

Anti-Bullying and Harassment Policy

Approved by Board

Magna Carta College - MCC

October 2020

The Policy Abstract:

This policy sets out the Magna Carta College's commitment to fostering an environment in which the dignity of all individuals is respected and in which people can work and study without fear of intimidation, hostility or abuse.

Version 1.0

Document Information

Document owner(s)*:	Head of Centre
Date of next review:	September 2021
Document Status:	Active
Dissemination:	For general publication

*The document owner is responsible for maintaining and updating the content of this document and ensuring that it reflects current practice at the college.

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1. Introduction

- 1.1. Harassment and bullying both involve behaviour which harms, intimidates, threatens, victimises, offends, degrades or humiliates people, or undermines their dignity. The Magna Carta College - MCC (the College) believes that people have the right to work and study without fear of bullying or harassment and is committed to fostering a supportive environment which enables people to succeed, both academically and professionally.
- 1.2. The College takes a zero-tolerance approach to any form of harassing or bullying behaviour and where members of the College's academic community are found to have engaged in such behaviour, we will not hesitate to take appropriate action.
- 1.3. The College will provide support for people who have been subject to bullying or harassing behaviour, whether on or off the College's premises.
- 1.4. Nothing in this policy is intended to inhibit students in exercising their rights under the *Education Reform Act 1988*, to question and test received wisdom and put forward new ideas and controversial or unpopular opinions without fear of legal or disciplinary action. Therefore, distinction must be made between action and statements which could be considered harassment and those which may occur as part of a debate conducted for academic purposes.

2. Scope

- 2.1. This policy applies to all members of the College's academic community, namely students, staff and alumni involved in College activities. It also applies to the conduct of visitors and third parties (including contractors, non-executives, clients or customers of the college).

3. Unacceptable Behaviour

- 3.1. Any course of behaviour which is unacceptable to the person receiving it and which creates an intimidating, fearful, hostile or offensive environment, or otherwise causes the person alarm or distress, or using threatening, abusive, or insulting words, can be considered as harassment. The following section gives some examples of the various behaviours that would be considered by The College to be forms of harassment or bullying; it is not exhaustive.

3.2. Discrimination

The College expects everyone to be treated with dignity and respect regardless of any aspects of their identity. Additionally, the *Equality Act 2010* protects people from being discriminated against because of one or more protected characteristics, namely:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership status
- Pregnancy and maternity/paternity
- Race (including skin colour, nationality, ethnic or national origin)
- Religion, belief or lack of it
- Sex
- Sexual orientation

Discrimination might be:

Direct – when someone is intentionally treated less favourably than others for having one or more protected characteristics.

Indirect – when rules and regulations/arrangements apply to everyone but put people with protected characteristics at an unfair disadvantage.

By perception – when someone is perceived to have a protected characteristic and is treated unfairly because of it.

By association – when someone is discriminated against due to their association with someone who has a protected characteristic.

Discrimination is covered in more detail in the College's Equality and Diversity Policy.

3.3. Bullying

Bullying is behaviour involving misuse of power which undermines the integrity and confidence of a person or a group of people, causing them to feel vulnerable, humiliated, degraded, offended or frightened. Power can be considered as a position of authority, physical strength, knowledge and the power to coerce through fear, threats, blackmail and intimidation. Bullying can be physical, verbal or social and can be conducted openly or in a secretive manner.

It is important to acknowledge that it is possible for staff / students to harass, bully and discriminate against their manager/supervisors as well as for managers / supervisors to harass, bully and / or discriminate against their staff/students.

Bullying is not limited to the protected characteristics within the Equality Act, and can take many forms, including but not limited to:

- spreading rumours, public ridicule or insulting, sarcastic or humiliating comments/behaviour,
- ignoring, refusing to communicate or cooperate (stonewalling),
- constant criticism without constructive support,
- overbearing supervision or other misuse of power or position,
- sharing of materials considered not suitable for work (NSFW)*
- preventing, or threatening to prevent, someone's promotion, training or future career opportunities,
- unfair work allocation,
- gaslighting - i.e. psychologically manipulating somebody by instilling doubt in them in order to make them question their own memory, perception and reality.

These types of behaviour can be face to face, in written communication, and through means of electronic communication (including emails, phone and on social media), in what is referred to as cyberbullying.

**NSFW generally refers to materials containing nudity, explicit sexual references, profanity, violence, and/or other potentially disturbing subject matter); NSFW materials can be highly offensive and distressing to individuals and have no place within a professional environment.*

3.4. Harassment

Harassment refers to any unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment; such conduct may include bullying behaviour and is often related to a protected characteristic, such as age, sex, disability, race, gender, religion or sexual orientation. Harassment may also occur in relation to a person's physical characteristics, personality or affiliations (e.g. their physique, dress, or trade union-status).

'Sexual harassment' usually refers to unwelcome sexual advances or affectionate physical gestures such as touching, patting, gripping pinching or kissing. More extreme examples of sexual harassment, which would constitute sexual assault, include simulated sexual acts, as well as attempted or actual intercourse.

Sexual harassment may also take other more subtle forms such as:

- repeated compliments of an someone's appearance,
- commenting on the attractiveness of others in front of an employee,
- discussing one's sex life in front of an employee,
- asking an employee about his or her sex life,
- circulating nude photos or photos of women in bikinis or shirtless men in the workplace,
- making sexual jokes, sending sexually suggestive text messages or emails,
- leaving unwanted gifts of a sexual or romantic nature, or
- spreading sexual rumours about an employee,

- stalking (which can be in person or through electronic means of communication,
- Boundary blurring and 'grooming' behaviours – when members of staff use their position of power to blur the boundaries between professional and personal relationships to gain control over, and sexual access to, students or other staff members.

A person may feel harassed or distressed even if they are not the intended target of the behaviour and/or if the perpetrator is unaware of, or has not intended this to be, the effect of their actions.

Harassment is both a criminal offence and a civil action. As with bullying, harassment can happen face to face or by electronic means of communication, in what is referred to as online harassment.

3.5. Hate

Hate motivated behaviour (often referred to as 'hate incidents' and 'hate crimes') includes expressions, actions or behaviour which are motivated by hostility or prejudice towards a person's race, religion, disability, sexual orientation or gender identity. When the behaviour amounts to a criminal offence, a hate incident is referred to as a hate crime.

Hate incidents/crime can take many forms, for instance:

- Being ignored or excluded from conversation or group activities,
- Derogatory comments or behaviours; micro-aggressions,
- Display of racist/homophobic/Islamophobic/anti-Semitic/disablist/transphobic material,
- Encouraging others to engage in offensive, prejudiced and hateful behaviour,
- Incitement to racial/religious hatred,
- Anti-Semitism, Islamophobia and other forms of religious hatred,
- Name calling, insults, 'banter' or 'jokes',
- Verbal abuse,
- Unwanted touching and physical assault

In addition to the above, The College is vigilant to the threat of radicalisation and the need to Prevent people from being drawn into terrorism.

3.6. Victimisation

Victimisation is when a person is mistreated or put at disadvantage because they have made or intend to raise a concern about discrimination, bullying and/or harassment, sexual or hate motivated misconduct, or have helped/intend to help another person raise a concern by providing information or evidence. Victimisation is unlawful under the Equality Act 2010 and if proven, it may result in disciplinary measures, including dismissal.

4. How to Raise a Concern

- 4.1. The College encourages reports of unacceptable behaviour from any of its community members. Individuals are encouraged to report even if they were not the intended target of the behaviour.
- 4.2. Anyone who has experienced or witnessed behaviour which breaches this policy can report it confidentially in person or via email:
 - Students should contact their campus support team; contact details can be found on the College's website: <https://www.magnacartacollege.ac.uk/>
 - Employees should raise the issue using MCC's grievance procedures, which can be found in the Employee Handbook, or may contact the College's HR department.
- 4.3. The College encourages informal resolution between the parties involved in any complaint or grievance and may assist by appointing a neutral person to mediate or facilitate a discussion to resolve the matter before any formal procedure is invoked. This is often the most effective way to resolve the issue where individuals were not aware of the effect of their behaviour.
- 4.4. It is understood that informal resolution may not always be possible or appropriate. The College has a duty of care to protect its academic community from bullying, harassment, and / or victimisation and will need to be aware of such occurrences and the risks they pose so that it can act accordingly. As such, severe and deliberate breaches (such as instances of violence, prolonged bullying, stalking/sexual harassment, or discriminatory bullying or harassment) should always be reported.
- 4.5. Any difficulty in defining what constitutes bullying, harassment, and / or victimisation should not deter anyone from reporting behaviour which causes them or another person distress. No person will be penalised or treated less favourably for making disclosure of bullying, harassment, and / or victimisation made in good faith.
- 4.6. Further 4.5. The College is aware that the act of making a malicious or false complaint against a person may, in itself, be construed as a form of harassment or bullying, and will act accordingly.
- 4.7. The College will investigate breaches of this policy in accordance with the procedures set out in its disciplinary procedures; all parties involved in an investigation will be treated fairly and with dignity, and the matter will remain confidential for the duration an ongoing investigation. Any proven breaches of this policy may be grounds for disciplinary action, which in the severest instances may include dismissal, expulsion or termination of contract for third parties.
- 4.8. The College will provide consolation and support to anyone who has been subject to bullying or harassing behaviour, where necessary connecting individuals with external support agencies or services.

- 4.9. Further 4.7 and 4.8, The College has a public duty to report instances of criminal behaviour and will support victims of crime where they need to engage with the relevant authorities.
- 4.10. If you are a person whom a complaint of harassment or bullying has been made against, you may seek advice, which will again be treated in confidence, from Student Support Services, or the HR department if you are an employee.
- 4.11. Where a complaint of bullying or harassment raises Prevent or Safeguarding concerns, formal disciplinary procedures must be used, and reference should be made to those policies.

5. Responsibility for the Provision

- 5.1. The Board at MCC will be responsible for overseeing implementation of this policy, and for promoting a safe work and study environment at the College.
- 5.2. All members of the College's academic community have a responsibility to:
 - Engage positively with each other, treating each other with dignity and respect,
 - Help to prevent and tackle unacceptable behaviour by being sensitive of the reactions and needs of others, by calling out or reporting discriminatory statements, attitudes and behaviour, and by supporting colleagues and peers who have experienced or witnessed unacceptable behaviour,
 - Undertake relevant training as part of their induction as well as their continuous personal and professional development and apply this to their ongoing practice.
- 5.3. As part of their leadership and management role, all senior leaders, Heads of Department, line managers and Programme Leaders each have a personal responsibility to undertake the following (in addition to 5.2 above):
 - Lead by example in implementing this policy, being a role model for positive inclusive behaviour,
 - Promote, implement and communicate this policy, making sure that everyone in their area of responsibility is aware of it, has received appropriate training and understands their responsibility in relation to it – utilising advice and support from HR, Student Services, and the SU (the Students' Union), This includes drawing the attention of all contractors, secondees and agency workers to this Policy as part of their induction,
 - Manage their staff fairly and in line with all Human Resources (HR) policies and procedures and take action to ensure that their working/studying environment is free from harassment and bullying,

- Seek and take account of advice on managing dignity and respect issues from HR and Student Services and provide support to students, staff and visitors, either directly or by signposting them to advice and support,
- Undertake actions to help resolve issues informally wherever possible and appropriate,
- Learn from any issues raised (where these are founded e.g. following an investigation) and to take appropriate action to prevent or mitigate any reoccurrence,
- Address concerns relating to harassment, bullying, discrimination or victimisation as promptly and effectively as possible, within the timescales of the Procedure,
- Attend and engage fully with identified training.

6. Review and Update

- 6.1. This policy and procedure will be reviewed and updated annually by the Executive Committee; changes to it will be ratified by the College's Board.