

# **Student Anti-Harassment, Bullying and Hate Crime Policy and Procedure**

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**Approved by:**

**Policies & Procedures Group:**

**Quality & Standards Committee**

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## **Section 1: Student Anti-Harassment, Bullying and Hate Crime Policy 1. Introduction**

- 1.1. The College aims to create a working environment that respects the dignity and rights of all students and where individuals can realise their full potential. The College does not tolerate any form of discrimination, harassment or bullying and expects all members of the College community to always treat each other with respect courtesy and consideration.
- 1.2. Hugh Baird College is proud to promote an inclusive environment for all students regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation in accordance with the Equality Act 2010. As a college it is recognised that diversity of all forms should be celebrated. This is promoted to ensure all staff, students and stakeholders feel proud to explore and share their own identity.

## **2. Scope and Purpose**

- 2.1. This policy and associated procedure apply to all students enrolled at the College.
- 2.2. The purpose of this policy and procedure are to:
  - Support and sustain a positive thriving working environment for all students, free from any form of inappropriate or unacceptable behaviour.
  - Make clear that discrimination and harassment are unacceptable and that all members of the College community have a role to play in creating a thriving environment for everyone.
  - Provide a framework for respect and good conduct to prevent and eliminate all forms of bullying and harassment, including racial and sexual harassment and sexual misconduct.
  - To highlight the options available to students who feel they are or have been subject to bullying, harassment, hate crime, racial discrimination, sexual misconduct, or any other inappropriate or unacceptable behaviour.
  - Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way.
  - Set out the responsibilities for managing and supporting students when concerns are raised.

## **3. Definitions**

### **Harassment**

3.1. Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- Violating that person's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

3.2. Harassment is unlawful when it is on the grounds of sex, race, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion or belief, or for a reason relating to a person's disability. It is also unlawful to subject an individual to sexual harassment.

3.3. Harassment can take many forms. Examples of unacceptable behaviour include:

- Offensive songs, remarks, jokes, emails or gestures, extremism and Radicalisation.
- Display of offensive posters, publications and graffiti.
- Unwanted physical contact or advances.
- Offensive remarks about a person's dress or appearance.
- Offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation gender identity or age.
- Shouting, abusive or intimidating language.
- Spreading malicious rumours, allegations or gossip.
- Excluding or ignoring someone.
- Intrusion by pestering, spying or stalking.
- Punching, kicking or any use of violence.
- Sexual gestures.
- Suggestive looks or leering.
- Suggestion of providing something in return for sexual favours.
- Grooming.
- Stalking.
- Indecent exposure.

## **Bullying**

- 3.4. Bullying although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying is often aimed at certain groups because of race, religion, gender or sexual orientation.
- 3.5. Bullying generally occurs when a person or a group of people exert their power over another person or group of people. It can cause the victim serious physical and mental health problems and can ruin the individuals' chances of success both in college and in their future career.
- 3.6 Cyber-bullying is the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices including any text or images including those taken using a camera, mobile phone and other such devices that could be classed as extreme, and in contravention of Hugh Baird College's commitment to supporting British Values.
- 3.7. Bullying and harassment can be very difficult to distinguish between. It is often not the actions the perpetrator takes that define whether they are bullying or harassing. Harassment is when someone is targeted because of one of their characteristics. If someone is being targeted with inappropriate e-mails because they are disabled, this would be classed as harassment. However, bullying relates more to a person in general rather than one of their characteristics. So, if someone has fallen out with their friend and they are sending nasty texts, this would be bullying. They are not being targeted due to a personal characteristic but rather because of friendship issue.
- 3.8. The actions taken in relation to bullying and harassment can be the same, so in both situations shouting and being abusive is an example of this type of behaviour. However, the reason why someone is being targeted provides the difference between the two. If someone is being shouted at and abused randomly because they aren't friends with someone, this is bullying. If they are being shouted at and abused because they are pregnant, this is harassment.
- 3.9. It is important however to recognise that no matter the definition both bullying, and harassment are unacceptable and should be reported to the College.

### **Hate Crime**

- 3.10. The term 'Hate Crime' is used to describe a range of criminal behaviour where a person is motivated by hostility or demonstrates hostility towards a person because of their disability, race, religion, sexual orientation or transgender identity. These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats,

harassment, assault and bullying, as well as damage to property. The perpetrator can also be a friend, carer or someone who knows the person well but who exploits their relationship with the individual for financial gain or for some other criminal purpose.

3.11. Hate Crime in all its forms is unlawful. This includes:

- Personal attacks of any kind, including violence.
- Written or verbal threats or insults, harassment and name calling.
- Damage to property, including graffiti.
- Threatening or abusive phone calls, text messages, emails, instant messages and messages sent in chat rooms.

3.12. The outcome for those who are prosecuted and found guilty of a hate crime it is likely they will result in them having a criminal record that could seriously damage their future career opportunities. The above list is intended to give a clear impression of the types of behaviour that the College considers to be unacceptable; however, it only contains examples and is not exhaustive.

### **Sexual Harassment**

3.13. Sexual harassment is a specific form of harassment involving the use of explicit or implicit sexual overtones, including the unwelcome and inappropriate promises of rewards in exchange for sexual favours. Harassers may be of any sex or gender and behaviour may include:

- Inappropriate sexual comments or jokes.
- E-mails which have sexual references.
- Sexual drawing or pictures.
- Unwelcome sexual advances which can include touching or sexual assault.
- Sexual gestures.
- Suggestive looks or leering.
- Suggestion of providing something in return for sexual favours.
- Grooming.
- Stalking.
- Indecent exposure.

3.14. Sexual harassment can be a one-off event, it doesn't need to be part of a series of ongoing events. Sexual interaction that is welcomed or invited is not sexual harassment because it is wanted. However, the recipient is in control of determining if the interaction is wanted or not.

## **4. Inclusive Language**

- 4.1. As a College, Hugh Baird is mindful that the language used to describe identities can be used to galvanise inclusion and create a more welcoming environment. As such positive terminology is promoted within staff and student communities. Positive terminology covers everyone across college, every community and every protected characteristic. The college strives to be as inclusive as possible and to listen to all voices, as such everyone is encouraged to be mindful when using people's pronouns and when using their names. Within Hugh Baird College all choices are respected.

## **5. Training for Staff and Students**

- 5.1. To support the implementation of this policy, harassment and bullying awareness training is provided to all staff. The College also provides specific training to managers in the correct operation of the Anti-Harassment, Anti-Bullying and Hate Crime Policy.
- 5.2. The Student Services POD and Safeguarding teams have developed a range of useful online training videos and include Peer-on-Peer abuse, Keeping Safe online, Prevent, British Values and Safeguarding. These are available for staff and students to view and discuss. These can be accessed using the following link.  
[https://www.youtube.com/playlist?list=pl\\_dixcxsamw7javg5xln\)aduiuhhksuglz](https://www.youtube.com/playlist?list=pl_dixcxsamw7javg5xln)aduiuhhksuglz)
- 5.3. Issues relating to bullying and equal opportunities are addressed specifically as part of the induction programme and on an ongoing basis through the curriculum offer and personal development sessions. These sessions provide the opportunity to make students aware of this policy and to reinforce that the College does not tolerate any form of discrimination, harassment or bullying and expects all members of the College community to always treat each other with respect courtesy and consideration. The sessions also provide students with insights into the effects of bullying, in relation to issues such as homophobia; sexism; LGBTQI, racism, Hate Crime, British Values etc.
- 5.4. The College seeks to generate a culture whereby students feel able to report any concerns of bullying or harassment so that action may be taken. Throughout the personal development programme, students are encouraged to talk to other students or a member of staff about any situation which arises during their time at College.
- 5.5. Bullying, harassment and hate crime are issues which are regularly highlighted in the safeguarding bulletins, to remind students of both their right to safety in the college and to remind them there are people in college they can talk with, including the designated safeguarding officer.

## 6. Monitoring

- 6.1. Implementation of this policy and procedure will be monitored by the Assistant Principal Student Experience and Support, and any reports of bullying and or harassment will be reported to the Equality Diversity and Inclusion Committee and Safeguarding Committee to determine whether any cross-College action needs to be taken. Data from monitoring and feedback will be reviewed annually and used to update the policy if necessary.

## Section 2: Student Anti-Harassment, Bullying & Hate Crime Procedure

### 1. General Principles

- 1.1 Hugh Baird College is an inclusive environment for all and any incident of harassment, bullying or hate crime will not be tolerated. During induction all students are required to agree and sign a student contract which outlines the College's commitment to a policy of zero tolerance of any incidents of harassment and bullying. Students who feel that they may be victims of a hate crime, bullying, or harassment should raise their concerns using this procedure.
- 1.2 It is important to recognise that behaviour considered harassment or bullying by one person may not be considered as such by another. Most people will agree on extreme cases of bullying and harassment, but it is the 'grey' areas that can cause most problems.
- 1.3 Any person against whom a complaint has been made has the right to know the nature and sufficient details of the complaint in order to respond. No decision will be reached on a complaint until it has been fully investigated and the person against whom the complaint has been made has had the opportunity to respond.
- 1.4 During and following the conclusion of any investigation, support will be provided to both parties, to re-establish relationships which are in line with those expected under the Student Behaviour Policy.

### 2. Informal Action

- 2.1 If you feel you have been subject to harassment or bullying, there are a few ways to deal with the matter quickly and effectively. An 'informal approach' can often effectively address the unwanted behaviour. Informal approaches can also have



the advantage of resolving the situation quickly as the person you feel is bullying or harassing you may be unaware that their behaviour is unacceptable.

2.2 If you feel able to do so, you should in the first instance, raise your concerns directly with the individual concerned, face to face on a one-to-one basis. The purpose of the conversation is to make the alleged bully/harasser aware of the way his/her behaviour has been perceived and ask them to stop. When initiating this discussion, you should try to:

- Pick a time and venue where you can speak privately to the person without interruption.
- Clearly identify the behaviour that is causing you concern, giving examples and instances of when the behaviour has occurred; and
- Make it clear that their behaviour is unwelcome and has caused offence and request that it stops immediately.

### **Progress Coach Intervention**

2.3 If you feel unable to raise your concerns directly with the bully/harasser or you have been unable to resolve matters directly with them, you should raise your concerns with your Progress Coach.

2.4 Your Progress Coach will seek to resolve the situation quickly and with minimal disruption. This may include meeting with the alleged perpetrator to discuss the allegation to explain the specific behaviours which are causing concern and agree a plan of action to resolve matters. Alternatively, your Progress Coach might, with agreement from both parties, facilitate a meeting between you and the alleged perpetrator to discuss the situation and reach a joint agreement on the way forward.

2.5 The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. However, if this is not possible, you can pursue your concerns using the formal procedure outlined below.

2.6 The College works closely with Stop Hate Crime UK and other supporting agencies. If you feel you have been a victim of Hate Crime you can obtain support and access to Stop Hate Crime UK reporting systems from the Health and Wellbeing Coordinator in the Student Services POD.

2.7 If you are under 18 years old or a vulnerable adult, the College would normally notify your parents/carers of what has happened and what action is to be taken. Confidential counselling sessions are available through Student Services if you would like additional support to help you through the incident.

### 3 Formal Procedure (Stage 1)

3.1 If you are dissatisfied with the outcome of the informal process or the harassment continues, you may raise a formal complaint. Your complaint should be submitted in writing to the Assistant Principal Student Experience and Support, within one month of the incident/latest incident taking place and include:

- The nature of the complaint, with reference to date(s), time(s) and place(s) (where possible) in relation to a specific incident(s) and what effect this had on you.
- The details of any witness(es) to the incident(s)
- If the complaint is regarding dissatisfaction from an outcome under the informal process, provide an indication of what outcome is sought from the formal process.
- If the formal complaint is the first action taken by you to address your concerns, you should also explain why you have not attempted to resolve the matter informally.

3.2 The Assistant Principal Student Experience and Support will appoint an independent Investigating Officer as soon as possible and normally, within 21 calendar days of receipt of the complaint. The person appointed will not have had any previous involvement in the matters which are the subject of the complaint.

3.3 The Investigating Officer will meet with you, the alleged perpetrator and any witnesses as part of their investigation. The Investigating Officer will write to the alleged perpetrator to notify them of the complaint and explain the role of the Investigating Officer's and process of the investigation. The alleged perpetrator will be notified that, if the complaint is upheld it, could lead to disciplinary action against them.

#### **Possible Suspension during an Investigation**

3.4 In exceptional circumstances, in order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents, it may be necessary to suspend the alleged perpetrator pending the outcome of an investigation. Should it be necessary to hold a Disciplinary Hearing, suspension may continue until the Disciplinary Hearing is concluded. The terms of any suspension will be in accordance with the relevant Disciplinary Procedure.

3.5 Temporary changes to timetables/groups for one or both parties may also be put in place for one or both parties to minimize or eliminate contact whilst the investigation is taking place.

#### **Outcome of the Investigation**

- 3.6 Having investigated the facts, the Investigating Officer will write to you setting out the findings and conclusions reached. Any other parties involved in the complaint, will also be appropriately informed. If it is concluded that the matters raised should be considered at a formal Disciplinary Hearing this will be conducted in accordance with the relevant Disciplinary Procedure.

#### **4 Formal Procedure Stage 2 (Appeal)**

- 4.1 If you are dissatisfied with the outcome of the investigation you may appeal in writing against the decision of the Investigating Officer to the Assistant Principal Student Experience and Support. The appeal should clearly identify the grounds for appeal and be received within 14 calendar days of the date of the letter advising of the decision reached at Stage 1.
- 4.2 Your appeal will be acknowledged within 5 working days and you will be informed of the name and contact details of the senior manager who has been appointed to undertake a review of the findings and conclusions reached under stage 1 of this procedure. The reviewing manager may contact you for further information and may ask to meet with you to clarify the concerns you have raised.
- 4.3 We will normally write to you within 15 College working days with the outcome of your appeal. If we are not able to do so within this timescale, we will write to you to let you know. This represents the final stage of the formal procedure.
- 4.4 Depending upon the nature of your complaint you may, if you remain dissatisfied, have the right to pursue the matter through an external complaint procedure. If this applies, your outcome letter from the College will signpost the relevant next steps for you.

## Hugh Baird College

Balliol Road  
Bootle  
Liverpool  
L20 7EW

**Telephone**  
0151 353 4444

**Email** [enquiries@hughbaird.ac.uk](mailto:enquiries@hughbaird.ac.uk)

[www.hughbaird.ac.uk](http://www.hughbaird.ac.uk)