

Political harassment, or harassment on the grounds of trade union membership, can include:

- offensive jokes
- ridicule
- display of offensive material

Harassment on the Grounds of Disability

Harassment may be based on the fact that a person has a physical or mental impairment, learning difficulty or disfigurement. This can include:

- offensive or patronising language
- offensive or patronising action or behaviour
- jokes or inappropriate comments
- questions which cause offence to the individual or group of individuals concerned
- display of offensive material

Harassment on the Grounds of Age

Ageism can affect anybody regardless of how old they are. Harassment on the grounds of age may include:

- assumptions regarding the individual's inability to learn
- offensive remarks
- exclusion on the basis of age

Harassment on the Grounds of Gender Re-assignment

Harassment on the grounds of gender re-assignment can include:

- suggestive remarks or sounds
- unwanted comments on dress and appearance
- verbal threats

Harassment via social media including email

The College requires all students to agree to a code of conduct when enrolling and this makes it clear that harassment by social media is unacceptable. It should be noted that offensive remarks and material could constitute harassment.

RESPONSIBILITIES

Staff Responsibilities

Every member of staff has a responsibility to ensure students are treated with dignity and respect. Any act of harassment, discrimination, victimisation or bullying may be grounds for disciplinary proceedings, which could result in a sanction up to and including exclusion.. Everyone has a responsibility to acknowledge that views and opinions held by others may

not always coincide with their own; such differences are unlikely to constitute harassment. It must also be recognised that individuals in positions of authority have both the right and responsibility to discharge their duties. In doing so, they may need to adopt a firm or assertive style but should take care not to demean, devalue or intimidate students.

Personal Tutors/Academic Coaches of students have particular responsibilities to support their students through any investigations into allegations of bullying and or harassment.

Curriculum Managers have a responsibility to ensure that the delivery of the curriculum does not contravene the requirements or spirit of this policy.

Heads of School and departments have a duty to ensure that any allegations of bullying and or harassment are treated as serious and are investigated thoroughly.

All staff have a duty under the Equality Act 2010 to promote equality and diversity and to challenge any behaviour that contravenes the underlying principles of that act.

Student Responsibilities

To treat all students, staff and members of the public with dignity and respect. To ensure their own conduct does not cause offence or misunderstanding.

To co-operate with the College in any investigations into allegations of bullying and or harassment and to report to College staff any incidences of harassment / bullying that they are aware of or subject to.

Students who feel they are being bullied or harassed should consider the option of telling the person responsible to stop whatever it is they are doing that is causing distress, as they may be unaware of the effect of their actions. Where a student finds it difficult to tell the person themselves, they may wish to ask someone else - a friend or member of staff – to act on their behalf.

Student Rights

All students have the right to learn in an environment free from bullying and/or harassment.

Students have the right to a fair hearing and to have any accusations made against them investigated without pre-judgment.

Students have the right to be able to make allegations without being punished unless they have made an accusation deliberately to get someone else into trouble.

GUIDELINES FOR MEMBERS OF STAFF

Differences of attitude or culture and the misinterpretation of social signs can mean what is perceived as bullying by one person may not seem so to another. However, the defining features are that the behaviour is unwanted by the recipient.

Embarrassment, fear of intimidation or publicity, or difficulty in defining what constitutes bullying or harassment should not deter anyone from complaining about the behaviour of others which causes them distress. Retaliation against or victimisation of a student for making a complaint is likely to be considered a disciplinary offence.

he College will respect the particular sensitivity of bullying and harassment complaints and the need for confidentiality. As a general principle, confidentiality will be agreed and maintained wherever possible. There may be occasions where confidentiality has to be broken, and this will be made clear to the complainant and their agreement sought before any further action is taken.

There may be occasions where, if the complainant wishes to remain anonymous, it may not be possible to take any action.

Once the alleged bully/harasser has been made aware of the complaint, he/she must be given the right to respond and this would normally take place within 10 working days of receipt of the complaint. He/she has the right to be accompanied to any meeting by a parent, friend or member of the student services team.

Generally, it would be advised for a complainant to keep notes of the details of the alleged incident(s) as soon after the event as possible. Details kept should be:

- Date(s), time(s) and place(s) of incident(s)
- Name of any witnesses
- What actually happened
- How it made them feel
- Any action taken e.g. reported to line manager
- Original copies of any correspondence received

A student who brings a complaint in good faith, or assists in an investigation shall be protected from any form of victimisation regardless of the outcome.

Malicious allegations will be subject to the College's Student Disciplinary and Behaviour Policy and Procedure.

Managers and staff may approach Student Services for advice and support at any stage.

Supportive Framework

The Corporation recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for students to raise complaints directly with their personal tutor or to approach the alleged harasser. Accordingly, students may approach a friend or member of staff to raise the issue with management on their behalf in line with this policy and procedure.

Where it is decided that one of the parties concerned in a personal harassment case has to be removed from the College, then as a matter of principle, the Corporation would always initially consider removing the alleged harasser rather than the complainant. Discussions between the complainant, their personal tutor and the Investigating Officer would take place to look at the impact on learning of removing one person or the other.

Students with Learning Difficulties and/or Disabilities

Some students with learning difficulties and/or disabilities may be especially vulnerable to bullying or harassment. Any indication of bullying/harassment of these students should be reported in the same way as for other students.

Where bullying or harassment is suspected, students and vulnerable adults who have difficulties in communicating should be given the chance to express themselves to a member of staff with appropriate communication skills and/or be provided with an advocate.

PROCEDURES FOR DEALING WITH COMPLAINTS

All complaints of bullying or harassment will be addressed speedily and, if possible, within the Informal Procedure. This is likely to produce solutions that are effective and minimise embarrassment and risk to confidentiality. However, there may be occasions when the Informal Procedure is not adequate due to the nature of the complaint and the Formal Procedure is more appropriate.

Step One - Informal Procedure

There are various ways in which a student can deal with bullying or harassment, from simply asking for it to stop, through to making an official complaint. If a student feels they are a victim of bullying or harassment they should keep a written record of all the relevant incidents, including times, dates and if appropriate the names of any witnesses to the incident/s and any other information as detailed above.

If at all possible, the recipient of the harassment/bullying should tell the person that their behaviour is causing them offence and that they want the unacceptable behaviour to stop. Frequently the individual can be unaware that their actions are inappropriate and that there could have been some misunderstanding or misinterpretation on either part. Where the behaviour was unintentional, a swift and clear indication that the behaviour is unacceptable may well be enough.

Before a student decides to take any action they may wish to discuss the matter with someone who can offer advice and counselling. This may be by accessing the staff in Student Support as outlined in 1.8. In any event a person who has complained of bullying/harassment will be offered appropriate support and counselling/mentoring.

If a student feels uncomfortable at confronting the person directly, or talking to them has had no effect, they may want to talk the situation through with someone else like a friend, teacher or member of Student Support. This can sometimes give the student the confidence to deal with the situation. Where a person indicates a preference to discuss the matter with a person of the same gender or race, the College will endeavour to accommodate such a request where possible.

A student may want the support of one of the above to either accompany them when speaking to the individual or alternatively speak to them on their behalf.

Every effort will be made to achieve an informal resolution. If however, the Informal Procedure above fails to produce a resolution or if the bullying/harassment is considered too serious, either by the complainant or the individual giving advice and guidance, to be resolved informally, the student will be advised that an Investigating Officer will be appointed in order to advise on how to progress the matter. The Investigating Officer will be of management level and will be appointed by the Director of Student Services. This is in order that the person appointed has been trained in such matters and will be able to assess the severity of the case and advise the student on how to progress. In most cases it would be hoped that the situation could be resolved informally.

The Investigating Officer will explore all possible options with the complainant and their representative. There may, however, be situations when the Investigating Officer will advise the complainant to raise a formal complaint without further exploring informal resolutions.

Step Two - Formal Procedure

While some cases of bullying/harassment may be resolved by a direct approach to the alleged bully/harasser some cases will inevitably be incapable of resolution within the Informal Procedure. Those cases that are incapable of a successful resolution, or are too serious to consider resolution by means of the Informal Procedure will be referred to an appropriate Investigating Officer.

In order to initiate the Formal Procedure, the student must make a formal complaint, ideally although not always in writing. The students' parent / friend or supporter (member of student services or external agency, but not a legal representative) may make the complaint on behalf of the student, provided it is authorised and signed by the individual. This should be addressed to the Director of Student Services. The letter should include the name of the alleged harasser/bully, the nature of the alleged harassment/bullying, dates and times of when the incidents occurred, names of any witnesses to the incidents and any action which has already been taken to attempt to stop the bullying/harassment.

The student will receive a written acknowledgement to their formal complaint within 5 working days of its receipt.

A preliminary investigation will be arranged, as soon as is reasonably practicable, which will be appropriate to the nature of the complaint. The investigation will be conducted by an Investigating Officer, appointed by the Director of Student Services. The Investigating Officer will be a member of management unconnected with either the complainant or the alleged bully/harasser and of an appropriate level to ensure that the investigation is independent and objective. The student may be accompanied by a Parent, Friend or Supporter at any meetings throughout the Formal Procedure. Although the investigation may require the student to recount details of specific incidents, they will not be asked to do so unnecessarily or repeatedly.

The alleged bully/harasser will be made aware of the allegation as soon as the formal complaint has been received. Depending upon the severity of the complaint, it may be necessary to separate the parties involved. This may involve a temporary suspension of the alleged bully/harasser from College until the complaint is resolved, or moving of them to another group. The alleged victim should never be suspended because they have brought a complaint or accusation. Where it is decided that it is appropriate to move one student from a group to prevent bullying, in general the victim should not be moved unless it is their wish to do so. Both the complainant and alleged harasser/bully will be instructed to keep the complaint confidential and not to make contact with the other party's witnesses. Any breach of this instruction may be viewed as an attempt to intimidate witnesses and may be subject to disciplinary action.

The Investigating Officer will provide the alleged bully/harasser with written details of the complaint and the right to and time to respond to the allegation(s). It is anticipated that the Investigating Officer will normally meet with the alleged bully/harasser within 10 working days of receipt of the written allegation(s). Due to the sensitivity of some allegations, some witnesses may request that their identity is concealed. Any such request will be fully considered by the investigating officer who will make a final decision on whether or not to grant anonymity. However, details of the allegations must be disclosed.

Natural justice requires that a student should know the case against them in order to defend their actions and to respond to an allegation. In establishing whether witness statements should be anonymous, consideration will be given to balancing the interests of the parties involved, i.e. the need to protect witness's identity and the right of the accused to a fair hearing.

The following principles will be adopted in the gathering of witness statements:

- Statements will be in writing (these may be edited to remove names and preserve anonymity) and be made available to the student and their representative
- Statements need to be accurate with regard to date, time and place of each incident, the student's observations and any other relevant details
- Is there any corroborative evidence?
- Has the witness any reason to fabricate evidence?
- Is the witness's fear genuinely sufficient to not require them to be involved in the procedure further?
- If at any stage in the procedure the student raises issues to be put to the witness then the Investigating Officer will make the relevant enquiries with the witness

Meeting Parties involved

Any investigations will be handled with sensitivity and with due respect for the rights of all parties. The alleged bully/harasser also has the right to be accompanied at any meetings by a Parent, Friend or Supporter.

The Investigating Officer will meet with the complainant and the alleged harasser separately and their respective representatives. Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.

The Investigating Officer will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.

Once the investigations have been concluded, the Investigating Officer will compile a report of their findings and both parties will be informed of the outcome in writing.

In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the Investigating Officer will consider whether on the balance of probabilities, the incidents/actions occurred. In such instances, the Investigating Officer will compile a report on their findings and refer the case to the Disciplinary Panel in order to allow both parties to put forward their case.

If the Investigating Officer finds that there has been a breach of the College Harassment and Bullying Policy and Procedure, arrangements will be made through the relevant Faculty / Department for a disciplinary hearing to take place. Where disciplinary action is considered necessary, such action will be considered strictly in accordance with Northampton College's Disciplinary Policy and Procedure.

Students should understand that there may be cases where somebody makes an unfounded allegation of bullying/harassment for malicious reasons. These cases will also be investigated under the Northampton College Student Disciplinary Policy and Procedure.

The Disciplinary Hearing

Any formal disciplinary action will be taken in accordance with the appropriate policy, for students this will be the Student Disciplinary Policy and for members of staff, the Disciplinary Policy. Notwithstanding, the following guidance will apply in cases of alleged bullying and harassment.

It is understood that some witnesses may be reluctant to attend a disciplinary hearing, out of embarrassment or of fear for reprisal. All students should understand that the College will not tolerate any intimidation, victimisation or discrimination against a student for assisting in the investigation of an allegation of bullying or harassment. Retaliating against a student who has assisted in this procedure is considered a disciplinary offence.

In exceptional circumstances the complainant may need to attend the disciplinary hearing as a witness. However, every effort will be made to avoid the need for attendance.

If the complainant is required to attend, they can be accompanied by a parent, friend or supporter and have any questions directed through this person. However, the complainant cannot normally expect this person to respond on their behalf solely.

The person(s) conducting the disciplinary hearing may adjourn to ask supplementary questions of witnesses in private and reconvene without disclosing the names of witnesses but making the contents of the discussion known to those involved in the disciplinary hearing.

Witnesses may be cross-examined through the person(s) hearing the disciplinary hearing, thereby protecting their identity.

After The Procedure Has Been Concluded

The complainant will be kept informed of the general progress of the investigation and within 5 working days of the disciplinary hearing, will be informed whether the complaint has been upheld and is to result in disciplinary action. The rights of the alleged harasser, as to the confidentiality of the details of any disciplinary sanction, will be respected.

The counselling/mentoring service will be made available to both parties of the complaint, irrespective of the outcome, once the Informal and/or Formal Procedure(s) have been concluded. Counselling/mentoring is invaluable for individuals whose behaviour is unacceptable. They may be unaware of or insensitive to the impact of their actions and counselling may change their behaviour or at least prevent further incidents.

Counselling/mentoring may be of assistance to the complainant where investigations have shown no cause for disciplinary action, or may help support the person accused while the investigations are ongoing.

Where a complaint is upheld, it is the responsibility of the harasser's/bully's personal tutor to ensure that no further bullying/harassment takes place and that there is no subsequent victimisation. Similarly it may be appropriate to monitor the relationship of the harasser/bully with other teachers and members of staff.

After a complaint has been heard, the following storage arrangements should be followed:

- Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.

- Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
- Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the Disciplinary Policy and Procedure and Data Protection Policy.

Training

Training courses will be made available to all staff on Harassment and Bullying through the College Staff Development Programme.

Management may instruct students to attend training which recognises harassment and bullying, in particular as an outcome of an investigation into an allegation of harassment or bullying.