



Name of Document:	Bullying and Harassment Policy
Responsible area:	Advice and Wellbeing Service (AWS)
Current version:	2.6
Date of last review:	Nov 2022
Policy owned and approved by:	HEMT (Higher Education Management Team)
Last review by:	Fiona Nouri
Next review due date:	Nov 2023

Summary of Changes between previous and current version	Page Number
Reference to Director changed to Head of Centre	7
Insertion of page numbers	Throughout
Replacement of reference harassment to be used in conjunction with bullying	Throughout
Link to 'Equality Act 2010' inserted	4
Links to 'SpeakUp' inserted	5,8
Section 7 – Informal approach, rewritten Section 10 – changed to Vexatious, Malicious, Frivolous complaints Section 11 - Review and monitoring, previously section 10	6

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1. INTRODUCTION

1.1 The College has a duty to foster an environment in which students, staff and those associated with College activities may work and study effectively. Unwelcome behaviour of the kind described in this Policy Statement is unacceptable.

1.2 All members of the College, staff and students, are responsible for ensuring that individuals do not suffer sexual, racial or any other form of bullying or harassment and that they are encouraged and supported in any legitimate complaint.

1.3 Bullying and harassment may occur where the one person has a position of authority or in other contexts (for example, by students of fellow students or of staff members).

1.4 The College Bullying and Harassment Policy and Procedures detailed here should be adopted in any case where bullying and harassment of a student may have taken place.

1.5 Students will be made aware of the policy at the time of enrolment, induction and via the College's VLE. It is also published on the DGHE website and all students will have access to it.

Note: There is a separate document that covers staff.

This Policy is to be read in conjunction with the following documents: Non-Academic Misconduct Policy, DGC (David Game College) Single Equality Policy, Safeguarding Vulnerable Adults Policy

2. POLICY STATEMENT

2.1 "The DGHE Centre in David Game College is committed to a working, learning and living environment that is free of discrimination and intimidation. Bullying and harassment is contrary to the College's Charter and disability discrimination is contrary to the Equalities Act 2010. Bullying and harassment may seriously worsen working and social conditions for staff and students at the College and therefore any incidents of bullying and harassment will not be tolerated, will be regarded extremely seriously and may be grounds for disciplinary action including dismissal or expulsion."

This means that:

- (a) The College, through its appointed Designated Officer (see Appendix), will take prompt action on becoming aware that incidents involving alleged bullying and harassment have taken place.

- (b) Bullying and harassment may be grounds for disciplinary action including formal warnings, suspension, transfer, expulsion or dismissal (if involving a member of staff).
- (c) Any unwarranted allegations of bullying and harassment, made in bad faith with malicious intent, may also be grounds for disciplinary action which may include formal warnings, suspensions, transfer or expulsion.
- (d) Students or staff subjected to bullying and harassment should raise the matter using the procedures outlined below.

Complaints will be handled with all speed and confidentiality. In dealing with the complaint the College will take such measures as are practicable to minimise anxiety for the individual/s concerned and investigate of the complaint to bring about a fair resolution.

3. DEFINITIONS OF BULLYING AND HARASSMENT

3.1 What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, threatened or injured.

Power does not always mean being in a position of authority. It can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- unjustified persistent criticism; belittling someone's opinion;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; or
- deliberately excluding someone from meetings or communications without good reason

Cyber or on-line bullying can take place over digital devices like mobile phones, computers, and tablets. It can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

3.2 What is Harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the victim's gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability, or age.

Harassment is unacceptable even if it does not fall within any of these categories. Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian, transgender; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

Cyber or on-line harassment can take place over digital devices like cell phones, computers, and tablets. It can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if it creates an offensive environment for them.

4. LEGAL RIGHTS

This policy incorporates the requirements of the [Equality Act 2010](#) which provides protection for individuals from discrimination, and makes it unlawful to harass or discriminate someone on the grounds of nine protected characteristics, namely

1. age,
2. disability,
3. gender reassignment,
4. race,
5. religion or belief,
6. sex,
7. marriage and civil partnership,
8. pregnancy and maternity,
9. and sexual orientation.

Provisions under the Equality Act 2010 protect individuals from bullying and harassment who are applying for courses and those studying at DGHE. Individuals are also protected from bullying and harassment not only in relation to themselves as an individual, but also on the grounds that they are associated with someone else with a protected characteristic or that someone perceives wrongly that another person does or does not have a protected characteristic.

All staff and students also have personal liability under legislation (Protection from Harassment Act 1997). Bullying or harassment may also be a criminal offence under the Criminal Justice Act 2003 and give rise to a civil claim. It may also be a contravention of Health and Safety legislation. The College will engage with external investigations by the police and other enforcement bodies as appropriate and necessary.

Nothing in this policy prevents the reporting student, the alleged accused or others involved in a bullying or harassment situation from exercising their legal rights.

5. PHYSICAL ASSAULTS

5.1 If you have been physically assaulted you should immediately call 999. You can of course seek support from any member of the DGHE staff, however we have designated support staff. Further information can be found in the Appendix.

6. PROCEDURES FOR DEALING WITH COMPLAINTS

6.1 Many individuals subjected to bullying and harassment do not complain because they feel embarrassed, they are worried they will be victimised, or they do not want to get the person into trouble.

6.2 The college has an on-line reporting tool '[SpeakUp](#)' for anyone to report an incident involving harm or hate using their names or anonymously. This is on the website and the Virtual Learning Environment (VLE)

6.3 The College has an appointed Bullying and Harassment Adviser (see Appendix). This member of staff works in a variety of areas of the College and students are free to contact them. The Bullying and Harassment Adviser is there to listen to what has happened, to provide help and support, and to explain the options, whether someone wishes to make a formal complaint. They also have the names and addresses of external support groups and other

professional bodies if referral is more appropriate.

6.4 The College guarantees that all complaints will be taken seriously and will be investigated swiftly, and that all parties involved will be treated with respect. Victimisation because of a student raising a complaint of bullying or harassment will not be tolerated and will be treated as accordingly and subjected to disciplinary action. Likewise, students will be protected from victimisation or discrimination for assisting in an investigation.

6.5 There are two ways in which bullying and harassment may be dealt with: the informal approach and the formal approach, both of which are outlined below. If complainants are unsure of which route to follow, they should approach the Bullying and Harassment Adviser for help.

6.6 In situations where a student feels at serious risk of harm from another student, they should report this to the Designated Officer as soon as possible and the College will aim to process this complaint as a matter of urgency and where necessary involve the Police.

7. INFORMAL APPROACH

7.1 Any student who is being subjected to bullying and harassment in any form by a fellow student or a member of staff or visitor to the college should not feel that it is his or her fault or that it must be tolerated.

7.2 A student who feels subjected to bullying or harassment may choose to speak with the individual(s) concerned directly, letting them know that their behaviour is causing offence and ask them to stop, indicating that such behaviour is interpreted as bullying and harassment as defined in this document. Such action may be sufficient to stop the offensive behaviour. It may be helpful to prepare for this by talking the situation through with the college Bullying and Harassment Adviser, a friend or colleague, practising what to say and making a note of specific examples of behaviour which have caused offence.

7.3 If speaking with the individual/s is not appropriate, or does not work, support and guidance on how to take the matter forward can be obtained from the Bullying and Harassment Adviser who may also be able to act as a mediator if the matter can be resolved informally.

7.4 An incident can be reported using the [‘SpeakUp’](#) Tool, which will be dealt with in a timely and appropriate manner, using this policy as guide.

7.5 It is not necessary or essential to approach the individual(s) informally and deciding not to do so will not prejudice any further complaint made.

7.6 If it is considered more appropriate, advice may be sought from the Designated Officer of the College (See Appendix). The Designated Officer consulted will conduct informal interviews with the student and the alleged harasser, and will advise both the individual and the alleged harasser in writing of the outcome of the discussions, where possible within one week of the meetings, setting out clearly what was discussed, the decision made and rationale for arriving at this decision. It should be noted that the College may not be able to disclose the full

background details because of the need to protect confidential information.

7.7 In some cases, it may not be possible to approach someone informally or it might be inappropriate due to the seriousness of the complaint or the informal approach may not have been successful. Formal action might then be required.

8. FORMAL APPROACH

Stage 1

8.1 If the informal approach is not appropriate, does not result in a satisfactory outcome, and/or the bullying or harassment does not cease, the matter should be taken up by the student with the Bullying and Harassment Adviser or designated representative in writing with the Designated Officer (See Appendix).

8.2 The Designated Officer will deal with the complaint as follows:

- (a) The complaint will be investigated promptly and tactfully, and in a way which meets the needs and merits of each situation. Confidentiality must be fully observed.
- (b) Where possible, the Designated Officer will inform the individual causing offence in writing within one (1) week of receipt of the letter of complaint that a formal complaint has been made in accordance with this policy and of the nature of that complaint, and that the alleged bully/harasser has the right to seek representation from a trade union or a colleague (as appropriate).
- (c) The Designated Officer will call separate investigatory meetings with the student and the alleged bully/harasser, together with their representatives if so desired, to attempt to resolve the matter. If both parties agree, a joint meeting may be convened instead of separate investigatory meetings. If witnesses are to be involved at the investigation stage they will be advised of the seriousness of the investigation and of the necessity for strict confidentiality.
- (d) The Designated Officer will, where possible within one (1) week of completion of investigatory meetings, reply in writing to all parties advising of the outcome of the investigation.
- (e) If at any stage it is not possible to respond within the specified time limit an explanation will be given for the delay and a date given for when a response can be expected.

Stage 2

8.3 If the outcome of Stage 1 is not satisfactory or the student continues to be aggrieved, the

matter may be taken further by the student, designated representative, or Designated Officer within five (5) days of being notified of the outcome of the investigation by writing to: Paul Talan (Head of Centre) p.talan@dghe.ac.uk

Stage 3

8.4 If a student feels that there has been an irregularity in the procedure followed up to and including Stage 2, there is a right of Appeal to the College Principal within fourteen days of receipt of confirmation of the outcome of the preceding stage(s).

8.5 The appeal should be made in writing to the Principal of the College, specifying the grounds for Appeal. The Principal will arrange for an Appeal Committee to be set up comprising three (3) members as nominated. The need for diversity on the Committee must be borne in mind when choosing its members to ensure appropriate representation and impartiality. For example, in a case of sexual harassment, there should be male and female representation on the Committee and all members should be familiar with the College Anti-Bullying and Harassment policy and procedures.

8.6 The appeals committee will, where possible, be convened within ten (10) working days after receipt of the written request and will communicate its decision in writing to all parties concerned as soon as possible thereafter.

9. BEING ACCUSED OF BULLYING/HARASSING SOMEONE ELSE

A fellow student or member of staff may have approached you to tell you that they are offended or upset by certain aspects of your behaviour, or you may have been approached by someone acting on behalf of the student or member of staff to inform you that an informal or formal complaint has been made against you. In having been accused of bullying, harassment or victimisation you should seek advice from a member of staff.

9.1 You should bear in mind:

- The complainant does not have to raise the issue directly with you first before making their complaint and in some instances they may not feel able or willing to contact you in person
- You may feel shocked, outraged or even upset to have received an accusation of inappropriate behaviour. However, all students or staff have the right to ask a person to stop behaving in a manner which they feel is insulting, degrading or offensive to them
- Differences of attitude, background and culture may lead to a misinterpretation of social signals. This may mean that what is perceived as harassment by one person may not be or seem to another
- Try to remain calm and listen carefully to the complaint and to the concerns expressed, remembering that it is the other persons reaction to the behaviour which is important, not the reaction you think he/she should have
- Try to agree with the complainant, or with others who are discussing or raising the complaint with you, on ways to deal with the situation productively
- Consider whether you have in fact behaved inappropriately and whether it would be advisable and appropriate to change your behaviour

9.2 What to do if you received a formal complaint about your behaviour:

The college has a duty to investigate all reported incidents of bullying, harassment and victimisation. We have an equal duty of care to both the accuser and the accused. Allegations will not be presumed proved until thoroughly investigated using the appropriate procedures. If you have received notification that a formal complaint has been made in relation to an incident(s) you should:

- Read the formal notification informing you of the complaint made, noting any actions required on your part
- Read these procedures and note your own obligations as a member of the University community
- Seek advice from staff or another suitable person
- Avoid contact with the person who has made the allegation
- Make notes relating to any incidents that have occurred involving the person making the allegations against you and be prepared to respond to questions relating to these incidents
- Participate in the Complaints procedure to reach a resolution

10. VEXATIOUS, MALICIOUS OR FRIVOLOUS COMPLAINTS

These procedures are intended to promote fairness and consistency in dealing with allegations of bullying, harassment and victimisation made in good faith.

Where a complaint is found to be based on allegation(s) made maliciously, vexatiously or frivolously, and/or on known false information, the complainant may be subject to disciplinary action. See Section 2 Policy Statement 2.1.

Sometimes a complaint may prove impossible to uphold e.g., if the concern turns out to be a misunderstanding or is not capable of being substantiated. Providing the complainant was not acting maliciously, this will not lead to disciplinary action being taken against the complainant.

11. REVIEW and Monitoring

11.1 The Registrar and Head of Centre must be informed of all formal Bullying and Harassment grievances raised in relation to students and will monitor progress of each case through the various stages.

11.2 At the end of each stage, a complete record of all appropriate documentation generated must be passed to the Head of Centre. The records will be maintained confidentially and retained in accordance with the College's Document Retention Policy.

11.3 This policy and the procedures contained therein are subject to ongoing review by the Head of Centre and Head of Student Experience and Wellbeing.

APPENDIX: Further information, advice and support

BULLYING AND HARASSMENT ADVISER

The Bullying and Harassment Adviser has been appointed by the College to help anyone who feels that they are being harassed to resolve the situation either formally or informally.

Ms Fiona Nouri

Mobile only, leave a message and number if necessary: 07718 612 618

f.nouri@dghe.ac.uk

DESIGNATED OFFICER

Mrs Sima Sanders

Tel: 020 3220 0347

sima@dghe.ac.uk

The lists of useful contacts given below is correct at the time of writing (February 2022). Please check the web for up-to-date contact information. Please note that DGHE does not endorse or take responsibility for the information provided by external organisations.

[SPEAKUP – report abuse, harm or hate](#)

Equality and Human Rights Commission is the statutory body responsible for protecting, enforcing and promoting equality across nine protected characteristics — age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation. [LINK HERE](#)

National Bullying Helpline provides help and advice related to bullying or harassment at school / work - [LINK HERE](#)

Bullying UK, part of Family Lives is a leading charity providing advice and support to anyone affected by bullying – [LINK HERE](#)

ADVANCE HE: Creating an inclusive environment provides advice and support for students and staff on equality and diversity in higher education - [LINK HERE](#)

Ditch the Label is the international anti bullying charity who campaign to end bullying and support young people – [LINK HERE](#)

Samaritans provides free confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings. [LINK HERE](#)

Call: 116 123 or email: jo@samaritans.org

Victim Support provides free confidential support to those affected by crime including harassment. Call for free on 0808 1689111 [LINK HERE](#)