

# Bullying and Harassment Policy

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## SCOPE OF THE POLICY

1. New College of the Humanities is committed to providing a working and learning environment for all students and staff that is comfortable and free from all forms of bullying and harassment.
2. The College operates a zero-tolerance approach towards bullying and harassment and any student or employee who is found to have harassed or bullied another individual will be subject to disciplinary action, up to and including dismissal from the College.
3. All students and staff are expected to uphold the principles of this policy and to support and promote a bullying and harassment-free learning and working environment.

## WHAT IS BULLYING

4. Bullying can be defined as unwanted 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'<sup>1</sup> Generally, bullying is one person against another or a group of people against an individual.
5. Behaviour generally accepted as amounting to bullying includes a combination of the following:
  - 5.1. Ridiculing a person
  - 5.2. Shouting or screaming at a person
  - 5.3. Setting someone up to fail, e.g. deliberate work overload
  - 5.4. Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
  - 5.5. Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
  - 5.6. Making threats or comments about job security, academic success or failure without foundation
6. The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the College.
7. Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have

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<sup>1</sup> ACAS Bullying and Harassment at Work: A Guide for Managers and Employers.

the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, or injuring the recipient.

### ELECTRONIC BULLYING

8. Electronic bullying is a term used to refer to bullying through electronic media. When sending emails, students and staff should consider the content, language and appropriateness of such communications.
9. Students and staff should also adhere to the following guidance on the use of Social Media:
  - 9.1. Avoid using language which would be deemed offensive to others in a face-to-face setting as the impact on an individual will be much the same;
  - 9.2. Avoid forming or joining an online group that isolates or victimises students or colleagues;
  - 9.3. Ensure that you never use such sites to access or share illegal content.
10. If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

### WHAT IS HARASSMENT

11. Harassment is defined as 'unwanted conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'<sup>2</sup>
12. Harassment is usually directed at a person's protected characteristics, these are:
  - 12.1. Age
  - 12.2. Disability (physical or mental)
  - 12.3. Gender reassignment
  - 12.4. Race
  - 12.5. Religion or belief (including lack of belief)
  - 12.6. Sex (including sexual harassment)
  - 12.7. Sexual orientation
13. Harassment related to these characteristics is unlawful.<sup>3</sup>
14. Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages and graffiti. It may be expressed directly to the individual, occur in their presence or be communicated about them to a third party. In most cases, harassment is targeted at a particular individual. However, for example, situations where the

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<sup>2</sup> Section 26 of the Equality Act 2010

<sup>3</sup> Equality Act 2010. Protection from Harassment is also provided by the Protection from Harassment Act 1997.

telling of racist jokes or homophobic comments is tolerated can also constitute harassment.

15. Behaviour amounting to harassment may include:
  - 15.1. Insults, name-calling and offensive language and gestures
  - 15.2. Inappropriate jokes
  - 15.3. Ridiculing and undermining behaviour
  - 15.4. Inappropriate or unnecessary physical contact
  - 15.5. Physical assault or threats of physical assault
  - 15.6. Intimidating, coercive or threatening actions and behaviour
  - 15.7. Unwelcome sexual advances
  - 15.8. Isolation, non-cooperation or deliberate exclusion
  - 15.9. Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
  - 15.10. Offensive images and literature
  - 15.11. Pestering, spying or stalking
16. On occasion, individual perceptions of behaviour may differ, perhaps due to differences in attitude, experience or culture and what one person would consider acceptable behaviour may be unacceptable to another.
17. The College recognises harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Although students and staff will clearly hold a range of views on a variety of issues, they would be expected to treat all members of the College community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

### **BULLYING AND HARASSMENT PROCEDURE OVERVIEW FOR STUDENTS**

18. The College encourages students to take action against bullying and/or harassment using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.
19. If a student believes that they are being subjected to bullying and/or harassment it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed.
20. Whichever approach is chosen, it is recommended that a written record of any incident of bullying and/or harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

- 20.1. Details of when and where the incident(s) took place, including dates and times
- 20.2. Details of the incident(s)
- 20.3. Details of any witnesses to the behaviour
21. Students may wish to book an appointment with the Student Wellbeing Coordinator or their Personal Tutor to seek advice and support.
22. In spite of the above, behaviour occurring in the College that is extreme and/or violent should be reported directly to the COO or another member of the Senior Management Team (Director of Marketing, Executive Dean, Financial Controller, HR Manager, and Registrar).

### STUDENT INFORMAL PROCEDURES

23. If a student believes that they are being subjected to bullying and/or harassment there are a number of ways to deal with the matter quickly and effectively. An informal approach can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance. It is, however, up to the individual to decide if this approach is appropriate to their situation. There are a number of informal approaches that can be adopted, as outlined below.
24. Individual Action:
  - 24.1. The College recommends that anyone who believes they are being subjected to bullying and/or harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. A record of this meeting should be kept by both parties and a copy should be given to the Registrar. If approaching the person directly does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Ideally, the person conducting the alleged behaviour should be approached at the earliest opportunity.
  - 24.2. When taking individual action, the complainant or person acting on their behalf should try to:
    - 24.2.1. Pick a time and a place where they can speak privately and without interruption
    - 24.2.2. Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred
    - 24.2.3. Make it clear that the behaviour is unwelcome and must stop immediately.
  - 24.3. Although asking someone to assist with discussions of this type might be helpful, complainants should avoid involving too many people in the situation.

- 24.4. It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.
- 24.5. All persons involved in an allegation can seek support and advice as outlined in paragraph 21 and 22.
25. Third-party intervention
  - 25.1. If approaching the person directly does not resolve the situation, or is inappropriate, seeking third-party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the person may help get the correct message across. The appropriate person may be the Personal Tutor or the Student Wellbeing Coordinator.
  - 25.2. The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the person who has been reported for bullying and/or harassment to discuss the allegation and refer to this policy as a means to stop the behaviour. Alternatively, the third party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation (regular meetings to discuss issues) to help rebuild the relationship. Students may be accompanied by a friend or Student Union representative to any meetings at this stage. The mediator for students should generally be the Student Wellbeing Coordinator or the Personal Tutor.

### STUDENT FORMAL PROCEDURES

26. If informal methods do not resolve the matter, or if the incident(s) reported is particularly serious, a formal allegation should be submitted.
27. Formal allegations should be made in writing and include:
  - 27.1. The complainant's personal details (students should include their ID number – the first part of their NCH email address)
  - 27.2. An outline of the allegation (including dates, times and places)
  - 27.3. Details of the person conducting the alleged behaviour
  - 27.4. Details of any witnesses
  - 27.5. Details of any informal attempts which have been taken to resolve the situation and the outcome(s).
28. Letters from students should be addressed and given to the Registrar. If it is not appropriate to do so, letters should be addressed and given to the Master.
29. When the complaint is from a student and the person of alleged bullying and/or harassment is a member of staff, the Registrar (or the Master) should inform the HR Manager and keep them informed of the process.
30. Where an investigation finds that bullying and/or harassment has taken place, this may result in disciplinary action under the Student Code of Conduct and

Disciplinary Policy or the Staff Disciplinary Procedure located in the staff handbook on the staff intranet.

### LEGAL INFORMATION FOR STUDENTS

31. If a student is subjected to harassment, whether physical, verbal or non-verbal, on grounds of sex, transgender status, marital status (including civil partnership), race, disability, sexual orientation, religion or belief (including lack of belief), pregnancy and maternity or age, they may have grounds to bring a complaint to a tribunal under the Equality Act 2010.
32. It is important to note that the law states that it is not the intention of the perpetrator which defines a particular type of harassment but the effect it has on the recipient.

### REPORTING AND MONITORING OF STUDENT CASES

33. The Registrar shall report to the Academic Board statistical information relating to student bullying and/or harassment cases on an annual basis. It shall be the responsibility of the Academic Board to monitor the data and make recommendations as appropriate.
34. It shall be the joint responsibility of the Academic Board and Senior Management to review the policy and procedures for bullying and/or harassment cases and the policy's effectiveness, and make recommendations for change to the Policy and Compliance Committee.
35. The Tertiary Education Services Limited Board receives data relating to the frequency and outcomes of this policy.

### BULLYING AND HARASSMENT PROCEDURE OVERVIEW FOR STAFF

36. The College encourages staff to take action against bullying and/or harassment using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.
37. If a person believes that they are being subjected to bullying and/or harassment it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed.
38. Whichever approach is chosen, it is recommended that a written record of any incident of bullying and/or harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:
  - 38.1. Details of when and where the incident(s) took place, including dates and times
  - 38.2. Details of the incident(s)
  - 38.3. Details of any witnesses to the behaviour

39. Staff may wish to book a meeting with their Line Manager or the HR Manager to seek advice and support. If their Line Manager is not the appropriate person to speak with, they should consult the COO.
40. The HR Manager can provide signposting for staff on the options available under this policy. Staff should be aware, however, that if specific allegations are reported to Human Resources, the HR Manager has the right to take this forward as a formal complaint. Staff not wishing to make a formal complaint should take action under the information procedures below and/or seek advice from their Line Manager. If their Line Manager is not the appropriate person to speak with, they should consult the COO.
41. In spite of the above, behaviour occurring in the College that is extreme and/or violent should be reported directly to the COO or another member of the Senior Management Team (Director of Marketing, Executive Dean, Financial Controller, HR Manager, and Registrar).

### STAFF INFORMAL PROCEDURES

42. If a person believes that they are being subjected to bullying and/or harassment there are a number of ways to deal with the matter quickly and effectively. An informal approach can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance. It is, however, up to the individual to decide if this approach is appropriate to their situation. There are a number of informal approaches that can be adopted, as outlined below.
43. Individual Action:
  - 43.1. The College recommends that anyone who believes they are being subjected to bullying and/or harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. If approaching the person directly does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Ideally, the person conducting the alleged behaviour should be approached at the earliest opportunity.
  - 43.2. When taking individual action, the complainant or person acting on their behalf should try to:
    - 43.2.1. Pick a time and a place where they can speak privately and without interruption
    - 43.2.2. Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred
    - 43.2.3. Make it clear that the behaviour is unwelcome and must stop immediately
  - 43.3. Although asking someone to assist with discussions of this type might be helpful, complainants should avoid involving too many people in the situation.

- 43.4. It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.
- 43.5. All persons involved in an allegation can seek support and advice as outlined in paragraph 39 and 41.
44. Third-party intervention
  - 44.1. If approaching the person directly does not resolve the situation, or is inappropriate, seeking third party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the person may help get the correct message across. The appropriate person may be their Line Manager, or the next senior level of management.
  - 44.2. The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the person who has been reported for bullying and/or harassment to discuss the allegation and refer to this policy as a means to stop the behaviour. Alternatively, the third party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation (regular meetings to discuss issues) to help rebuild the relationship. Staff can request to be accompanied by a colleague. The mediator should normally be the Line Manager or the HR Manager, or the COO if neither is the appropriate person.

### **STAFF FORMAL PROCEDURES**

45. If informal methods do not resolve the matter, or if the incident(s) reported is particularly serious, a formal allegation should be submitted.
46. Formal allegations should be made in writing and include:
  - 46.1. The complainant's personal details
  - 46.2. An outline of the allegation (including dates, times and places)
  - 46.3. Details of the person conducting the alleged behaviour
  - 46.4. Details of any witnesses
  - 46.5. Details of any informal attempts which have been taken to resolve the situation and the outcome(s).
47. Letters from staff members should be addressed and given to the HR Manager. If it is not appropriate to do so, the letter should be addressed and given to the COO.
48. Where an investigation finds that bullying and/or harassment has taken place, whether by a colleague or a student, this may result in disciplinary action under the Staff Disciplinary Procedure located in the staff handbook on the staff intranet.



**LEGAL INFORMATION FOR STAFF**

- 50. If an employee is subjected to harassment, whether physical, verbal or non-verbal, on grounds of sex, transgender status, marital status (including civil partnership), race, disability, sexual orientation, religion or belief (including lack of belief), pregnancy and maternity or age, he or she may have grounds to bring a complaint to a tribunal under the Equality Act 2010.
- 51. It is important to note that the law states that it is not the intention of the perpetrator which defines a particular type of harassment but the effect it has on the recipient.

**REPORTING AND MONITORING OF STAFF CASES**

- 52. The HR Manager shall report to the Senior Management Team statistical information relating to staff bullying and/or harassment cases on an annual basis. It shall be the responsibility of the Senior Management Team to monitor the data and make recommendations as appropriate.
- 53. It shall be responsibility of the Senior Management to review the policy and procedures for bullying and/or harassment staff cases and the policy’s effectiveness, and make recommendations for change to the Policy and Compliance Committee.
- 54. The Tertiary Education Services Limited Board receives data relating to the frequency and outcomes of this policy.

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Title	Bullying and Harassment Policy	Author	Student Wellbeing Coordinator
Location	NCH Academic Handbook	Approved by	Academic Board (25.01.17) Senior Management Team (23.01.17)
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Related policies	Staff Disciplinary Policy; Student Code of Conduct and Disciplinary Policy		
Quality Code	UK Quality Code Chapter B4		