

## HARASSMENT AND BULLYING POLICY

### Definitions

- 1.1 'Harassment' is defined in law as unwanted conduct including verbal, written or physical, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment for the individual and interferes with their learning, working or social activity. General and specific examples of harassment can be found in Appendix 1.
- 1.2 'Bullying' is coercion or intimidation which serves to undermine the competence, effectiveness, confidence and integrity of another. The abuse of power, position or knowledge by one or more persons to criticise or humiliate another, can cause the individual being bullied to feel vulnerable, humiliated and lacking in confidence. Examples of bullying can be found in Appendix 1.
- 1.3 Treating a person detrimentally because they have made a complaint about discrimination or harassment or have given evidence relating to such a complaint is illegal under the Equality Act 2010 and will be treated very seriously.

### Introduction

#### *Overview*

- 1.4 The College is committed to ensuring the dignity of all staff, students, visitors and members of the College community in their work and interactions with others. All members of the College community should expect to be valued for their unique contributions. This will be irrespective of age; disability; race; gender; sexual orientation; religion or belief; marriage and civil partnership; pregnancy and maternity or gender reassignment ('protected characteristics').
- 1.5 As stated in our Diversity, Dignity and Inclusion code, as a College, we believe that:
  - (a) everyone has the right to be respected and valued for who they are and what they believe;
  - (b) respect is shown through listening to every voice (yours and others) and actively promoting inclusion in society, institutions and debate; and
  - (c) the diversity made through active inclusion is vital to support the dignified and thriving individuals that are at the heart of a health and vibrant community.

- 1.6 The Student Conduct and Behaviour policy states the expectation that ‘all participants in its activities maintain a professional and respectful environment.’
- 1.7 Dignity and respect is undermined by harassment and bullying. Both of these are regarded seriously and may be treated as grounds for disciplinary action. The effects can result in illness, absenteeism, lack of concentration and poor performance. In addition to affecting the individual and their family and friends, these issues can impact in a wider sense on the College, possibly leading to legal action and adversely affecting its reputation. The College takes a zero-tolerance approach to bullying and harassment for staff, students and visitors.

### *Principles*

- 1.8 All members of the College community have the right to work and study in an environment that encourages harmonious relationships; all individuals should be treated with dignity and respect so that they can fulfil their personal potential in a professional working and learning environment. Harassment, bullying and/or victimisation detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses, or has knowledge of, the unwanted behaviour. This policy emphasises that the College is committed to equality, diversity and inclusion, recognising the unique blend of skills, experience and abilities that each individual brings. Understanding and respecting each other are central to the culture of the institution, irrespective of any particular protected characteristic an individual may have
- 1.9 Responsibility for the application of this policy lies with every member of the College community at all levels and within all departments.
- 1.10 Any individual who reasonably raises a concern or witnesses an incident involving harassment or bullying can have assurance that their concerns will be dealt with in a sensitive, confidential manner and that they are protected from fear of reprisals or victimisation.
- 1.11 Any individual who is concerned that a student is subject to unwelcome behaviour may wish to discuss this in confidence with a member of the student support services.
- 1.12 If a formal grievance is upheld, appropriate action, including disciplinary action where necessary in line with the student disciplinary procedures, will be taken against the person, or group of people, who have subjected a member of the institution to treatment deemed unacceptable within the terms of this policy. Generally, the outcome of disciplinary action will be to resolve the problem and prevent recurrence. In extreme circumstances, however, where there is no prospect of a solution or the behaviour was seriously in breach of this policy, termination of registration may be the only course of action. More information on

student disciplinary procedures can be found in the College's Student Conduct and Behaviour policy, see here:

[https://www.gsmlondon.ac.uk/assets/files/20180118\\_115403.pdf](https://www.gsmlondon.ac.uk/assets/files/20180118_115403.pdf)

#### *Electronic Bullying and the Use of Social Networking Sites*

1.13 Electronic harassment can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending emails, students should consider the content, language and appropriateness of such communications.

1.14 If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting. Guidance on the appropriate use of social media can be found in the Social Media Policy, see here:

<http://gsm-connect/intranet/Apps/view.cfm?appID=5147>.

#### *Vexatious Complaints*

1.15 Complaints of harassment or bullying are treated seriously by the College. It should therefore be noted that anyone making mischievous or malicious complaints will be dealt with under the appropriate disciplinary procedures. Disciplinary action will not be taken, however, if a complaint made in good faith is judged to be unfounded.

#### *Confidentiality*

1.16 The College has an obligation to protect complainants and other members of the College community and information will only be disclosed to relevant parties (i.e. those involved with the investigation or in dealing with the outcomes). All investigations will otherwise remain confidential.

### Procedures

#### *Informal Stage .*

1.17 In the first instance, you may wish to discuss your concerns with a person whom you trust in a relaxed and informal manner. This individual could be a fellow student or from one of the College support services. (For Contact Details see Appendix 2).

1.18 After discussion, you may decide to take further steps to address the issue. Wherever possible you are encouraged to talk to the person causing the problem, making it clear that you find their behaviour towards you unacceptable and that it is interfering with your study or social life. If you would find it easier to do this by letter you are advised to keep a copy.

- 1.19 Alternatively, you may prefer to get support from a friend or peer to help you explain your concerns and feelings to the person you feel is harassing you.
- 1.20 It is important to record the details of any relevant incidents which cause distress, particularly if you feel unable to talk to the person/people concerned or, if having raised the issue, the behaviour persists. This written record should include a note of the way in which the incidents cause you to change the pattern of your studies or social life.

#### *Formal Stage*

- 1.21 If informal discussions do not result in a satisfactory outcome, you may raise the matter formally with the Head of Student Support and Engagement who will, as an Authorised Person, determine what (if any) action should be taken under the Student Conduct and Behaviour Policy (for Contact Details see Appendix 2).

#### *Cases involving Staff and Students*

- 1.22 Where a student feels that he or she has been harassed or bullied by an individual member of staff or a group of staff, the student should submit a formal complaint to the Office for Student Complaints and Appeals and Regulations (OSCAR) at Stage Two of the Complaints and Concerns procedure.
- 1.23 Where a member of staff feels harassed or bullied by an individual student or group of students, he or she should raise the matter either with the Executive Dean or the Director of People, as both are Authorised Persons and will determine what (if any) action should be taken under the Student Disciplinary Regulations.

#### *Use of Mediation*

- 1.24 Mediation is a voluntary and confidential process in which trained mediators help people in dispute work out an agreement. Offering a prompt and effective approach to dispute resolution and fostering the development of improved working relationships, mediation is facilitated by trained staff and is completely separate from any other College procedures.
- 1.25 Mediation can happen at any time during a dispute between colleagues, with formal processes being put on hold for the duration of the mediation. Mediation creates a safe haven for parties to engage in constructive dialogue and can be an effective process to assist with the resolution of problems.
- 1.26 Mediation for students is available via Student Support and Engagement

#### *Procedure to follow if you are accused of Harassment or Bullying*

- 1.27 Although all accusations of harassment and bullying are taken seriously, if you are accused of harassment or bullying, it does not necessarily signify a judgement that you are at fault and there will need to be a discussion with you in order to establish the true nature of the situation. It is possible that a problem has arisen because you have not realised or did not intend to cause the effect of your actions which are the subject of complaint. The perception of the person alleging the harassment or bullying is, however, an important factor in determining whether or not harassment or bullying has taken place.
- 1.28 Students accused of harassment or bullying may contact the Student Advisory or the Wellbeing service. A member of staff from either service will be able to facilitate discussion with a view to resolving the problem informally if possible. You have the right throughout any discussions or formal actions to be accompanied by a person of your choice.
- 1.29 *Throughout any informal or formal procedures the principal objective is that of identifying the underlying issues and redressing any issues as quickly as possible and with minimal recrimination*
- 1.30 If a concern is taken to a formal stage, the College will ensure that any formal procedures are fair and correctly followed.

#### *Fees*

- 1.31 None.

#### *Legal and regulatory context*

#### *Criminal Offences*

- 1.32 If a person experiences unwanted physical contact, intimidation or stalking they should seek appropriate advice/ assistance immediately. In such cases for their own protection and that of others, it is important that an offender is caught. Some actions are so serious, such as physical assault, indecent exposure or stalking, that they are very likely to be a criminal offence. In serious matters such as these, the College will encourage the victim to involve the police and will support the victim to do so. If an investigation is undertaken, the College will facilitate the police enquiry wherever possible.
- 1.33 In exceptional cases where the police are investigating allegations against a student, or legal proceedings have commenced, the matter should be referred to the College Secretary and Academic Registrar who will decide as to whether to pursue the complaint in parallel with the criminal investigation, or whether the complaint shall be suspended until the criminal investigation is concluded. Violence in this context is defined as any incident in which a

member of staff or student is abused, threatened, subject to overly aggressive behaviour or language or is assaulted in circumstances arising out of the course of their employment or studies. This is regardless of whether or not any damaging or hurtful effects result, either physical or emotional. Such incidents will be treated very seriously.

- 1.34 If you have been physically attacked, you are advised to seek help immediately. You may decide to report the attack to the police. Any one of the sources of support below can help you decide what action to take. If you consult with them, no further action involving you will be taken without your express permission. If you have been sexually assaulted or raped you are advised to seek advice and medical help immediately.
- 1.35 For your own protection and that of others, it is important that any attack should be reported to a member of the Security Team, Student Advisory or OSCAR. All incidents involving violence must be reported using the normal College incident-reporting procedure. The College Executive Team monitors all reports and will take necessary action.

#### *Data Protection*

- 1.36 The complaint will be investigated. This may result in a recommendation that the member of staff or student should be referred to a disciplinary panel. In those situations, the complaint or that part of the complaint concerning these allegations (where this can be extracted from the rest of the complaint) will be suspended until the disciplinary process is concluded. It will not always be possible or in accordance with Data Protection Act to inform the student of the outcome of the disciplinary panel. Any requests for this information should be made through the Data Protection Officer who is best placed to assess whether disclosure is permitted under the DPA.

#### *Training*

- 1.37 Training for staff is included in the Online Diversity module which all members of staff undertake with regular refresher courses. In addition, it is expected that line managers will assess any specific training needs relating to Harassment and Bullying and Dignity at Work and Study on an individual basis throughout the year via the annual appraisal process.
- 1.38 Training will also be available to the Students' Union sabbatical team and the permanent student-facing team.

*Enforcement, monitoring and review*

- 1.39 If any person or body in the College refuse to comply with a request or decision made to enforce this policy, their refusal must be reported to Academic Registrar who will take such action to enforce this policy as they think necessary.
- 1.40 Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 1.41 Every 2 years the College must review these regulations to ensure that:
- (a) The policy is being used appropriately
  - (b) Concerns are being handled and investigated properly
  - (c) Identify discernible patterns of concerns across the university
  - (d) The policy is effective in identifying and deterring malpractices
  - (e) Identify whether or not more needs to be done to raise awareness of the policy.

***Schedule (not part of the policies and regulations):***

*Responsible Officer: Head of Student Support and Engagement*

*Approved by: Student Enhancement Committee*

*Version: 1.0*

*Date: April 2018*

*Monitoring and Review Body: Student Enhancement Committee*

*Effective From: April 2018*

*Next Scheduled Review: April 2020*

## Appendix 1

### Definitions and General Examples\*

#### 1. Harassment

- a. Unwanted and unnecessary physical contact ranging from touching, patting and sexual advances to serious assault
- b. Verbal and written harassment through jokes, offensive language, gossip and slander, innuendo, sectarian songs, letters, etc
- c. Visual displays of posters, offensive graffiti, obscene gestures, flags, bunting and emblems; inappropriate messages or pictures on whiteboards, noticeboards
- d. Circulation or display of offensive materials using email, texts, social networking websites, internet bulletin boards or any other form of equipment or technology
- e. Isolation or non-co-operation at work/study; exclusion from social activities
- f. Coercion or pressure to participate in unwanted activities or actions, including pressure for sexual favours, to participate in political/religious groups or to take part in a dangerous or humiliating “initiation ceremony” to join a group
- g. Intrusion by pestering, spying, following someone, sending emails, texting or making telephone calls
- h. Bullying
- i. Coercion or pressure to support extreme views, proscribed organisations or other unlawful activities

#### 2. Sexual Harassment

The inappropriate introduction of sexual comments or activities into teaching, learning, working or social situations; or harassing someone because of their gender, sexuality, their perceived sexuality or the perceived sexuality of those with whom they associate; or harassment on the grounds of gender identity. May include:

- a. Unnecessary and unwelcome physical contact
- b. Sexual assault
- c. Suggestive and unwelcome comments or gestures emphasising the gender or sexuality of an individual or group
- d. Persistent or unwelcome requests for social or sexual encounters and favours

- e. Display of, or electronic transmission of, pornographic, degrading or indecent pictures or electronic communications containing threatening, abusive or unwanted comments of a sexual nature
- f. Homophobic behaviour of the use of homophobic language or display of homophobic materials
- g. Explicit or implicit promises in return for compliance to otherwise unwelcome requests that are a misuse of institutional position (e.g. promises of higher assessment marks for a student or a recommendation for promotion for a member of staff)
- h. Explicit or implicit threats of penalties for non-compliance that are a misuse of institutional position (e.g. refusal to provide appropriate support/advice or resources)

### 3. Racial Harassment

Any hostile or offensive act or expression by a person of one race or ethnic origin against a person of another. Incitement to commit such an act is also considered racial harassment. Those who may be particularly affected are students and staff who are in a small minority within the University and for fear of ridicule or reprisals, find it difficult to complain. May include:

- a. Intentional unlawful discrimination on the grounds of race, ethnicity or nationality
- b. Derogatory name calling
- c. Insults, threats and racist jokes
- d. Ridicule of an individual for racial or ethnic difference
- e. Racist graffiti, slogans, images or insignia

### 4. Homophobic and Trans Phobic Bullying

Any behaviour deliberate or otherwise pertaining to sexual orientations and may be directed against individuals or groups or people who are, or are thought to be, lesbian, gay, bisexual or transgendered. May include:

- a. Making homophobic and trans phobic insults and threats
- b. Making unnecessary and degrading references to an individual's sexual orientation or gender identity

- c. Engaging in banter or making jokes which are degrading to a person's sexual orientation or gender identity or perceived sexual orientation or gender identity
- d. Outing an individual as LGBT without their permission
- e. Ignoring or excluding a colleague from activities because they are LGBT
- f. Spreading rumours or gossip about an individual's sexual orientation or gender identity
- g. Asking an LGBT colleague intrusive questions about their private life
- h. Making assumptions and judgements about a colleague based on their sexual orientation or gender identity
- i. Using religious belief to justify homophobic or trans phobic bullying and harassment

5. Religious Harassment

Any behaviour deliberate or otherwise pertaining to religion, religious belief or other similar philosophical belief and may include:

- a. Derogatory name calling
- b. Mocking of religious dress and/or public forms of celebration
- c. Insults, threats and religious jokes
- d. Ridicule of an individual for religious difference (even within a faith community)
- e. Religious graffiti, slogans, images or insignia

6. Harassment of People with Disabilities

Involves conduct which undermines dignity, self-confidence, career or learning opportunities.

May include:

- a. Undue pressure or intimidation
- b. Impractical or unfair work expectations
- c. Behaviour intended to humiliate or ridicule such as offensive language, "jokes" or name-calling; exaggerated or patronising assistance.

7. Bullying

- a. Instantaneous rages, often over trivial matters
- b. Personal insults and name calling
- c. Persistent unwarranted criticism

- d. Public humiliation
- e. Cyber bullying (e.g. inappropriate use of texts or posting images on external website)
- f. Ignoring or excluding individuals
- g. Shouting at others in public and/or private

\*this list provides examples, it is not exhaustive