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COLLEGE

# Abusive Behaviour and Harassment Policy 2025 – 2027

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## 1) Statement of Purpose

1. This policy document establishes the terms that will be applied by MRC in relation to incidents of abusive behaviour, bullying harassment including sexual misconduct; which affect one or more students (including the conduct of staff towards students, intimate personal relationships between relevant staff members and students, the conduct of students towards students and/or the conduct of staff towards staff). This document covers not only students and staff but also visitors and links with other related policies such as the Safeguarding Policy. This policy is applicable to every site where MRC owns and/or operates, to any event MRC participates in, on and off campus and any placement arranged by MRC.

2. This policy will:

- a) Comply at all times with the minimum legal requirements and will be revised from time to time.
- b) Be published and accessible at all times on MRC's VLE in the Policy folder.
- c) Allow users to clearly identify the version of a policy that existed at previous times by making historical versions of policies available for an appropriate period, and being transparent about changes made to their content.

3. Montrose College is committed to providing a caring, friendly, safe, diverse and inclusive environment, free from unlawful or otherwise unjustifiable discrimination and fostering mutual respect and consideration for all of our students so they can learn in a relaxed and secure atmosphere. We are committed to providing an environment in which students feel that they can report incidents of harassment and bullying, confident that they will be dealt with in an appropriate manner. Everyone has the right to learn and work in an environment free from harassment and discrimination, where they feel safe (QAA, Indicator 6 - Chapter B3). MRC expects all staff members, students, visitors and contractors to treat each other with respect, courtesy and consideration. If harassment and /or bullying does occur, all students should be able to report the event to a member of staff and know that incidents will be dealt with promptly and effectively (OIA.GPF-97).

4. At Mont Rose College, we take harassment, bullying and any other type of abusive behaviour, sexual misconduct and any other unlawful behaviours very seriously,

as we understand what a devastating impact it can have on a person and their social and academic development. MRC rejects any form of harassment/bullying of either women or men on the grounds of sex, sexual orientation, race, ethnic origin, colour, nationality, or national origin and seeks with this document to ensure that such harassment does not arise.

5. As part of the College's commitment to British Values, it is important that all students and staff respect individual liberty and have tolerance and mutual respect for others with different faiths and beliefs (Equality, Act, 2010). Equally, the College is committed to identifying and combating all forms of discrimination.
6. In the same manner, we recognise that while people may act out of character in times of trouble or distress due to upsetting or distressing circumstances, there could be instances when unreasonable demands are put on our staff/students and/or they have to encounter unreasonable and abusive behaviour from the stakeholders, including students. We, at Mont Rose College, will not accept this.
7. Students, staff and any stakeholders are expected to report bullying and harassment incidents to the designated member of staff set in this policy and let the College know immediately if they believe someone within MRC is being bullied or harassed.
8. Freedom of expression is vital to the pursuit of knowledge and should not be restricted by a multitude of rules. We respect the right of others to challenge our views, provided that it is based on accurate evidence, facts, or reasonable argument and that it is thoughtful and made in appropriate fora. All members and student members shall refrain from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.
9. Regardless of the definitions provided, people who believe they have experienced any sexual misconduct are encouraged to report the incident and to seek medical care and support as soon as possible.

10. The policy includes a ban on intimate personal relationships between staff and students. This includes relationship that existed before the date this policy comes into force and existed before the date that the staff member became a relevant staff member in relation to that student. Any breach of such prohibition by a relevant staff member would result in the appropriate steps being taken.

### **The Aims of the Policy**

11. The aims of this policy are

- To enable stakeholders to understand clearly what constitutes bullying and harassment throughout the and day to day life at College campus by raising awareness (OIA, GPF-95), and that neither the College nor the community will tolerate them whether it is physical, verbal or indirect.
- To enable stakeholders to feel confident that bullying will be firmly dealt with by the College.
- Provide a framework of support for staff and students who feel they have been subject to harassment.
- Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
- To promote a positive environment in which people are treated fairly and with respect.
- To raise staff awareness of the presence of bullying, in particular cyber bullying.
- Protect students from any actual or potential conflict of interest and/or abuse of power.
- To ensure that all students feel it is safe to pursue their ambition in our environment.

## **2) Definition of Harassment (including racial and sexual harassment).**

2.1 Harassment as defined in section 26 of the Equality Act 2010 is a situation where someone engages in unwanted and unwarranted conduct that has the purpose or effect of:

- a. violating another person's dignity, or
- b. creating an intimidating, hostile, degrading, humiliating or offensive environment for another person, or.
- c. if someone engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex.



The protected characteristics are:

- age
- disability (physical or mental)
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including ethnic and national origins, colour, and nationality)
- religion or belief (including those with no belief)
- sex (including sexual harassment)
- sexual orientation

2.2. Harassment could be, as well, if someone (person A) engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, and because of the receiving person (person B) rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

2.3 Harassment can happen via verbal or physical conduct or conduct using technology that is so severe or pervasive.

2.4 Harassment includes opposite-sex, same-sex and peer harassment among students, staff, other academic appointees, volunteers, visitors and anyone on whom MRC formally confers a title, regardless of employment status.

2.5 Examples of behaviour, which may amount to harassment under this Policy, include (but are not limited to) the following:

A) Unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:

- i. inappropriate body language
- ii. sexually explicit remarks or innuendoes
- iii. unwanted sexual advances and touching
- iv. hugging, kissing or massaging them without consent

B) Offensive comments or body language, including insults, jokes or gestures and spreading malicious rumours, discussing your or someone else's sex life.

C) Open hostility, verbal or physical threats

D) Insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism

E) Persistently shouting at, insulting, threatening, disparaging or intimidating an individual

F) Constantly criticising an individual without providing constructive support to address any performance concerns

G) Persistently overloading an individual with work that s/he cannot reasonably be expected to complete

H) Posting offensive comments on electronic media, including using mobile communication devices

I) Threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission

K) Deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history

L) Isolation from normal work or study place, conversations, or social events

M) Publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

O) Stalking is a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person;
- Watching or spying on a person, including with CCTV or electronic surveillance.

P) Indecent exposure.

Q) Taking a photo or video under another person's clothing – what is known as 'up skirting'.

2.6 At the same time, a person's subjective belief or feeling that another person's behaviour is intimidating, hostile, or offensive does not classify that behaviour automatically as harassment. The behaviour must be objectively unreasonable to reach this threshold.

2.7 Expression occurring in an academic, educational or research context is considered a special case and is broadly protected by academic freedom. Such expression will not constitute harassment unless (in addition to satisfying the above definition) it is targeted at a specific person or persons, is abusive, and serves no bona fide academic purpose.

2.8 Some important things to know about sexual harassment and the law:

- It is the person receiving the sexual behaviour who decides if it is unwanted – NOT the person doing the behaviour.
- It does not matter if other people think the unwanted sexual behaviour is okay or if it is common in the place it has happened in.
- It can be a one-off incident or repeated.
- Just because certain sexual behaviour was welcomed or not objected to in the past doesn't mean that it can't become unwanted or that other sexual behaviour is wanted.
- Unwanted sexual behaviour does not need to be intentionally directed at the victim or survivor – it can be something they witness or overhear.

## **2.9 Definition of Racial harassment**

Racial harassment can take many forms, including derogatory name-calling or insults, verbal abuse and threats, incitement of others to behave in a racist way, physical abuse, and other forms of provocative behaviour and behaviour which belittles the person at whom it is directed.

Racial harassment, no less than racial discrimination, may not depend simply on the intention of the offender but on the impact of the behaviour on the person at whom it is directed.



### 3) Definition of Abuse of Power.

3.1 Abuse of power means a situation where a relevant staff member exploits a position of power in relation to a student so as to apply pressure in a way which:

- i. may result in the student doing something, or refraining from doing something, that they may not have otherwise done; and
- ii. that action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship

### 4) Definition of Conflict of interest

4.1 Conflict of interest is a situation where there is a clash between personal interests and professional duties or responsibilities which affects the principle of unbiased decision-making, productivity and any other professional output.

4.2 Conflict of interest arises when a person chooses personal gain over duties to their employer, and/ or exploits their position for personal gain in some way.

### 5) Definition of Bullying

5.1 Bullying is behaviour by an individual or group usually repeated over time that intentionally hurts an individual or group either physically, emotionally or both. Bullying can take many different forms, physical, psychological or verbal. It can also take indirect forms, which include cyber bullying; now the most dominant form of bullying amongst children over twelve years.

5.2 The motivation to bully can come from racial ideas, religion, individual differences, cultural, sexual and sexist concepts, or bullying can relate to a person's special educational needs and disability

5.3 Bullying can take different forms, but the three main types are:

- **Physical Hitting**, kicking, taking or hiding belongings including money
- **Verbal Name-calling**, teasing, insulting, writing unkind notes
- **Indirect Spreading** nasty stories about someone, exclusion from social groups, being made the subject of malicious rumours, cyber bullying such as sending malicious e-mails or text messages, Facebook post or Tweets (OIA, GPF-101)

5.4 All of the above methods of bullying have a psychological effect on the victim. Bullying is the use of aggression with the intention of hurting another person.

5.5 Bullying results in pain and distress to the victim. Bullying can be:

- **Racist Bullying** – this refers to a range of hurtful behaviour, both physical and psychological, that makes a person feel unwelcome, marginalized, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status
- Bullying related to sexual orientation/ gender – this refers to the hurtful behaviour both physical and psychological, that makes a person feel unwelcome, marginalized, excluded, powerless or worthless because of their sexual orientation (especially those who are lesbian, gay or bisexual, i.e. homophobic bullying), or their gender

### 5.6 What is Cyber Bullying?

Cyber bullying is the use of electronic media - especially mobile phones and the internet – to intimidate, threaten or upset someone. Cyber bullying takes many forms (new ones constantly emerge), the principal forms include denigration, harassment and threat, flaming, humiliation and embarrassment, stalking, posing and blackmail.

Cyber bullying can also include:

- Texting scary or rude messages by mobile phone sending unpleasant photographs by mobile phone using online message boards, chat rooms or social networking sites to post cruel messages and deleting the victim's name from or ignoring their messages on social networking sites
- Making allegations or disseminating rumours about others using social networking sites such as Facebook or Twitter (OIA, GPF-101)
- Special Education Needs (SEN) or disability related - when an individual or group uses someone's individual characteristics, such as their intelligence, their learning ability or their disability to cause harm and upset

### 5.7 Signs and Symptoms

A student may indicate by signs or behaviour that he or she is being bullied or harassed. Here are some examples of signs that may trigger an investigation:

- If a student becomes frightened of walking to or from College or doesn't want to travel on public transport, begs to be driven to College, changes their usual routine, becomes withdrawn, anxious, or lacking in confidence
- Attempts or threatens suicide or runs away, feels ill in the morning, begins to do poorly in academic work, comes home with clothes torn or books damaged, has unexplained cuts or bruises
- Has possessions which are damaged or "go missing", asks for money or starts stealing money (to pay a bully), "loses" money continually,
- Becomes aggressive, disruptive or unreasonable and is bullying other people
- It should be noted that bullying and harassment not only affects students – staff can also be bullied – by other staff, parents or students. Examples of unacceptable behaviour, include name-calling, racist and sexist behaviour, making threats, making people feel small, hurtful remarks and personal comments, dares – making someone do something they do not want to, whispering about others, laughing at a hurt or upset person, preventing someone getting help, ignoring people and leaving them out, mocking differences, damaging work or belongings, hiding belongings

5.8 These signs and behaviours could indicate other problems, but bullying should be considered a possibility and should be investigated

## **6) Definition of Abusive behaviour**

### **6.1 Aggressive or abusive behaviour**

We understand that people could angry with the issues they have raised are not dealt with the way they expect them to be or when things do no go their way, but if that anger escalates into aggression towards Mont Rose College employees and/or students, we consider that as unacceptable. Such behaviour may involve actions, words or gestures that may cause distress or discomfort to other person/s. Such actions may be between/amongst two or more individuals and/or two or more groups.

6.2 Any physical violence, mental torture or abuse towards anyone will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether spoken or written) that may cause people to feel afraid, threatened or abused, and may include threats, personal

abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive and unacceptable behaviour. Some examples of such behaviour are given below:

- Aggressive or abusive actions such as shouting or personal insults;
- Spreading malicious rumours about someone;
- Discrimination to a protected characteristic under the Equality Act 2010;
- Unwanted physical contact;
- Stalking;
- Unreasonable criticism to malign;
- Sharing/circulating pornographic, racist and sexually suggestive material;
- Impossible targets and unreasonable demands;
- Coercion, such as pressure to subscribe to a particular political or religious belief;
- Offensive body language/comments/jokes

### 6.3 Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the office.

Examples of actions grouped under this heading include:

- repeatedly demanding responses within an unreasonable timescale,
- insisting on seeing or speaking to a particular member of staff when that is not possible,
- repeatedly changing the substance of a complaint or raising unrelated concerns.

An example of such impact would be that the demand takes up an excessive amount of staff time and in so doing disadvantages other complainants.

### 6.4 Unreasonable levels of contact

Sometimes the volume and duration of contact made to our office by an individual cause problems. This can occur over a short period, for example, several calls in one day or one hour. It may occur over the lifespan of a complaint when a complainant repeatedly makes long telephone calls to us or inundates us with copies of information that have been sent already or irrelevant to the complaint.



We consider that the level of contact had become unacceptable when the amount of time spent talking to a complainant on telephone or responding to, reviewing and filing emails or written correspondence impacts our ability to deal with that complaint or other people's complaints.

#### 6.5 Unreasonable use of the complaints process

Individuals with complaints about Mont Rose College have the right to pursue their concerns through a range of means, i.e. students by making formal complaints. If the same are not resolved internally, take them to OIA by following a specific procedure. They also have the right to complain more than if subsequent incidents occur.

This contact becomes unreasonable when the effect of the repeated complaints is to harass or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision.

#### 6.6 Other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our office. We aim to do this in a way that allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances, including the seriousness of the complaint and the needs of the individual..

### 7) Raising Awareness

Raising awareness is done through the application of our values throughout the College. Measures taken will include:

- Staff training and communication with other partner institutes to share strategies and experiences
- Student training and mentoring
- New staff are inducted and are made aware to whom they can express their concerns if the need arises, e.g. they can talk to their line manager or a director of academics

## **8) Procedure to report harassment, abuse of power, conflict of interest, abusive behaviour**

8.0 The harassment/bullying behaviour or threats of bullying or harassment must be investigated and stopped quickly by a designated officer (OIA, GPF, 133).

8.1 When a student feels that he/she has been the victim of harassment, bullying, abuse of power and/or conflict of interest, they will be able to report this by contacting the welfare officer at [welfareofficer@mrcollege.ac.uk](mailto:welfareofficer@mrcollege.ac.uk) by email or in person at the first floor office.

This is unless the person being reported as the cause of the harassment and/or abuse of power and/or conflict of interest is the Welfare officer, in which case the report should be made to the Principal at [s.zain@mrcollege.ac.uk](mailto:s.zain@mrcollege.ac.uk)

8.2 When a staff member feels that he/she has been the victim of harassment, bullying, abuse of power and/or conflict of interest, they will be able to report this by contacting the Human Resources officer at [hr@mrcollege.ac.uk](mailto:hr@mrcollege.ac.uk) by email or in person at the Third floor office.

This is unless the person being reported as the cause of the harassment and/or abuse of power and/or conflict of interest is the Human Resources officer, in which case the report should be made to the Principal at [s.zain@mrcollege.ac.uk](mailto:s.zain@mrcollege.ac.uk)

8.3 Alternatively, the person reporting the issue can contact the Head of Department of the programme/department relevant to that person via email or in person at the fifth floor office.

This is unless the person being reported as the cause of the harassment and/or abuse of power and/or conflict of interest is the Head of Department of the programme relevant to that person, in which case the report should be made to the Principal at [s.zain@mrcollege.ac.uk](mailto:s.zain@mrcollege.ac.uk)

8.4 The expectation will be that the report should be accurate, factual, dated and whenever possible, include evidence.

8.5 If the person, staff or student who feels that he/she has been the victim of harassment and/or abuse of power and/or conflict of interest approaches another

person to disclose the harassment, it is the duty of that person to report the matter following the above procedure, even if the person being the victim of harassment expressly mentions that he/she does not want it to be reported.

## **9) How information will be handled and used**

9.1 To comply with the principles of the Data Protection Act 1998 and the Regulation (EU) 2016/679 (General Data Protection Regulation), the information will only be shared on a need to know basis among the few people involved in investigating the claim. The person receiving the complaint will seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know

9.2 Any hard copy document submitted as part of the claim will be securely locked at all times unless it is required for the investigation. It will be returned to the secured location once no longer in use.

9.3 Any soft copy document submitted as part of the claim will be securely uploaded onto a Google Drive with restricted access to only the people involved in the investigation.

9.4 Any copy being printed and no longer useful will be immediately shredded on the fifth floor.

9.5 Reports written regarding the claim will be anonymised to avoid people (plaintiff, accused and investigating staff) being identified.

9.6 When a criminal offence may have been committed, the relevant harassment procedure may not be appropriate. In this case, MRC reserve the right to contact the Police with or without the consent of the plaintiff.

## **10) How plaintiffs will be informed of the process and progress**

10.1 The plaintiffs will be informed of the progress of the investigation and its outcome at every stage of the investigation, including:

- i) The process of the investigation,
- ii) A summary of the allegations during the initial reporting,

- iii) A summary of the evidence review,
- iv) A summary of the interview of the person accused,
- v) A final report and the outcomes of the investigation and their rationale.

10.2 The plaintiff preferred methods of communication will be used, either by phone call, text, email, or letter, but at least one method of communication will need to be in writing.

## **11) What kind of support will be provided to plaintiffs?**

11.1 Both parties to the complaint have the right to be accompanied and supported by a person of their choice from within MRC (staff or student) at any meeting held under this procedure. These people must maintain appropriate confidentiality.

11.2 There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the head of department considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, the person receiving the complaint will consult the Principal who may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

11.3 Appropriate support will be offered to the plaintiff including but not limited to:

- i) Offer of personal support, including in the form of counselling where appropriate;
- ii) Offer of support groups such as the NHS sexual assault referral centre (<https://www.nhs.uk/service-search/sexual-health-services/find-a-rape-and-sexual-assault-referral-centre/>), the Samaritans (<https://www.samaritans.org/how-we-can-help/contact-samaritan/>), Victim Support (<https://www.victimsupport.org.uk/>) or The Survivor Trust (<https://thesurvivorstrust.org/>).
- iii. Academic support for students will be offered by the concerned Head of Department, including some solutions regarding attendance if the plaintiff need to attend appointments specific to the claim, extension of deadline for submission of



work, moving to a different cohort, a temporary suspension of study with the aim of resuming later on or the full cessation of study.

iv This support is valid for every plaintiff who wish to make allegations or complaints about harassment and/or sexual misconduct ; have alleged and/or experienced incidents of harassment and/or sexual misconduct; are the actual or alleged perpetrators of incidents of harassment and/or sexual misconduct.

## **12) The stages of the procedure to ensure a credible and fair process**

12.1 If the welfare officer/HR officer receives such a report, the next step will be to contact the relevant Head of Department and the Principal, unless they are involved in the report as the origin of the harassment and/or abuse of power.

In such a case, the immediate superior will be involved instead. This is the Principal for the Head of Department and the CEO for the Principal.

12.2 If a Head of Department receives such a report, the next step will be to contact the Principal, unless they are involved in the report as the origin of the harassment and/or abuse of power.

In such a case, the immediate superior will be involved instead. This is the Principal for the Head of Department and the CEO for the Principal.

12.3 Then an investigative panel will be created, including the Principal, The Head of department of the concerned programme and the Welfare officer, unless one of them is involved in the report as the origin of the harassment and/or abuse of power.

In this case another senior management staff will be involved instead, the Vice-Principal and/or the Director of MRC. At that stage, the person against whom a complaint has been made will be informed of the allegations against him or her in writing, without naming the source of the allegation. If this is an academic staff member, then the person should be removed from teaching the cohort where the plaintiff studies.

12.4 The panel will meet within 5 working days of the evidence being produced to assess its legitimacy. The panel will invite the plaintiff to testify and explain the claim to them. Please note that this is not a mandatory stage of the procedure due to the

emotional pressure this might be. The panel might choose to call for witnesses and/or, individuals identified by the complainant as having relevant evidence to explore parts of the claim. If the witness choose to decline the invitation, an explanation will be requested to justify this.

12.5 The panel will then invite the accused person within 5 working days of the initial meeting to testify in order to have a chance to defend themselves and refute the accusation. This meeting is mandatory and refusal to attend will be considered as an admission of liability. The panel will invite to testify individuals identified by the person complained against as having relevant evidence.

12.6 The panel reserves the right to speak to other relevant people on a confidential basis; and/or obtain further relevant information from them.

12.7 The panel will come to a decision and write the final report including a decision on the outcome of the investigation within 5 working days of the second meeting.

12.8 The timing of the meeting might be influenced by seasonal holidays and Bank Holidays

12.9 Any staff involved must have the required knowledge and skills to undertake investigations or make decisions in relation to incidents of harassment and/or sexual misconduct.

12.10 Reporting allegation by or against a person linked to BNU

When the abusive behaviour and/or harassment concerns a person linked to our partner university, Buckinghamshire New University (BNU) whether as a student enrolled in a BNU programme, a lecturer teaching the programme, member of staff dealing with the BNU programmes, or any other visiting person from BNU or related to BNU, the process of dealing with the allegation will differ slightly.

In the case of reporting of harassment:

Initial Reporting:

For non-harassment or non-sexual misconduct related cases, MRC own Student Conduct and/or Disciplinary Procedures will apply.

For cases of harassment and/or sexual misconduct, MRC will attempt an Early Resolution if appropriate. If it is not successful or suitable, the case will be formally reported to BNU.

#### Formal Reporting to BNU:

MRC will then report formal allegations of harassment or sexual misconduct to BNU's Resolution Team by emailing [resolution@bnu.ac.uk](mailto:resolution@bnu.ac.uk) within 5 working days of the incident or report, including as much detail as possible. A meeting will be arranged to discuss the case and options to address.

Students may report incidents of harassment and/or sexual misconduct directly to the University, without the need to first report the matter to MRC .

If a MRC staff member is the subject of a report involving harassment or sexual misconduct against a MRC Student studying a BNU programme, MRC will manage the case under its staff procedures and notify BNU of the report and the outcome. The Reporting Student is entitled to an update at the conclusion of the case.

#### Timeframes:

While reports should ideally be made within 15 working days, BNU recognises that this may not always be possible in cases of harassment or sexual misconduct. Delayed reports will still be accepted and MRC will ensure this is made clear to students and staff involved in these cases.

## 13) Outcomes

### 13.1 Mediation or conciliation

In some situations, it may be appropriate to ask the parties to consider entering into a mediation or conciliation process. Although mediation or conciliation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

If agreed by both parties, an experienced senior management staff or conciliator acceptable to both parties will be nominated by the Principal. The mediator or

conciliator will meet with the parties separately and as soon as practicable to begin to seek a resolution.

The normal expectation is that resolution would be agreed within 10 working days of the initial meetings with the parties (although this time limit may be extended by agreement). Any agreed outcome will normally be recorded in writing.

All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within a department that require management attention

#### 13.2 the claim is rejected.

No further actions will be taken, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

These steps could require that the concerned individuals undergo specific training or include some practical arrangements to improve professional relationships.

#### 13.3 The claim is upheld

##### 13.3.1 Regarding abusive behaviour.

Where a complainant repeatedly phones, raises repeated issues or sends large numbers of documents where their relevance isn't clear, we may decide to:

- Limit contact to telephone calls from the complainant at set times on set days;
- Restrict contact to a nominated Mont Rose employee who will deal with future calls or correspondence from the complainant;
- Restrict contact from the complainant to writing only;



- Return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
- Take any other action that we consider appropriate.

Such decisions will be taken jointly by Student Engagement Manager and Student Services Manager. The complainant will be informed in writing with a justification of such restrictions and the future course of action, which could include:

- Contact by a specific mean only, e.g. by post etc.;
- Contact with a specific officeholder only, e.g. with Student Services Manager;
- Restricting telephone calls to a specific day and time and with a named individual only;
- Asking the complainant to appoint a representative to deal with the College;
- If a complainant behaves rudely over the phone, the call will be terminated.

Where there is a danger to life or property, other actions like informing the Police or taking legal actions will be considered without any prior warning to the complainant.

In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will consider the impact on the individual and whether there would be broader public interest in considering the complaint further.

We will ensure that we always inform the complainant in writing of any action we intend to take and why, except as mentioned above.

#### 13.3.2 Regarding harassment and bullying.

MRC will then launch full disciplinary proceedings as mentioned in the student/employee handbook, when the panel is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process.

In this event, the panel together with the Human Resource Manager will determine what measures are necessary, including a warning, suspension, any re-allocation of duties (staff), or any other measures including immediate dismissal.

#### 13.4 The Appeal process.

A) Any decision made under this policy may be appealed by the plaintiff and/or the accused person. However, the investigating panel must receive the appeal within 10 working days of the outcome notification being communicated.

B) The appeal must be made in writing to the person who received the complaint originally or directly to the investigating panel and state the reasons for it.

C) An appeal can be made due to the following reasons:

I. new evidence has become available that was not available at the time of the original meeting

II. the application of this policy had a procedural irregularity;

III. the verdict reached was of such a nature that no reasonable person could have arrived at it based on the evidence available.

D) When the panel receives the appeal, it will consider whether the requested appeal falls within the scope of the reasons mentioned above. Within five working days, the panel will respond to the learner to confirm receipt and also inform her/her whether the College will conduct a review of the new evidence. The evidence previously submitted will not be reviewed again.

### 13.5 The Review stage

If either of the parties involved is not satisfied with the appeal decision, then that party can trigger a case review in writing to the MRC CEO, Mr Bilal Sheikh.

The Review stage's outcome is the final stage in the College's internal procedures. Mr Bilal Sheikh will review all the evidence submitted, the panel's meeting minutes and the rationale for the decisions taken before coming to a conclusion.

Mr Bilal Sheikh might decide to re-interview some of the parties involved or call for new ones.

A completion of procedures letter to the person calling for the review will be issued within 7 days of the Review's conclusion.

13.6 If either party is still unhappy, he or she will be directed to pursue the matter through the OIA procedures. For detailed information, please refer to the OIA website (<http://www.oiahe.org.uk>) or write to the following address:

OIA Second Floor,  
Abbey Wharf  
57-75 Kings Road

13.7 If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith

