

Anti Bullying, Harassment and Domestic Abuse Policy and Procedure for Students

This policy sets out Myerscough College and University Centre's commitment to prevent and protect students from harassment and related unacceptable behaviours.

Myerscough College and University Centre is committed to creating a positive and inclusive environment, where all members of our community feel a sense of belonging, and are supported to flourish in education, at work and for life.

We believe that all students have the right to live, study and relax in an environment where they feel safe and that is free from any form of unwanted behaviour or abuse. We will not tolerate sexual, racial, homophobic, transphobic or any other form of harassment or abusive behaviour which causes fear or distress or creates a hostile environment for others, whether in person or online.

We will create a culture at Myerscough where harassment, discrimination and prejudice are not tolerated through a whole-College approach which means that our endeavours to tackle harassment are linked to our initiatives to promote student and staff wellbeing, deliver engaging education activities and create innovative preventative campaigns.

It is the responsibility of every member our community to ensure we have an inclusive and supportive environment, free from discrimination and to promote respect and good relations between people. Every student has a personal responsibility to treat fellow students, staff and visitors with dignity and respect. A5. All members of our community have responsibilities and are expected to play an active part in ensuring that their interpersonal relationships and interactions are characterised by mutual respect, open communication and clear consent.

Students should have the confidence to report concerns without fear of reprisal or recrimination, in the knowledge that they will be taken seriously, and the response will be fair and effective.

Nothing in this Policy seeks to prevent the exercise of the statutory right to freedom of speech within the law or the right to freedom of expression under Article 10 of the European Convention on Human Rights. The latter is not restricted to ideas, opinions and ideas that are favourably received, but extends to those with which others may passionately disagree.

This Policy applies to all current and former Myerscough students, including students on short courses, distance learners and apprentices based at any Myerscough campus.

1. Scope and Purpose

This Policy applies to all current and former Myerscough students, including students on short courses, distance learners and apprentices based at any Myerscough campus.

It will apply wherever the incident occurred, whether on any Myerscough campus or elsewhere including, for example, in accommodation, a workplace or during an off-campus activity such as a placement, field trip, overseas visit or sporting activity.

It is acknowledged that our community exists in the digital world as well as the physical world and that harassment can also take place via e-mail, text message, instant messaging, social media, websites, chat rooms or online forums.

This is one of two Myerscough policies addressing Harassment, Sexual Misconduct and Domestic Abuse, which demonstrate our commitment to tackling these unacceptable interpersonal behaviours which often intersect with one another. In some instances, harassment may potentially be considered as sexual misconduct or domestic abuse.

These policies are implemented by the Myerscough Procedure for Reporting and Responding to Incidents of Harassment, Bullying, Sexual Misconduct and Domestic Abuse (the Procedure) which sets out the pathways for students to share and/or report an incident of harassment and the process that will be followed.

The term 'Harassment' is used to cover a range of unwanted and harmful behaviours including stalking, bullying, cyber-bullying, victimisation and hate incidents. The behaviours described in this Policy are intended to help students to understand what we define as unacceptable behaviour and what would constitute a breach of Myerscough's regulations

Any difficulty in defining harassment or related misconduct should not deter a student from seeking support or reporting behaviour which causes them distress. Equally, a student should not be put off because of embarrassment or fear of intimidation.

Where the responding person is a Myerscough student, the matter will normally be progressed in line with the Myerscough Managing behaviour Policy and Procedure or the Fitness to Study/Fitness to Reside Procedure.

Where the responding person is a member of Myerscough staff, a contractor or visitor, the report will normally be progressed in the first instance by the People Team in line with their procedures and Volunteer and Employee Code of Conduct.

Some incidents of harassment may also constitute a criminal offence. Such incidents may be addressed through criminal proceedings or internal disciplinary proceedings or in some cases both. Any internal disciplinary proceedings would normally be suspended until the criminal proceedings are concluded. Information about the distinction between the criminal and internal disciplinary proceedings is set out in the Procedure.

2. Myerscough's Commitment

As part of our commitment to prevent and protect students from harassment and other forms of unacceptable behaviour, Myerscough will:

- Provide all reasonable security measures to help keep students and other members of our community safe. Our Security Team is available 24 hours a day.
- Provide a safe space for students to reach out for practical guidance and emotional support from our expert and professional Safeguarding and support officers who can facilitate access to counselling and mental health support.
- Prioritise student safety by creating safety plans, conducting risk assessments, implementing precautionary measures and outcomes which aim to increase the feelings of safety of the student on campus and online.
- Ensure that students who are affected by harassment are offered support to address any impact on their academic studies, including applying for Mitigating Circumstances.
- Facilitate referrals to relevant external specialist support services who can meet the needs of students from a range of diverse backgrounds.
- Provide support to all parties involved and separate Safeguarding and Support Officers to ensure impartiality.
- Maintain Freedom of Speech in line with the Code of Practice on Freedom of Speech, particularly in relation to the content and delivery of teaching and research which is unlikely to constitute harassment even where it is controversial and which, for academic staff, is protected by the right to academic freedom
- Provide clear and consistent advice on reporting options and respect the right of the reporting student to choose how to take the matter forward.
- Offer options for informal resolution where appropriate and where both parties agree.
- Deal with reports through a procedure that is transparent, fair and clearly communicated to both the reporting and responding persons, who will be kept informed of the progress of the case.
- Ensure that investigations and hearings are carried out with due diligence and care and take due account of any inclusivity or diversity requirements.
- Hold to account any individual who is found to have committed harassment. This may include the application of restorative and punitive sanctions, including exclusion from Myerscough in serious cases. We will listen to the voice of the reporting student when considering sanctions.
- Communicate outcome decisions clearly, which aim to deliver effective redress to the reporting student and increase their feelings of safety at Myerscough.
- Not use non-disclosure agreements or confidentiality clauses in cases of harassment. It is important that all our students and staff feel safe and supported and we would consider the use of such clauses to be wholly unacceptable.
- Handle all information with the appropriate level of confidentiality.

- Co-ordinate innovative campaigns which will seek to attract a diverse audience, with the aim of promoting healthy relationships and encouraging students to trust themselves and reach out for support.
- Deliver engaging educational activities for all our students which aim to raise awareness and prevent harassment, including encouraging students to challenge problematic behaviour by being an active bystander.
- Ensure that all Myerscough staff are aware of this Policy and receive appropriate and effective training which includes challenging unconscious bias, unhelpful stereotypes and myths.
- Challenge practice and language which does not uphold the Myerscough values and FREDIE principles.

3. Student Responsibilities

Students have a responsibility to:

- Abide by all Myerscough regulations and policies, particularly any regulations in relation to the conduct of students.
- Behave in a respectful manner towards others and acknowledge that other people's views and opinions might not always correspond with their own.
- Where it is safe to do so, discourage harassment by making it clear that such behaviour is unacceptable and/or making a report.
- Signpost other students to Student Support (The Core) if there are concerns for their wellbeing.
- Seek and actively engage in support from Student Support.
- Raise concerns about harassment in a timely manner so that any required action or investigation can be carried out at the earliest opportunity.

4. What is Harassment

Definition

Harassment covers many different types of physical, verbal and non-verbal conduct perpetrated in person or online. It can occur as an isolated incident, intermittent incidents, or as persistent behaviour. It can happen on its own or alongside forms of discrimination.

Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying, which is obvious or violent, but it can also be unintentional or subtle and insidious.

For the purposes of this Policy, the following definitions of harassment will apply:

- Harassment (as defined by section 26 of the Equality Act 2010) includes unwanted behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment in relation to one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.
- Harassment (as defined by the Protection from Harassment Act 1997) is a course of conduct carried out on at least two occasions that harasses one other person, or a course of conduct that harasses two or more people at least once each. This includes alarming the person or causing them distress.
- In deciding whether the unwanted conduct amounts to harassment, Myerscough will take into account the following:
 - The perception of the reporting student who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable in the circumstances for the conduct to have that effect.
- Harassment may occur where the responding person knows that the conduct amounts to harassment, or where any reasonable person with the same information would think that the conduct amounted to harassment of the reporting student.
- Students can make a report of harassment where the behaviour is not directed at them personally if they feel that someone's behaviour violated the dignity of someone else. For example, a student could complain that a homophobic remark was used even if they are heterosexual.
- Students can also make a report if they experience harassment because they are perceived to have a protected characteristic that they do not have, or because they are associated with a person with a protected characteristic. For example, an individual can bring a complaint if they are harassed because a family member or friend has undergone gender reassignment.
- It is recognised that differences in attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person, may not seem so to another. When deciding whether harassment has occurred, the impact on the individual and whether the behaviour breaches Myerscough's values (including the right to lawful free speech and/or freedom of expression) will be the focus, rather than motive or intent.
- It is also recognised that harassers may minimise their behaviour and we will ensure we take appropriate action to support and protect students reporting harassment.

5. Types of Behaviour

Below is a non-exhaustive list of examples of behaviour that may constitute harassment and be considered unacceptable conduct by Myerscough College and University Centre

- Offensive gestures, language, gossip or jokes
- Insulting or abusive behaviour or comments
- Unwanted physical contact, ranging from an invasion of personal space and/or inappropriate

- touching to physical violence
- Display or circulation of sexually suggestive, racist or otherwise offensive material
 - Persistent unwanted isolation or exclusion
 - Persistent unwanted attention
 - Intrusion by pestering, spying or stalking
 - Humiliating or demeaning criticism
 - Sexist jokes, racist jokes, or jokes about an individual's sexual orientation, gender identity, disability, religion or belief or age
 - Offensive or intrusive behaviour relating to a person's disabilities or mischievous interference with personal aids or equipment
 - Refusing to acknowledge someone's gender or identity
 - Microaggression i.e. any indirect, subtle or unintentional discrimination against member(s) of a marginalised group such as a racial or ethnic minority
 - Offensive references to a person's race, ethnicity, skin colour, religion or nationality, dress, culture, background or customs
 - Making it unnecessarily difficult for people to conform to their religious beliefs, making assumptions based on belief
 - Perpetuating negative stereotypes e.g. in relation to Antisemitism and Islamophobia
 - Misogynistic or misandrist behaviour or otherwise treating someone as inferior because of their sex
 - Offensive comments about someone's sexuality, including homophobic or biphobic remarks
 - 'Outing' or threatening to 'out' someone as gay, lesbian, bisexual or trans
 - Unwanted, degrading, humiliating or abusive activities as part of any 'hazing' or initiation ceremony

Stalking

Stalking is also a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Repeatedly following a person without good reason
- Contacting, or attempting to contact, a person by any means
- Publishing any material which purports to relate or originate from someone else
- Monitoring someone's use of the internet, e-mail or other form of electronic communication
- Loitering in any public or private place
- Interfering with any property in the possession of a person
- Watching or spying on someone including through the use of CCTV or electronic surveillance

Bullying

Bullying is a particular form of personal harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Examples of bullying include:

Direct – Physical, verbal, non-verbal.

Indirect – Cyberbullying, inciting others

- Physical bullying and violence or threatening behaviours
- Prejudicial bullying against people with protected characteristics
- Bullying related to special educational needs or disabilities
- Initiation or hazing behaviours

- Spreading malicious rumours or insulting someone
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion, victimisation or other unfair treatment
- Asserting a position of seniority in an aggressive, abusive or offensive manner
- Psychological intimidation, humiliation and/or unreasonable criticism

Cyberbullying

Cyberbullying is bullying that takes place over digital devices like phones, computers and tablets. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or cruel content about someone else. It can include sharing personal or private information about someone else causing hurt, embarrassment or humiliation.

The most common places where cyberbullying occurs are:

- Social Media, such as Facebook, Instagram, Snapchat, and Tik Tok
- Text messaging and messaging apps on mobile or tablet devices
- Instant messaging, direct messaging, and online chatting over the internet
- Online forums, chat rooms, and message boards
- Email
- Online gaming communities
- Use of images and video

Victimisation

Victimisation occurs when someone treats another person less favourably because they have taken action in connection with equality legislation, for example, where they have made a complaint of discrimination, including harassment. Victimisation can constitute unlawful discrimination when committed by members of staff. Some examples of victimisation include:

- excluding someone from social situations following a complaint or rumour
- preventing someone from accessing opportunities or resources because they are perceived to be a 'troublemaker'
- lowering a student's assessment results because they have made or supported a complaint

Hate

A hate incident is any incident that is targeted at a person because of hostility or prejudice towards that person's disability, race (including their colour, nationality, ethnic or national origins), religion or belief, sexual orientation or transgender identity. This can be committed against a person or property.

A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime or incident. Evidence of the hate element is not a requirement and even if the victim does not personally perceive the incident to be hate related, it would be enough if another person thought it was.

Examples of hate incidents include: physical violence; verbal abuse, threats or namecalling; incitement to hatred where someone acts in a way that is threatening and intended to stir up hatred. This could be in words, pictures, videos or music and includes information posted on websites or in chat forums.

6. Support

Students can reach out for support at Myerscough College by:

Getting in touch with the Counselling, Safeguarding, Support and Welfare Team at Myerscough through:

- Emailing safeguarding@myerscough.ac.uk to request support.
- Attending Student Support in The Core, 10am - 5pm, Monday to Friday
- Calling 01995 642348
- Completing the online counselling self-referral form on the mental health and welfare page
- Contacting Security outside of normal opening hours on 07741324416.
- Residential students can speak to a Residential Support Officer 24 hours a day on 07889754287.

7. Procedure

The Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse includes information on:

Reporting Pathways
Risk Assessments
Investigations
Disciplinary Process
Monitoring and Review
Equality and Diversity
Confidentiality and Information Sharing

Documents Associated with this Policy:

- Sexual Misconduct Policy and Procedure for Students
- Student Behaviour Policy and Procedure
- Fitness to Study Policy and Procedure
- Fitness to Reside Policy and Procedure
- Complaints and Compliments Policy and Procedure
- Child Protection and Safeguarding Policy and Procedure
- Freedom of Speech Policy and Procedure

| Document History | | | |
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| Quality Assurance | | | |
| This Policy and Procedure maps to the following external quality assurance frameworks | | | |
| Framework | | | |
| Education Inspection Framework | | | |
| JCQ | | | |
| MATRIX | | | |
| QAA | | | |
| QIA | | | |
| ESFA | | | |
| Key Changes to Document | | | |
| New policy – replaces Anti-Bullying and Harassment policy and Procedure | | | |

All Myerscough College Policies are subject to screening for Equality Impact Assessment

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

Myerscough College not only fulfils its legal position in relation to current and future equality legislation but additionally goes beyond compliance in providing and promoting “Opportunities for all to succeed”, free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. *This policy takes account of* our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.

Safeguarding, Learner Protection and Prevent

All staff have a responsibility to support and promote the College’s commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.