

Regent College London

Anti-Harassment and Anti-Bullying Policy and Procedure

For staff and students

1 Scope and Purpose

- 1.1 The purpose of this policy is to promote a studying and working environment for students and staff in which harassment and bullying are known to be unacceptable and where any student or member of staff of Regent College London have the confidence to complain about bullying and harassment. In making a complaint students and staff will have their concerns dealt with appropriately, fairly and in a timely manner.
- 1.2 This anti-harassment and anti-bullying policy and procedure applies to all students and staff of Regent College London. This policy and procedure applies to all staff, whether full-time, part-time, hourly paid or working in a contractual manner at the College for any period of time.
- 1.3 The anti-harassment and anti-bullying policy and procedure should be read in the context of Regent College London's Equality and Diversity Policy.

2 QAA UK Quality Code

This Policy aligns with the UK Quality Code core and common practices in

Expectations for Quality:

Courses are well-designed, provide a high-quality academic experience for all students and enable a student's achievement to be reliably assessed.

From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education.

- The provider supports all students to achieve successful academic and professional outcomes.
- The provider has sufficient and appropriate facilities, learning resources and student support services to deliver a high-quality academic experience.
- The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.

This Policy also incorporates the following Guiding Principles set out in

the Advice and Guidance for Enabling Student Achievement:

- 1. Strategic and operational plans for supporting students and enabling achievement to align to the student journey.
- 2. Clear, accessible and inclusive policies and procedures to enable students and staff to identify when support mechanisms may be required for academic and personal progression.

- 5. Equality of opportunity for all students to develop academic and professional skills.
- 6. Provide an accessible, inclusive and engaging community that incorporates staff and students to facilitate a supportive environment.

the Advice and Guidance for External Expertise:

- 4. Providers ensure that the roles of those providing external expertise are clear to students, staff and other stakeholders.

the Advice and Guidance for Partnerships:

- 7. Awarding organisations monitor and evaluate their partnership arrangements to satisfy themselves that the arrangements are achieving their stated outcomes and that academic standards and quality are being maintained.

the Advice and Guidance for Learning and Teaching:

- 6. Effective learning and teaching activities, facilities and resources make the learning environment accessible, relevant and engaging to all students.

the Advice and Guidance for Work-based Learning:

- 4. Education organisations and employers consider any specific issues in relation to the workplace environment and deal with them appropriately, including informal agreements where appropriate.

the Advice and Guidance for Concerns, Complaints and Appeals:

- 1. Concerns, complaints and appeals are used to improve the student experience.
- 2. Concerns, complaints and appeals procedures are accessible and inclusive.
- 3. Information is clear and transparent.
- 4. People raising concerns or making complaints or appeals are treated with dignity and respect, and their well-being is properly considered.
- 5. Concerns, complaints and appeals processes are proportionate and allow for cases to be resolved as early as possible.
- 6. Concerns, complaints and appeals procedures are fair and impartial.
- 7. Confidentiality and anonymity are appropriately assured.
- 8. Concerns, complaints and appeals are resolved in as timely a way as possible.

3 Regent College London's Commitment

- 3.1 Regent College London, as part of its commitment to equality and diversity, is committed to providing an environment in which all students and members of staff are enabled to study and work in an environment which supports and encourages harmonious relationships.
- 3.2 Regent College London is committed to preventing harassment and bullying and adhering to its commitment to equal opportunity, as stated in the College's Equality and Diversity Policy.
- 3.3 Any allegations of harassment and bullying will be treated very seriously by the College and could result in disciplinary action being taken against the perpetrator. Regent

College London will ensure that any student or member of staff raising a genuine concern in relation to this policy will not be victimised.

- 3.4 Allegations of harassment and bullying will be taken very seriously and if the College determines that allegations are proven to be malicious disciplinary action may be taken against the individual making such allegations.

4 Aims

- 4.1 Regent College London has the following aims in respect of this anti-harassment and anti-bullying policy and procedure:

- (i) To promote a positive environment in which students and staff are treated fairly and with respect.
- (ii) Take a zero tolerance approach to any forms of harassment and bullying.
- (iii) Ensure all members of the Regent College London community, including all students and staff, understand their responsibility to contribute to the creation and maintenance of an environment free from harassment and bullying.
- (iv) Provide a framework of support for students and staff and for both parties involved in any complaints and/or allegations.
- (v) Provide a mechanism to resolve concerns and issues raised. Every effort will be made to encourage individuals to resolve the matter informally, or failing that, at the lowest possible level through the formal procedures.

5 Principles

- 5.1 All allegations of bullying, harassment or victimisation, whether informal or formal, will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.
- 5.2 Any information received will be handled with an appropriate level of confidentiality. Where personal information is shared or released it will only be done for the purposes of ensuring compliance with this policy and associated procedures.

6 Definitions

- 6.1 Harassment and bullying can take a variety of different forms, ranging from repeatedly ignoring a person or subjecting them to unwelcome attention, intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear as trivial as a single incident can constitute harassment or bullying when repeated, or takes place in the context of staff-student, student-student or staff-staff relationships. Harassment and bullying may not always be intentional but are always unacceptable, whether intentional or not.
- 6.2 There is substantial UK national legislation that protects people from harassment; this is listed in Appendix 2. The legislative definition of harassment is as follows:

Harassment is where unwanted conduct related to a personal attribute, for example Gender, of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

6.3 Harassment

Harassment is defined as unwelcome and offensive attention, which is always unacceptable, whether intentional or not. It often arises from the abuse of a power base and both individuals and groups may be harassed. The harasser does not have to intend to harass. The perception of the recipient is very important but the test of reasonableness must also be applied, that is, a reasonable neutral person would regard what is happening as harassment. Normally the behaviour must continue after an objection is made, but a single incident may be serious enough to constitute harassment.

6.4 Bullying

Bullying is the abuse of power or position to undermine a person so that their confidence and self-esteem/self-worth is weakened or destroyed. Bullying may happen in public or in private. It may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.

6.5 Some of the most prevalent forms of harassment and bullying are as follows (see Appendix 1 for further details):

- Sexual harassment
- Racial harassment
- Harassment of individuals with disabilities
- Harassment on the grounds of an individual's sexuality
- Ageist harassment
- Religion or belief harassment
- Status harassment

The above list is not exhaustive and many other forms of harassment and bullying exist.

6.6 Cyber and electronic bullying and harassment

Cyber bullying involves using technology to bully people. It can include texting, instant messaging, and posting on social media and gaming websites. Regent College London expects all staff and students to comply with the IT conditions of use as given in the code of conduct for the College's use of information technology.

6.7 Victimisation

Victimisation is defined as the subjection of a person to a detriment because he or she has made (or intends to make, or you believe they have/will make), in good faith, an allegation of harassment or has supported someone else in making an allegation.

Victimisation is defined as specifically relates to someone being treated less favourably as a result of a *protected act*. A *protected act* is:

- Making a claim or complaint of discrimination (under the Equality Act)
- Helping someone else to make a claim by giving evidence or information
- Making an allegation that you or someone else has breached the Act

- Doing anything else in connection with the Act. (Definition as within the Equality Act 2010)

Both harassment, bullying and victimisation may result from single 'one-off' incidents or a series of incidents taking place over a period of time. Both harassment and bullying may be committed by individuals or groups.

7 Criminal Offences

- 7.1 Harassment may take the form of a criminal offence, such as physical assault, indecent exposure or rape. In such an event, Regent College London will support the student or staff member, ensuring that they are given medical and emotional support as appropriate. Whilst the College will advise, the decision of Police involvement must lie in the hands of the person making the complaint and appropriate College staff will facilitate and support the person in any such action.

8 Harassment in placements

- 8.1 Regent College London will take all reasonable steps to ensure that external organisations providing work placement opportunities for members of the College community, whether students or staff, have policies and procedures in place to prevent and deal with issues of harassment and bullying. Any student or member of staff subject to harassment or bullying in such a situation will be supported appropriately by the College.

9 Responsibilities

- 9.1 The responsibilities of staff and students of Regent College London are as follows:

- The Senior Leadership Team (SMT) and Academic Board are responsible for effective implementation of this policy and procedure and for maintaining oversight and instances of harassment and bullying.
- Managers of Regent College London, including the Principal, Academic Dean, Programme Leaders and Operations Managers are responsible for positively encouraging respect for dignity, and for addressing any issues concerning harassment and bullying that may occur. Managers may be asked to deal with informal complaints made by staff or students concerning harassment or bullying.
- The Principal and Human Resources Manager are jointly responsible for dealing with formal allegations of harassment and bullying against a member of staff.
- The Academic Dean is responsible for dealing with informal and formal allegations of harassment or bullying against a student. The Academic Dean is responsible for investigating informal complaints against a student or group of students.
- The Regent College contact for contractors or visitors to the College is responsible for addressing any issues relating to harassment or bullying by or of them.

- Each individual student and each member of staff is personally responsible for fostering a culture of respect for dignity and for avoiding behaviour that is offensive to other people.

10 Procedure for dealing with Harassment and Bullying

(a) Staff

- 10.1 Complaints about harassment or bullying by a member of staff are often resolved by informal means. If the complainant is willing to try to resolve the matter informally this is the preferred approach and in many instances will result in a positive resolution. However, where a criminal act may have occurred it would be the normal procedure to proceed immediately to the formal stage.
- 10.2 An informal complaint may best be dealt with by the member of staff's immediate line manager. Where the complaint is being made by the member of staff about his or her line manager, the Principal should be consulted and another manager identified to deal with the informal complaint, with the agreement of the complainant.
- 10.3 Where the complaint cannot be resolved informally to the complainant's satisfaction, or where the complainant wishes to make a formal complaint, Regent College London's Human Resources Manager should be consulted and the College's complaints and grievance policy and procedure should be used. This is available in the Staff Handbook.

The Principal working with the Human Resources Manager will appoint an appropriate senior member of staff, not immediately involved in the case, to investigate the complaint. The investigation will be completed as soon as reasonably practical and will take no longer than twenty working days.

The investigation will, as a minimum, normally follow the process laid out below:

- Interview the complainant.
- Interview the alleged harasser/bully.
- Interview any witnesses.
- Repeat any of the above stages as required.
- Compile a report of the investigation.

The report will then be given to the Principal and Human Resources Manager who will jointly decide how to proceed, which may include the following:

- That further attempts should be made to resolve the matter informally;
- Mediation;
- That alternative action such as redeployment should be considered;
- That the appropriate Staff Disciplinary Procedure should be invoked (in this case the investigation under this procedure will be carried forward as the formal disciplinary investigation).

If the formal disciplinary procedure is invoked, the outcomes may be:

- The matter may still be capable of informal resolution;
- Mediation;

- A verbal, written or final written warning;
- Dismissal;
- Redeployment. If the complaint of harassment is upheld, it would normally be the harasser who would be redeployed.

10.4 Any member of staff who makes a complaint of harassment will be informed in writing of the outcome of the complaint whether Regent College London has found that harassment has or has not taken place. It is likely that subsequent discussion will take place with both parties to ensure a professional working environment (if appropriate) is maintained. Any member of staff who complains about harassment or bullying and is not satisfied with the final outcome of the investigation and associated report with attempted resolutions may appeal to the Principal, whose decision over the matter will be final.

10.5 **Students**

Students concerned about harassment may initially wish to discuss the matter with a friend, family member or another student. Confidentiality is very important in dealing with cases of alleged harassment and bullying since it is much more difficult to resolve informally if information about the matters become common knowledge. Students may make an appointment to discuss the matter with the Student Support & Wellbeing Manager, who will ensure confidentiality at all times. Additionally, the student may wish to discuss the matter informally with their student representative. Sometimes matters can be resolved in this manner and the student may not feel the need to take the allegations any further. However, if this approach does not offer satisfactory resolution for the student then Regent College London's Complaints Policy and Procedure should be followed.

10.6 **Buckinghamshire New University enrolled students**

Students enrolled on programmes awarded by Buckinghamshire New University (BNU) are entitled to take their complaint to the University using the University's complaints policy and procedure (<https://bucks.ac.uk/students/academicadvice/resolving-problems/complaints>). Students enrolled on BNU programmes should use the informal procedure of Regent College London' Complaint Policy and if this does not result in resolution move to using the Buckinghamshire New University's formal complaints procedure.

10.7 **University of Northampton enrolled students**

All students directly registered with and enrolled on programmes awarded by University of Northampton should use Regent College London Complaints Policy and procedure for both informal and formal stages of any complaint related to the actions of the partner at an initial level.

The student then has the right to refer a complaint to the University for consideration at Stage 1 or Stage 2 of the University of Northampton Student Complaint Policy (<https://www.northampton.ac.uk/more/governance-and-management/university-policies-procedures-and-regulations/>) if the student is dissatisfied with the outcomes of the initial consideration.

10.8 Pearson registered students

Students registered on Pearson programmes, such as the HND Business programme, should use Regent College London's Complaints Policy and Procedure for both informal and formal stages of their complaint.

- 10.9 Regent College London Complaints Policy and Procedure is available from the website (<http://www.regentcollegelondon.com/our-college/policies/>). This policy states that attempts should be made to resolve the issue informally before moving to the formal stage of making a complaint of allegations of harassment or bullying. However, if the allegation of harassment or bullying involves a serious issue which may be criminal then the formal procedure must be adopted. The Head of Student Experience & Wellbeing or Head of Standards & Quality Enhancement should be consulted in such circumstances to ensure the correct approach and procedures are adopted and followed.

- 10.10 The student should read the Complaints Student Guide, available from the website and the College's VLE (HELP) in the Quality Manual. There are three stages to Regent College London's Complaints Policy as follows:

Stage 1: Conciliation

Stage 2: Formal Complaint

Stage 3: Appeal to the Principal

- 10.11 If the student remains dissatisfied after going through the three stages given above, in the case of Pearson registered students or after BNU or UoN students have been through the University's formal processes then they may refer the complaint to the Office of the Independent Adjudicator Higher Education. (<http://www.oiahe.org.uk>).

11 Monitoring and Review

- 11.1 An annual report summarising any formal and informal allegations of harassment or bullying against members of staff that upon investigation have been found to be valid will be produced by the Principal and the Human Resources Manager for consideration by the College Higher Education Management Committee. The report should ensure anonymity for both the complainant and the person alleged to be the recipient of harassment or bullying.
- 11.2 An annual report summarising any formal or informal allegations of harassment or bullying against students that upon investigation have been found to be valid will be produced by the Academic Dean for consideration by the College Higher Education Management Committee. The report should ensure anonymity for both the complainant and the person alleged to be the recipient of harassment or bullying.
- 11.3 The Equality and Diversity Monitoring Group should consider the above annual reports and make recommendations for improvement, where appropriate.

Annex 1: Examples of harassment and bullying

(i) Harassment based on personal attributes may include:

- **Sexual Harassment**, for example unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, touching and other forms of assault. (There are professional and ethical reasons for staff and students to maintain an appropriate professional relationship).
- **Racial Harassment**, for example derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault. The College welcomes and values the cultural diversity of its community. Differences in understanding about acceptable behaviours in various cultures may not be harassment, but the people involved in any such difference will be supported in reaching an understanding.
- **Disability Harassment**, for example not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focussing on a person because of their disability.
- **Ageist Harassment**, for example denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.
- **Sexual Orientation Harassment**, for example homophobic jokes or remarks, abuse relating to HIV/AIDS status, threats to disclose sexual orientation, ridiculing civil partnerships.
- **Religion or Belief Harassment**, for example not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.
- **Gender Reassignment Harassment**, for example ridiculing dress and personal appearance, offensive jokes and remarks.
- **Status Harassment**, for example patronising, ostracising or marginalising colleagues with different job roles or students with different backgrounds. Showing favouritism may also be regarded as status harassment.

The above list of examples is not exclusive or exhaustive. Harassment can occur on the basis of any personal attribute that makes the individual different from others, or from the person who harasses them.

(ii) **Bullying** is the exercise of power over another person through negative acts or behaviour that undermines them either personally, academically and/or professionally. Bullying can involve threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic performance or constant criticism and undermining. Bullying is to be distinguished from vigorous academic debate or the actions of a teacher or supervisor making reasonable (but perhaps unpopular) requests of their students.

Annex 2: Legislation relating to Harassment

- Equality Act 2010
- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997 (only parts of this Act apply in Scotland)
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Relations Act 1999
- Race Relations Amendment Act 2000
- Special Educational Needs and Disability Act 2001
- Employment Act 2002
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Civil Partnerships Act 2004
- Gender Recognition Act 2004
- Disability Discrimination Act 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2006

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