

# Anti-Harassment & Bullying Procedure (Students)



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Procedure Number:	QP2.11
Revision Number:	1
Date of issue:	July 2005
Status:	Approved
Date of approval:	September 2005
Responsibility for procedure:	Director of Learner Services
Responsibility for implementation:	Institute Directors, Department Mangers, Curriculum Heads, Teaching staff, Guidance staff
Responsibility for review:	Director of Learner Services
Date of last review:	November 2007
Date of last revision:	November 2007
Date of next review:	March 2011



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

If a student is suffering harassment or bullying then action should be taken at the earliest opportunity.

It is important that an accurate record of incidents of harassment or bullying, are kept by the victim, if at all possible as evidence.

### **1.0 Informal Route**

The College advocates informal resolution of harassment or bullying whenever possible.

- 1.1 If the student is willing and able to take action unaided, then they should be encouraged to speak to the alleged harasser or write to them to let them know that their behaviour is unacceptable and that it should stop immediately. Students should be advised to state that if the person does not stop, then a formal complaint will be brought against them. The student should keep notes or a copy of anything that is said or written including text messages.
- 1.2 If the student feels unable to approach the alleged harasser directly then they can ask someone to intervene on their behalf. For example a fellow student, a member of the Students' Association or one of the Learner Services guidance staff could accompany the student whilst the alleged harasser is spoken to or, the student could approach the alleged harasser in the company of a witness.
- 1.3 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.



## 2.0 Formal Route

If the informal route fails, or the student is unable to take such action or if the harassment or bullying is of a serious nature, then it is advised that the issue should be raised under the College's Complaints Procedure with the possible consequence of the Disciplinary Procedure being invoked by the college. This can be raised with the Curriculum Head or one of the Guidance staff from Learner Services or the student can complete a C<sup>3</sup> Complaints form which is available at reception or on the Portal. If a complaint regarding bullying or harassment is made to a Curriculum Head, member of the guidance team or through the C3 form the complaint will be dealt with promptly. The alleged perpetrator of the incident, in most cases, should be suspended, pending investigation and disciplinary hearing. The investigation should then take place, followed by the Disciplinary hearing, conducted within the correct time frames as laid out in the College Disciplinary Procedure.

However if an incident could be deemed to be racist it is important to ensure that the relevant steps are carried out and can be clearly identified so that it is clear that procedures have been followed. It should not be left for the student to report the incident to the police as the criteria is **“Any incident that is perceived to be racist by the victim or any other person”** Racism can be: Direct Discrimination, Indirect Discrimination; Racial Harassment; Victimisation; Racist Bullying; Instruction or Pressure to Discriminate

### Procedure to follow in Racist Incidents

#### Reporting

- ❖ Alleged Racist Incident is reported/witnessed
- ❖ Person who receives the initial report or witnesses the incident, reports it immediately to the designated person (Director of Quality responsible for complaints procedure) – no judgements are made



- ❖ Steps should be taken to ensure appropriate support is provided

Initial action to be taken

The designated person (Director of Quality responsible for Complaints Procedure)

- ❖ Records the incident using the Official Monitoring form from Fife Community Safety partnership
- ❖ Contacts families same day by telephone, or letter within 24 hours, if student is under 16
- ❖ Informs Head of Establishment
- ❖ Tells the Police; either the Community Constable or if the matter is urgent the Police Incident Centre.

Investigating the Incident

- ❖ Review of alleged incident (within 5 working days if possible)
  - Whenever possible interview
  - Alleged victims
  - Alleged perpetrators
  - Witnesses
- ❖ If student is under 16, encourage families to actively participate in this process
- ❖ Establish facts of the incident

Recording

- ❖ Decide if the alleged incident can be substantiated or not
- ❖ Decide suitable intervention and If necessary implement the college's disciplinary procedure
- ❖ Inform alleged victim and family ( if student is under 16) of investigation outcome
- ❖ Record the process



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## Contacts/Support

Members of the Learner Services Guidance Team are available in private to provide support and advice to any student who feels they are being harassed or bullied.

A confidential external counselling service is available to all students, details of which are available from the Learner Services Guidance team.

## Definition of Harassment

Harassment is any form of behaviour that is unwanted, unwelcome or unreciprocated, irrespective of the intentions of the perpetrator.<sup>1</sup> Such behaviour may be persistent or a single incident. The most important thing is to remember the **impact** it has on the individual. Commonly, it involves offensive conduct or behaviour directed at a person's gender, racial origin, disability, sexual orientation, age, religious conviction **or some other personal characteristic**. It can include the inappropriate use, or threat of use, of physical and mental power or authority more commonly known as bullying.

In some circumstances, the perpetrator may not fully understand the impact of his or her behaviour. The defining features, however, are that the **behaviour is offensive or intimidating to the recipient**, and would be regarded as harassment by any reasonable person. (Two paragraphs taken from SFEU website)

## The Law

Harassment is a form of discrimination under the following acts:

- ❖ Sex Discrimination Act 1975
- ❖ Race Relations Act 1976 and 2001

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<sup>1</sup> A racist incident is "any incident perceived to be racist by the victim or any other person" even if this was not intentional.



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- ❖ Disability Discrimination Act 1995 and 2001

Case law has established that sexual or racial harassment occurs under the above acts where an individual is subjected to:

- ❖ less favourable treatment; and
- ❖ suffers detriment ( physical or emotional hurt)

The Disability Discrimination Act prohibits direct discrimination on the grounds of disability as described above and it follows that the Act may offer a means of redress for students who are harassed because of their disability.

It should also be noted that the Protection from Harassment Act 1997 has come into force. This Act (which is mainly directed at stalkers) makes it a criminal offence to pursue a course of conduct (on at least two occasions) that amounts to harassment or which causes a person to fear that violence will be used against them. The introduction of this Act means that harassment can be an offence even if it is unintentional.

Also in force is the Malicious Communications Act 1998 which 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 more wide 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](http://www.harassment-law.co.uk), Addison, N, 2007)

Where an incident relates to Diversity issues such as Disability, Race, Sexual Orientation, Gender, Religion and Age, 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 taken account of on a need to know basis.



## Examples of Harassment

### Sexual

- ❖ 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

### Racial

- ❖ 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



## **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 eg. cripple or spastic

## **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:

- (i) damage the victim's reputation
- (ii) damage the opportunity for communication
- (iii) damage the victim's social relationships or standing
- (iv) damage the potential for victims to concentrate on their studies

## **Examples of Bullying**

- ❖ picking on students 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 students to get things done
- ❖ physical intimidation



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- ❖ 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)

## 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. Also '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.

## Victimisation And Malicious Allegations

Victimisation consists of treating a student less favourably because they have asserted their rights not to be harassed or bullied. The College undertakes to monitor a complaint that has become formal to ensure there is no adverse impact on anyone involved. An allegation of victimisation may be dealt with formally.

The College also undertakes to take action against anyone who makes malicious allegations of harassment or bullying. This may be dealt with formally under the disciplinary procedure.