



# Anti-Bullying and Harassment Policy

## 1. Policy Statement

The Arts Educational Schools (ArtsEd) is committed to a working and learning environment which is free from bullying including discrimination, victimisation and harassment, and in which no student feels under threat or intimidated.

In striving toward the achievement of such an environment, allegations of bullying and/or harassment by students will be taken seriously by ArtsEd. If substantiated, allegations of bullying and/or harassment may provide grounds for disciplinary action under the student regulations, and may give rise to a student being required to withdraw from their course. ArtsEd recognises that incidents of bullying and/or harassment can affect a person's work, morale and health. Therefore, all complaints (informal or formal) will be dealt with promptly and treated confidentially. Information shall only be divulged on a need to know basis and with the knowledge of the complainant.

This procedure applies to all students and relates to those who are being bullied by another student, a member of staff or any other employee of ArtsEd. The procedure aims to highlight the actions a student should take if they believe they are being subjected to behaviour which may be considered as harassment and/or bullying.

## 2. Frivolous or Vexatious Complaints

Bullying and harassment are considered to be serious matters and consequently if a complaint is found to be frivolous or vexatious, this may lead to disciplinary action against the person lodging the complaint. Frivolous is defined as a complaint which has no reasonable chance of succeeding and vexatious is defined as a complaint that is brought without sufficient grounds for success and purely to cause annoyance to the alleged harasser.

## 3. Definition of Harassment/Bullying

Bullying can be defined as behaviour which is offensive, intimidating, malicious or insulting, an abuse or misuse of power through means intended to undermine, humiliate denigrate or injure the recipient and undermine their ability and confidence.

Harassment is defined in equality legislation as unwanted conduct related to religious belief, political opinion, sex, gender reassignment, race, sexual orientation, disability or age, which has the purpose or effect of violating a person's dignity or of creating an intimidating hostile, degrading, humiliating or offensive environment for that person.

Harassment may constitute a breach of the ArtsEd's **Equality and Diversity Policy**.

Harassment may also be a criminal offence and may contravene Health and Safety legislation. Complaints of this type of harassment can also be brought under the Protection from Harassment (NI) Order 1997.

All further references to harassment in this policy should be taken to include bullying.

#### **4. Examples of Harassment**

Many forms of behaviour can constitute harassment; this list is neither exclusive nor exhaustive and other forms of behaviour may be regarded as harassment:

- i. Oral or written harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander. Written harassment includes, but is not limited to, letters, emails, postings on websites and texts.
- ii. Visual displays of posters, graffiti, obscene gestures, flags, bunting, pictures, emblems or any other offensive material (including the use of email or mobile devices to send or view such material).
- iii. Physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assaults.
- iv. Open aggression, threats, shouting.
- v. Unjustifiable exclusion e.g. withholding information, isolation or non-cooperation of colleagues, exclusion from classroom and social activities.
- vi. Intrusion by pestering, spying, following and/or stalking.
- vii. Humiliation, intimidation action which demeans or undermines the individual.

ArtsEd will respect the particular sensitivity of allegations of bullying and their consequences and the need for confidentiality. However, confidentiality cannot be guaranteed and this will be made clear to the student. For example, if a student tells a member of staff in confidence something that constitutes an unacceptable risk to the student, another person or the college, the member of staff will have to take action. The decision on whether a complaint should be progressed normally rests with the student, but action may have to be taken against the student's wishes to address an unacceptable risk.

#### **5. Sources of Advice and Help**

If a student believes they are being harassed, there are a number of options to consider. Every situation is different and the action the student takes depends on his/her particular circumstances. The student can decide to seek advice or discuss the matter with their Head of Year or another trusted member of staff, the Designated Safeguarding Lead or the Students' Union. Students are advised to act

promptly and should not feel the unwanted behaviour is their fault, or that they have to wait until the situation is intolerable.

## **6. Time Limits**

Under this procedure complaints will not normally be investigated unless they are brought within one month of the alleged incident. However, a complaint which is out of time may be investigated if it is considered it is just and equitable to do so, or it is believed to be in the interests of the individual and/or the college.

## **7. Informal Procedure**

It is appropriate to use the Informal Procedure where the student simply wants the behaviour to stop, where the alleged harassment is not serious, or where it has not been repeated. A student is not obliged to attempt to resolve the matter informally.

A student should seek to resolve the matter in the first instance by discussing it with their Head of Year or another trusted member of staff. The role of these individuals is to listen to the concerns of the student and provide them with support and guidance on how they can proceed with a complaint by:

- i. Assisting the student in deciding on an appropriate course of action
- ii. Giving information about the procedure and the options for taking a complaint forward
- iii. Providing information about sources of student support, including counselling or other professional support
- iv. Recording brief details of the complaint and any subsequent meetings and follow up action on a Bullying/Harassment Incident Report Form.

Whatever action is taken, it is recommended that the member of staff arranges to meet with the student after a suitable period of time to monitor the situation and review possible courses of action if the matter remains unresolved.

The purpose of this stage of the procedure is to resolve matters without recourse to the formal process. However, if the above steps fail to produce a resolution, or if these options are unacceptable to the student, the issue may be raised under the **Formal Stage of the Procedure**.

## **8. Formal Procedure**

The Formal Procedure will normally be adopted where the alleged harassment is serious, or if it continues after the Informal Procedure has been invoked. In each case, the Designated Safeguarding Lead should be informed.

Those cases which cannot be successfully resolved within the informal process, or are too serious to consider within the informal process, will be investigated in accordance with the ArtsEd's **Student Regulations**. A complaint against a member of staff will be investigated in accordance with the **Student Complaints Procedure**.

In order to carry out a formal investigation, the student must provide written details of the incident(s) which have led to the complaint.

## **9. Investigation**

While the formal complaint is under investigation, an alternative timetable for the work of the student who made the complaint will be considered where requested (although there can be no guarantees that an alternative timetable can be arranged). Where it is necessary to facilitate ongoing professional or working relationships between the student and the person who has been alleged of harassment, no meeting should take place between the two individuals without a third party being present. This arrangement should be facilitated by the Principal or his or her nominee.

Once an investigation of a formal complaint as described above has been carried out, the Principal, or his or her nominee, should review the situation after an appropriate period of time, to ensure that no victimisation or further harassment has occurred. Where specific time bound commitments were identified as part of the final report, it should be ensured that these have been suitably met.

Following a finding of harassment, any repeat behaviour of this nature will result in further disciplinary action.

## **10. Complaints of Harassment are treated seriously**

Therefore any student who makes a false, frivolous, malicious, mischievous or vexatious complaint provides grounds for disciplinary action under the student regulations, and may give rise to the student being suspended or required to withdraw from the course.

## **11. Monitoring and Review**

This policy will be monitored and reviewed annually. Details of all complaints of bullying or harassment should be forwarded to the Principal and incident forms reviewed annually to check for any patterns or repeated incidents.