

Northern Regional College Policy and Procedures

Safeguarding - Policy on Student Harassment [Doc No. STU 4 – SUPP 1]

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Northern Regional College

Policy on Student Harassment

1. Introduction

1.1 As part of their overall commitment to equality of opportunity, and commitment to obligations under Section 75 of the Northern Ireland Act, 1998, the Governing Body, Senior Management Team and Students' Union of the Northern Regional College are fully committed to promoting a good and harmonious learning environment where every student is treated with respect and dignity and in which no student feels threatened.

1.2 Harassment can take many forms and may be related to an individual's:

- gender, marital or family status
- religious belief or political opinion
- disability
- race or ethnic origin
- nationality
- sexual orientation
- age
- student representative activities, or
- for any other reason relating to the above

1.3 Bullying, although not specifically covered by legislation, is a form of harassment and is therefore an unacceptable form of behaviour within this College.

1.4 Harassment in the College and out centres in any form is unacceptable behaviour and will not be permitted or condoned. Sexual, sectarian, racial harassment, harassment on the basis of having a disability or harassment on the basis of sexual orientation, constitute discrimination and are unlawful under current legislation. Harassment may also be a civil offence or a criminal offence and it may contravene health and safety legislation.

1.5 Harassment and bullying detract from a productive learning environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour. This can have a direct impact on the development of individual learning.

1.6 Harassment is inappropriate behaviour and will be treated by the Northern Regional College as a serious matter which may include disciplinary action under the student disciplinary procedure. Every student is subject to and must comply with this policy.

1.7 This policy is fully supported by the Governing Body, Senior Management and NUS-USI.

2. Definition of Harassment

2.1 Harassment is unwanted conduct related to sex, racial or ethnic origin, age, disability, religion or belief and sexual orientation affecting the dignity of a person and creating an intimidating, hostile, degrading, humiliating, or offensive environment. It may be persistent or an isolated incident. This can include unwelcome physical, verbal, non-verbal conduct or bullying. Such behaviour is unacceptable:

- where it is unwanted, unreasonable and offensive to the recipient
- where it is used as the basis for decision - making
- where it creates a hostile learning environment

2.2. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

2.3. Some examples are given below but many forms of behaviour can constitute harassment:

- physical conduct ranging from touching to serious assault;
- verbal and written harassment through jokes, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters, including electronic communications;
- visual displays of posters, graffiti, obscene gestures, flags, bunting, football team shirts or emblems or any other offensive material;
- isolation or non-co-operation, exclusion from social activities related to the curriculum, e.g. study visits, field trips etc.;
- coercion, including pressure for sexual favours, pressure to participate in political/religious groups;
- intrusion by pestering, spying, following etc.;
- bullying;
- cyberbullying - please see below.

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

2.4. Cyberbullying

All students need to understand that as members of a wider college community they do not have total freedom to express themselves as they wish. The following types of communication are not allowed and may lead to them being disciplined, or in extreme cases being asked to leave the college:

- Posting any comment that could be viewed as bullying or harassing another member of the College community: student or member of staff. It will be viewed as particularly serious if they set up a site or page which has the clear purpose of criticising, bullying or harassing another member of the College community. It will also be viewed as particularly serious if they make libellous statements (statements that are harmful, untrue, would discredit another person) about any other member of the College community: students or staff.
- Posting any comment that explicitly encourages other members of the College community to actively break the law. It will be viewed as

particularly serious if they actively encourage others to take prohibited substances, or commit violence.

- 2.5 The alleged “harasser” or bully may include fellow students, employees, contractors, contracted staff, members of the public or other roles covered by the term “stakeholder”. This list is not exhaustive.
- 2.6 The term “stakeholder” can be used to refer to students, potential students, trainees, employees, governors, Director, service providers, consultee organisations and other customers. This list is not exhaustive.

3. Student’s Rights

- 3.1 Every student has the right to learn in an environment which is free from any sort of harassment. The Northern Regional College fully recognises the right of every student to complain about harassment, should it occur. All allegations of harassment will be dealt with seriously, promptly and confidentially.
- 3.2 Where an allegation of harassment has not been lodged to the College within the time limits as specified in section 3.2 of the procedure, the Director will decide if it is just and equitable considering all circumstances for the matter to be dealt with under this procedure.
- 3.3 Every effort will be made to ensure that the student making an allegation of harassment, and others who give evidence or information in connection with the complaint, will not be victimised. Victimisation is treating someone less favourably after they have complained of alleged discrimination or have assisted someone else to do so. Any allegation of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant exclusion from the College.

4. Student's Responsibilities

4.1 Every student has a responsibility to help ensure a learning environment in which the dignity of every student is respected. Everyone must comply with this policy and the student should ensure that his/her behaviour to peers, College staff and customers/visitors does not cause offence and could not in any way be considered to be harassment.

4.2 Every student should discourage harassment and bullying by making it clear that he/she finds such behaviour unacceptable and by supporting peers who suffer such treatment and are considering making a complaint of harassment. Each student should alert an appropriate member of staff to any incident of harassment to enable the College to deal with the matter.

Procedure for Dealing with Allegations of Harassment

1. Scope

- 1.1 Any student who believes that he/she has suffered any form of harassment is entitled to raise the matter through the following procedure.
- 1.2 This procedure does not replace nor detract from his/her statutory rights under any current legislation.

2. The Informal Stage

- 2.1 This stage is appropriate where the student simply wants the behaviour to stop or where it has not been repeated.
- 2.2 A student can seek to resolve the matter informally by:
 - Approaching the alleged harasser directly making it clear to the person[s] harassing the student that the behaviour in question is offensive, is not welcome and should be stopped
 - Approaching the alleged harasser with the support of a peer, a member of staff e.g. course tutor, harassment advisor or student union representative
 - If it is too difficult or embarrassing to do this personally, the student may request a member of staff e.g. course tutor or student union representative to approach the alleged harasser on his/her behalf
- 2.3 Where a student seeks the support of a peer, a member of staff or student union representative, the student will be advised that the role of the peer, member of staff or student union representative, at the informal stage, can only be one of support and/or assistance.
- 2.4 The student will be advised that:

- [i] A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure
- [ii] A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage

2.5 All reported incidents of harassment will be monitored and in the event of any patterns emerging the College may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. There may be situations where the seriousness of a complaint warrants immediate progression to the formal stage and/or notification to Police Service Northern Ireland (PSNI) if appropriate.

3 The Formal Stage

3.1 The formal stage of this procedure may be used where the informal stage of the procedure is not considered appropriate, or if the harassment continues after the informal stage has been used.

3.2 Allegations of harassment should be raised as soon as possible but not later than 3 months following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.

3.3 Where an allegation of harassment has not been lodged to the College within such time limits, the Director will decide if it is just and equitable considering all circumstances for the matter to be dealt with under this procedure.

3.4 While it is preferable that an allegation of harassment should be made in writing to one of the persons named below, this will not preclude the investigation of an allegation of harassment made verbally.

3.5 The student may raise allegations of harassment with one of the following who is not connected with the allegation of harassment. This person will forward

the allegation of harassment to the Deputy Director Support and Development:

- Head of Faculty
- Head of School
- Deputy Director

3.6 The student will receive acknowledgement of the allegation of harassment and will be advised that they have the right to be accompanied at each stage of the procedure by a member of staff or student union representative or friend or parent if under 18 years of age.

3.7 The procedure will be completed normally within 20 working days of the allegation of harassment having been received. Where in exceptional circumstances this is not possible and after consultation with the student, the procedure will be completed as soon as possible. If any of these time limits are not possible then both parties will be informed of the revised timescale.

4. Investigation under the Formal Procedure

(i) Making an Allegation of Harassment

4.1. An Investigation Panel will be set up and will consist of two Investigating Officers.

4.2 One of the following will nominate the Investigating Officers:

- Director
- Deputy Director

And in the absence of the above

- A member of the senior management team

4.3 The nominated Investigating Officers must have received appropriate training and be unconnected with the allegation of harassment. If an Investigating

Officer cannot be sourced internally then the College will consider the involvement of a third party who has received appropriate training.

4.4 The College will nominate one of the panel members to act as record keeper.

(ii) **Pre-investigation Meeting with the Student Making the Allegation of Harassment**

4.5 The Investigation Panel will meet the student to:

- Clarify and formally record the nature of the allegation of harassment and that it is being handled under the formal procedure
- Ensure that the student is aware of the next stage of the procedure
- Advise on contact between the student and alleged harasser

(iii) **Informing the Alleged Harasser**

4.6 The Investigation Panel will inform the alleged harasser in writing:

- Of the nature of the allegation of harassment
- Confirm that it is being investigated under the formal procedure
- Ensure that the individual is aware of the next stages of the procedure
- That they have the right to be accompanied and/or represented. A student may be accompanied and/or represented by a member of staff or student union representative or friend or parent if under 18 years of age. If the alleged harasser is a member of staff they may be accompanied and/or represented by a Trade Union representative or work colleague.
- That an Investigation meeting will be held within 10 working days of the allegation of harassment being received. Where in exceptional circumstances this is not possible, and in consultation with the student and alleged harasser, the procedure will be completed as soon as possible

(iv) The Investigation

- 4.7 Whilst the Investigation Panel will seek to conclude the investigation as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 10 working days of the date the allegation of harassment was received.
- 4.8 The purpose of these meetings is to establish the facts. All those giving information to the Investigation Panel do so individually and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.
- 4.9 Where in exceptional circumstances this is not possible, and in consultation with the student making the allegation of harassment and alleged harasser, the procedure will be completed as soon as possible.

Meeting with person alleging harassment

- 4.10 The Investigation Panel will meet with the student and consider both what they have to say and any other related matter. The student will have the right to be accompanied and/or represented by a member of staff or student union representative or friend or parent if under 18 years of age.

Meeting with alleged harasser

- 4.11 The Investigation Panel will meet the alleged harasser and hear what he/she has to say about the incident(s) and any other related matter. The alleged harasser will have the right to be accompanied and/or represented. If the alleged harasser is a member of staff they may be accompanied and/or represented by a Trade Union representative or work colleague. A student may be accompanied and/or represented by a member of staff or student

union representative or friend or parent if under 18 years of age. The same person cannot accompany both the alleged harasser and the student making the allegation of harassment.

Meeting with anyone who can assist with the investigation

4.12 The Investigation Panel will meet anyone who can assist with the investigation.

4.13 The Investigation Panel may then wish to have further meetings to clarify or gain additional information.

Reporting the Facts

4.14 The Investigation Panel should prepare a written report outlining the facts, indicating its findings and recommending appropriate action. This report will be forwarded to the Director.

Decision on Appropriate Action

4.15 The Director having considered the written report will then decide either:

- (a) To invoke the College's agreed disciplinary procedure against any party as appropriate. Where an investigation has already been carried out under the harassment procedure, this report may be used in place of a further disciplinary investigation;
- (b) To take no further action ; and/or
- (c) To take another appropriate management action e.g. the provision of training or counselling.

Communicating the Decision

4.16 Having made a decision on the most appropriate course of action this will be communicated in writing to both the student who has complained and the person against whom the allegation of harassment was made.

(v) After the Investigation is Complete

Consideration of Transfer of course/class/staff member

(a) Transfer and/or redeployment if Disciplinary Action is Taken

4.17 Where an allegation of harassment has been upheld the student may wish to avoid any further contact with the harasser. Should the harasser remain in the same programme of study and/or employment with the College and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the harasser in the first instance and where transfer of the student occurs it should not lead to any disadvantages to him/her.

(b) Transfer and/or redeployment where Disciplinary Action has not taken place

4.18 Even where an allegation of harassment is not upheld, or, for example, where the evidence is inconclusive consideration may still be given, where practicable, to the voluntary transfer of one of the parties concerned.

5. Further Meetings

5.1 A designated person will meet the student on a regular basis to offer support and to ensure that no further harassment or victimisation has occurred. This action will be undertaken even where an allegation of harassment has not been upheld.

5.2 The Northern Regional College is responsible for ensuring that the harasser is made fully aware of the College's policies on equal opportunities and harassment and of the law relating to these matters.

6 Records

6.1 Except in the event of disciplinary action having been taken against an employee, no record of an individual having been investigated in respect of an allegation of harassment will be retained on the individual's file.

6.2 However, the College shall retain a record of each investigation, for reference, statistical purposes and civil action that may be taken by either party.

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