

## **MORLEY COLLEGE**

### **PREVENTION OF HARASSMENT AND BULLYING POLICY. PROCEDURE FOR STUDENTS.**

#### **1 Policy statement**

- 1.1 This policy is valid from 1<sup>st</sup> November 2007.
- 1.2 The College is committed to promoting and aims to provide, a learning environment where everyone is treated with respect and dignity, where no-one feels threatened or intimidated and where students can study free from harassment and/or bullying. All students must comply with this policy and avoid behaviour that could reasonably be considered to be harassment or bullying.
- 1.3 Harassment of whatever type (including on grounds of sex, sexual orientation, marital status, race, religion, philosophical belief or disability) and/or bullying will not be tolerated and will be treated with the utmost severity. Whilst it will normally be dealt with under the Student Disciplinary Code of Conduct, it should be noted that:
- in exceptional circumstances it may also constitute a criminal offence;
  - serious cases of harassment or bullying will be treated as gross misconduct and will result in suspension pending a disciplinary interview and may result in final exclusion from the College.
- 1.4 This policy has three aims:
- to help students understand what harassment and bullying are ;
  - to establish a procedure for handling complaints of harassment or bullying;
  - to prevent recurrence through effective and sensitive investigation of complaints.

Any complaint will be dealt with seriously, without undue delay and, where practicable, in confidence.

- 1.5 All students have a responsibility to help ensure an environment in which everyone's dignity is respected. All students must therefore comply with this

policy and ensure that behaviour towards staff and other students does not constitute harassment or bullying.

- 1.6 Morley is an adult, secular and liberal College. The expectation is that, within the law, students are free to discuss topics and engage in activities that may be controversial, sensitive or potentially objectionable. Students do this in an environment of mutual respect for differences of opinion and the dignity of others, accept that others may not share their attitudes and beliefs, and value exposure to difference as an important part of the educational process. Students should all be aware that in the diverse College community there may be cultural, gender or generational differences in what is considered appropriate behaviour, and be sensitive both in how they behave and how they interpret the behaviour of others.

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

- 2.1 For the purposes of this policy, harassment is behaviour that significantly undermines the College as a safe and secure learning environment. Harassment can be related to matters such as gender, sexual orientation, race, nationality, age, family status, religion, philosophical belief, disability or any other personal characteristic. It is the impact of the behaviour which is relevant and not the motive or intent behind it.
- 2.2 Because perception of harassment is subjective, the alleged harasser may well be unaware that behaviour which is acceptable to others has caused you offence. In such cases, the desired outcome of the procedure will be a resolution that preserves the dignity and reputation of both parties to the complaint.
- 2.3 Harassment covers a wide range of behaviour including (but not limited to):
- Physical contact ranging from inappropriate touching or brushing against a person, to unwelcome sexual advances, actual physical contact or serious assault;
  - Verbal and written (including e-mail) harassment through making derogatory, inappropriate or offensive suggestive or unwanted remarks or jokes, expressions of discriminatory views and/or intimidating comments, obscene gestures and the display of pin ups, graffiti and other offensive (including pornographic) material;
  - Exclusion from course related social activities.

- Pressure or requests for sexual favours, pressure to participate in political or religious groups; or
- Intrusion by pestering, spying, stalking etc.

2.4 Bullying can include:

- offensive, insulting, intimidating or malicious behaviour
- an abuse or misuse of power to humiliate or undermine the confidence and competence of the recipient.

### **3 Informal discussions**

3.1 Most people suffering harassment and/or bullying simply want it to stop. As a first step therefore you should try and deal with the problem informally. If you would like to talk to someone or would like some help please contact your tutor or a member of the College's management who will be able to give you advice and assistance before you take any informal action.

3.2 Although any informal action you take will depend on the nature of your complaint, in general terms you could try and resolve matters informally by:

- Approaching the alleged harasser/bully directly and speaking to them politely and in private making it clear that the behaviour in question is offensive to you, is not welcome and should be stopped. As an alternative, you could put your request to them in writing. If you do this you should set out details of the behaviour that concerns you and the dates on which it has happened; or
- Approaching the alleged harasser/bully with the support of another student or friend, who is not involved in the incident. If you are asked to give support please do so if you are willing and able to help. You must, of course, respect the need for confidentiality; or
- Approaching the alleged harasser/bully with the support of a member of the College management.

3.3 If you find it too difficult or embarrassing to do any of the above yourself, you could ask your tutor or a member of the College management to approach the alleged harasser/bully on your behalf.

#### **4 How to make a formal complaint**

- 4.1 If you have been unable to resolve your complaint informally (or it is not appropriate to discuss the matter on an informal basis), you must put your complaint in writing and submit it to the Head of School (Quality).
- 4.2 You should try to make your complaint as soon as possible following the alleged act of harassment and/or bullying so that we can deal with it quickly and before memories fade.
- 4.3 You must ensure that you provide enough detail about your complaint to enable us to understand and investigate it. You should also include copies of any relevant documents that we might not have seen or have access to. If you do not provide sufficient details about your complaint we may have to delay the meeting to discuss it while we obtain further necessary details from you. Where possible your written complaint should include the following details:
  - Name of alleged harasser/bully;
  - The nature of the behaviour you wish to complain about;
  - Date(s) and time(s) when you allege that the harassment and/or bullying occurred;
  - Names of any witnesses; and
  - Any action already taken by you to stop the alleged harassment and/or bullying
- 4.4 If you find it difficult to write about your complaint we suggest that you seek help from a friend or fellow student but make sure that you ask them to keep the matter confidential. If you need any further help you can talk to your tutor or a member of the College management. If you require help writing about your complaint because you have a disability, you should contact Additional Learning Support.
- 4.5 The College will take reasonable steps to ensure that there is no unreasonable delay by us in dealing with a complaint raised under this procedure.
- 4.6 At meetings held under this procedure we will take notes. These notes, along with a copy of your written complaint, copies of the decision/s made, notes of any action taken and subsequent developments will be kept confidential.
- 4.7 You must take all reasonable steps to attend meetings arranged under this procedure. If you are unable to attend for whatever reason you should let us

know as soon as possible so we can consider rearranging the meeting. You may propose an alternative date for a meeting.

- 4.8 The College will take reasonable steps to ensure that meetings held under this procedure are conducted in a manner that enables both parties to explain their case.
- 4.9 When a decision has been made on your complaint you will be informed, in writing, of the decision and, unless you have reached the final stage of the procedure, be informed of your right of appeal.

## **5 Right to be accompanied**

If you make a complaint of harassment and/or bullying, or a complaint is raised about you, you generally have the right to be accompanied and represented at all stages of the procedure by a person of your choice, though this person should not be a legal professional.

## **6 Avoiding contact between you and the alleged harasser/bully**

- 6.1 Once a formal complaint of harassment and/or bullying has been made we have to consider whether arrangements should be made to avoid contact between you and your alleged harasser/bully. The person conducting the investigation will discuss the position with you and take any concerns that you may have into account. Appropriate action may include moving you or the alleged harasser/bully to another class, or, where the case is judged sufficiently serious, the harasser's temporary suspension pending disciplinary interview.
- 6.2 Both parties will be advised that there should be no communication between you, directly or indirectly, regarding the complaint and the investigation.

## **7 Investigating your formal complaint**

- 7.1 We will ensure that a full, sensitive, prompt and impartial investigation is conducted of your formal complaint, with due regard given to your rights as the complainant and those of the alleged harasser/bully.
- 7.2 The Head of School (Quality) will investigate your complaint and invite you to a meeting to discuss it, within five working days of receipt of your complaint (unless your complaint is received during a student holiday period in which case the response may take longer). The meeting and investigation will be led by the Head of School (Quality) or his/her nominee. The person appointed to

carry out the investigation will not be connected with the allegation/s in any way.

7.3 The person who conducts the investigation will contact the alleged harasser/bully to:

- Outline the nature of the complaint;
- Confirm that it is being handled under the formal procedure;
- Ensure that the individual is aware of the next stages of the procedure; and
- Advise of the right to be accompanied throughout the procedure by a friend or fellow student, or, if the allegation is against a member of staff, a work colleague or certified trade union representative (but not by the same person as accompanies the complainant).

7.4 After this initial contact the person conducting the investigation will write to the alleged harasser/bully outlining formally the nature of the complaint and set a date for a formal meeting to be held to discuss your complaint with him/her. The formal meeting will normally take place within ten working days of receipt of your complaint (unless your complaint is received during a student holiday period in which case it may take longer to arrange the meeting). Further meetings will be held if necessary.

7.5 If necessary, meetings will be arranged with other relevant people. This may include members of the College staff or fellow students, anyone who observed the alleged incident or who observed your demeanour or that of the alleged harasser/bully after the alleged incident. The purpose of such meetings will be to establish the facts and whether there has been any history of previous conflict. All those giving information will do so in private and not in the presence of any other person involved in or present during the alleged incident. The importance of confidentiality will be emphasised to them. A complete record of all meetings and investigations will be made.

## **8 Outcome of the investigation**

8.1 The person who conducts the investigation will decide whether to uphold your complaint and whether to take any disciplinary and/or other action (see paragraph section 9). Only if your complaint is found to be malicious and/or false will you face disciplinary action (see paragraph 14). Where the person

conducting the investigation does not have the authority to take the necessary action, the matter will be passed to someone who does.

- 8.2 You, and the person against whom you made your complaint, will be notified of the decision in writing usually within five working days of the final investigation meeting. Details of any disciplinary action taken against any individual will however remain confidential, except to the complainant where necessary to assure them of their safety.

## **9 Other action to be considered**

- 9.1 Where your complaint is upheld but it was appropriate to take disciplinary action against your harasser/bully other than exclusion from the College we will consider whether we need to take any other action to enable you to continue studying without embarrassment or anxiety. If your harasser/bully is in the same class as you or is your tutor, and we conclude that you should not study together, we will always consider the disciplinary transfer of your harasser/bully as a first step. If however we agree with you that you will move, we will ensure that you will not suffer any disadvantage because of it.
- 9.2 Where your complaint is upheld, we will monitor the situation to ensure that the harassment or bullying has stopped.
- 9.3 Even if your complaint is not upheld, (for example because of inconclusive evidence) consideration may be given to voluntary rescheduling of your or the harasser/bully's timetable so that contact against your respective wishes is avoided. In the event that neither of you will agree to such rescheduling but we reasonably consider such action to be necessary, we reserve the right to give consideration to the exclusion of either of you.

## **10 Formal complaint procedure – appeal**

- 10.1 If you are not satisfied with the outcome of your complaint you may appeal the decision to the Principal within ten working days of the date of the decision. You must set out full details of why you are not satisfied with the outcome in writing (see guidance on writing about your complaint in paragraph 7.4).
- 10.2 As soon as possible and in any event within ten working days of receipt of your appeal, the Principal or his/her nominee (hereafter "the Principal") will arrange a meeting with you and any other people as, in the Principal's discretion, are necessary.

10.3 The Principal will normally provide you with a written decision on your appeal within ten working days of the final meeting taking place. Copies of the decision will be sent to all parties. The Principal's decision will be final.

## **11 No victimisation and false complaints**

11.1 You will not be victimised for making a complaint. However, any malicious and false complaints will be treated as gross misconduct and appropriate disciplinary action will then be taken against you and/or against any other person who maliciously supports or assists in the bringing of the false complaint. Where we reasonably believe that gross misconduct has been committed, the normal result will be exclusion from the College.

11.2 Victimisation or retaliation against any person who has in good faith made, supported or assisted in the making of a complaint of harassment and/or bullying, will be treated as gross misconduct. Where we reasonably believe that gross misconduct has been committed, the normal result will be exclusion from the College.

## **12 Circumstances in which we may depart from this procedure**

12.1 In some cases it may be desirable that variations should be made to procedural aspects of this Code. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include disciplinary or appeals interviews being conducted by members of staff other than those indicated, if those indicated have been closely involved in the matter to be considered.

12.2 This policy will be reviewed annually and may be amended if appropriate. The annual review of this policy will be reported to the College Governors.

## **13 Complaints raised after Completion of Studies**

13.1 We hope that this procedure will enable you to take action about harassment/bullying while you are studying with us. However, if this is not possible for any reason and you want to make an allegation of harassment/bullying after your studies have ended (or you have made an allegation but the procedure has not been completed before you leave us) we can either follow this procedure or we can agree (in writing) that we will consider your allegation without holding a meeting with you. If you do make such an allegation after you have finished studying at the College we ask you

to do so as soon as possible while memories are still fresh and within six months of the completion of your studies.

- 13.2 If we agree that a meeting should not be held, you would still need to submit your complaint in writing (assuming you have not already done so). We would then consider it and then send you our written decision within the normal timescales. There would be no right of appeal if we agreed to follow this option. We can discuss and agree the most appropriate procedure at the relevant time.

**Appendix**

**Student Harassment and Bullying Policy:**

**Operational Flow Chart**

