

Anti-Harassment and Bullying Procedure

Policy Number	FCP3.01
Version Number	3
Status	Approved
Approval Date: first version	August 2013
Ratified date: current version	July 2018
Ratified by: current version	Vice Principal Academic Strategy
Responsible for policy:	Head of Student Experience
Responsible for implementation:	Managers, All staff both Teaching and Support
Date of last review:	September 2021
Date of next review:	September 2023
Equality Impact Assessed	14 May 2018

Document Change History

Document Version	Section (No. or Heading)	Description of change(s)	Date of change
3	All	This procedure was reviewed and there were no changes to the content. Reference to Manager of Wellbeing and Support was updated to Head of Student Experience. Review date was updated.	September 2021
	Cover Page	Removal of term Curriculum Tutors	July 2019
	2.1 & 2.2	Removal of term Curriculum Manager. Replaced with Academic and Quality Lead	July 2019
2	7.3	Section now more general to a wide range of social media	June 2018
	8	Updated web links	June 2018
	10	Changed the title from Disciplinary Policy and Procedure to Positive Behaviour Policy and Procedure	June 2018
	Whole document	Removed the word victim	June 2018
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1 Introduction

The aim of the procedure is to make sure that the learning environment is free from harassment and bullying and that the dignity of all students is respected.

Harassment can have a detrimental effect on students and can lead to non-attendance, poor quality work, stress, low morale and other problems. It can make the student feel isolated, vulnerable, humiliated and intimidated. Individuals have different levels of sensitivity and what may constitute harassment to one student may not apply to another.

College staff are required to implement the policy, carrying out tasks and duties with a positive attitude towards equality of opportunities for all and to regard such as an integral part of all college activities and events.

2 What do you do if you are being harassed/bullied or victimised?

If you are suffering harassment or bullying then action should be taken at the earliest opportunity.

2.1 Informal Route

The College advocates informal resolution of harassment or bullying whenever possible. In the first instance you could:
Ignore the bullying. Avoid an argument and simply walk away. You don't need to respond. Ignoring works best the first time that bullying occurs.

If the bully is someone that you know, e.g. a classmate, talk about the problem: be assertive but non-threatening. Tell them you do not like being treated in this way. Sometimes you can make a situation better by asking a question, such as, "Why are you being hurtful?" or "What did I do wrong?" Or make a joke (obviously not insulting the bully!) These responses are unexpected, and bullies sometimes back down because they have not had the reaction they hoped for.

If this has no effect, then you need to talk directly to the person causing you the difficulty or write to them stating exactly what it is you don't like about their behaviour. Say you want it to stop or you will take the matter further. Say you have talked to someone else about it.

If you want help to speak to the alleged harasser directly, then you can ask someone to do so on your behalf, e.g. a fellow student, a member of the Students' Association or one of the Guidance staff.

It is important that you keep an accurate record of incidents of harassment or bullying, if at all possible, as evidence.

Your notes should include the following:

1. Date;
2. Time;
3. Place;
4. Name of Person harassing you;
5. What actually happened
6. How you felt at the time;
7. Name of any witnesses;
8. Action taken and whether reported to a member of the academic staff
9. Any correspondence relating to the incident.

If one of your friends is being bullied, show them this information and encourage them to report the incident.

In many cases the alleged harasser is unaware they are causing distress and the informal approach will solve the problem. At the same time many victims of harassment just want the harassment to stop and would prefer to resolve it at the informal level instead of going through the stress of a formal course of action.

2.2 Formal Route

If the informal route fails, or you are unable to take such action, or if the harassment or bullying is of a serious nature, then the issue should be raised with your Academic and Quality Lead/Course Lecturer or one of the Guidance staff or you can complete a Complaints form which is available at reception or write, phone or email the Quality Team.

This may lead to a Positive Behaviour Investigation. The alleged perpetrator of the incident may need to be suspended, if it is considered likely that the problem could escalate. An investigation and disciplinary may follow as per the time frames laid out in the College Positive Behaviour Procedure.

In extreme circumstances where the reported harassment appears to amount to a criminal offence, the College may report the matter to the police.

As above in 1.1 it is important that you keep an accurate record of incidents of harassment or bullying, if at all possible, as evidence. Please see list above as an example of the information you should keep note of.

2.3 Contacts/Support

Members of the Guidance Team are available in private to provide support and advice to any student who feels they are being harassed or bullied. Make an appointment at any campus reception.

Confidential external counselling services are available for students to be referred to in some circumstances, details of which are available from the Guidance Team.

3 Definition of Harassment

There is not, and cannot be, a simple definition because harassment takes many forms and may be directed at a single person or a group. It may happen over a period of time or be a single incident. It is not the intention of the harasser but the conduct itself and the impact on the recipient which defines harassment.

Harassment and bullying can result in students feeling discomfort or humiliation or may adversely affect their study or create a threatening or intimidating study environment.

Definitions of Harassment and Victimisation

This includes that which;

- Violates the person's dignity
- Is calculated to or has the effect of diminishing self-esteem
- Creates an intimidating, hostile, degrading or offensive environment for the person
- Can be one incident or many incidents
- May be unlawful
- May be deliberate or unintentional, but will have a negative impact.

It is important to note that harassment does not have to be directed at the individual who complains, if it creates an environment that the individual finds intimidating, hostile, degrading, humiliating or offensive.

The motive or intention will be taken into account; however, the impact of unfavourable treatment is the deciding factor.

4 Examples of Harassment

The Equality Act covers

4.1 Sexual Harassment

- Physical conduct ranging from the invasion of personal space and/or
- Inappropriate touching to serious assault
- Verbal, written and e-mail harassment through derogatory remarks, jokes, insults offensive language, gossip and slander
- Sexually suggestive and unwelcomed comments due to gender reassignment
- Displays of degrading or obscene pictures in the college environment including displays on computer screens
- Less favourable treatment for rejecting or submitting unwanted conduct
- sexual innuendoes or offensive language
- written notes, text messages, e-mails or any other electronic messages containing sexual suggestions or unwanted sexually explicit messages
- speculation about an individual's private life and sexual activities
- sexually suggestive gestures
- unwanted bodily contact
- unwelcome and persistent suggestions for social contact outside the College
- requests for sexual favours
- threat of bad grades etc if these requests for sexual favours are refused
- sexually-oriented conduct that creates an intimidating, hostile, humiliating learning environment for the recipient
- displays of pin ups or other sexually-oriented material
- leering at a person's body
- threatened or actual sexual violence
- photographs taken on camera phones without permission

E.g. a student downloads graphic sexual images on to his/her computer. This is against the Acceptable Use Policy and is also likely to be sexual harassment

4.2 Racial Harassment

- racist graffiti, posters or other materials which are offensive and discriminatory
- ridicule or disrespect of a person for cultural differences e.g. language, food or customs
- unfair allocation of work and responsibilities
- racist innuendoes or offensive language
- racist jokes and banter
- practical jokes
- display of racist publications

- written notes, text messages, e-mails or any other electronic messages containing racial insults
- physical assault
- using racist terminology when referring to a particular person
- isolation or non-cooperation at work

4.3 Harassment on the grounds of sexual orientation

- sexually suggestive and unwelcomed comments or derogatory remarks about the sexual orientation or preference of any individual
- homophobic remarks or jokes
- threats to “out” lesbian, gay or bisexual members of staff or students
- offensive behaviours or abuse

e.g. a student makes offensive remarks about the legal rights of lesbian and gay people stating that gay people should not be able to adopt as their lifestyle is not conducive to raising children. A lesbian student in the class finds this behaviour offensive, hostile and intimidating. This conduct could amount to harassment under the Act.

4.4 Harassment on the grounds of disability

- unfavourable treatment because of a disability e.g. failing to provide materials in an adapted format for someone who is blind
- verbal abuse and threats (including abuse relating to particular medical conditions such as HIV/AIDS)
- actions which humiliate, demean or ridicule a person because of their disability
- using a person’s disability to deskill, disempower or demoralise
- teasing and pranks relating to disability
- insults relating to disability
- mimicking the effect of a disability
- staring
- using inappropriate terms e.g. cripple or spastic

e.g. at a careers event for students and parents at an FE college, a student attends with her parents who are both deaf. They communicate using British Sign Language and the student notices two supporting staff staring and silently mimicking them, the student is very upset by the conduct of these staff which creates a degrading and offensive environment for her as well as for her parents. The student complains of harassment related to disability by association.

4.5 Harassment on the grounds of age

- comments that age affects a person’s capabilities
- refusal to cooperate or work with people on the basis of age

4.6 Harassment on the basis of religion or belief

- Ridicule or disrespect of a person’s religion or beliefs
- Discriminatory comments in the course of discussion of lessons
- Incitement of others to behave in a discriminatory way

5 Protection is provided

- To the student who has a protected characteristic
- Protection from harassment is also provided to those who may be associated with someone who has a protected characteristic e.g. carer, a parent.
- Even when a student is wrongly perceived to have that protected characteristic

e.g. a female goes to the Refectory to meet a friend. While waiting to be served, she hears students making insulting remarks about her appearance, implying that she is a male to female transgender person. Despite the fact that this is not true, she feels intimidated and upset and leaves before her friend arrives. The student may be wrongly perceived as having the protected characteristic; however, they are subjecting her to harassment and she can bring a claim of harassment.

6 Victimization

Victimization is defined in the Act as; treating someone badly because they have made a complaint of harassment or helping someone else make a claim.

E.g. a mature student applies for a place on a sports course but is told that his age will make it difficult for him to reach the fitness required. He makes a complaint to the college as he believes this is less favourable treatment on the grounds of age. A few weeks later he applies to attend a series of evening lecturers at the college. He is told there are no spaces available. He later finds out that a friend applied to attend the same lecturers a few days later than he did and got a place. This is likely to be unlawful victimisation.

7 Bullying

7.1 Definition of Bullying

Bullying is intimidation on a regular and persistent basis, which serves to undermine the competence, effectiveness and integrity of the individual. The alleged harasser misuses their power, position or knowledge to criticise, humiliate and destroy a student. The student can feel angry, vulnerable, hurt and powerless.

Bullying is intended to:

- a) damage reputation
- b) damage the opportunity for communication
- c) damage social relationships or standing
- d) damage the potential for victims to concentrate on their studies

It can include the inappropriate use, or threat of use, of physical and mental power or authority more commonly known as bullying.

7.2 Examples of Bullying

- picking on someone and criticising them in front of others
- persistent unwarranted criticism
- public humiliation, put-downs or ridiculing

- persistent and unreasonable placing of excessive demands on students, setting impossible targets and objectives or the changing of targets/objectives without good reason
- shouting at someone to get things done
- physical intimidation
- filming planned physical violence on camera phones ('happy slapping')
- invading privacy
- Malicious or abusive correspondence (including text-messaging, e-mails and any other electronic messages).

7.3 Cyber Bullying

Cyber bullying can be defined as abusive or threatening behaviour via text messaging, e-mail, chat rooms, discussion boards, social networking sites and instant messaging services. It also includes 'bluejacking' where anonymous text messages are sent short distances using wireless 'bluetooth' technology.

Students must be made aware that this behaviour will not be tolerated and also that sending abusive or threatening messages is against the law. It is also against the law to forward abusive texts, e-mails, messages or images.

If you are being bullied on your social profile page you should:

- Take a screenshot of any comments that are threatening and then delete them
- Make a note of the time and date that messages or images were sent along with the sender.
- Use the "Block People" box or set up a "limited profile" to control who can see your page.
- Set to only allow 'friends only' in settings.

8 What should I do if I am being bullied or attacked by someone on Social Media?

The best protection against bullying is to learn how to recognize it and how to stop it.

Here are some tips about what you should — and shouldn't — do:

- Don't respond. Typically, bullies want to get a response — don't give them one.
- Don't keep it a secret.
- Do document and save. If the attacks persist, you may need to report the activity to an internet service provider and they will want to see the messages.
- See details here for any; abuse on Facebook
<https://en-gb.facebook.com/help/1417189725200547>
- See details here for any abuse on Instagram
<https://help.instagram.com/547601325292351>
- On Snapchat always 'screenshot' the offensive message, photo or video. To report abuse see details
<https://support.snapchat.com/en-US/article/report-abuse-in-app>
- See details here for any abuse on Twitter.
<https://help.twitter.com/en/safety-and-security/report-abusive-behavior>

9 The Law

In addition to the equality act the Malicious Communications Act 1998 is also in force. It states that it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person. In addition the Communications Act 2003 (s127) states that there are similar specific offences relating to sending postal or telephone messages which are indecent offensive or threatening. Both offences are punishable with up to six months imprisonment and/or a fine.

Because the Malicious Communications Offence is wider ranging than the Telecommunications offence it is more likely to be charged by the Police than the Postal Services or Communications Act offences. (Taken from www.harassment-law.co.uk, Addison, N, 2007)

Where an incident relates to Diversity issues such as Age, Disability, Gender re-assignment, Race, Religion and Belief, Sex, Sexual Orientation, an indication that this has occurred should be passed to the Chair of the Diversity Committee without disclosing specific details. This will enable the college to monitor incidents and take action to improve provision.

Confidentiality will be given in all cases, unless information is disclosed that may harm the student or other people.

10 Associated Documents

Document Title	Location
Positive Behaviour Policy	My Fife, Policies and Procedures, iLearn
Positive Behaviour Procedure	My Fife, Policies and Procedures, iLearn