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# **Anti-Harassment and Anti-Bullying Policy and Procedure For staff and students**

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## CONTENTS

|  |    |
|--|----|
| 1. SCOPE AND PURPOSE .....                                 | 3  |
| 2. ENGLISH PATH COMMITMENT .....                           | 3  |
| 3. AIMS .....  | 3  |
| 4. PRINCIPLES .....  | 4  |
| 5. DEFINITIONS.....  | 4  |
| 6. CRIMINAL OFFENCES.....                                  | 6  |
| 7. HARASSMENT IN PLACEMENTS .....                          | 6  |
| 8. RESPONSIBILITIES.....                                   | 6  |
| 9. PROCEDURE FOR DEALING WITH HARASSMENT AND BULLYING..... | 7  |
| 10 MONITORING AND REVIEW .....                             | 8  |
| ANNEX 1: EXAMPLES OF HARASSMENT AND BULLYING .....         | 10 |
| ANNEX 2: LEGISLATION RELATING TO HARASSMENT .....          | 11 |

## **1. Scope and Purpose**

**1.1** The purpose of this policy is to promote a studying and working environment for students and staff in which harassment and bullying are known to be unacceptable and where any student or member of staff of English Path have the confidence to complain about bullying and harassment. In making a complaint students and staff will have their concerns dealt with appropriately, fairly and in a timely manner.

**1.2** This anti- harassment and anti-bullying policy and procedure applies to all students and staff of English path. This policy and procedure applies to all staff, whether full-time, part-time, hourly paid or working in a contractual manner at the School for any period of time.

**1.3** The anti-harassment and anti-bullying policy and procedure should be read in the context of English Path's Equality and Diversity Policy.

## **2. English Path's Commitment**

**2.1** English Path, as part of its commitment to equality and diversity, is committed to providing an environment in which all students and members of staff are enabled to study and work in an environment which supports and encourages harmonious relationships.

**2.2** English Path is committed to preventing harassment and bullying and adhering to its commitment to equal opportunity, as stated in the School's Equality and Diversity Policy.

**2.3** Any allegations of harassment and bullying will be treated very seriously by the School and could result in disciplinary action being taken against the perpetrator. English Path will ensure that any student or member of staff raising a genuine concern in relation to this policy will not be victimised.

**2.4** Allegations of harassment and bullying will be taken very seriously and if the School determines that allegations are proven to be malicious disciplinary action may be taken against the individual making such allegations.

## **3. Aims**

**3.1** English Path has the following aims in respect of this anti-harassment and anti-bullying policy and procedure:

(i) To promote a positive environment in which students and staff are treated fairly and with respect.

(ii) Take a zero-tolerance approach to any forms of harassment and bullying.

(iii) Ensure all members of the English Path community, including all students and staff, understand their responsibility to contribute to the creation and maintenance of an environment free from harassment and bullying.

(iv) Provide a framework of support for students and staff and for both parties involved in any complaints and/or allegations.

(v) Provide a mechanism to resolve concerns and issues raised. Every effort will be made to encourage individuals to resolve the matter informally, or failing that, at the lowest possible level through the formal procedures.

#### **4. Principles**

**4.1** All allegations of bullying, harassment or victimisation, whether informal or formal, will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.

4.1 Any information received will be handled with an appropriate level of confidentiality. Where personal information is shared or released it will only be done for the purposes of ensuring compliance with this policy and associated procedures.

#### **5. Definitions**

**5.1** Harassment and bullying can take a variety of different forms, ranging from repeatedly ignoring a person or subjecting them to unwelcome attention, intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear as trivial as a single incident can constitute harassment or bullying when repeated, or takes place in the context of staff-student, student-student or staff-staff relationships. Harassment and bullying may not always be intentional but are always unacceptable, whether intentional or not.

**5.2** There is substantial UK national legislation that protects people from harassment; this is listed in Appendix 2. The legislative definition of harassment is as follows:

*Harassment is where unwanted conduct related to a personal attribute, for example Gender, of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.*

#### **5.3 Harassment**

Harassment is defined as unwelcome and offensive attention, which is always unacceptable, whether intentional or not. It often arises from the abuse of a power base and both individuals and groups may be harassed. The harasser does not have to intend to harass. The perception of the recipient is very important but the test of reasonableness must also be applied, that is, a reasonable neutral person would regard what is happening as harassment. Normally the behaviour must continue after an objection is made, but a single incident may be serious enough to constitute harassment.

#### **5.4 Bullying**

Bullying is the abuse of power or position to undermine a person so that their confidence and self-esteem/self-worth is weakened or destroyed. Bullying may happen in public or in private. It may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.

## 5.5 Types of bullying and harassment

Some of the most prevalent forms of harassment and bullying are as follows (see Appendix 1 for further details):

- Sexual harassment
- Racial harassment
- Harassment of individuals with disabilities
- Harassment on the grounds of an individual's sexuality
- Ageist harassment
- Religion or belief harassment
- Status harassment

The above list is not exhaustive and many other forms of harassment and bullying exist.

EP has adopted the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. This is in line with the Secretary of State for Education's letter of 9 October 2020 to all UK higher education providers. The IHRA definition helps clarify how antisemitism can manifest itself in the 21<sup>st</sup> Century and is stated as follows:

*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.<sup>1</sup>*

Any form of bullying or harassment related to antisemitism will not be tolerated by EP.

## 5.6 Cyber and electronic bullying and harassment

Cyber bullying involves using technology to bully people. It can include texting, instant messaging, and posting on social media and gaming websites. English Path expects all staff and students to comply with the IT conditions of use as given in the code of conduct for the School's use of information technology.

## 5.7 Victimisation

Victimisation is defined as the subjection of a person to a detriment because he or she has made (or intends to make, or you believe they have/will make), in good faith, an allegation of harassment or has supported someone else in making an allegation. Victimisation is defined as specifically relates to someone being treated less favourably as a result of a *protected act*. A *protected act* is:

- Making a claim or complaint of discrimination (under the Equality Act)
- Helping someone else to make a claim by giving evidence or information
- Making an allegation that you or someone else has breached the Act
- Doing anything else in connection with the Act. (Definition as within the Equality Act 2010)

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<sup>1</sup> The full text of the definition can be found at:

[https://www.holocaustremembrance.com/sites/default/files/press\\_release\\_document\\_antisemitism.pdf](https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf)

**5.8** Harassment, bullying and victimisation may be result from single 'one-off' incidents or a series of incidents taking place over a period of time. Both harassment and bullying may be committed by individuals or groups.

## **6. Criminal Offences**

**6.1** Harassment may take the form of a criminal offence, such as physical assault, indecent exposure or rape. In such an event, English Path will support the student or staff member, ensuring that they are given medical and emotional support as appropriate. Whilst the School will advise, the decision of Police involvement must lie in the hands of the person making the complaint and appropriate School staff will facilitate and support the person in any such action.

## **7. Harassment in placements**

**7.1** English Path will take all reasonable steps to ensure that external organisations providing work placement opportunities for members of the School community, whether students or staff, have policies and procedures in place to prevent and deal with issues of harassment and bullying. Any student or member of staff subject to harassment or bullying in such a situation will be supported appropriately by the School.

## **8. Responsibilities**

**8.1** The responsibilities of staff and students of English Path are as follows:

(i) The Management Team are responsible for effective implementation of this policy and procedure and for maintaining oversight and instances of harassment and bullying.

(ii) Managers of English Path, including the Head of School, Student Services, Head of Academics and Academic Coordinators are responsible for positively encouraging respect for dignity, and for addressing any issues concerning harassment and bullying that may occur. Managers may be asked to deal with informal complaints made by staff or students concerning harassment or bullying.

(iii) The Head of School and Human Resources Manager are jointly responsible for dealing with formal allegations of harassment and bullying against a member of staff.

(iv) The Head of Academics is responsible for dealing with informal and formal allegations of harassment or bullying against a student. The Programme Manager is responsible for investigating informal complaints against a student or group of students.

(vi) Each individual student and each member of staff is personally responsible for fostering a culture of respect for dignity and for avoiding behaviour that is offensive to other people.

## **9. Procedure for dealing with Harassment and Bullying**

### **(a) Staff**

**9.1** Complaints about harassment or bullying by a member of staff are often resolved by informal means. However, where a criminal act may have occurred it would be the normal procedure to proceed immediately to the formal stage. If the complainant is willing to try to resolve the matter informally this is the preferred approach and, in many instances, will result in a positive resolution.

**9.2** An informal complaint may best be dealt with by the member of staff's immediate line manager. Where the complaint is being made by the member of staff about his or her line manager the Head of School should be consulted and another manager identified to deal with the informal complaint, with the agreement of the complainant.

**9.3** Where the complaint cannot be resolved informally to the complainant's satisfaction or where the complainant wishes to make a formal complaint the Human Resources Manager should be consulted and the School's complaints or grievance policy, as appropriate, and procedure should be used.

**9.4** The Head of School working with the Human Resources Manager will appoint an appropriate senior member of staff, not immediately involved in the case, to investigate the complaint. The investigation will be completed as soon as reasonably practical and will take no longer than twenty working days. The investigation will, as a minimum, normally follow the process laid out below:

The investigation will, as a minimum, normally follow the process laid out below:

- Interview the complainant.
- Interview the alleged harasser/bully/victimiser.
- Interview any witnesses.
- Repeat any of the above stages as required.
- Compile a report of the investigation.

The report will then be given to the Head of School and Human Resources Manager who will jointly decide how to proceed, which may include the following:

- That further attempts should be made to resolve the matter informally;
- Mediation;
- That alternative action such as redeployment should be considered;
- That the appropriate Staff Disciplinary Procedure should be invoked (in this case the investigation under this procedure will be carried forward as the formal disciplinary investigation).

If the formal disciplinary procedure is invoked, the outcomes may be:

- The matter may still be capable of informal resolution;

- Mediation;
- A verbal, written or final written warning;
- Dismissal;
- Redeployment. If the complaint of harassment is upheld, it would normally be the harasser who would be redeployed.

**9.5** Any member of staff who makes a complaint of harassment will be informed in writing at the outcome of the complaint whether English Path has found that harassment has or has not taken place. It is likely that subsequent discussion will take place with both parties to ensure a professional working environment (if appropriate) is maintained. Any member of staff who complains about harassment or bullying and is not satisfied with the final outcome of the investigation and associated report with attempted resolutions may appeal to the Head of School, whose decision over the matter will be final.

### **(b) Students**

**9.6** Students concerned about harassment may initially wish to discuss the matter with a friend, family member or another student. Confidentiality is very important in dealing with cases of alleged harassment and bullying since it is much more difficult to resolve informally if information about the matters become common knowledge. Students may make an appointment to discuss the matter with the Head of Academics who will ensure confidentiality at all times. Additionally, the student may wish to discuss the matter informally with their student representative. Sometimes matters can be resolved in this manner and the student may not feel the need to take the allegations any further. However, if this approach does not offer satisfactory resolution for the student then English Path's Complaints Policy and Procedure should be followed.

**9.7** English Path's Complaints Policy and Procedure is available from the website [englishpath.com](http://englishpath.com). This policy states that attempts should be made to resolve the issue informally before moving to the formal stage of making a complaint of allegations of harassment or bullying. However, if the allegation of harassment or bullying involves a serious issue which may be criminal then the formal procedure must be adopted. The Head of School or Head of Academics should be consulted in such circumstances to ensure the correct approach and procedures are adopted and followed.

**9.8** Students should read the Complaints Student Guide, available from the website. There are three stages to English Path's Complaints Policy as follows:

Stage 1: Verbal Complaint

Stage 2: Formal Written Complaint

Stage 3: External Complaint – English UK

## **10 Monitoring and Review**

**10.1** An annual report summarising any formal and informal allegations of harassment or bullying against members of staff that upon investigation have been found to be valid will be produced by the Human Resources Manager for consideration by the Senior

Management Team. The report should ensure anonymity for both the complainant and the person alleged to be the recipient of harassment or bullying.

**10.2** An annual report summarising any formal or informal allegations of harassment or bullying against students that upon investigation have been found to be valid will be produced by the Head of Academics for consideration by the Senior Management Team. The report should ensure anonymity for both the complainant and the person alleged to be the recipient of harassment or bullying.

## Annex 1: Examples of harassment and bullying

(i) Harassment based on personal attributes may include:

- **Sexual Harassment**, for example unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, touching and other forms of assault. (There are professional and ethical reasons for staff and students to maintain an appropriate professional relationship).
- **Racial Harassment**, for example derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault. The School welcomes and values the cultural diversity of its community. Differences in understanding about acceptable behaviours in various cultures may not be harassment, but the people involved in any such difference will be supported in reaching an understanding.
- **Disability Harassment**, for example not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focussing on a person because of their disability.
- **Ageist Harassment**, for example denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.
- **Sexual Orientation Harassment**, for example homophobic jokes or remarks, abuse relating to HIV/AIDS status, threats to disclose sexual orientation, ridiculing civil partnerships.
- **Religion or Belief Harassment**, for example not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.
- **Gender Reassignment Harassment**, for example ridiculing dress and personal appearance, offensive jokes and remarks.
- **Status Harassment**, for example patronising, ostracising or marginalising colleagues with different job roles or students with different backgrounds. Showing favouritism may also be regarded as status harassment.

The above list of examples is not exclusive or exhaustive. Harassment can occur on the basis of any personal attribute that makes the individual different from others, or from the person who harasses him or her.

(ii) **Bullying** is the exercise of power over another person through negative acts or behaviour that undermines him either personally, academically and/or professionally. Bullying can involve threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic performance or constant criticism and undermining. Bullying is to be distinguished from vigorous academic debate or the actions of a teacher or supervisor making reasonable (but perhaps unpopular) requests of his/her students.

## **Annex 2: Legislation relating to Harassment**

- Equality Act 2010
- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997 (only parts of this Act apply in Scotland)
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Relations Act 1999
- Race Relations Amendment Act 2000
- Special Educational Needs and Disability Act 2001
- Employment Act 2002
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Civil Partnerships Act 2004
- Gender Recognition Act 2004
- Disability Discrimination Act 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2006