

**HUDDERSFIELD NEW COLLEGE**  
**ANTI – HARASSMENT POLICY**  
**JUNE 2008**

## **1. INTRODUCTION**

Huddersfield New College is committed to equality of opportunity and 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. It is the right of every member of Huddersfield New College to work or study without fear of harassment, bullying or victimisation.

Harassment occurs when behaviour directed towards an individual or group creates, or is perceived to create, an intimidating, hostile or offensive environment for working and studying. The results of harassment on the individual concerned are many. Stress, anxiety and illness may result for staff and students, leading to absence, poor performance or even loss from the College. The College therefore wishes to make it clear that harassment of College members or users be they staff, students or others, is unacceptable and will be regarded very seriously and may be grounds for disciplinary action, at a high level. Staff and students also need to be aware that anyone found responsible for harassment may also be held personally liable should the person who has been harassed undertake legal proceedings.

### **1.1 Scope of the Policy**

It must be stressed that this policy applies to the whole College community and covers staff/staff, student/student and staff/student related incidents. It recognises that different mechanisms may be used by staff and by students to seek remedies for instances of harassment. The College aims to promote respect for others, intolerance of harassment, the importance of self-discipline and the right to be treated with dignity and respect. The College requires all staff and students therefore to take responsibility for their behaviour and modify it if necessary, to ensure it does not cause offence to others. In the event of a failure to do so, disciplinary action in accordance with the College's Disciplinary Procedure may be a consequence.

In the case of students this policy should be read in conjunction with the College's Student Disciplinary Procedures

In the case of staff, this policy should be read in conjunction with the College's Staff Disciplinary Procedures.

### **1.2 What is Harassment?**

Harassment is unwanted or unwelcome behaviour, which is offensive to the person involved, causing him or her to feel threatened, humiliated, patronised, discomforted or embarrassed. It can take many forms and may be directed at an individual or group of individuals.

Harassment is notoriously difficult to define and can be conveyed in a range of ways.

- Physical - contact, assault or gestures, intimidation, aggressive behaviour
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes, name calling and banter based on any of the above characteristics. Comments based on assumptions about capabilities due to age
- Non-Verbal - offensive literature or pictures, gestures, graffiti and computer Imagery, isolation or non co-operation and exclusion from social activities
- Bullying - persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines self-confidence and which may cause them to suffer stress

### **Cyberbullying**

This is the sending or posting of harmful or cruel text or images using the internet or other digital communication devices. Examples of cyberbullying are as follows;

- Text messages-unwelcome texts that are threatening or cause discomfort
- Picture/video-clips via mobile phone cameras – images sent to others to make the victim feel threatened or embarrassed
- Mobile phone calls – silent calls or abusive messages; or stealing the victim’s phone and using it to harass others, to make them believe the victim is responsible.
- Emails – threatening or bullying emails, often sent using a pseudonym or somebody else’s name.
- Chatroom bullying – menacing or upsetting responses to young people when they are in a web based chatroom.
- Instant messaging – unpleasant messages sent as young people conduct real-time conversations online.
- Bullying via websites – use of defamatory blogs, personal websites and online personal polling sites.

The actions listed above must be viewed in terms of the distress they cause the individual. Motive is not necessarily relevant – “it’s a joke,” is not a defence. It is the perceptions of the **recipient** that determine whether any action or statement can be viewed as bullying.

Please note; The College has a statutory duty under the Education and Inspections Act 2006 to provide both students and their parents, and staff, with support if cyberbullying takes place outside College. The College is able to conduct searches of

internet use which include chat rooms, messaging services and email. Using these facilities to harass others will be dealt with according to the College's Disciplinary Procedures.

### **1.3 Signs and symptoms, which may help to recognise that bullying is taking place:**

- Becoming withdrawn and lacking in confidence
- Not wanting to go to College
- Becoming anxious or withdrawn
- Crying
- Nightmares
- Feeling ill
- Becoming aggressive or unreasonable
- Unexplained cuts or bruises
- Poor performance
- Declining attendance

## **2. COLLEGE PROCEDURES TO PREVENT HARASSMENT**

The College must be able to demonstrate that all reasonable steps have been taken to prevent harassment and that an effective and sensitive response mechanism exists to cope with instances of harassment should they occur.

### **2.1 The College will do this by;**

- Raising general awareness through tutorials and training.
- Informing all staff and students during their induction period of the policy and the procedures to follow if harassment arises.
- Informing parents of the policy and the procedures to follow in the 'Information For Parents Booklet'.
- Emphasising that the anti-harassment policy applies both on the College premises and on College trips, visits or business.
- Expecting all staff and students to recognise that they are responsible for supporting the policy.
- Designating the responsibility for promoting, explaining and implementing the policy to a member of the Senior Management team.
- Providing training and specific information for managers to ensure they gain the knowledge, skills and awareness necessary to operate the College's policy and relevant legislation efficiently and effectively and to communicate this to staff and students.

## **3. SUPPORT**

Huddersfield New College recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for staff and students to raise complaints directly. Accordingly, staff and students may approach a colleague/friend or other individual identified below to raise the issue on their behalf. Any complaint of

harassment will be investigated in a serious and sensitive manner, with due respect for all parties involved.

Support and assistance to the complainant and the alleged harasser will be offered during this stressful time.

#### **4. PROCEDURE FOR DEALING WITH COMPLAINTS OF HARASSMENT**

This procedure has been designed to deal with complaints of harassment, which need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

Responses to complaints will be confidential (as far as is possible). Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing. The procedure is separate from the College's Disciplinary Procedures, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedures.

It is recognised that in bringing a complaint, the complainant must be protected from further harassment or detriment arising from the alleged incident and associated complaint.

There are two channels for the resolution of complaints, one informal and the other formal. The differences are explained below. In all instances, however, it is initially important to keep a record of details surrounding the harassment.

##### **4.1 Keeping a record**

Notes of the details for each incident should include:

Date:

Time:

Place:

Name of person harassing them:

What actually happened:

How the recipient actually felt at the time:

Name of any witnesses:

Any action already taken and whether reported:

Any correspondence related to the incident:

##### **4.2 Informal resolution for Staff and Students**

Every effort will be made to resolve the issue informally in the first instance and if this is appropriate. The decision, however, as to whether a complaint is dealt with formally or informally rests with the complainant. Informal procedures can be a speedy and

amicable way of resolving conflict. The complainant should have the option of working alone on this, or with the support of a member of staff/colleague/friend or through the College's support systems.

The recipient should make it clear to the person causing the offence that the behaviour is unwelcome and ask the person concerned to stop. If too embarrassed to speak directly, this could be done through the mediation of a colleague, or in the case of students, a member of staff or one of the peer mentors based in the guidance centre. This could also be done in writing. These actions may be effective. The person may be unaware of the impact of their words or actions or that their behaviour is inappropriate. On learning that they have caused offence, some people will apologise readily and change their behaviour. However, others may become defensive. The encounter should be approached as calmly as possible with the intention of resolving the situation. A note should be taken of any action taken.

If the action continues, or the complainant cannot take personal action, they are advised to contact;

1. the Assistant Principal with responsibility for Equal Opportunities (Christine Woodrow) or the Assistant Principal for Staffing and Student Welfare (Helen Smithson) and/or
2. discuss the matter with one of the following people;

**For Staff:**

- Line Manager. If the Line Manager is the person against whom the complaint is being made, the matter should be reported to the next manager above or a member of the Senior Management Team
- Trade Union/Professional Association Representative

**For Students:**

- Personal Tutor
- Kate Birch/Lorraine Kiernan based in the Open Door Room 614
- Student Welfare Managers based in the Guidance Centre Office
- Assistant Principal for Student Support
- Peer Mentors also based in the Guidance Centre from 11.30 to 1.30 daily

For both staff and students, the above people will listen to the allegation and support the complainant in deciding what they would like to happen next. The discussion will be confidential and no further action will be taken without the complainant's permission, unless the listener believes that significant health and safety risks are present. In such cases the listener will inform the complainant of their need to take action against the alleged harasser.

The complainant may have a friend/colleague/trade union representative present at all stages of the procedure.

### 4.3 Possible outcomes

- a. To take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the complainant to seek further advice in the future if necessary;
- b. If the perpetrator has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- c. Make a formal complaint.

### 4.4 Formal resolution for Staff and Students:

The College is committed to dealing effectively with allegations of harassment. If the complainant is:

- unable to approach one of the people identified above
- dissatisfied with the outcome after trying an informal approach, or
- the nature of the harassment is sufficiently serious as to make it inappropriate

they are entitled to seek help by using the formal procedures set out below:

1. **For Staff**, a formal complaint should be put in writing to the line manager, or the next in line manager if the immediate manager is implicated.  
**For Students**, a formal letter should be put in writing to a member of the Guidance team based in the Guidance Centre. In both instances the letter needs to specify that it is a formal complaint giving details on the incident(s). Upon receipt of a formal complaint the following procedure will apply:
2. An investigation into the circumstances of the alleged harassment will be carried out by the manager who received the complaint and either the Assistant Principal for Staffing and Student Welfare or the Assistant Principal responsible for Equal Opportunities.
3. The person against whom the complaint has been made will be informed of the nature of the complaint and given a copy of the letter and details of the procedure involved and advised to seek representation.
4. The complainant and the alleged harasser will be interviewed separately and with their respective representatives. Written statements will be taken, which the relevant parties will sign and date, confirming that they agree with the statements collected. Both parties will be given the opportunity to nominate witnesses whom they wish to be interviewed.
5. The personnel investigating the complaint will meet anyone else who was present or who has information which is relevant to the issue. Notes of this meeting will also be taken and the individuals called will be able to be accompanied by a

workplace colleague or trade union representative. (Depending on the nature of the case, it may also be agreed that other persons may accompany the complainant, such as a parent in the case of a student)

6. On completion of the investigation the material collected will be reviewed and a decision made whether the complaint is substantiated. In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, consideration will be given to whether, on the balance of probabilities, the incidents/actions occurred. Both parties will be advised of the outcome.

#### **4.5 Possible outcomes**

##### **Staff**

Once the facts have been considered a decision will be made either to:

- take no action, that is the allegation has not been substantiated; or
- initiate the College's Staff Disciplinary Procedure; or
- take management action other than to initiate the disciplinary procedure.

These actions could include:

- Monitor the situation to ensure that harassment does not recur and make a recommendation as to the person(s) who will be responsible for monitoring the situation and the relevant timescale.
- Required attendance on training courses.
- Making arrangements for both parties to work as separately as possible within the same workplace.
- A period of compassionate leave.
- A recommendation of redeployment of one or both parties, either on a temporary or permanent basis.

If the complainant or alleged harasser is dissatisfied with the outcome, or with the way in which the complaint was handled, then they have the right to raise this matter under the College's grievance procedure.

##### **Possible outcomes**

##### **Students**

Once the facts have been considered a decision will be made either to:

- take no action, that is the allegation has not been substantiated; or
- initiate the College's Student Disciplinary Procedure; or
- take action other than to initiate the disciplinary procedure.

These actions could include:

- Monitor the situation to ensure that harassment does not recur and make a recommendation as to the person(s) who will be responsible for monitoring the situation and the relevant timescale.
- Subject to both parties agreeing, the investigating member of staff may meet with them and their representatives together as part of a mediation process.
- Making arrangements for both parties to study as separately as possible.

If the complainant or alleged harasser is dissatisfied with the outcome, or with the way in which the complaint was handled, then a written request for reconsideration should be made to whichever of the two Assistant Principals identified above was not involved in the investigation. This should be done within 5 working days of receiving the investigating member of staff's decision.

The Assistant Principal will then carry out an independent hearing. If this outcome is still deemed unsatisfactory by any of the parties, an appeal can be made, within a further 5 working days, to the Principal.

## **5. False and malicious complaints**

Complaints of harassment are treated seriously by Huddersfield New College. It should therefore be noted that anyone making malicious complaints may have disciplinary action taken against them, up to and including dismissal or expulsion.

## **6. Monitoring and keeping records**

- No formal record on file will be kept by the College of issues which are resolved informally
- Where the complaint is not substantiated, then no record will be kept on the alleged offender's file
- Where the matter proceeds to the College's Disciplinary Procedures, then the storage of records will be in accordance with the disciplinary procedure.
- Confidential statistical records will be kept for monitoring purposes. These will be collated annually by the Assistant Principal for Equal Opportunities and reported to the Equality and Diversity Committee
- This policy and its application will be reviewed to respond to changes in legislation and College practice.
- This policy will be reviewed on an annual basis.

## **7. Legislation**

Claims from individuals may be brought within the tribunal systems as well as the court system under the following legislation:

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975 and 1986
- Race Relations Act 1976 and Amendment 2000

- EC Resolution 1990 on the protection of women and men at work: A Code of Practice on measures to combat sexual harassment
- The Criminal Justice Public Order Act 1994
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Employment Act 2002
- Equal Pay Act 1970
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Part Time Workers regulations 2000
- Maternity and Paternity Leave regulations 1999
- Protection from Harassment Act 1997
- Employment Equality (Age) Regulations 2006

Harassment is unacceptable at Huddersfield New College, whether or not it is unlawful.

**In addition to consultation with teaching and support staff, this policy was produced in consultation with 15 students who are involved in the College's Peer Mentoring Scheme.**

#### Document History

Version	Date	Author	Comments	Authorised
1	December 2007	Angela Williams	Amendments to policy to incorporate Employment Equality (Age) Regulations 2006	
2	June 2008	Helen Smithson	Amendments to incorporate Cyberbullying, Education and Inspections Act 2006	