

Royal Northern College of Music

STUDENT BULLYING AND HARASSMENT

Policy & Procedure

Department: Academic

Document owner:

Head of Academic Quality

Approval Committee:

Academic Board

Developed: March 2019

Period of Approval: 3 Years

Review Date: March 2022

RNCM
ROYAL NORTHERN
COLLEGE of MUSIC

1. Introduction

We are strongly committed to promoting equality, inclusion and diversity and believe that everyone is entitled to study in a supportive environment that values and promotes personal dignity, is free from unfair discrimination and where everyone is treated with respect.

College staff, students, contractors and visitors are all responsible for ensuring that they treat others with respect, communicate in an appropriate and courteous manner and consider how their behaviour is perceived.

We will not tolerate bullying or harassment of anyone who is part of our College community by another, and aim to provide an environment where people know that we take such allegations seriously and we all have the confidence to report harassment or bullying without fear of victimisation. Any complaints or incidents of bullying or harassment will be viewed and treated seriously by us and can be grounds for disciplinary action, as could any fictitious or malicious allegations.

2. Purpose of policy

The purpose of this policy is to assist us in creating a learning environment, where any form of harassment or bullying is recognised as unacceptable and dealt with, without fear of reprisal and to provide informal and formal means of dealing with harassment and when it occurs.

3. What Is bullying and what Is harassment?

Bullying

Bullying is defined as offensive, intimidating, malicious or insulting behaviour by an individual or a group. It can be abuse or misuse of power that intentionally hurts another individual or group either physically or emotionally. A single instance of this type of behaviour may in itself not be significant, but the cumulative effect and repetition of such behaviour may constitute bullying.

Examples of bullying may include:

- Written or verbal threats
- Physical gestures or actions
- Insulting, aggressive, intimidating behaviour including offensive language
- Cyber bullying including inappropriate text/voice messaging and/or emailing; sending inappropriate images by phone or via the internet
- Cyber bullying including abuse of chat rooms, instant messenger and social networking sites such as Facebook, Twitter and You Tube
- Unjustifiable exclusion e.g. isolation or non-co-operation of colleagues in classroom/ performance/ social activities
- Spreading malicious untruths about another person.

Bullies:

- May be an individual
- May be a group of people, often targeting an individual
- Individuals or groups who condone bullying by laughing or encouraging bullying behaviour.

What is not bullying:

- Acting assertively
- Requesting someone to amend their behaviour
- Disagreeing with someone's point of view
- Making a single critical remark about another person
- A single instance of behaviour which is not repeated.

Harassment

A person subjects another to harassment where they engage in unwanted and unwarranted conduct which has the purpose or effect of:

- violating another person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

It may be related to age, gender, race, disability, nationality, sexual orientation or any personal characteristic of an individual. The conduct is perceived by the victim as demeaning, offensive and unacceptable.

Harassment is a form of discrimination.

Examples of harassment may include:

- Sexual harassment e.g. unwanted physical contact or unwelcome advances, attention, invitations or proposals, suggestive or sexual comments, stalking.
- Racial harassment e.g. name calling or ridicule based on culture and ethnicity; verbal abuse and racist jokes; intrusive questioning concerning racial issues; exclusion based on nationality.
- Harassment because of health and disability.
- Homophobic comments or jokes; derogatory or embarrassing comments on an individual's personal appearance, age, sexual orientation.

Behaviour that is acceptable to one person may be unwanted by another. When assessing whether a behaviour is harassment, we must look at if the behaviour, whether unintentional or deliberate, is unacceptable to the person on the receiving end and would be judged as harassment by any reasonable person. The word 'unwanted' means the same as 'unwelcome' or 'uninvited'. The person the behaviour is directed towards does not have to expressly object to the behaviour before it is considered by unwanted.

If the person responsible for the behaviour did not intend to create a negative environment, the behaviour will still be harassment if it has the effect of creating such an environment.

You can make a complaint of harassment if you find behaviour offensive and it relates to a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sex). This applies even if the behaviour is not directed at you.

Vigorous academic debate will not amount to harassment when it is conducted respectfully, that is, without violating the dignity of others or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation

Victimisation is when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment or bullying), or have helped another person to make a complaint under the Equality Act 2010 by providing evidence or information.

Victimisation can count as unlawful discrimination and result in disciplinary action.

4. Scope of policy

This policy applies to all registered students of the College.

5. General principles in dealing with bullying and harassment

Our procedures have been developed to try to avoid people feeling they have no course of action other than make a formal complaint, and to make sure people are not asked to repeat information unnecessarily.

If you believe you, or someone else, are being harassed or bullied by a member of staff, a student, visitor or contractor, we will provide support to investigate the allegations and deal with any behaviour we find to be unacceptable.

We will provide access to support to try to allow early action and an informal solution to the problem whenever possible, through for example, the Students' Union, Student Welfare Officer or College counselling service. If you feel able and comfortable to do so, you should speak to the person responsible directly (personal resolution). Where this is not effective or appropriate or you do not feel able to speak to the person concerned, you can talk to someone else, for example, a tutor, your Head of School, your Course Leader, your Programme Administrator or any other member of College staff you feel comfortable talking to (local resolution stage) or you can make a formal complaint.

Witnesses, as well as people who are the victims of harassment or bullying, can raise concerns under this policy.

When dealing with cases of alleged harassment or bullying, we will handle information sensitively and discreetly, and only reveal it to those who need it for the purpose of considering the case. If we decide to take formal action, we will inform the person or persons responsible about the behaviour identified by the complaint.

We can take disciplinary action against students or staff who are found to have made complaints based on information they knew to be false, or with malicious intent. We will not take this action against anyone who made the complaint in good faith, even if that complaint is not upheld.

All members of the College community should be aware of their own conduct, avoid colluding with or appearing to collude with, unacceptable behaviour and should co-operate fully in any complaint procedure. All members of our community, including students, have a role to play in helping to create a climate in which bullying is not acceptable.

6. Responsibilities under this policy

All members of the College, students and anyone working on our behalf have a duty to make sure that people do not suffer any form of harassment or bullying and that, if they do, they are supported in trying to stop it through informal or formal procedures.

Although the ultimate responsibility for this policy rests with the Board of Governors, we will make sure that it is applied effectively by all senior staff responsible for enacting this policy.

7. Dealing with bullying and harassment

All students have the right to learn in an environment free from bullying and harassment - no individual should tolerate bullying or harassment, or feel personally at fault. Anyone who is subject to or witnesses bullying or harassment can report this to their Course Leader, Head of School, Students' Union, Head of Registry or any other member of College staff.

8. Procedures for those subject to bullying and harassment

If possible, you should make it clear to the person causing the offence that you find the behaviour unacceptable and ask them to stop. It may be helpful to talk to a member of staff, the Students' Union, Student Welfare Officer or counselling service before approaching the person. If you prefer, they may be able to talk to the person on your behalf.

You are advised to act promptly and should not accept unwanted behaviour.

Our procedures for dealing with allegations of bullying and harassment are at three levels – a personal resolution stage if this is possible, a local resolution stage and where informal resolution is not appropriate, or is not requested, or where the outcome has been unsatisfactory a formal complaint stage.

Personal resolution stage

Where appropriate, you should consider ways in which you can resolve the situation yourself, by making it clear that you find the behaviour offensive and want it to stop. You might consider, if you feel comfortable to do so, to:

- Talk to person responsible for the behaviour – sometimes telling someone that their behaviour is upsetting is all that is needed. It may be that they were unaware that their behaviour was inappropriate or that you would find it upsetting.
- Write to the person responsible for the behaviour – if you don't feel able to confront the person then you could send an email or text message explaining politely but firmly why you are upset and what behaviours you would like to stop. Keep a record of any message and the response you receive, if any.
- Ask for support - ask another student or member of staff to come with you if you feel able to speak to the person responsible directly.

If the allegation is serious or you feel too unsafe or uncomfortable to make contact with the person responsible for the behaviour, you should follow the local resolution stage or make a formal complaint, in the case of a very serious allegation or sexual harassment. You may not feel able to use this stage if it is a member of staff who is responsible for the behaviour.

If you do not want to approach the person concerned, we will not interpret this to mean that the behaviour is acceptable, and it will not affect the outcome of your complaint.

Local resolution stage

If the situation does not improve following an attempt at a personal resolution, or if you find it impossible to raise the issue personally, or if the allegation is more serious, you should contact a member of staff who you feel able to discuss the situation with. This could be the Deputy Head of Registry, or if you would rather talk to someone else:

- Your tutor or Course Leader
- Your Head of School
- The Student Welfare Officer
- A member of staff from the Registry
- A Students' Union representative

You may choose to be accompanied by a Students' Union representative, or another student when meeting with any of the people above. In your meeting with them you should, if you feel comfortable to do so, discuss details, dates, times, circumstances and witnesses of the behaviour that you were subjected to, including any ways in which the incidents have affected you.

The focus at this stage continues to be on facilitating a local resolution, and will not in itself result in any further formal internal investigation or disciplinary action.

Action taken by the person you discuss the complaint with is likely to include approaching the alleged harasser to give them the opportunity to give their perspective on the situation, either with you present if you feel comfortable to do this, or in your absence. The alleged harasser may be accompanied to any meeting by a Students' Union representative or another student, or if a member of staff, a colleague.

The College does not have a formal mediation service. Where appropriate, the possibility of involving someone with mediation skills may be considered.

Formal complaint stage

Where informal resolution is not appropriate (for example because of the seriousness of the allegations), or is not requested, or where the outcome has been unsatisfactory, you may bring a formal complaint.

A thorough investigation will take place and, where possible, will remain confidential, although you must understand that it is often not possible to safeguard confidentiality.

You should seek advice from the Head of Registry or Students' Union before submitting a formal written complaint to the Head of Registry detailing the incident(s) with specific examples of the unacceptable behaviour to which they believe they are being/ have been subjected, noting the date, time and place of the incident(s), what was said or done, the context in which it was said or done, how it made you feel and what action, if any, was taken. The names of any witnesses should be noted. You should also outline the actions they have taken to address the matter informally, if this has been possible or appropriate.

The Head of Registry will nominate an appropriate, independent senior manager(s) to meet with you and hear your complaint. The senior manager(s) will interview any other relevant parties involved in the complaint and attempt to resolve the issue and agree a way forward, examples of which are:

- The issue is resolved to the satisfaction of all concerned
- Training or development needs are identified

- A recommendation is made to refer the matter to the College's disciplinary procedures for students (Student Conduct and Discipline Policy) or staff (Disciplinary Policy)
- Other appropriate recommendations, depending upon circumstances.

Once the complaint has been fully investigated and necessary meetings held, you will be informed of the outcome in writing by the Head of Registry normally within 14 working days. The person or persons the complaint has been made about will also be informed of the outcome. If disciplinary action is required, the outcome will normally remain confidential for legal reasons.

9. Right of appeal

If you are dissatisfied with the outcome of any of the College's formal processes you have the right of appeal. If you wish to appeal, you should, within 10 working days of the date of the letter advising of the outcome of the formal process, write to the Head of Registry outlining the reason for appeal which will be considered by the Director of Finance and Strategic Planning (or nominee).

You may consider an appeal because, for example:

- you believe the finding is unfair
- new evidence has come to light
- you believe the process was incorrectly followed.

The Director of Finance and Strategic Planning (or nominee) will impartially consider the appeal. Their role is to review the original decision taking into account the grounds of appeal, and to review the process that led to the original outcome, establishing whether the procedure was correctly followed, whether the action taken was reasonable and to consider any new evidence that has been brought forward.

Appeal hearing

Following receipt of an appeal you will be invited, in writing, to attend an Appeal Hearing, normally within 10 working days of receipt of the appeal by the Head of Registry. You will have the right to be accompanied by a member of the Students' Union.

At the hearing you will be invited to present your case. This may include submitting additional documents and/or requesting that the Director of Finance and Strategic Planning meets relevant witnesses.

Appeal outcome

The decision of the appeal will normally be conveyed to you in writing within 10 working days of the last investigatory meeting conducted as part of the appeal. Where appropriate feedback may be provided in a meeting between the Director of Finance and Strategic Planning and yourself.

The outcome of the appeal may be that:

- It is upheld in full or in part
- It is not upheld.

Where the appeal is upheld in full or in part, the Director of Finance and Strategic Planning will determine the action to be taken.

The decision of the Director of Finance and Strategic Planning is final.

10. **Office of the Independent Adjudicator for Higher Education (OIA)**

The RNCM subscribes to the independent scheme for the review of student complaints.

Once you have completed our internal 'Student Bullying and Harassment' procedure we will issue you with a 'Completion of Procedures' letter.

If you are dissatisfied with the outcome you may be able to apply for a review of your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

The OIA's Compliant application form is available from the OIA's website www.oiahe.org.uk.

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of the Completion of Procedure letter provided by the College.

You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures, which is evidenced by the Completion of Procedures letter.

The OIA *will* consider complaints connected with welfare issues, contractual issues, a breach of procedure, discrimination or poor practice.

The OIA *will not* consider complaints connected with academic judgement, admission to the College, matters which are the subject of court or tribunal proceedings or employment matters.

We will comply with any recommendations of the OIA.

11. **Recording and monitoring of bullying and harassment**

The College maintains a central, anonymous record of all applications of bullying and harassment received to enable us to identify any trends in complaints made.

The Head of Registry will keep a record of formal complaints of bullying and/or harassment for the duration of the student's registration.

The Head of Registry will prepare an anonymised annual report on formal complaints of bullying and/or harassment for consideration by the Academic Board, so that experiences can be shared and where appropriate changes to procedures / practice made. The report will include demographic data to enable equalities monitoring to take place (provided that such data does not identify individuals).

The effectiveness of these procedures will be reviewed and if necessary updated on a regular basis.

Bullying and harassment flowchart

