



related to students. If the matter is not remedied it should be raised formally in accordance with this procedure.

**1.5** The College will seek to prevent harassment and bullying by publicising and communicating this policy widely; by providing training for those involved in advising on or dealing with complaints of harassment and bullying. The College will review the policy and its implementation in the light of experience, and within the context of external developments.

**1.6** Nothing in this Policy is intended to restrict or undermine the right to academic freedom as set out in statute 18(3) of the Colleges statutes.

## **2 DEFINITIONS**

**2.1** The effects of harassment and bullying can be very damaging to the physical and/or emotional well-being of the recipient, and, if unaddressed, can have longer term implications for the individual's career, prospects and health. Some forms of unacceptable behaviour such as victimisation or harassment are unlawful. There are many definitions of harassment and bullying, but for the purposes of this document, the following definitions will apply:

**2.2** Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories. Harassment may be persistent or a single incident. If sufficiently serious, harassment can be a criminal offence. .

**2.3** Harassment may include, for example: unwanted sexual conduct (ranging from lewd, suggestive or over familiar behaviour to serious assault); unwelcome sexual advances; promises made in exchange for sexual favours; offensive remarks (including offensive e-mails, text messages or social media content), gossip, racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender; obscene gestures or language; spreading malicious rumours or insulting someone; the display or electronic transmission of offensive material, sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);

- 2.6** Legitimate, reasonable and constructive criticism of an employee's/student's performance or behaviour by their manager/those responsible for the academic requirements of a programme of study; or reasonable instructions given to employees/students in the course of their employment/studies, will not amount to bullying on their own.

### **3 GENERAL PRINCIPLES**

- 3.1** The College recognises that harassment and bullying can

Where a complaint is about someone other than an employee, such as a client, supplier or visitor, the College will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the College and the rights of that person. Where appropriate, the College will attempt to discuss the matter with the third party.

- 3.7** Both the complainant and the person against whom the complaint has been made have the right to be accompanied at any formal meeting (including an investigatory meeting) by a trade union representative or work colleague. Investigations into alleged harassment or bullying are internal proceedings, therefore solicitors, family members and all other external representatives will be excluded from any formal meeting held in connection with the investigation.
- 3.8** All disciplinary hearings arising from a formal complaint of harassment or bullying will be conducted in accordance with the relevant College Disciplinary Procedure.
- 3.9** Any allegations proven to be malicious, mischievous, vexatious or frivolous will lead to the invoking of the relevant Disciplinary Procedure.
- 3.10** Employees

To bring a formal complaint (either because an informal approach has been tried but proven unsuccessful, or the alleged incident may be so serious that informal resolution is inappropriate) (see Section 7).

- 4.3** In any event, the complainant should keep a written note of the incident(s). This should detail the particular behaviour(s) encountered; dates, times and any witnesses; their feelings and/or responses at the time, as appropriate.

## **5 INFORMAL ACTION**



procedures. The outcome of that disciplinary hearing, but not usually details of any disciplinary action taken, will normally be made known only to the people directly involved (i.e. the original complainant, the person against whom the complaint was made and their representatives) and any organisation, if required by statute or regulation. If the harasser or bully is a third party such as a client or other visitor, the College will consider what action would be appropriate to deal with the problem.

## **7.10**



The College offers a free, impartial, confidential Counselling Service, provided by Care First. This service provides unlimited free-phone access 24 hours a day, every day of the year for personal and work related issues. The service is available via telephone. To use the Counselling Service call 0800 174 319 (Freephone)







## APPENDIX C

<https://www.equalityhumanrights.com/sites/default/files/tackling-racial-harassment-universities-challenged.pdf>



