

SOUTH DEVON COLLEGE

**Student Anti-harassment and anti-bullying policy and procedure
PO5**

Document control

Version	Date	Author(s)	Notes on Revisions
1.0	Aug 2012	LW/TMT	Updated to new policy format
2.0	May 2013	LW/TMT	Reviewed
3.0	January 15	MH/AH	Reviewed
4.0	March 16	AH	Reference to out of college hours bullying (inc. online). Included sustainability statement
5.0	January 20	AH/AW	Updated to include harassment and new design as one policy and procedure for all students

Owner	SMT Lead	Author	Frequency of review	Next review date	Approval Committee	Next approval Committee Date	Date of last EIA
VP&DCE O	VP&DCE O	LW/TMT	X 2 years	July 2014	SMT	Aug 2014	24/10/12
VP&DCE O	AP AHS	AH	X 2 years	July 2016	SMT	04/03/15	29/01/15
VP&DCE O	AP AHS	AH	X 2 years	July 2019	SMT	15/09/17	22/03/17
VP&DCE O	AP AHS	AH	X 2 years	July 2021	SMT		

Anti-harassment and anti-bullying policy and procedure

Contents

Anti-harassment and anti-bullying policy and procedure	1
Contents	3
1. Policy statement.....	3
2. Guiding principles	3
3. Applying this policy	4
4. Responsibilities	5
5. Definitions of harassment and bullying and victimisation	6
Bullying.....	7
Victimisation	7
Hate-crime incidents and reporting.....	7
6. Reporting and monitoring	8
7. Further information and contact details	9
8. Review of this policy	9
Appendix A – Further information on the definitions of harassment and bullying and associated behaviour.....	10
Bullying.....	12
Appendix B – Procedures for students Informal action	13
Formal action.....	13

Anti-harassment and anti-bullying policy and procedure

1. Policy statement

We are committed to the principles of equal opportunities and respect for individuals in creating and maintaining an inclusive environment. We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. We work to recruit and develop staff and students from a wide range of backgrounds and promote an inclusive culture where:

- We provide a supportive and inclusive learning, working and social environment in which everyone feels that they are valued and can work to achieve their potential;
- We treat all staff and students fairly and equally, and with dignity and respect; and
- The opportunities we provide are open to everyone, and decisions are based on merit and not on people's personal circumstances.

We will not tolerate bullying or harassment of one member of the College community by another, and aim to provide an environment where people know that we take such allegations seriously and we all have the confidence to report harassment or bullying without fear of victimisation.

This policy applies to all students studying at South Devon College, including University Centre South Devon.

2. Guiding principles

If you believe that you, or someone else, are being harassed or bullied by another student, employee, visitor or contractor, we will provide support to investigate the allegations and deal with any behaviour we find to be unacceptable.

We use the following guiding principles to help us provide an appropriate solution as soon as possible.

We will provide access to support to try to allow early action and an informal solution to the problem wherever possible. Where this is not effective or appropriate, it may be necessary to take formal action.

- Witnesses, as well as people who are the victims of harassment or bullying, can raise a concern under this policy.
- Our procedures have been developed to try to avoid people feeling that they have no course of action other than to make a formal complaint, and to make sure people are not asked to repeat information unnecessarily.

Anti-harassment and anti-bullying policy and procedure

- As well as the internal College procedures and remedies for dealing with any harassment and bullying, people responsible for such behaviour may be breaking the law and may be prosecuted in the courts.
- We will consider the severity of cases of harassment and bullying and decide whether to refer the matter to the police in line with the [Protection from Harassment Act 1997](#).
- If a case is being investigated by the police, we will suspend any internal proceedings until after the outcome of their investigations.
- When dealing with cases of alleged harassment or bullying, we will keep to the [Data Protection Act 1998](#). We will handle information sensitively and discreetly, and only reveal it to those who need it for the purposes of considering the case. If we decide to take formal action, we will reveal it to the person (or people) responsible for the behaviour the complaint is about.

We can take disciplinary action against people who are found to have made complaints based on information they knew to be false, or with malicious intent. This action could include expelling students. We will not take this action against anyone who makes a complaint in good faith, even if that complaint is not upheld.

South Devon College's community will:

- Work together to create a safe, welcoming ethos.
- Encourage respect within the whole community.
- Model fair and respectful behaviour and leadership.
- Promote equality to all staff and students.
- Challenge discrimination.
- Discourage people from colluding with bullying as bystanders and those who tolerate bullying behaviour are contributing to it.
- Consult students about bullying – whether they feel safe and if there are places they do not feel safe.
- Ensure students and parent/guardians (for students under 18 years) know the procedure for reporting bullying concerns.

3. Applying this policy

This policy applies to College students and affects the learning and social environment of our College. It can include the way employees and students behave

Anti-harassment and anti-bullying policy and procedure

towards each other outside College premises on College-related social occasions. It can also include behaviour towards people who are not members of the College, such as applicants, contractors, and members of the public who visit our sites or use our services.

As part of our procurement processes, we will draw this policy to the attention of consultants and contractors and make it clear that we will not tolerate harassment of our students. We expect organisations providing work and study placements for our students to make sure that they are aware of our policies, and that they make students aware of any specific policy of their own that they expect students to keep to while working or studying with them.

Preventing, identifying and responding to bullying and harassment

To continue to help prevent bullying and harassment we will:

- Work with staff, students, parents and outside agencies to identify all forms of bullying.
- Actively provide regular opportunities to develop students social and emotional skills, including their resilience.
- Consider all opportunities for addressing bullying including through the curriculum, displays, theme weeks, tutorials, peer support and the Student Union.
- Continue to raise the awareness of the Anti-Bullying policy to all staff during designated Training & Development (CPD) days; to ensure all staff follow the College policy and procedures on bullying.
- Actively promote a safe environment across all College campuses with spaces such as the Student Union Office, Common Room, The Lodge and Learning Zones.

4. Responsibilities

All members of the College, employees, students and anyone working on our behalf have a duty to make sure that people do not suffer any form of harassment or bullying and that, if they do, they are supported in trying to stop it through informal or formal resolution procedures.

Anti-harassment and anti-bullying policy and procedure

Although the ultimate responsibility for this policy rests with the Board of Governors, the Principal and Senior Leadership Team will make sure that it is applied effectively by all College employees who hold positions of authority over others.

On a day-to-day basis, people who hold positions of authority over others are expected to:

- Make sure that the people they are responsible for, including students and visitors, are aware of this policy and the procedures to follow (as set out in appendices B), and to take immediate action if they suspect or identify harassment or bullying, whether or not a formal complaint has been made;
- Work to promote a positive and inclusive work and study environment through setting a good example to others and doing their best to treat everyone with dignity and respect; and
- Complete any specific extra training they need to help them to follow this policy effectively.

All students are expected to:

- Encourage a person who says they have been bullied or harassed to speak to a member of staff, in the first instance this might be their personal tutor, or PI or Wellbeing team.
- Be sensitive to the feelings of that person; and
- Not take part in, and actively discourage other people from taking part in, gossip about cases of alleged or actual harassment or bullying.

5. Definitions of harassment and bullying and victimisation

Harassment

The Equality Act 2010 defines harassment as being 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

The Equality Act 2010 bans three types of harassment. These are:

- a) Harassment related to the 'protected characteristics' (as defined by the Equality Act 2010);
- b) Sexual harassment; and
- c) Treating an employee or student less favourably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

Anti-harassment and anti-bullying policy and procedure

Appendix A of this policy sets out the protected characteristics and provides more information about how harassment and unwanted behaviour is defined, as well as some examples of behaviour that is likely to be harassment.

Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another, and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. In appendix A we have provided some examples of behavior that may be considered to be bullying.

Victimisation

Victimisation is when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment or bullying), or have helped another person to make a complaint under the Equality Act 2010 by providing evidence or information.

Victimisation can count as unlawful discrimination and result in disciplinary action, regardless of the outcome of the original complaint.

Hate-crime incidents and reporting

We will not tolerate homophobic, biphobic, transphobic, racist or disablist hate incidents. This includes racial hatred, encouraging racial hatred, and any form of violence or encouraging violence.

The government has procedure for reporting hate crime which can also be used if you feel you have been the subject of hate crime, these can be assessed [here](#)

6. Reporting and monitoring

We have outlined our reporting procedures in appendices B to this policy.

Quality teams monitor informal complaints and their outcomes confidentially and anonymously. They never record any information on the monitoring forms which would allow any individual to be identified.

The Quality teams will analyse the monitoring forms to monitor the success of the informal complaints procedure and identify any areas of particular concern. This means that, even if a complaint of harassment or bullying is not taken further, the complaint will still have been recorded in a way which makes sure your details are kept confidential.

In circumstances where bullying and harassment claims are dealt with through other procedures and methods, we will record the details in line with the relevant procedure.

We will work with other organisations, such as the police, to support people to report hate crime.

Anti-harassment and anti-bullying policy and procedure

7. Further information and contact details

If you need more information or advice about this policy, please contact the Head of Tutorial or Tutorial Manager relevant for your studies.

8. Review of this policy

We will review this policy and linked procedures as necessary, taking into account feedback from users, evaluation methods and any changes to regulations that may be relevant. If you have any feedback or comments that could help us improve the policy and procedure, please give these to the Head of Tutorial or Tutorial Manager relevant for your studies.

Appendix A – Further information on the definitions of harassment and bullying and associated behaviour

Harassment

The Equality Act 2010 defines harassment as being ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

The Equality Act 2010 bans the following three types of harassment.

- a) Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):
 - Age;
 - Disability;
 - Race;
 - Sex;
 - Gender reassignment;
 - Religion or belief; or
 - Sexual orientation.
- b) Sexual harassment.
- c) Treating an employee or student less favourably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

Behaviour that is acceptable to one person may be unwanted by another. When assessing whether behaviour is harassment, we must look at if the behaviour, whether unintentional or deliberate, is unacceptable to the person on the receiving end and would be judged as harassment by any reasonable person. The word ‘unwanted’ means the same as ‘unwelcome’ or ‘uninvited’. The person the behaviour is directed toward does not have to expressly object to the behaviour before it is considered to be unwanted.

If the person responsible for the behaviour did not intend to create a negative environment, the behaviour will still be harassment if it has the effect of creating such an environment. When deciding whether behaviour has had a negative effect, we will take account of each of the following.

- The view of the person who made the complaint. For example, whether they feel the behaviour has created an intimidating environment. (This part of the test is a subjective question and depends on how the person who made the complaint regards the treatment.)

Anti-harassment and anti-bullying policy and procedure

- The other circumstances of the case.
- Whether it is reasonable for the behaviour to have the stated effect. This is an objective test.

Whether you are an employee or student, you can make a complaint of harassment if you find behaviour offensive and it relates to a protected characteristic. This applies even if the behaviour is not directed at you. You do not need to have the relevant characteristic yourself to make a complaint.

The Equality Act also protects people from harassment because of perception and association. This means it is still harassment even if the person does not have the characteristic but is wrongly considered to have the characteristic or is harassed because of their association with someone who has the characteristic, such as a family member, friend or partner.

Harassment may take many forms and includes behaviour related to a protected characteristic. However, harassment is not always related to any of the above. Examples of behaviour which is likely to be considered harassment are given below. This is not a full list, and we will view other forms of harassment equally seriously.

- Behaviour of a racist, sexist, homophobic, biphobic, transphobic, ageist or disablist nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, physical abuse.
- Abuse through email, texts, websites or social media.
- Invading someone's personal space.
- Displaying offensive material. This can be on paper or electronically (for example, on social media).
- Spreading malicious rumours or insulting someone (particularly because of that person's age, race, sex, disability, sexuality, religion or belief, or because they are transgender).
- Preventing other people from progressing by deliberately blocking their educational progress or training and development opportunities or promotion.
- Intentionally isolating or excluding someone.
- Persistent, unwelcome contact, which may include text messages, emails, phone calls, gifts, letters, and calling at a person's home or place of work or study.
- Stalking.
- Offensive sexual behaviour such as suggestive looks, leering and remarks (including on social media and electronic communication devices), offensive flirting, unwanted physical contact, unwanted sexual advances or demands for sex and compromising invitations.

Anti-harassment and anti-bullying policy and procedure

- Offers of favourable treatment in return for sex (or threats of disadvantage if the person refuses).
- Making it public that someone is gay, lesbian, bisexual or transgender when they would prefer to keep this information private (known as 'outing').
- Drawing unwelcome attention to, or abusing someone's, religious beliefs.

Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable.

Bullying can take many forms, and we consider all types to be equally serious. We have given a number of examples below.

- Overbearing supervision, shouting, or verbal, written, online or other published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- Academic bullying, for example, asserting a position of intellectual superiority in an aggressive, abusive or offensive way, including by electronic media (for example, by email or on social media).
- Deliberately undermining someone by not allocating work fairly or constantly criticising them.
- Inconsistent management style where some people are favoured more than others.
- Public ridicule, sarcasm or humiliation.

Appendix B – Procedures for students

Informal action

If possible, you should make it clear to the person causing the offence that you find the behaviour unacceptable and ask them to stop. It may be helpful to talk to your personal tutor and member of the PI or Wellbeing Team. In some cases this will be enough to deal with the situation.

If the person offering advice is also your personal tutor, programme leader or head of school, he or she may have to play a different role in any later proceedings. If this is the case, we will support you to find someone else to advise you.

If you are not able to speak to the person concerned, or if the behaviour continues after you have spoken to them, you should keep a note of details, dates, times, circumstances and witnesses, including a note of any ways in which the incidents have caused a change to any pattern of study.

If you do not want to approach the person concerned, we will not interpret this to mean that the behaviour is acceptable, and it will not affect the outcome of your complaint.

If you are not able to approach the person, or if you have tried but this has not been enough to deal with the issue, please speak to your Head of Tutorial, or the Tutorial Manager relevant for your studies. Your discussion will be confidential and we will not take any further action without your permission, unless your safety or the safety of others is at risk, in which case you will be fully involved in the process. If you decide to take further action, the person you initially asked for advice will normally continue to offer support throughout the process.

If this informal discussion does not help to deal with the issue, you (and the person who is supporting you, if this is what you want) should consult the Head of Curriculum or the Head of service responsible for the person whose behaviour is found to be unacceptable. You can do this in person or in writing. Any Head of Tutorial will be able to help identify the appropriate head of curriculum or head of service.

If the person responsible for the unacceptable behaviour is an employee, their head of curriculum or head of service will be involved in the discussions. The matter may then be dealt with informally or the next step may be to start formal action, which we would normally only do with your permission.

Formal action

We may take formal action in situations where informal action has not been

Anti-harassment and anti-bullying policy and procedure

successful or where the nature of the complaint means that informal action is not appropriate.

If we are considering formal action, we will follow our [Disciplinary Procedure](#)