



Student harassment/bullying procedure

1. Introduction

Bedford College is committed to the promotion and development of equality and diversity. We aim to provide a working and learning environment which values individuals equally regardless of age, disability, ethnic origin, gender, sexual orientation, marital status, religious belief or trade union membership.

In accordance with our equality and diversity policy, harassment and bullying will not be tolerated, and any such behaviour will be dealt with as a disciplinary offence. If a complaint is made it will be investigated promptly and the appropriate action taken.

Harassment can have long term effects on the morale and well-being of individuals and be damaging to the overall efficiency and performance of the College. Students cannot contribute their best or work well in teams when under fear of harassment, bullying or abuse.

The College has a responsibility to ensure that all students feel that they are protected from harassment and discrimination. All College students have the right to be treated with dignity and respect by their colleagues and staff.

2. Equality and Diversity Statement

This procedure is implemented in accordance with our policies on equality and diversity, disability and race equality. Actions taken in relation to an allegation of bullying or harassment are not influenced by the students' background and each situation is dealt with on its own merit.

3. Every Child Matters

The College has regard to the general health and well-being of our students. It seeks to follow the principles enshrined in the Government's Every Child Matters agenda, and this procedure is underpinned in particular by the 'be healthy' and 'stay safe' outcomes.

4. Definition of harassment and bullying

Harassment and bullying takes many forms, occurs on a variety of grounds and may be directed against an individual or group of individuals. For the purpose of the College policy, the following definition will apply.

Harassment/bullying is conduct and behaviour which the receiver perceives to be:

- offensive or hostile, causing discomfort, distress or exclusion
- unwanted and unreasonable, constituting an infringement of the rights of the student.

Note: Harassment does not simply depend on the intention of the offender, but rather the impact of that behaviour on others.

What one individual may be able to accept may nevertheless cause distress to another. What are important, therefore, are the perceptions and feelings of the persons involved.

Very often harassment is unseen and only occurs when the harasser and their victim are alone. This means it is very often one person's word against another. Investigations in such a complex and sensitive area may not be straightforward. The College may therefore expect Managers and Tutors to take decisions on whether harassment has occurred on the basis of the balance of probability, without corroborative evidence, taking into account the individual's character and credibility. This will be done with the assistance of Student Services.

5. Forms of harassment

Harassment and bullying can range from extremes, such as violence, to less obvious forms like ignoring someone. Whatever the form, it will be unwanted behaviour which is unwelcome and unpleasant.

Forms include:

- physical contact
- jokes, offensive language, gossip, slander, sectarian songs
- letters, e-mails and text messages
- posters, graffiti and obscene gestures

- isolation or non-co-operation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking.

The above is provided as a guide but is not exclusive.

6. Reasons for harassment

The reasons for which individuals may be subjected to harassment are wide ranging, including an individual's:

- race, ethnicity or nationality
- gender, gender alignment or sexual orientation
- unwillingness to challenge harassment (leading to victimisation)
- membership, or non-membership, of a trade union
- disability, including sensory or mobility impairments or learning difficulties
- status as an ex-offender
- age
- medical condition, including AIDS/HIV or mental health issues
- physical characteristics
- personal or religious beliefs.

This list is not definitive. It is possible for people to abuse their power over others in all sorts of ways.

7. Dealing with complaints of harassment

The Student Support Manager must be notified of all bullying/harassment cases. He/she will provide advice, in consultation with the complainant and course management, as appropriate, on how the matter should be handled, and will be responsible for the overall control and implementation of the procedure.

The Student Support Manager will initiate an investigation. If it is thought

possible that the matter may be resolved informally this will normally be undertaken by the Student Support Manager, or a Student Counsellor acting on their behalf. At the formal stage the investigating member of staff will usually be the Course Manager or Assistant Director of the person causing offence. In exceptional circumstances however the Student Support Manager, in consultation with the Director of Student Services, may instigate an independent investigation if there is evidence to suggest the matter may otherwise be prejudged.

The investigation may either be informal or formal depending on the needs of the complainant and the nature of the complaint. Often an informal approach at an early stage can offer the best solution before matters escalate. Alternatively, it should be recognised that there will be instances where an individual talks on an informal basis, but because of the nature of the harassment the Student Support Manager feels that action should be taken on a formal basis. **Such action can only be taken with the complainant's consent.**

In all cases the complaint should be handled quickly and with the appropriate confidentiality.

Informal procedure (mediation)

In many cases, an informal interview with the person giving offence, explaining that their behaviour is unwelcome, embarrassing and is interfering with work, will resolve the situation. The Student Counsellors offer a mediation service, working with all parties separately (and also together if appropriate) to resolve the issue. Mediation can be extremely effective. **It is compulsory for students to attend an interview with a Student Counsellor when requested to do so.**

The informal procedure must be completed within 14 days of notification of the complaint to the Student Support Manager.

Formal procedure

If the informal attempts have been unsuccessful or the behaviour is deemed inappropriate to be resolved informally, it should be dealt with under the Student Grievance procedure. The Student Support Manager is responsible for ensuring a full investigation is carried out by the Assistant Director or Course Manager of the alleged harasser.

If at any time during the investigation potential misconduct is uncovered, then the case must be handled in accordance with the student disciplinary procedure.

If the investigating manager cannot make a decision on balance of probability, or finds no case to answer, the Student Support Manager, in

consultation with the Director of Student Services, may consider it appropriate to refer the case to a higher level of management or to an independent review outside the management chain.

8. Responsibilities

There are responsibilities for:

The College

The College is responsible for:

- ensuring the policies and practices on equality and harassment are continually developed and updated
- ensuring that all students are aware of the equality and diversity and bullying/harassment policies.

Centre Directors/Assistant Directors/Course Managers/Tutors

All Managers and Tutors are responsible for:

- implementing the equality and diversity and bullying/harassment policies and bringing them to the attention of all students
- treating complaints of bullying/harassment seriously, being sensitive to personal feelings and perceptions (just because you cannot understand why someone feels harassed this does not mean that they are not)
- ensuring complainants are not victimised as a result of making a complaint
- notifying the Student Support Manager of bullying/harassment cases that are brought to their attention
- ensuring that proven cases are dealt with in accordance with the student disciplinary and/or grievance procedure
- protecting confidentiality as appropriate and in accordance with the confidentiality procedure.

The person investigating the complaint

At the informal (mediation) stage, the investigation will normally be undertaken by the Student Support Manager (or a Student Counsellor on their behalf) working with the Course Manager or Tutor.

If the matter has to be resolved formally under the grievance procedure, the investigating member of staff will usually be the Course Manager or Assistant Director of the person causing offence. The person investigating the allegation should:

- be guided by the Student Support Manager
- carry out investigations within the specified timescales in a confidential manner. These timescales are within 14 days for the informal procedure and for the formal procedure in accordance with the Student Grievance procedure
- keep a written record of all interviews and decisions taken
- be sensitive to personal feelings and perceptions (just because you cannot understand why someone feels harassed this does not mean that they are not)
- take appropriate decisions and actions as befits the nature of the offence
- ensure the complainant is not victimised as a result of making the complaint.

Student Services

The Student Support Manager, working with the Student Counsellors, should:

- undertake mediation where it is appropriate to resolve the matter informally
- act as a helpline to any student who believes they are being harassed or bullied, and thereby offer advice, support and counselling as necessary
- ensure security of information and the appropriate confidentiality
- assist and advise staff during their investigations and ensure that they are conducted thoroughly
- liaise with other staff as appropriate (e.g. the Director of Organisation Development or the Director of Teaching and Learning)
- meet timescales and ensure compliance with the procedures

- maintain all documentation related to harassment cases, in a secure and confidential manner

The Director of Student Services should:

- assist and advise the Student Support Manager as appropriate
- collect data on and monitor the effectiveness of the student bullying/harassment procedure.

All students

It is the responsibility of all students to:

- be aware of, and comply with, the equality and diversity and bullying/harassment policies
- offer support to a known victim of bullying/harassment
- not directly support the harasser by ignoring what is happening.

Individuals who feel they are being bullied or harassed

It is the responsibility of individuals who feel they are being bullied/harassed to:

- keep records of incidents to enable an accurate recall of what has happened
- make it clear, if possible, to the harasser that their behaviour is unacceptable and unwelcome. In many cases this is sufficient to stop the harassment
- report the harassment verbally or in writing to their Course Manager/Tutor **or** to the Student Support Manager or Student Counsellor
- not be afraid to complain even if the harasser is a member of staff.

9. Subsequent Action

If the complaint is upheld:

- disciplinary action will be taken against the harasser
- the Course Manager or Tutor should check the harassment has ceased and that there are no signs of victimisation occurring

- the complainant may need to undergo a number of counselling sessions to enable them to deal with what has happened to them
- it may also be necessary for the harasser and fellow students to receive counselling about what has happened within the work group.

The Student Counsellor can provide counselling/supportive help to students.

If the complaint is not upheld:

- it may be sensible for the complainant and the other person involved to receive counselling. The Course Manager, with advice from their colleagues, may consider whether to transfer one or other of the students concerned to another course or lecturer in the interest of good student relations
- if it is likely that the complainant deliberately misled people with the claim, consideration will be taken whether any follow-up disciplinary action is appropriate

10. Monitoring and review

All documentation pertaining to the matter should be held in confidence by Student Services for a period of three years.

The Director of Student Services will monitor the effectiveness of the operation of the harassment policy and procedures. He/she will also be responsible for reviewing the policy by seeking confidential feedback from those involved, and recommending changes where necessary to the College Executive.

Aggregated data on to bullying/harassment incidents linked to any form of discrimination will also be reported to the Bedford Hate Crime Partnership.

11. 14–16 students

This procedure may be implemented with pre-16 students attending Bedford College where there are incidents of bullying/harassment on College premises. However, any incidents notified to the Student Support Manager or teaching staff **must** be reported in the first instance to the Senior Manager for 14+ who will inform the relevant school and discuss with them how the matter should be progressed.

12. Preventative measures

Where a Course Manager or Tutor detects that there are potentially difficult relationships within a group, which could subsequently lead to allegations of bullying/harassment, the Student Counsellors are available to deliver relevant and appropriate group sessions as part of the tutorial programme.

13. Communication and training

The College's equality and diversity and bullying/harassment policies will be communicated to all students and staff through induction and tutorial programmes, the student handbook and the intranet.

Staff will be provided with the appropriate training and development.

14. Supporting documentation

This policy should be read in conjunction with:

- equality and diversity policies
- student grievance procedure
- student disciplinary procedure.

A leaflet for students, describing what they should do if they feel they are being bullied or harassed, is available from Student Services.

Lesley Ferguson
Director of Student Services
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