



## Bullying and Harassment Policy

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### SCOPE OF THE POLICY

1. New College of the Humanities (the College) is committed to providing a learning and working 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:
  - 2.1. Any student or who is found to have bullied or harassed another individual will be subject to disciplinary action under the Student Code of Conduct and Disciplinary Procedures.
  - 2.2. Any member of staff who is found to have bullied or harassed another individual will be subject to disciplinary action under the Staff Disciplinary Procedure that can be found in the Staff Handbook.
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.
4. The procedure set out in this Policy is to be followed by students who wish to take informal or formal action against bullying and/or harassment against other student(s), or members of staff, or visitors.
5. Staff who wish to take either informal or formal action against other staff or students should refer to the Staff Handbook.
6. It is not possible for the College to deal with allegations against third parties who are not students or staff under this policy. In these circumstances, students will be signposted to an external service.
7. The College is limited to what action it can take in relation to issues arising in private residences that have no affiliation with the College.
8. If a student alleges they are the victim of a criminal offence, the College recommends that the alleged incident be reported to the police and strongly advises that they also inform the College via the Registrar. Where a student chooses not to report an allegation of criminal activity to the police, the College will consider doing so where the safety of students or staff may be at risk.

### MALICIOUS COMPLAINTS

9. Where an allegation of bullying or harassment is found to have been made maliciously and there is evidence to substantiate this, disciplinary action may be taken against the complainant.

### WHAT IS BULLYING

10. There is no single definition of bullying, but for the purposes of this policy it is 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'. It is generally repeated behaviour (i.e. occurring more than once) which is intended to hurt someone either emotionally or physically. It is noted that, although bullying is typically repeated behaviour, it does not always need to be directed against the same person; it can also originate from more than one person.
11. Within this definition, bullying is distinct from vigorous academic debate, or the actions of a member of staff making reasonable requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired performance, whereas bullying has the effect of undermining, humiliating, or injuring the recipient.
12. It is also important to note that, consistent with the above definition, bullying is typically a step beyond simple miscommunication.
13. Behaviour that may fall within the definition of bullying may include a combination of the following:
  - 13.1. Ridiculing or humiliating an individual.
  - 13.2. Shouting or screaming at an individual.
  - 13.3. Unwarranted or invalid criticism.
  - 13.4. Persistently 'singling out' a person without good reason. Deliberately excluding, isolating or ignoring an individual; encouraging others not to be friends with them, spreading rumours and gossip, humiliating someone in front of others, or targeted ridicule.
  - 13.5. Physically hurting a person through pushing, biting, kicking, scratching, punching or other forms of physical violence.
14. The above examples are not exhaustive. They are, however, indicative of behaviour that is considered unacceptable conduct by the College.
15. As noted below, third parties can express concern on behalf of others. Please see below on *Confidentiality* for important notes relating to this.

### CYBER BULLYING

16. Cyber bullying is a term used to refer to bullying through electronic media e.g. online, via social networking sites, messaging apps, gaming sites and

chat rooms. It can be in the form of fake profiles, negative comments intended to cause distress, sharing personal information without permission, stalking, harassment, and trolling.

17. When sending emails, students should consider the content, language and appropriateness of such communications. This also applies to text messages and instant messaging.
18. Students should also adhere to the following guidance on the use of Social Media (whether owned by the College or personal accounts):
  - 18.1. 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.
  - 18.2. Avoid forming or joining an online group that isolates or victimises students.
  - 18.3. Ensure that you never use such sites to access or share illegal content.
19. However, it should be noted that not all instances of debate are cyber bullying, and that even quite vigorous debate may not fall within the definition of bullying.
20. If instances of what might be online bullying or harassment 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

21. 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>1</sup>
22. Under this definition, which derives from equality legislation, harassment is seen to be directed at a person's 'protected characteristics':
  - Age
  - Disability (covering physical disabilities, specific learning difficulties and mental health conditions)
  - Gender reassignment
  - Race
  - Religion or belief (including lack of belief)
  - Sex (including sexual harassment)
  - Sexual orientation

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<sup>1</sup> Equality Act 2010

23. Harassment related to these characteristics is unlawful<sup>2</sup>.
24. 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. Not all harassment fitting the definition need necessarily be addressed to a particular individual however: certain situations, such as the telling of racist jokes or homophobic comments, could also constitute harassment within the scope of the above definition.
25. Behaviour amounting to harassment may include instances of:
  - Insults, name-calling and offensive language and gestures
  - Inappropriate jokes
  - Ridiculing and undermining behaviour
  - Inappropriate or unnecessary physical contact
  - Physical assault or threats of physical assault
  - Intimidating, coercive or threatening actions and behaviour
  - Unwelcome sexual advances
  - Isolation, non-cooperation or deliberate exclusion
  - Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
  - Offensive images and literature
  - Pestering, spying or stalking
26. The above list is indicative, and alleged harassment will be assessed in context. For instance, it is noted that much humour is by its nature somewhat controversial, and that the definition of harassment at the beginning of this section would need to be engaged before implicating e.g. humour that may address sensitive topics on occasion, but still not fall within the definition.
27. The College is fully committed to the principle and promotion of freedom of speech and expression.<sup>3456</sup> In addition to its statutory obligations, paragraphs 15 – 18 of the Code of Practice on Freedom of Speech set out the College's approach to free speech and offensive speech.

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<sup>2</sup> Equality Act 2010; Protection from harassment is also provided by the [Protection from Harassment Act 1997](#)

<sup>3</sup> Education (No.2) Act 1986

<sup>4</sup> Higher Education and Research Act 2017

<sup>5</sup> Human Rights Act 1998

<sup>6</sup> Counter-Terrorism and Security Act 2015

## WHAT IS SEXUAL HARASSMENT

28. Sexual harassment is unlawful under the Equality Act 2010 (the Act). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
- Violating someone's dignity, or
  - Creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
29. Sexual harassment includes a wide range of behaviours which may include:
- Sexual comments, jokes or name calling
  - Displaying sexually graphic pictures, posters or photos
  - Suggestive looks, staring or leering
  - Propositions and sexual advances
  - Making promises in return for sexual favours
  - Sexual gestures
  - Intrusive questions about a person's private or sex life, and discussing your own sex life
  - Sexual posts or contact on social media
  - Spreading sexual rumours about a person
  - Sending sexually explicit emails or text messages
  - Unwelcome touching, hugging, massaging or kissing
  - Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
  - Coercion
30. As with all lists in this policy, the above are indicia, and not conclusive indicators of the proscribed activity.
31. Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted. Also, relatively modest advances (e.g. flirting) may not amount to harassment under the definition above, as such conduct may not meet the level of severity implied by the definition.
32. An individual can experience sexual harassment from someone of the same or different sex, and the recipient of the behaviour decides whether or not it is unwanted. Sexual conduct that has been welcomed in the past can become unwanted on a prospective basis, although it should be noted that invited, mutual and consensual activity in the past does not become harassment solely because that invitation is withdrawn. Further activity might therefore be categorised differently on a prospective basis, but with due regard to context.

33. Reports of harassment will be investigated on an individual basis, in context.

### **BULLYING AND HARASSMENT PROCEDURES**

34. Behaviour occurring in the College that is extreme and/or violent shall be reported directly to a member of the Senior Management Team (SMT), who will follow the Student Code of Conduct and Disciplinary Procedures. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith (paragraph 9).
35. If a student believes they are being subjected to unlawful harassment and are in danger, the College recommends that they contact the police.
36. If a student believes 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. An informal approach can effectively address the unwanted behaviour without recourse to formal procedures and can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is, however, up to the individual to decide if this approach is appropriate to their situation.
37. In all circumstances it is recommended that a student who believes they are being subjected to bullying and/or harassment makes a written record of the incident of bullying and/or harassment as soon as possible after an incident occurs.
38. Written records should be signed, dated and 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. Students may wish to contact the Student Wellbeing Team (SWT) or their Personal Tutor (PT) to seek advice and support.

### **INFORMAL INDIVIDUAL ACTION**

40. It is anticipated that the informal procedure will result in a positive outcome, where the parties involved resolve the situation.
41. All persons involved in an allegation can seek support and advice as outlined in paragraph 39.
42. The College recommends that anyone who believes they are being subjected to bullying and/or harassment should speak directly to those involved.
43. The person conducting the alleged behaviour should be approached at the earliest opportunity.
44. When taking individual action, the student should try to:
  - 44.1. Pick a time and a place where they can speak privately and without interruption.

- 44.2. Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred.
- 44.3. Make it clear that the behaviour is unwelcome and must stop immediately. Keep a record of any discussions for future reference (paragraph 37).
- 45. Students who do not wish to speak directly to those involved may wish to write their concerns down in a letter, addressed to those involved, or seek third-party intervention.

### **INFORMAL THIRD-PARTY INTERVENTION**

- 46. If approaching the person directly does not resolve the situation, or is inappropriate, seeking third-party intervention might 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 SWT or the PT are able to advise on who is an appropriate person.
- 47. The third party will seek to resolve the situation with minimal disruption by:
  - 47.1. 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.
  - 47.2. Facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward, which may involve ongoing mediation to help rebuild the relationship.
- 48. Students may be accompanied by a friend or a Student Union representative to any meetings at this stage.
- 49. It is advisable to keep a written record of the meeting (paragraph 37).

### **FORMAL PROCEDURES**

- 50. If the informal procedure does not resolve the matter, or is not appropriate, a formal allegation can be made.
- 51. Formal allegations are made in writing, addressed to the Registrar and include:
  - 51.1. The student's personal details (students should include their ID number – the first part of their NCH email address).
  - 51.2. An outline of the allegation (including dates, times and places).
  - 51.3. Details of the person conducting the alleged behaviour.
  - 51.4. Details of any witnesses.
  - 51.5. Details of any informal attempts which have been taken to resolve the situation and the outcome(s).
- 52. The Registrar receives allegations from students about other students.

53. The Registrar receives allegations from students about members of staff, and immediately passes them to the Human Resources and Operations Manager (HROM).<sup>7</sup>
54. Upon receipt of an allegation, the Registrar proceeds with the case with reference to the Student Code of Conduct and Disciplinary Procedures and the HROM proceeds with the case with reference to the Staff Disciplinary Procedure.

### **CONFIDENTIALITY**

55. Students who want information about their concerns to be kept confidential must make this clear to the person they speak to.
56. Students must be aware that in some circumstances it may not be possible for the information to remain confidential, for example where a criminal offence has been disclosed and investigation by a third party requires disclosure of information.
57. Students must be aware that their request for confidentiality may make it difficult to investigate and resolve the issues.
58. It is possible for a student to report concerns about or on behalf of another student. The same considerations apply as to protecting the identity of the source of the information, while this can be requested, it must be understood that this may impede investigation and resolution.

### **REPORTING AND MONITORING OF STUDENT CASES**

59. The Registrar shall report to Academic Board statistical information relating to student bullying and/or harassment cases on an annual basis. It shall be the responsibility of Academic Board to monitor the data and make recommendations as appropriate.
  60. NCH at Northeastern Limited Board receives data relating to the frequency and outcomes of this policy.
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<sup>7</sup> If the allegation is against the Registrar, the student should deliver their allegation to the HROM.

| <b>Title: Bullying and Harassment Policy</b> |   |                |                               |   |                           |
|--|---|----------------|-------------------------------|---|---------------------------|
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| 2.0  | May 2019  | June 2019      | Head of Quality Assurance     | NCH Academic Handbook/policies and procedures/general | April 2022                |
| 1.1  | January 2017  | January 2017   | Student Wellbeing Coordinator | NCH Academic Handbook/policies and procedures/general | July 2017                 |
|  |   |                |                               |   |                           |
| Referenced documents                         | Student Code of Conduct and Disciplinary Procedures; Staff Disciplinary Procedure; Staff Handbook; Code of Practice on Freedom of Speech  |                |                               |   |                           |
| External Reference Point(s)                  | UK Quality Code Theme: Enabling Student Achievement; Equality Act 2010; Equality Act 2010; Protection from Harassment Act 1997; Education (No.2) Act 1986; Higher Education and Research Act 2017; Human Rights Act 1998; Counter-Terrorism and Security Act 2015 |                |                               |   |                           |