

Student Bullying and Harassment Policy 2020-21

Lead Responsible:	Vice Principal
Approval Dates for Revisions:	
Academic Board/College Leaders	
Equality Impact Assessment	
Governor Committee: AC/FR/AU/SG/ES	
Governing Body	
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Introduction

- 1 This Student Bullying and Harassment Policy (“the policy”) supersedes all previous versions and copies of the policy and is reviewed annually.
- 2 The College treats all complaints of harassment and bullying seriously and will investigate them promptly, efficiently and in confidence.
- 3 Capel Manor College is committed to providing fair and meaningful education for everyone within a mature and caring environment for all. This includes providing a safe, secure and friendly atmosphere and does not tolerate abusive, rude, threatening or any inappropriate behaviour from students, staff, volunteers or visitors to the site.
- 4 By enrolling as a student at Capel Manor College, you are agreeing to follow by this Student Bullying and Harassment Policy and all other College regulations that apply to you.
- 5 It is your responsibility to read, understand and follow this policy and all other College regulations that apply to you.
- 6 Students are reminded that they are part of a wider College community of other students, alumni, staff, governors, partners and friends of Capel Manor and as such, are required to respect and preserve both the present and the future reputation of the College.

Purpose

- 7 The College is committed to ensuring equal opportunities and fair treatment for all its students and this policy aims to enable the College to provide an environment in which all students feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital, civil or family status, colour, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.
- 8 It aims to ensure that no students within the College are subjected to any form of harassment or bullying.
- 9 This policy provides a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

Scope

- 10 This policy applies to all students enrolled with Capel Manor College from 1 September 2019, at all College centres, for all modes of study, for all further education courses and other activities organised by the College.
- 11 This policy should be read in conjunction with:
 - a. the College’s Single Equality Scheme,
 - b. the Student Code of Conduct,
 - c. the College Equality and Diversity Policy and Single Equality Scheme.

Responsibilities

- 12 The Principal is the final arbiter in the interpretation of this policy.
- 13 The Vice Principal is responsible for the implementation and development of this policy.
- 14 All students are responsible for understanding and following this policy and other related policies and procedures.
- 15 This policy requires all members of the College community to positively act to eliminate any harassment and bullying in the College of which they are aware and any student who witnesses an incident that he/she believes to be the harassment or bullying of another individual should report the incident in confidence either to his/her Course Manager, Head of Student Support, Student Governors or any other member of College staff.

The College will take all such reports seriously, treat the information in strict confidence and investigate all such allegations.

- 16 All members of staff are responsible for the effective application and operation of this policy.
- 17 Any member of staff, volunteer or visitor to the College can raise a complaint which can lead to the disciplinary procedure being used.
- 18 Student Support is responsible for the provision of independent advice or support to students on the interpretation and operation of the policy and procedures.

Support

- 19 Student Services provide appropriate support for students including personal support, careers advice and guidance and learning support. Students requiring extra support may be offered mentoring, additional tutorials, counselling services or other arrangements to support their learning and access to College facilities.
- 20 Support is available to help with behaviour including understanding this policy and the Student Code of Conduct.
- 21 The College recognises that making a complaint of harassment/bullying is likely to be a distressing experience and that it may be difficult for individuals to raise complaints.
- 22 Individuals accused of harassment/bullying may also confidentially access an appropriate support worker/counsellor as the allegation is investigated.

Definitions

- 23 Definitions of Equality:
 - a. Equality of opportunity means more than disregarding differences such as gender, disability, race or nationality, religious or political belief, sexuality, or age. It means ensuring that the College understands how different learners will be affected by our activities so that our provision is appropriate and accessible to all and meets their different needs. This means recognising, accommodating and valuing diversity across the College and the community within which we work.
 - b. Equality means ensuring that everyone is treated equally i.e. that all students have the same right of access to resources. Consequently, to ensure equality of opportunity, individuals / groups may be treated differently.
- 24 Definitions of Diversity:
 - a. Diversity is recognising that individuals and groups of people are different and that it is important to value and celebrate difference.
 - b. The individual does not need to possess the protected characteristic.
- 25 Definitions of Discrimination:
 - a. Direct Discrimination is treating someone less favourably than he/she would treat others because of a protected characteristic.
 - b. Indirect Discrimination is where an employer/provider has a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who have a protected characteristic. [It can be justified if it is a proportionate means of achieving a legitimate end.]
 - c. Associative Discrimination is direct discrimination against someone who associates with another person that possesses a protected characteristic.
 - d. Perceptive Discrimination is direct discrimination against someone because they are thought (wrongly) to possess a protected characteristic.

Harassment

Definitions

- 26 Definitions of Harassment:
- a. Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
 - b. Harassment is a serious problem that can affect a student's health and performance and should not simply be dismissed as individuals being over sensitive.
- 27 Definitions of Victimisation:
- a. Victimisation is where an individual is treated detrimentally because they make, or are suspected of making, or supporting a complaint or grievance under the Equality Act 2010 provided the complaint has not been made maliciously or is untrue.
- 28 This is where one person's conduct has the purpose or effect of violating another person's dignity or wellbeing or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- 29 Conduct shall be regarded as having this effect only if, with due regard to all the circumstances in particular the perception of the alleged victim of harassment, it should reasonably be considered as having that effect.
- 30 Harassment may be repetitive, or an isolated occurrence against one or more individuals and be based on the grounds of gender, sexual orientation, transgender status, marital, civil or family status, colour, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.
- 31 Even where conduct does not have that purpose but could reasonably be considered to have that effect including, in particular the perception of the complainant, it constitutes harassment. Thus the concept of harassment is broader than actions intended to harass and includes actions intended to have that effect.
- 32 Harassment can be physical, verbal or non-verbal and a wide range of different types of behaviour in College may potentially be perceived as harassment. Examples of behaviour that may be perceived as harassment include (this is not an exhaustive list):
- a. Physical - contact, assault, gestures, intimidation or aggressive behaviour
 - b. Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the protected characteristics
 - c. Non-verbal - offensive literature or pictures, graffiti and computer imagery, e-mails, text messages, isolation or non-co-operation and exclusion, withholding of important information, offences to dignity.
 - d. Sex-based harassment is where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of that person, or of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 33 Sexual harassment is where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples include (but are not limited to):
- Telling jokes about women or men.
 - Making derogatory sexist remarks.
 - Deliberately placing tools or materials that an individual needs to do their job on a high shelf to make it difficult for them to reach.
 - The display of sexually explicit material on computer screens or in calendars.
 - Leering at someone in a manner that is overtly sexual.
 - Physically touching someone in a sexual manner where such conduct is not welcome.
 - Making remarks banter or jokes of a sexual nature.
 - Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome.
- 34 Gender reassignment harassment. Examples include (but are not limited to):

- Calling someone a nickname linked to the fact that he or she has undergone gender reassignment, for example "gender bender".
 - Inappropriate touching designed to check whether or not an individual has undergone reconstructive surgery.
 - Leaving items specifically associated with the individual's old or new gender on his or her desk.
- 35 Racial harassment. Examples include (but are not limited to):
- Calling someone a nickname linked to his or her skin colour or nationality, for example calling an Asian person "Paki".
 - Making remarks banter or jokes about people from different racial backgrounds.
- 36 Disability harassment. Examples include (but are not limited to):
- Using insulting terminology, such as "mong", "retard" or "spastic", when referring to a disabled person.
 - Excessive staring, for example at someone with a facial disfigurement.
 - Mimicking a disabled colleague's mannerisms or speech.
- 37 Religious harassment. Examples include (but are not limited to):
- Remarks, banter or jokes about particular religious beliefs or religious practices.
 - Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of his or her religion.
- 38 Sexual orientation harassment. Examples include (but are not limited to):
- Deliberate isolation of someone on grounds of his or her sexuality or perceived sexuality.
 - Using or reinforcing stereotypes of gay people.
 - Calling someone a nickname based on his or her sexuality or perceived sexuality.
- 39 Age harassment. Examples include (but are not limited to):
- Banter and jokes that make fun of older people or demean their abilities.
 - Calling someone a name linked to his or her age, for example "daft old bat" or "young whippersnapper".
 - Ignoring someone, or treating his or her views as worthless, just because he or she is younger or older than other employees.

Bullying and Cyberbullying

Definitions

- 40 Bullying and cyberbullying carried out by a group or individual may manifest itself as persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.
- 41 This includes sending or distributing sexually explicit or sexually suggestive material or correspondence and/or unlawful or unacceptable material or remarks, including offensive, abusive or discriminatory comments and/or false or defamatory information about another person or the College.
- 42 Bullying. Examples include (but are not limited to):
- Displays of rage or shouting at a student in public and/or in private
 - Personal insults and name calling
 - Persistent unjust criticism and public humiliation
 - Persistent undermining of work or assignments designed to humiliate or cause distress
 - Setting unachievable tasks or deadlines
 - Constantly changing working or social guidelines
 - Excessive and unreasonable supervision
 - Ignoring or excluding an individual, or talking only to a third party to isolate another.
- 43 Cyberbullying. Examples include (but are not limited to):
- Text messages
 - Sexting (sending or distributing texts of sexual and/or graphic nature) or 'Revenge Porn'

- Phone calls including silent calls or abusive messages or phone theft and the use of disguise identification
 - Email including using pseudonym and proxy accounts and/or spamming or inundating with messages
 - Picture/video clips that are unwanted or offensive
 - “Happy Slapping” i.e. filming and sharing physical attacks.
 - Chat rooms
 - Instant messaging
 - Defamatory blogs/podcasts etc.
- 44 Students are expected to comply with the Student Code of Conduct and Networks Acceptable Use Policy and this extends to all electronic and other means of communications between students and any other members of the College community.

Informal Resolution

- 45 All students at Capel Manor College have an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This includes behaviour that has caused offence, humiliation, embarrassment or distress.
- 46 Every effort will be made to resolve the issue informally in the first instance, if this is appropriate and as soon after the incident as possible.
- 47 If circumstances dictate, an ‘informal resolution’ may be considered when someone:
- has been/is being rough or clumsy;
 - lacked subtlety;
 - or was rude or impolite.
- 48 If the instance can be settled with an informal resolution, the Course Manager will ensure that the details of the incident and resolution are recorded in the files of all parties involved and will seek an apology to be offered and accepted between both parties with clear expectations of future conduct.
- 49 If an individual is too uncomfortable or embarrassed to speak directly to the offender, the apology should be made in writing.

Formal Allegations

- 50 Students raising genuine and more serious allegations of bullying or harassment will be treated equally seriously and not subjected to any unfavourable treatment or victimisation as a result of making an allegation.
- 51 If a counter allegation is raised in response to an initial allegation, the original allegation will take precedence and an outcome determined before completing the same process for the counter allegation.
- 52 Deliberately false, malicious or vexatious allegations against other persons (i.e. patently unsustainable, having been put forward so as to abuse the process of this policy or, for example, to attempt to defame the names or characters of others) may result in disciplinary action under the Student Disciplinary Policy.
- 53 An individual should never take personal action in response to bullying or harassment. They must contact their Course Manager, Head of Student Support, Student Governors or any other member of College staff.
- 54 Students making allegations of serious bullying or harassment must write down (or be helped to write down) the nature of the allegations in their own words. This should be done by the Course Manager, a member of the course team, the Head of School or a member of Student Support.
- 55 All discussions must be confidential and therefore in private and no further action will be taken without the consent of the complainant unless it is considered highly serious or criminal or a safeguarding issue.
- 56 Students under 18 and vulnerable adults may be accompanied by a parent or guardian and have any questions directed through this person.
- 57 Depending on the nature of the allegation, one of the following courses of action may then be followed:
- a. No further action is agreed by mutual consent but details of the incident(s) and allegations must be recorded and the situation kept under review for a suitable period of time.

- b. There are sufficient grounds to believe that the student has been subjected to bullying or harassing behaviour and the student wishes to make a formal complaint in which case the College will instigate an investigation.

Formal Complaint

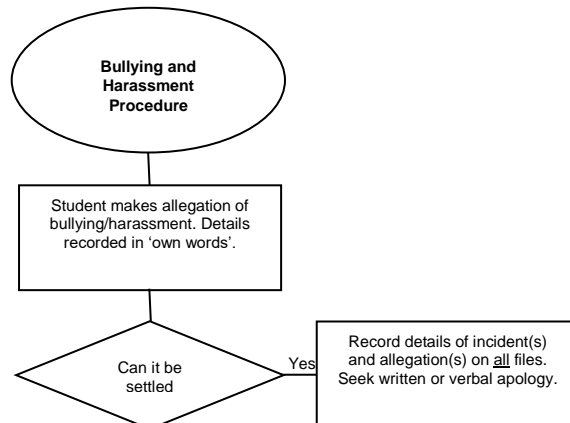
- 58 The College will take all allegations of bullying and harassment seriously and any student who makes a genuine complaint will be protected and will not be penalised or victimised in any way and any student can expect College management to institute formal investigation proceedings.
- 59 If the nature of the allegation is in relation to any member of the course team, then the complaint must pass to the next higher level of management i.e. Head of School or Vice Principal as appropriate.
- 60 The investigation will normally be carried out by the Course Manager (or next higher level of management as appropriate) and as investigating officer, he/she is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to present their version of events.
- 61 The person who is the subject of the complaint should be informed about the nature of the complaint and the Student Code of Conduct and Student Disciplinary Policy made available to them.
- 62 It may be appropriate to consider suspension of the person subject to the allegations during the investigation to relieve the stress and pressure on one or both parties; to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged harasser.
- 63 The investigation should normally be completed within 20 working days of the complaint being received.
- 64 The investigating officer must investigate the allegation(s) and circumstances surrounding the allegation(s) thoroughly and as far as is reasonably practicable commensurate to the nature of the allegation(s).
- 65 The investigation may require further meetings with the complainant and/or alleged perpetrator which must be undertaken separately with suitable representation as described above. Detailed written statements must be taken and either party should be given the opportunity to nominate witnesses whom they wish to be interviewed.
- 66 The investigating officer will meet anyone else who was present or who has information relevant to the issue and detailed written notes witness statements recorded.
- 67 The investigating officer should seek to review all the material collected including all witness statements and other evidence (such as photographs or computer records) and decide whether the complaint is substantiated. The investigating officer must consider the facts and balance of probabilities and will decide either to:
 - a. Take no further action (i.e. the allegation has not been substantiated) in which case the outcomes must be recorded on all parties files.
 - b. Refer the matter to the Student Disciplinary Policy and recommend the level of intervention i.e. Misconduct or Gross Misconduct.

Serious Criminal Offences

- 68 In cases where the College considers the incident, alleged assault or alleged behaviour to be a serious criminal offence and/or if the complainant so wishes, the College will contact the Police.

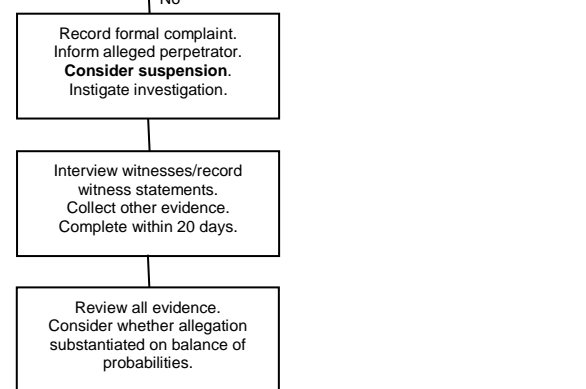
Appendix I - Bullying and Harassment Procedure Flowchart

Informal Resolution



Formal Complaint

Investigation



Review

