

# **Dealing with Bullying, Harassment and Sexual Harassment at College - policy and procedure for Further Education students**

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## **1. Introduction**

The College is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed or religious belief, ethnic or national origins, age and disability or any other irrelevant characteristic. The College recognises the problems associated with bullying, harassment and sexual harassment and is committed to providing an environment in which all students can study without the fear of victimisation. If a report is brought to the attention of College staff it will be investigated promptly and appropriate action taken.

The College recognises that any form of bullying, harassment and sexual harassment of students is entirely inappropriate and must be eradicated. At a personal level it can cause extreme distress and anxiety and can affect health and the continuation of studies. In some cases, it is unlawful and a criminal offence.

Any form of bullying, harassment, sexual harassment is unacceptable in the College, whether or not it is unlawful. Colchester Institute has zero tolerance on all forms of bullying, harassment and sexual harassment.

This policy outlines how the College responds to concerns and reports in terms of action to keep our students safe.

The College is committed to:-

- Ensuring that all students are treated with dignity by promoting a culture where bullying, harassment and sexual harassment is neither condoned nor tolerated
- Providing an environment where students have the confidence and feel safe to report incidences of bullying, harassment and sexual harassment without fear of further victimisation.
- Ensuring that any reports are investigated quickly, effectively and sensitively.
- Ensuring that all students are aware that incidents of bullying, harassment and sexual harassment are regarded seriously, can amount to gross misconduct and as a consequence, can be grounds for disciplinary action, including expulsion.
- Safeguarding and promoting the welfare of students receiving education or training on the College premises, with partnership providers and in work placements.

## **2. Scope of students**

This policy covers all enrolled Further Education students, full time, part time, study programmes and apprentices 16 – 18 years and 19 years plus on any enrolled programme. We have a duty to act to support all our students but it must be noted that

statutory duties and services differ for under 18 year olds – Children and 18+ year olds who are classed as vulnerable adults.

Higher Education students 18+ are not captured in this document, please see Higher Education – Dealing with Bullying, Harassment and Sexual Harassment – Higher Education Students.

### **3. Definitions: What is Bullying and Harassment?**

Bullying and harassment is conduct which is unwanted by the recipient where people deliberately hurt or intimidate someone else. Bullying and Harassment are generally characterised as a pattern of behaviour and not a single event, although a single event may amount to bullying.

Harassment and bullying may include:

- Being called names
- Being teased
- Being punched, pushed or attacked
- Being forced to hand over money, mobiles or other possessions
- Getting abusive or threatening text messages, emails or postings on social networking sites such as Facebook, Twitter, Myspace. ‘Cyberbullying’ can take place at any time and can intrude into spaces that have previously been regarded as safe and personal
- Having rumours spread about them
- Being ignored or left out
- Being attacked because of their religion, gender, sexuality, disability, appearance, ethnicity or race, hate crimes
- Being humiliated in public

Bullying and Harassment can take place both on and off College campuses.

#### **What is Sexual harassment?**

The DFE document – Sexual violence and sexual harassment between children in schools and colleges 2021 defines Sexual harassment as:

Sexual harassment means “unwanted conduct of a sexual nature”. Sexual harassment is likely to: violate a person’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include

- Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual jokes or taunting
- Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature; and
- Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - Non-consensual sharing of nude and semi-nude images and videos.
  - Sexualised online bullying
  - Unwanted sexual comments and messages including on social media
  - Sexual exploitation; coercion and threats, and
  - Upskirting (now a criminal offence)

If a concern/report of sexual harassment crosses a line into sexual violence (rape, assault by penetration, or sexual assault) the Harmful Sexual Behaviours peer on peer abuse policy must be followed. For non-peer on peer harmful sexual behaviours or abuse the Safeguarding policy must be followed.

#### **4. Roles and Responsibilities**

All staff and students have a role and responsibility to eradicate bullying, harassment and sexual harassment. Both staff and students have the responsibility to take appropriate action when they witness an incident and use this policy when they receive a concern or report.

The College strives to create a safe space for all, where students feel comfortable, supported and safe, this means that tackling bullying, harassment and sexual harassment is a key priority. As a College we understand that not all students feel ready to discuss concerns or make reports but the preventative and protective ethos of a safe environment must exist even if no concerns are being discussed or reports are being made. A culture of vigilance and acceptance that bullying, harassment and sexual harassment can and does occur in all education providers is fundamental to a culture of zero tolerance. Disciplinary sanctions are in place for bullying, harassment and sexual harassment which is witnessed by staff members and or reported directly by students, this exists alongside education and awareness on life topics within Group Tutorials and CREW.

The College recognises that bullying, harassment and sexual harassment can take place on or off the College campuses, in the community and either face to face and/or

online, can be intentional or unintentional - individuals may not intend for their actions to be bullying, harassment or sexual harassment but this is how it is felt and received by the other student or students.

All concerns and reports no matter where they take place will be covered by this policy where students (the student reporting the concern and the student the report is about) are enrolled at Colchester Institute. All parties have the right to feel safe and comfortable. However, we recognise that the College policies cannot manage safety in the public domain and would support any student to make a report to the Police to ensure their safety away from College.

## **5. Procedure for dealing with Bullying, Harassment and Sexual Harassment**

This procedure has been designed to deal with reports of bullying, harassment and sexual harassment which need to be handled in a sensitive and supportive manner. The procedure, therefore, seeks to ensure minimal stress for the student who has a concern or makes a report, timely resolution of reports and a degree of flexibility appropriate to individual circumstances.

This procedure is separate from the harmful sexual behaviours (peer on peer sexual abuse) policy, safeguarding policy and also the student disciplinary procedure, which may need to be used following an investigation under this policy. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with action under the student disciplinary policy.

It is recognised that any student making a report must be protected from further bullying, harassment and sexual harassment or detriment arising from the alleged incident/s and associated report. The single act of moving the complainant to another course group or campus is not an option.

False allegations of bullying, harassment and sexual harassment will be taken seriously and further action will be considered.

Our staff will never promise confidentiality to the young person as the concern may need to be shared further.

**If at any point during this procedure the student is in danger/at risk, or if a report of Sexual Violence is disclosed, a Safeguarding Officer must be contacted immediately.**

**For emergency situations where there is immediate risk of harm please call 999.**

**If an allegation of bullying, harassment, sexual harassment is made by a student about a member of staff, volunteer, contractor or Governor, the Director of HR or their deputy, must be contacted immediately.**

**STEP 1 – Informal – Student discusses a concern/ requires advice – does not wish to make a report (step 2) at this stage.**

If a student has a concern and they feel that they are experiencing bullying, harassment or sexual harassment, they should speak to a member of staff. Students should feel safe, comfortable and supported to talk to a member of staff about their concern. The member of staff could be: course tutor, Progress and Destination Tutor, LSP, Student Welfare or another member of College staff.

An incident may be so serious (crossing into harmful sexual behaviour, where the harmful sexual behaviour policy should be followed) or there may be sufficient evidence to proceed straight away with step 2 - formal action. The student's wishes will be taken into account and honesty and transparency will be at the forefront of discussions. We have to balance the student's wishes with the wider safety of the student, other students, staff and the College community, coupled with the duty to follow statutory guidance and consulting with key agencies – Police and Social Care - on matters of a criminal nature.

Once a student contacts a member of staff to discuss a concern, the options below are offered:

- The student may wish to monitor the situation but receive support, weekly check ins or drop ins with the Student Welfare Team
- The student being supported (by a staff member) to discuss with the other student the impact of their behaviour on the reporting student
- Arranging counselling with the College Counsellor
- Arranging support from external agencies
- Taking no further action at this stage but keeping the situation under review
- Student may wish for Step 2 to be instigated (formal College Action)

**STEP 2 – Formal College Action**

If the bullying, harassment or sexual harassment continues and/or the student wishes to make a report, this should be made to the student welfare and safeguarding team. The student can be supported if they wish by a member of staff or a friend. The student welfare and safeguarding officer will make notes of the report and clarify with the student that they have captured the details correctly. The student welfare and safeguarding officer will then advise the student what happens next, taking into consideration, the student's wishes, as far as possible. Honesty and transparency will

be at the forefront of discussions as we have to balance the student's wishes with the wider safety of the student, other students, staff and the College community coupled with the duty to follow statutory guidance and consulting with key agencies – Police and Social Care - on matters of a criminal nature.

Once the notes have been captured, the student welfare and safeguarding officer will contact the Area Head for the student making the report.

The Area Head will read the written record of the incident(s) of alleged bullying, harassment or sexual harassment and with the support of the student welfare and safeguarding officer decide on the next steps. The next steps will be explained to the student making the report.

If the report is against a member of staff, volunteer, contractor or Governor the Director of HR, or their deputy, must be informed immediately.

If the complaint is against any other person who is not an enrolled student or staff member, the case must be handed to a student welfare and safeguarding officer to be taken forward, as the matter may need to be referred to the Police and / or other agencies.

### **How the report will be investigated – next steps**

The investigation will be carried out by two Area Heads, the Area Head of the reporting student and the Area Head of the alleged bully/harasser. If both the reporter and the person carrying out the alleged bullying/harassment/sexual harassment are in the same course area the Area Head should ask for assistance from the Assistant Area Head or another Area Head.

The investigation should ensure that as far as possible the nature of the complaint in terms of gender/race/disability and the courses attended by the students are taken into account when nominating the second investigator.

The investigation must include interviewing both the reporting student and the student against whom the report has been made. The student against whom the report was made should be informed of the nature of the report by their Area Head or Assistant Area Head and could be provided with a redacted copy\* of the written record of the report and the 'Dealing with Bullying, Harassment, Sexual Harassment' procedure. The student who the report is against must provide their own statement of the situation/incident. Both students should be given the opportunity to nominate witnesses whom they wish to be interviewed.

Detailed written records will be made of the investigation interviews.

The investigation should normally be completed within 15 working days of the formal report being received. On occasions, it may not be possible to keep within this

timescale. In such cases, both students must be kept informed of the need for an extension and the likely timescale for completion

Where the students are under the age of 18, their parents/guardians must be informed of the investigation and the nature of the allegations by the Area Head/s, unless advising the parents/guardian would place the student at risk from harm. The students may be accompanied at the investigation meetings by a friend, who must be a student at the College.

Both the reporting student and the “alleged” bully/harasser will be assigned a student welfare and safeguarding officer to support them. The student(s) may decline this support and if declined this must be recorded on the welfare and safeguarding recording system - Intuition. The Area Head/s must liaise with the student welfare and safeguarding Officer/s and can invite them to be part of the investigation meetings in order to support the student(s). If support from external agencies is required the student welfare and safeguarding officer will arrange this and be the point of contact for the agencies.

\*The reporting student must be informed that the report containing the alleged situation/incident could be shared with the other student named in the report whom the allegation/s is against. Names of others will be redacted as appropriate.

### **Possible suspension or alternative learning arrangements during investigation**

In order to relieve the stress and pressure on one or both students; to prevent the risk of further incidents and to prevent victimisation, the Area Head should consider whether alternative learning arrangements need to be put in place during the investigation. Examples of alternative arrangements are: temporary change of course attendance, undertaking course work off-site, and possible suspension from college of the alleged harasser or reporter if appropriate. It must be noted that suspension and or temporary learning arrangements are not punishments, they are neutral actions and do not imply that a situation/incident has or has not occurred. It provides space and safety for both parties for an investigation to be carried out.

### **Actions following investigation**

The investigators will, on completion of the investigation, review the information collected and decide whether the complaint is substantiated. In some cases, there will not be any witnesses and it will be one student’s word against another’s. In these cases, the investigators will consider whether on balance of probabilities, the incidents/actions occurred.

The investigators will decide either to:

- Take no further action, that the allegations have not been substantiated; or



- Progress the case through the student disciplinary procedure. Where the alleged harasser is on a course in another area of study, the Area Head for the alleged harasser will initiate the disciplinary procedure; or
- Take action other than to initiate the disciplinary procedure. This may include:
  - Facilitating a reconciliation meeting between both students and putting in place support
  - Make arrangements for both students to study as separately as possible (including the possibility of implementing campus movement orders, restriction of time on campus to timetabled hours only)
  - Set up arrangements to monitor the situation

## **5. Central recording of bullying, harassment, sexual harassment cases**

As part of its commitment to inclusion, equity and diversity, safeguarding, and reporting on the number of hate crimes and peer on peer sexual harassment reports, the College must centrally record bullying, harassment and sexual harassment cases reported to the College. A central log of cases will therefore be maintained by the student welfare and safeguarding team. Course Areas must ensure that where the student welfare and safeguarding team are not involved (where cases go straight to disciplinary action) that cases are notified to them for recording. This can be done by ProMonitor or email or by using the form in Appendix 1. To protect confidentiality only student ID numbers should be used unless all documents are password protected. The notification must be copied in to the Area Head.

All reports of bullying, harassment and sexual harassment will be logged on Intuition by the student welfare and safeguarding officers on receipt.

## **6. Action when the complainant is dissatisfied**

If the complainant or alleged bully/harasser disagrees with the decision, then the appeal procedure in the student disciplinary policy (if disciplinary has been issued) or College complaints procedure will be followed.

## **7. Communication of the Policy**

The policy will be communicated in the following ways:

To students through:-

Student Induction, Course handbooks, one to one and group tutorials, copies of the policy available from Student Services (Welfare) Team and student portal.

To Staff through:-

Staff Induction, access to the policy on the College portal.

## **8. Associated Policies**

Harmful Sexual Behaviours Policy Peer on Peer Sexual Abuse

Safeguarding Policy

Student disciplinary policy

Dealing with Harassment and Bullying at Work – Policy and Procedures for Staff

Induction Policy

Procedures for responding to Compliments and Complaints

Fitness to Study Policy

## Appendix 1

### Central Record of Bullying/Harassment/sexual harassment concern

*Please return this form either by password protecting the document and sending by email (sswelfare@colchester.ac.uk) or deliver to Student Services (Welfare), ground floor B block, Colchester Campus or Student Services (Welfare), Student Hub, Braintree Campus*

Date of Report:	
Students Name & ID Number:	
Course Name & Code:	
Alleged harasser(s) Name & ID Number:	
Course Name & Code:	
Details of Any Witnesses:	
Name:	Name:
Course & ID Number:	Course & ID Number:
Concerns Provide a brief account of the allegations (Attach an account of the incident, including any relevant events leading up to the incident or if formal action has been taken provide contact details of the person holding the records)	

Action taken and by whom:

Any other relevant information:

Parents/Carers informed of situation? (under 18 year olds and vulnerable adults)

If not please explain

Staff name: ..... Signed: .....

Date: .....

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