



Anti-Bullying and Harassment Policy and Procedure (Students)

Document Control Box	
Document title (include version number if amended within same year as approved)	Anti-Bullying and Harassment Policy and Procedure (Students)
Reference Number	001/22
Approval category (Please indicate)	
Governance/Governor	X
MPRIG Executive/Other Committee (insert name)	
Senior Staff (insert name)	
Date document approved	24/2/22
Supersedes (insert previous title and/or version date)	N/A
Date document last reviewed and/or updated	N/A
Date next due for review	November 2024
Related statutes or regulations	
Related policies/procedures/guidance/forms	
Staff member responsible for update	Chief Operating Officer

Amendment History

Version	Revision Summary	Date Approved	Author



Anti-Bullying and Harassment Policy & Procedure (Students)

Scope

1. This policy and procedure relate to all students at Spurgeon's College. A separate policy exists for members of staff¹.
2. This policy applies to all students registered with Spurgeon's College, whatever the mode of delivery or location. It will include behaviour arising at any time when the student may be regarded as representing Spurgeon's College as an individual or as part of a group, or when the student is at another location away from the College following an arrangement made through the College.

Policy Statement

3. The College is committed to creating a learning environment free of harassment, discrimination, victimisation and bullying, where everyone is treated with dignity and respect.
4. The College believes that harassment, discrimination and bullying are unacceptable and aim to provide an environment where individuals have the confidence to complain, without fear of reprisals, in the knowledge that their concerns will be dealt with appropriately and fairly.
5. Any allegation of harassment, discrimination or bullying will be treated very seriously and, if proven, may result in disciplinary action being taken against the perpetrator.
6. Any individual who is proven to have made a vexatious or malicious claim of harassment, discrimination or bullying will be dealt with in accordance with the College Disciplinary Procedures².

Roles and Responsibilities

7. It is the responsibility of every member of the College community to help achieve an inclusive and supportive environment, and to promote good relations between groups by being tolerant and having respect for diversity.
8. College staff have the responsibility to ensure that harassment, discrimination and bullying is not permitted within their sphere of responsibility, and that

¹ Dignity and Respect at Work: Harassment and Bullying Policy (contained within the Staff Handbook)

² Student Code of Conduct and Disciplinary Policy or Staff Disciplinary Procedure (contained within the Staff Handbook)

incidents arising are dealt with firmly and fairly. Complaints should be taken seriously, and investigations carried out in line with College procedures.

9. Students have a responsibility to ensure their own conduct does not constitute bullying or harassment and should avoid colluding with or appearing to collude with unacceptable behaviour. Issues of harassment, discrimination or bullying should be raised in a timely manner in order that any investigation is carried out at the earliest opportunity.

Support

10. Mediation is an informal, voluntary and confidential process which can help the complainant and the respondent to explore issues and concerns. The College does not have a formal mediation service but wherever possible will provide access to appropriate support through the Chief Operating Officer.
11. Mediation can be used at any stage, as an alternative to the informal stage or as the next step after informal procedures. It can also be used at any point during the formal procedure, in which case the formal procedure will be halted pending the outcome of the mediation.
12. Additional support from within the College can be offered by a Pastoral Group Tutor or by the College Chaplain. There are also various local and national agencies that may be able to provide information and support to students who are experiencing bullying or harassment. For example:

<https://www.nationalbullyinghelpline.co.uk/>

<https://www.bullying.co.uk/general-advice/bullying-at-university/>

<http://www.croydonmediation.org.uk/>

Definitions

13. Appendix A provides more information about how bullying and harassment are defined as well as some examples of behaviour which is likely to be classed as bullying or harassment. Bullying and harassment can be verbal or non-verbal behaviour and can be carried out in person or through different media such as letters, phone calls or the internet.
14. Any difficulty in defining harassment, discrimination or bullying should not deter an individual from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation.

Harassment

15. Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

16. Harassment includes domestic violence and abuse (which can also involve control, coercion, threats), stalking, any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

Sexual Misconduct

17. Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:
- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
 - Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
 - Assault (as defined by the Sexual Offences Act 2003)
 - Rape (as defined by the Sexual Offences Act 2003)
 - Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
 - Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017) Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).
18. These definitions include harassment and sexual misconduct through any medium, including, for example, online.

Discrimination

19. Discrimination takes place when an individual or a group of people is treated less favourably than others because of their race, gender, gender reassignment, marital status, status as a civil partner, disability, age, religion or belief, sexual orientation or other factors unrelated to their ability or potential.

Bullying

20. 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. While bullying and harassment are related, bullying is usually intentional.

Victimisation

21. Victimisation occurs when someone is treated badly because they have made or supported a complaint about discrimination, harassment or bullying, or because an individual thinks that they are doing or may do these things.

Reasonableness

22. On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if harassment has taken place.
23. When considering allegations of harassment, the College will therefore apply a test of 'reasonableness' to determine if harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the complainant, could the behaviour in question 'reasonably be considered' to cause harassment, e.g. could it reasonably be considered to:
- violate the complainant's dignity, or
 - create an intimidating, hostile, degrading, humiliating or offensive environment for them.
24. The College recognises harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst students and staff will clearly hold a range of views on a variety of issues, they would be expected to treat all members of the College community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

Principles for making a complaint about Harassment or Bullying

25. The following principles for making a complaint about Harassment, Discrimination and Bullying apply:
- a. Individuals should raise complaints of harassment, discrimination or bullying in a timely manner and without unreasonable delay. Unless incidents of harassment, discrimination or bullying are notified within a reasonable length of time, the College may find itself unable to adequately investigate and take steps to prevent or eliminate harassment, discrimination or bullying.
 - b. All parties involved should act in good faith to seek a successful resolution of the complaint at as early a stage as possible.

- c. All parties will be treated fairly, consistently and with respect.
- d. An individual raising a complaint under this procedure has the right to have the complaint investigated and handled appropriately and meetings, decisions and confirmation of decisions will not be unreasonably delayed.
- e. The individual or individuals against whom the complaint is made have the right to respond to the allegations.
- f. Every effort should be made to resolve complaints informally or at the early formal stages of the procedure.
- g. Any individuals nominated as an Investigating Officer or Disciplinary Panel Member should not have been involved in the complaint, or in previous stages of the relevant procedure.
- h. Use of a suitably trained and experienced third party to help resolve the problem, whether internal or external, may be considered where appropriate.
- i. Where a complaint may also amount to a criminal offence, students should be encouraged to take appropriate action. This may include reporting the matter to the police or seeking support from external services.
- j. It is not possible, unless the circumstances are exceptional, for a complaint to be investigated if the complainant does not wish the individual against whom the complaint is being made to be informed.
- k. A malicious or vexatious complaint may give rise to disciplinary proceedings.
- l. Any mistreatment or victimisation towards someone because they have made a complaint, or assisted a complainant, is not acceptable and will result in disciplinary action.
- m. The College will respect the particular sensitivity of complaints of harassment, discrimination or bullying, and their consequences, and will treat any complaint with confidentiality and in line with the provisions of the College's data protection policy, and requirements of the UK General Data Protection Regulation. Complaints will not normally be taken further than the complainant wishes.

Personal resolution

26. Often, people are unaware that their behaviour is perceived as harassment, discrimination or bullying. In some cases, speaking to, or writing a letter to, the person concerned to let them know their behaviour is unacceptable, can be sufficient to remedy the situation. A copy of any correspondence should always be kept.

27. When taking individual action, the complainant should try to:

- Pick a time and a place where they can speak privately and without interruption.
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred.
- Make it clear that the behaviour is unwelcome and must stop immediately.

28. Notes should be kept of the details of any relevant incidents which cause offence, including dates, times and the names of any witnesses; and any relevant emails, notes etc.

Informal procedure

29. If the situation does not improve following an attempt at personal resolution, if the individual feels they are not able to speak to the person concerned, or if the allegation is more serious, the student should discuss the matter with a trusted member of staff or Student Representative. This person can be asked to facilitate an informal meeting between the student and the alleged harasser.
30. If the alleged harasser is a member of staff, then Stage 1 of the Student Complaints Procedure should be followed, and the complaint should be taken to the Chief Operating Officer (or the Principal if the complaint relates to the Chief Operating Officer). The Chief Operating Officer (or a nominee) will investigate the complaint and arrange and facilitate a meeting between the parties concerned. Where appropriate, the possibility of involving someone with mediation skills will be considered to enable the parties concerned to reach informal resolution.
31. The purpose of the meeting is to advise the alleged harasser of the allegations against them, to give them the opportunity to give their perspective on the situation with a third-party present, and to help to facilitate an informal resolution.
32. Parties may be accompanied at the meeting by another student or student representative, or in the case of staff, a work colleague or union representative.
33. The key points and outcomes of the informal meeting should be documented and may include:
- The situation was mutually resolved (this may include additional actions, for example, the alleged harasser offering a written or verbal apology or agreeing to undertake personal training or counselling);
 - The complaint was not resolved;
 - The complaint was not founded.

Formal Procedure

34. Where informal resolution is not appropriate (for example because of the seriousness of the allegations), or where the outcome has been unsatisfactory, a student may bring a formal complaint.
35. In the case of complaints where the alleged harasser is a student, the formal stages of the Student Code of Conduct and Disciplinary Procedure should be

followed³. The student bringing the complaint should complete the Incident Report Form, giving as much detail about the allegations as possible.

36. In the case of allegations relating to a member of staff, students should submit a formal complaint via the Student Complaints Procedure (Stage 2). They should give as much detail as possible about the allegations on the Stage 2 Complaint Form, which is then submitted to the Chief Operating Officer. For details of the process please see the Student Complaints Procedure⁴.

Alleged harassment by third parties

37. If the bullying or harassment is perpetrated by someone who is not associated with the College, it can be more difficult for the College to take action as those individuals are not covered by College disciplinary policies.
38. These behaviours may be covered by other legislation or policies, e.g. employment legislation or policies in a placement situation. In addition, some instances of bullying and harassment may be considered to be hate crimes and can be reported to the police.
39. In these situations, the College will provide advice and support for students as far as possible.

Guidance for persons accused of harassment (alleged harasser)

40. Persons who are accused of harassment, either under the formal procedure or who are approached informally about their behaviour can seek support and advice from the Chaplain.
41. If a formal complaint/allegation has been made, the Chief Operating Officer can provide guidance on the investigatory process.
42. Persons who are approached about their behaviour are advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.
43. In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause harassment. In this case the alleged harasser should explain that the behaviour will not be repeated, and parties should come to an agreement regarding what is/is not acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

³ The Student Code of Conduct and Disciplinary Procedure is available on Moodle or the Website

⁴ The Student Complaints Procedure and associated forms are available on Moodle and the Website

44. Persons subject to a formal allegation of harassment should not contact the complainant or any named witnesses as this is unlikely to solve, and may aggravate, the situation.

Guidance for persons witnessing harassment

45. When harassment occurs in a group situation the person in authority in that group has the responsibility to recognise this behaviour and to take action to stop it. This may mean reporting the behaviour to a member of staff or speaking with the alleged harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates an environment in which harassment is deemed to be 'acceptable'.
46. If the person in authority is the alleged harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the harassment in taking one of the courses of action outlined in this Policy.

Office of the Independent Adjudicator for Higher Education

47. Students who believe that their case has not been dealt with properly by the College or that the outcome is unreasonable, can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under the OIA's rules and once all internal procedures of the College have been concluded. Information about the role of the OIA can be found at www.oiahe.org.uk

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

Harassment

- I. 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’.
- II. The Equality Act 2010 bans the following three types of harassment.
 - 1) Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):
 - Age
 - Disability
 - Race
 - Sex
 - Gender reassignment
 - Religion or belief
 - Sexual orientation
 - 2) Sexual harassment
 - 3) Treating a 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).
- III. Behaviour that is acceptable to one person may be unwanted by another. When assessing whether behaviour is harassment, the College must look at 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.
- IV. 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.
- V. When deciding whether behaviour has had a negative effect, the College 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).
 - The other circumstances of the case.
 - Whether it is reasonable for the behaviour to have the stated effect. This is an objective test.

- VI. Students can make a complaint of harassment if they find behaviour offensive and it relates to a protected characteristic. This applies even if the behaviour is not directed at them. Students do not need to have the relevant characteristic to make a complaint.
- VII. 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.
- VIII. 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 an exhaustive list.
- 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, threats, intimidation, jokes, graffiti, physical abuse.
 - Abuse through email, texts, websites or social media.
 - Invading someone's personal space.
 - Producing, sending or displaying inappropriate and/ or offensive images or material about a person or group. 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.
 - Offers of favourable treatment in return for sex (or threats of disadvantage if the person refuses).
 - Breaching a person's confidentiality by disclosing their sensitive personal information.
 - Drawing unwelcome attention to, or abusing someone's, religious beliefs.

Bullying

- IX. 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.
- X. Bullying can take many forms, and a number of examples are given below:
- Overbearing or excessive 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);
 - Setting arbitrary or unachievable workloads in an unreasonable manner, and making threats associated with failure to achieve. Deliberately undermining someone by not marking work fairly, or constantly and unfairly criticising them;
 - Inconsistent teaching style where some people are favoured more than others;
 - Public ridicule, sarcasm or humiliation;
 - Taking or hiding another person's property;
 - Intentionally blocking a person's training, learning or development opportunities;
 - Gossiping campaigns or spreading rumours about a person;
 - Taunting, teasing, ostracising or ridiculing a person either directly or to a third party;
 - Shouting at or berating a person in a public environment, such as in an office, during a committee session or in a classroom;
 - Physically or verbally threatening or intimidating a person;
 - Making unwelcome sexual advances.