

Student Anti-Bullying and Harassment Procedure: Higher Education

Issue 5

Date 01-02-2024

Owner Nicola Mullarkey - Head of Adults Partnership & HE

Miki Evue - Head of HE and Professional

Review Date 01-02-2025

TO BE A BEACON OF **EDUCATIONAL EXCELLENCE**,
TRANSFORMING THE LIVES OF THE **INDIVIDUALS**
AND **COMMUNITIES** WE SERVE.

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1. Policy Statement

The College has a “duty of care” for all its employees and is committed to ensuring that they are treated with consideration, dignity and respect, and that they enjoy a working environment free from any form of intimidation such as bullying and harassment. SCC Group accepts its responsibility to protect employees against such intimidation at work, and will not tolerate such behaviour.

2. Scope

These arrangements apply to all employees and third-party providers (e.g.: contractors, agency staff)

3. Reference

The Procedure complies with the principles detailed in the ACAS guidance and the following:

- Equality Act 2010
- Protection from Harassment Act 1997

4. Documentation

The policy will be made available on the staff intranet and hard copies will be available from the Human Resources department. The policy is available in adapted formats on request.

This policy should not be read in isolation, but cross referenced with all relevant College employment policies.

5. Monitoring and Review

The policy will be reviewed by Human Resources on a regular basis in accordance with legislative developments and the need for good practice.

The monitoring of accurate implementation of the procedures will be undertaken by the Human Resources Department. Frequency of use will also be assessed.

Last Review Date: January 2024

Next Review Date: February 2025

Responsibility for review: Nicola Mullarkey - Head of Adults Partnerships & HE
Miki Evue - Head of HE and Professional HE Partnerships and Operations Co-ordinator

Endorsed by: Group Principal
Corporation
Joint Consultative Committee

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Owned and Authorised by: Nicola Mullarkey - Head of Adults Partnerships & HE
Miki Evue - Head of HE and Professional

To ensure that: Higher education Staff and Students understand what activity constitutes bullying and harassment and how to act upon it

Which Applies to: All Higher education students

Role of HR: To provide advice and guidance to line managers and employees in relation to the policy and procedures. A HR representative will act in an advisory capacity.

1.	Introduction
1.1	Salford City College Group (SCC Group) is committed to creating a working, learning environment which is free from bullying, harassment and victimisation and in which the rights and dignity of all members of SCC Group higher education community are respected.
1.2	The purpose of this procedure is to provide an overarching statement of commitment, which is applicable across all functions of SCC Group and clarifies compliance for SCC Group higher education students and higher education staff members. The procedure provides the mechanism through which staff or students regarding bullying, harassment and victimisation may make an allegation.
1.3	AIMS
1.4	SCC Group aims to: <ul style="list-style-type: none">• Promote a positive environment in which staff and higher education students are treated fairly and with respect.• Take a zero-tolerance approach to all incidents of bullying and harassment.• Ensure all members of The SCC Group community understand their responsibility to contribute to the creation and maintenance of an environment free from bullying and harassment.• Provide a framework of support for staff and higher education students and for both parties involved in any complaints or allegations• Provide a mechanism to resolve issues. Every effort will be made to encourage individuals to resolve the matter informally,

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	or failing that, at the lowest possible level through the accompanying procedures.
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2.	Principles
2.1	All allegations of bullying, harassment or victimisation, whether informal or formal, will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.
2.2	Any information received will be handled with an appropriate level of confidentiality, where personal information is shared or released will only be done so for the purposes of ensuring compliance with this procedure.

3.	Scope
3.1	This procedure and the accompanying procedures, outline SCC Group's approach to dealing with bullying, harassment and victimisation for students.
3.2	Where the concern involves both staff and higher education students the matter will be investigated jointly with involvement from Human Resources, the relevant Head of Department and Nicola Mullarkey - Head of Adults Partnerships & HE. Any member of staff or higher education student who is not subject to an incident of harassment or bullying, e.g. has witnessed an incident, may also raise an allegation. In such cases the alleged victim will be made aware of the complaint raised by the third party who will be invited to participate in the process should they wish to do so.
3.3	SCC Group will seek to protect higher education students from harassment by third parties (i.e. individuals over whom SCC Group does not have direct control for example, visitors, contractors or suppliers) and will investigate any concerns or allegations as appropriate.

4.	Definitions
	The following definitions are outlined within the Equality Act 2010 and the Advisory, Conciliation and Arbitration Service (ACAS) Advice Leaflet- Bullying and Harassment at Work (June 2014):
4.1	Harassment

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4.1.1	Harassment is defined as “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.
4.1.2	Anyone can be the victim of harassment. The law specifically prohibits harassment in relation to the following protected characteristics, Age, Disability, Gender reassignment, Sexual orientation, Religion or belief (including non-belief), Sex, Race, Pregnancy and maternity, Marriage and civil partnership as defined within the Equality Act 2010.
4.1.3	Allegations of harassment from an individual because of perceived possession of a protected characteristic or because of their association with someone who possesses, or is perceived to possess, a protected characteristic may also be raised through each of the procedures.
4.2	Bullying
4.2.1	Bullying is defined as “Offensive, intimidating or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”
4.2.3	There is no legal definition of bullying. An allegation in relation to alleged bullying is described as, repeated, unwelcomed, unwarranted behaviour, which causes a detrimental effect on a person's well-being. Whilst harassment is legally defined and relates to treatment of an individual based on a protected characteristic, bullying is also unwanted conduct but is not necessarily related to a protected characteristic. SCC Group is committed to dealing with any allegation of bullying as it would harassment.
4.3	Victimisation
4.3.1	<p>Victimisation is defined as “the subsection of a person to a detriment because he or she has made (or intends to make, or you believe they have/will make), in good faith, an allegation of harassment or has supported someone else in making an allegation.” Victimisation is defined as specifically relates to someone being treated less favorably because of a ‘protected act’. A ‘protected act’ is:</p> <ul style="list-style-type: none"> ● Making a claim or complaint of discrimination (under the Equality Act). ● Helping someone else to make a claim by giving evidence or information. ● Alleging that you or someone else has breached the Act. ● Doing anything else in connection with the Act. (Definition as within the Equality Act 2010)
4.4	Academic Debate and Management Action
4.4.1	Vigorous speech and comment, academic debate and legitimate management of staff performance should be distinguished from bullying behaviour.

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4.4.2	Positive, clear management action which relates to conduct or performance or legitimate operational needs, providing this action is taken in a fair and consistent way and in line with SCC Group policies and procedures, does not constitute bullying or harassment.
4.5	Cyber and Electronic harassment/bullying
4.5.1	Cyber bullying involves using technology to bully people. It can include texting, instant messaging, and posting on social media and gaming websites. SCC Group expects all higher education students to comply with the IT conditions of use. Please use the following link to the SCC Group IT Acceptable Use Policy: SCC Group IT Acceptable Use Policy .
4.6	Criminal Behaviour
4.6.1	Several serious incidents, which constitute a criminal offence, go beyond the scope of this procedure, for example, physical violence, sexual violence and hate crime. Details for dealing with such incidents are referenced in the student procedures. Hate crime is defined as “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate” (The Association of Chief Police Officers). If you have been the victim of hate crime, you should contact campus security or the police.
4.6.2	Due to the serious nature of domestic violence, sexual violence and/or sexual harassment, a separate policy exists on the following link: SCC Group Safeguarding Policy
4.7	Unwarranted Allegations
4.7.1	If an allegation is deemed malicious or vexatious, this may result in disciplinary action being taken against the alleged complainant. No action will be taken if an allegation, which proves to be unfounded, is judged to have been made in good faith.

5.	Application of the procedure
5.1	Bullying, harassment and victimisation are serious offences. Any person who feels that they have been subject to bullying, harassment or victimisation can make an allegation via the appropriate staff or student procedures.
5.2	<i>Outlining Procedure</i>
5.2.1	This procedure is designed to deal with a student allegation of bullying, harassment or victimisation, which arises at any time when the higher education student may be regarded as representing SCC Group as an individual or as part of a team or group. It also applies when the student is studying on campus or at a location away from SCC Group, as part of their studies.
5.2.2	This procedure shall also apply to behaviour by registered students wherever and whenever it may have taken place when it is reasonably considered by SCC Group to be detrimental to another

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	member of SCC Group, SCC Group property or the interests and reputation of SCC Group itself
5.2.3	This procedure may not be applicable where the allegations relate to serious behaviours that may attract criminal sanction. These cases may include, but are not limited to, serious assault or threat of serious assault.
5.2.4	<p>Every effort will be made to achieve a prompt outcome to the allegation. Both parties to the allegation will be expected to co-operate with SCC Group in achieving a satisfactory resolution. If it is not possible to resolve the issue promptly, for example for reasons of complexity or the absence of relevant parties, both parties will be kept informed.</p> <p>This procedure comprises of two stages:</p> <ul style="list-style-type: none"> • Stage 1 - Informal Action • Stage 2 - Formal Action
5.3	<i>Stage 1 – Informal Action</i>
5.3.1	Any higher education student who feels they have been subject to bullying, harassment or victimisation can contact through their Tutors or the HE and Access Support Officer. They can also email heacademicservices@salfordcc.ac.uk with their concerns.
5.3.2	The HE and Access Support Officer will have oversight of all cases referred under this procedure, and will take the lead as appropriate in liaising with other Departments within SCC Group. The HE and Access Support Officer will act as a source of information and advice for SCC Group on student cases, and will make referrals as appropriate. All cases reported through the procedure will be recorded for monitoring purposes.
5.3.3	There may be circumstances where higher education students who raise concerns but do not wish to or feel able to progress this through the formal procedure approach staff members. In such instances, a member of staff may contact the HE and Access Support Officer for advice on a confidential basis. A record of these discussions needs to be maintained which may be used at a later stage should the student choose to take action.
5.3.4	Where a higher education student does not wish to make an allegation under this procedure, but where the HE and Access Support Officer considers that concerns are sufficiently serious to warrant investigation they may initiate an investigation led by the Head of Centre or their nominee. In such circumstances, the individual's consent will normally be sought, and SCC Group will ensure that information is treated sensitively in accordance with the Data Protection Act.
5.3.5	SCC Group environment should be free from bullying, harassment and victimisation. Should a higher education student consider that the conduct of another student or member of staff constitutes bullying, harassment or victimisation they should discuss this with

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	the HE and Access Support Officer, call 0161 631 5000 or email heacademicservices@salfordcc.ac.uk
5.3.6	Advice is available to either party within the dispute to provide clarity on the process and to support individuals throughout the process including the formal stages and will provide support following the outcome of any formal review or hearing.
5.3.7	Support is also available to higher education students who wish to make or have made an allegation of bullying and/or harassment against a member of staff. In such cases the student may make a formal complaint HE and Access Support Officer or call 0161 631 5000 or email heacademicservices@salfordcc.ac.uk .
5.3.8	The action taken will vary depending on the circumstances of the case and may include: <ul style="list-style-type: none"> • providing advice on the options available to the higher education student to include support to enable a higher education student to make a decision on the best course of action to be taken; • referral of either party to appropriate support services. • the facilitation of a mediation process where both parties are higher education students and upon agreement by both parties. Any agreed outcome would be recorded in writing, and may be used if the formal stage is invoked where necessary;
5.3.9	Any evidence provided or notes taken during the bullying and harassment process could be used in evidence should the formal stage be invoked. These records will be managed in accordance with the principles of the Data Protection Act 1998.
5.4	Formal Action
5.4.1	If action taken at stage 1 does not resolve the situation or would not be appropriate given the nature of the allegation, the higher education student should make a formal written complaint via the SCC Group Complaints Process https://www.salfordcc.ac.uk/wp-content/uploads/2019/08/complaint-overview1.pdf and send their formal complaint to complaints@salfordcc.ac.uk .
5.4.2	As part of the process the complainant should set out as clearly and succinctly as possible the following: <ul style="list-style-type: none"> • the names and details of those involved • the nature of the behaviour; • reported effects this behaviour has on the complainant; • suggestions, if possible, on the remedy or range of remedies, the complainant is seeking to resolve the situation; • the dates of the incident(s); • any details of witnesses to the allegation, together with any documentary evidence;

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	if appropriate, an explanation any attempts that have been made to resolve the difficulties.
5.4.3	Any information already submitted at stage 1 may be used within the stage 2 process. The complainant should be aware that any statements/evidence submitted might also be made available to the alleged bully/harasser as part of any formal investigation that is carried out. It will also be reviewed as part of the risk assessment process as outlined within this Procedure
5.5	Resolution
5.5.1	The aim of the process is to ensure appropriate steps are taken to restore reasonable relationships between the parties, or where unavoidable to ensure appropriate sanctions against the perpetrator up to and including exclusion.
5.5.2	<p>Possible outcomes from the formal written allegation of bullying and/or harassment may include:</p> <ul style="list-style-type: none"> ● no further action due to a resolution of the issue; ● exclusion from or instructions related to specific SCC Group facilities for a period not exceeding six months; and/or; ● referring either or both parties to appropriate support services; ● In particularly serious cases a Disciplinary Committee may be convened to review the case where a final outcome will be decided. This would be the procedure when the resolution is a more serious outcome, i.e. suspension/withdrawal from SCC Group.
5.5.3	In rare cases, disciplinary action may be instituted against the complainant if there is evidence that the allegation of bullying/harassment is unfounded and not made in good faith.
5.5.4	Following completion of the formal stages of the investigation, both parties will be informed in writing of the outcome of the investigation of the allegation.
5.6	<i>Right of Appeal</i>
5.6.1	Either party has a right to appeal a decision that has been reached once the investigation in to allegations of bullying/harassment are concluded. The appeal should be directed to complaints@salfordcc.ac.uk no later than 5 working days after the outcome of the formal investigation.