

The Sixth Form College Colchester

Protection from Bullying and Harassment Policy (Students)

This policy relates specifically to the protection of students from bullying and harassment. (A separate policy relating to the protection of staff from bullying and harassment can be found in the College Employment Manual.)

1. Policy statement

- 1.1 The College is committed to creating an environment that is free of harassment, and which provides an environment that protects the dignity of all staff, students, governors and visitors and treats all with respect.
- 1.2 The College regards sexual, racial and personal harassment as most serious matters. It is the duty of all staff, students, governors and visitors to implement and uphold the policy and all have a responsibility to ensure that bullying and harassment have no place in the College.
- 1.3 This policy is designed to inform students and members of the College community of the type of behaviour that is unacceptable and provides those who are the targets of harassment and bullying with a means of redress.
- 1.4 The College will also not tolerate harassment of students or members of the College community by third parties and will take appropriate action to deal with all reported incidences.
- 1.5 The College will keep records of all claims of bullying and harassment for monitoring purposes, to inform any necessary changes and improvements to College practice.
- 1.6 The College undertakes to educate students about bullying and harassment issues and to promote equality and diversity.

Roles and responsibilities

- 2.1 It is the responsibility of every member of the College community to help the College achieve an inclusive and supportive environment and to promote good relations between groups by being tolerant and having a respect for diversity.
- 2.2 Teaching staff and Senior Tutors will be responsible for insuring that bullying and harassment is not permitted within their area of management, and that incidents arising are dealt with firmly and fairly.
- 2.3 Formal complaints will be investigated thoroughly. Those who complain or are the subject of complaint or those who complain on another's behalf will be protected during the process. In cases where the complaint is substantiated, the individual responsible may be subject to action under the student Disciplinary Procedure, whichever is appropriate.
- 2.4 The College will take steps to ensure that those individuals with responsibility for dealing with matters raised under the provisions of this policy receive appropriate guidance and training as to the nature and potential consequences of sexual, racial and personal harassment.
- 2.5 All students have a personal responsibility to ensure their own conduct does not cause offence

3. Definition of harassment

- 3.1 For the purposes of this policy, harassment is defined as unwanted conduct which intentionally or unintentionally has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is indicative of a lack of respect for the person harassed, undermines his or her

position and may have a negative impact upon health, coursework, examinations and sense of personal security.

- 3.2 Each person has the right to decide what behaviour is either acceptable or unacceptable; it and individual finds certain behaviour unacceptable or feels damaged by it, then they have every right to say so and their right will be respected. Harassment on any grounds will not be tolerated.
- 3.3 Harassment takes many forms. It is uninvited and unwanted actions that cause offence and / or embarrassment, fear, stress or tension. It can be an isolated act such as a comment or a wilful gesture, or it can take the form of repeated behaviour against a person.
- 3.4 Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, a single incident may constitute harassment.

4. Definition of bullying

- 4.1 Bullying is offensive behaviour that humiliates or undermines an individual or group. Bullying can be carried out by an individual or group of individuals. It frequently involves a person in a position of authority bullying a person who is in a more junior position. Bullying is typically unpredictable, irrational and sometimes unseen by others.

5. Examples of harassment

- 5.1 The defining feature of bullying and harassment is behaviour that the recipient perceives to be offensive or intimidating.

- 5.3 People can be subjected to harassment on a wide variety of grounds. Outlined below are some examples of personal harassment. Some, if occurring only once, may cause only mild irritation but if repeated become harassing. Other examples are clearly harassment even if they occur only once. All of them are inappropriate if students, staff and visitors are to have equality of opportunity.

a) Sexual harassment

- unwelcome sexual advances or suggestive behaviour i.e. touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advance being accepted or rejected (which the harasser may perceive as harmless)
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet)
- outing or threatening to out someone as gay or lesbian or non-binary etc. using offensive comments of a homo / transphobic nature
- using offensive or obscene language verbally or in emails, text messages or social media content
- sexist, homophobic, or derogatory or stereotypical remarks about a particular group or gender

Harassment of persons on grounds of their actual or perceived sexual orientation will constitute sexual harassment.

b) Racial harassment

Examples might include, but are not limited to:

- insensitive jokes or pranks of a racial, ethnic, religious or national nature
- racist graffiti
- racially abusive language

- offensive images or racist propaganda
- offensive comments about physical racial characteristics or lifestyle
- the transmission of racially offensive materials or statements via electronic means or through the post
- attempts to promote or entrench racist attitudes through the recruitment of students or staff to overtly racist organisations and groups

Harassment of a person on the grounds of their association with a person(s) who belongs to a racial, minority ethnic or religious group will also constitute racial harassment.

c) Disability harassment

Examples might include but are not limited to:

- mocking, mimicking or belittling a person's disability
- unreasonable, unfair or offensive expectations about an individual's disabilities or mischievous interference with personal aids or equipment
- behaviour which makes direct or indirect reference to disability or impairment and this causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability

d) Other forms of harassment

Examples might include but are not limited to:

- coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence
- ridicule, isolation or non-cooperation, exclusion from everyday social interaction or activities
- withholding important work / study related information
- intrusion by pestering, spying and stalking
- being ridiculed or victimised for raising a complaint or showing willingness to challenge harassment
- adverse comments regarding, for example:
 - i. membership or non-membership of a trade union
 - ii. religious or political beliefs
 - iii. health e.g. AIDS / HIV / COVID status etc.
 - iv. physical characteristics

6. Examples of bullying

6.1 Examples might include, but are not limited to:

- asserting a position of seniority in an aggressive, abusive or offensive manner
- using inappropriate or derogatory remarks
- being shouted at
- being reprimanded in front of others
- repeated demeaning statements to an individual or third parties
- gibes in reference to personal traits or appearances, invasion of privacy, or practical jokes causing physical or psychological distress
- persistent pressure to become involved in anti-social or unlawful behaviour
- spreading of malicious rumours.

(Legitimate, reasonable and constructive criticism of a student's performance or behaviour, or reasonable instructions given to a student in the course of their time at the College does not amount to bullying).

6.2 Cyberbullying

- cyberbullying can be defined as the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others
- typically cyberbullying involves the use of the internet, email and / or mobile phones to send or post text or images intended to hurt or embarrass another person. In many cases, the spreading of offensive jokes or shocking or sexual material via phone or email may also constitute cyber-harassment
- anyone found to be using technology to bully or harass a student, other member of the College community or third party will be subject to the relevant disciplinary procedure

7. Victimisation

Victimisation is when the person who has made a complaint of harassment is treated less favourably than would otherwise be the case.

The College will not tolerate any incidents of victimisation arising from either:

- making an allegation of personal harassment
- having been accused of harassment

Victimisation may be dealt with as a disciplinary issue.

8. Malicious or vexatious complaints

Any complainant found to be making malicious or vexatious complaints could be subject to disciplinary action.

9. Criminal offences

Where an alleged case of harassment appears to constitute a criminal act, the aggrieved individual will be advised to report the matter to the police.

10. Freedom of expression

Whilst it is recognised that the College must provide for freedom of expression, it is essential that a working and learning environment be maintained which is not intimidating. Education requires the communication of the views and / or beliefs of others and, therefore, it is important that the context of such communication is made quite clear.

11. Procedure for dealing with harassment

General advice

- 11.1 Anyone experiencing harassment should not wait until matters become intolerable. Sometimes the harasser(s) may not realise that their behaviour is unwanted or unacceptable and in such cases the misunderstandings can be resolved quickly.
- 11.2 It is helpful to make a note of the time, place and nature of any specific incidents and attempts to discuss them. This will provide useful information in following these procedures.
- 11.3 As a general principle, confidentiality will be preserved and no action will normally be taken without the consent of the complainant.

Individual action and raising the issue

- 11.4 If possible, the individual experiencing harassment should state clearly to the person concerned that their behaviour is unacceptable and should cease. In some circumstances the individual might prefer to write a letter to the person concerned that should be dated and signed, and a copy kept. Alternatively, the individual experiencing harassment could send an email, from and to College email addresses, stating the difficulty clearly. Students can be supported to take this

action, by their Personal Tutor or other trusted member of staff, if required. A record of this communication should be kept

- 11.5 If the individual does not feel able to talk or write to the person concerned or if the harassment does not stop, they should raise the matter with a member of College staff.
- 11.6 Students would normally contact a member of staff such as their Personal or Senior Tutor or another member of teaching staff.
- 11.6 Members of staff will endeavour to resolve the matter informally, usually by speaking to all parties and making clear expectations of behaviour going forward. Both the individual experiencing harassment and the alleged perpetrator will be asked to refrain from any action which would perpetuate the problem (for example by involving friends or publicising the issue via social media).

12. Formal procedure

- 12.1 Where it has not proved possible to resolve the matter through informal means, or where the aggrieved individual feels that the harassment is so serious that immediate action is necessary, the matter should be referred, normally by the complainant, to the Assistant Principal (Pastoral), or delegated alternate, who will pursue the issue according to the relevant Disciplinary Procedure.
- 12.2 Issues which present an immediate safeguarding concern should be reported to the Designated Safeguarding Lead or member of the safeguarding team in person, without delay
- 12.3 If the matter is not urgent, the complaint should be in writing. It should set out:
- full details of the conduct in question
 - the name of the harasser or bully
 - the nature of the harassment or bullying
 - the date(s) and time(s) at which it occurred
 - the names of any witnesses
 - any action that has been taken so far to attempt to stop it from occurring.
- 12.4 As a general principle, the decision whether to progress a complaint is up to the individual complainant. However, the College has a duty to protect all students and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

13. Confidentiality

- 13.1 Confidentiality is an important part of the procedure. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may lead to disciplinary action.
- 13.2 Information about a complaint by or about a student may be placed on the student's personal file, along with a record of the outcome and of any notes or other documents compiled during the process. Such information will be processed in accordance with the College's Data Protection and Record Retention Policies.
- 13.3 Any statements taken during these procedures will be used only for the purposes of the investigation and for any disciplinary action that might follow. However, if legal proceedings ensue, the College may be obliged to disclose such statements at that stage.

14. Formal investigation.

- 14.1 Complaints will be investigated in a timely and confidential manner. The investigations will be conducted by a senior manager with appropriate experience and no prior involvement in the

complaint. The investigation will be thorough, impartial and objective and carried out with sensitivity and due respect for the rights of all parties concerned.

- 14.2 Students complaints will be investigated under the terms of the College Complaints Procedure.
- 14.3 If the investigating senior manager concludes that harassment or bullying has occurred prompt action will be taken to address it as follows:
- Students: the matter will be dealt with under the terms of the Student Disciplinary Procedure
 - Third Party: a member of the Senior Management Team will address the issue and take appropriate action.

15. Protection and support for those involved in the process.

- 15.1 Staff, students and witnesses will not be ridiculed or victimised for making or assisting in the complaint, even if it is not upheld. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the College's Disciplinary Procedure.
- 15.2 If a complainant believes they are being victimised as a result of their formal complaint they should inform their Senior Tutor or an Assistant Principal for the matter to be addressed.
- 15.3 During the formal process consideration will be made to temporary changes to studying arrangements for the complainant or the alleged perpetrator, pending the outcome of the investigations.

This policy should be read in conjunction with:

Equality and Diversity Policy
Safeguarding Policy
Child Protection Policy
Harmful Sexual Behaviours Policy

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