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Racial and Sexual Harassment Policy and Procedure 2021-2023

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Introduction

The College intends to provide an environment for students, staff, and Fellows free from unlawful or otherwise unjustifiable discrimination (which can include harassment) and to foster mutual respect and consideration. It repudiates any form of harassment of either women or men on the grounds of sex, sexual orientation, race, ethnic origin, color, nationality, or national origin. The College regards harassment of any form is unacceptable and seeks with this document to ensure that such harassment does not arise. Hence the College seeks to:

- Inform each member of the College, and member of staff, of the College's determination to eliminate harassment
- Prevent incidents of harassment that do occur from adversely affecting the work of any individual
- Emphasise the responsibility of each member of the College, and member of staff, to assist in the implementation of this Policy
- Take such measures within the power of the College deemed necessary and as outlined in this Policy

The College senior leaders like the Board of Governors and Academic/ Quality Assurance Board receive

quarterly reports on any harassment and sexual misconduct cases concerning staff and students from the HR and Welfare Committee. This process helps to monitor these types of cases. Evaluation, reviewing, and monitoring any bullying and harassment cases are part of the terms of reference for both the College Board of Governors and the academic/ quality Assurance Board.

This Policy and procedures are developed after consultation with staff and students.

What is harassment?

Incidents of harassment can take a variety of forms, and the indications given here are not exhaustive. Any such incident can be the effect of conduct that has the purpose or the effect of unreasonably interfering with an individual's work within the College, or creating an intimidating, hostile or offensive working, educational or social

environment, about which a person can justifiably complain because that person is thereby adversely affected

Harassment relating to any of the protected characteristics is unlawful. Harassment is defined under the Equality Act 2010 as 'unwanted behaviour related to a protected characteristic, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

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

An incident of harassment can take the form of a single act or expression or of a number of different kinds of behavior. Behavior (whether directed at an individual or a group in general) which can be shown to have adverse effects on racial grounds or grounds of his or her sex would be harassment even if such behavior was not intended to have this effect. Such unacceptable behavior can include belittling, degrading, upsetting, vulgar, or insinuating comments or acts

It is recognized that differences in attitude and culture can lead to problems of this sort, and counselling to educate in this regard will be undertaken when necessary

Sexual harassment

Sexual harassment can take many forms. While this account of some of the forms of such harassment is not exclusive, it may be broadly understood as including comments (e.g. of an insinuating or vulgar nature), intimidating or unwanted sexual advances or attention, requests for sexual favors, any behavior containing a sexual

element that belittles the person at whom it is directed or otherwise treats such a person less favorably on the grounds of sex

Any behavior that makes a woman or man feel herself or himself to be the object of unjustifiable sexual attention may cause offense, even if the offense is not intended

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, other forms of provocative behavior and behavior which belittles the person at whom it is directed on racial grounds

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

Harassment on the grounds of sexual orientation

Harassment on the grounds of sexual orientation is equally regarded by the College as unacceptable behavior. Such harassment can take many forms and can include derogatory name-calling or insults, verbal abuse, and threats, incitement of others to behave in a similar prejudicial way. It may involve repeated behavior or isolated incidents

Any behavior that unjustifiably constrains a person to hide his or her sexual orientation when they otherwise would not amount to harassment on the grounds of sexual orientation

What is bullying?

Bullying can be defined as unwanted offensive, intimidating, malicious or insulting behaviour, abuse, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. The Health and Safety Executive stresses that bullying is likely to be a pattern of behaviour rather than isolated instances that "involves negative behaviour being targeted at an individual, or individuals, repeatedly and persistently over time."

Bullying can be one person against another or a group of people against an individual and can take place outside of traditional power relationships, e.g., a member of staff may be bullied by a student or a manager by a member of staff they are managing.

Examples of bullying behaviour include:

- ridiculing a person
- shouting or screaming at a person
- setting someone up to fail, e.g., withholding necessary information or deliberately overloading them with work
- unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- persistently 'singling out a person without good reason or deliberately excluding, isolating or ignoring an individual
- making threats or comments about job security or academic success or failure without foundation
- trolling, stalking, or 'cyberbullying' through online and social channels

The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the College.

Procedure – How to take action against harassment

It can be challenging to deal with harassment, especially where close colleagues, tutors, or managers are involved, but it is important to seek help and to do it at an early stage. The College encourages students, staff, and visitors to take action against harassment with reference to the guidance set out below. No one will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

The College will ensure that anyone who raises an allegation of harassment is appropriately supported throughout the complaints process. If necessary, the College will consider steps such as a change of line management/working area/working hours. The College will ensure that reasonable adjustments are made to facilitate any process for students or staff who have disabilities. The HR department will also be able to provide details of the College's wellbeing resources.

If a person believes they are being subjected to harassment, it is recommended that, where possible and appropriate, they attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed. Whichever approach is chosen, it is recommended that a written record of any incident of harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

- Details of when and where the harassment took place, including dates and times;
- Details of the behaviour; and
- Details of any witnesses to the behaviour.

Written records are useful and can aid the College during investigations into formal complaints. However, if you have not kept a written record, this does not prevent you from raising an issue.

The students can file their complaints through the Class Representatives/ Student Union/ College Welfare Officer. The students will be directed to the Student's Complaints Procedure. This topic is part of the standing agenda for the class representative class committee.

However, staff should be aware that if specific allegations are reported to Human Resources, the Manager of HR may be obliged to take this forward as a formal complaint of harassment. Staff who do not wish to make a formal complaint should take action under the informal procedures below or discuss their options with a member of the Human Resources department.

In case of a formal complaint, the employee disciplinary policy and procedure will be followed.

Behaviour occurring on campus that is extreme or violent should be reported directly to Security as soon as possible. The Student Services Manager/ Facilities Officer, having dealt with the immediate safety issue arising, will then inform health and safety and HR should the incident require further investigation or considerations for future intervention.

Informal Procedures for Addressing Harassment

If a person believes they are being subjected to harassment, there are several ways to deal with the matter quickly and effectively.

An 'informal approach' can effectively address unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships.

It is recommended that informal methods be considered in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is, however, up to the individual to decide if this approach is appropriate to their situation.

There are several 'informal approaches' that can be adopted, as outlined below.

Even if the matter is resolved through informal procedures, it will be recorded by the Welfare Department and HR Department.

Complainant Consent

In case of any sort of bullying and harassment, the complainant's consent is taken before addressing the concerned issues and sharing information with the relevant people.

Individual Action

The College recommends that anyone who believes they are being subjected to harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. It may be appropriate to ask a third party to assist. Ideally, the alleged harasser should be approached at the earliest opportunity.

When taking individual action, the complainant or a person acting on their behalf should try to:

- Pick a time and a place where they can speak privately and without interruption;
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
- Make it clear that the conduct is unwelcome and must stop immediately. Further guidance for the alleged harasser who may be approached informally about their behaviour is contained in the guidance notes associated with this procedure.

Although asking someone to assist with discussions of this type might be helpful, complainants should avoid involving too many people in the situation. This can be counter-productive and may lead to allegations being made against the complainant.

It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful if further action becomes necessary.

Required Support

The College Buddy scheme helps the complainants in recording their concerns and helps in improving the confidence level of the complainant. The College Welfare Department also signposts students to some external parties HAVEN, Survivors Trust, Victim Support, Samaritans, police, and national helpline.

Support from Colleagues

If directly approaching the alleged harasser does not resolve the situation or is inappropriate, seeking support from colleagues may be helpful. Asking someone who is not directly involved in the situation to speak with the alleged harasser can often help get the right message across.

For students, it may be a Student Services/ Welfare officer or senior teaching staff member, or a representative of the Student Union. It would not usually be appropriate to engage the support from fellow students.

For staff, 'a colleague' might be their line manager following the relevant staff grievance procedure or, where this is not possible, the next senior level of management.

The colleague should seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the alleged harasser to discuss the allegation and make clear that any behaviour that could be considered harassment under this Policy must stop immediately.

Although asking someone to act as a supporter may be helpful, complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against the complainant.

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Formal Procedures for Addressing Harassment

If informal methods do not resolve the matter, or if the harassment is particularly serious, a formal allegation of harassment should be submitted.

Formal allegations of harassment should be made in writing and include:

- The complainant's personal details;
- An outline of the allegation (including dates, times, and places);
- Details of the alleged harasser;
- Details of any witnesses; and, if relevant
- Details of any informal attempts which have been taken to resolve the situation and the outcome(s).

Students who wish to make a formal allegation against members of staff, contractors/visitors, or other students should be directed to the Student Complaints Procedure.

Where a complaint is raised under the Student Complaints Procedure and the alleged harasser is a member of staff, the Officer appointed to investigate the student complaint should inform HR of the allegations and keep them informed throughout the process to enable HR to decide whether and when a separate staff procedure is needed.

Members of staff should address their letter following the requirements of the relevant formal grievance procedure. This applies whether their allegation is against a member of staff, contractor/visitor, or a student. Formal complaints are made under the applicable staff grievance procedure and will involve a formal investigation into the allegations.

Contractors or visitors who have complaints about staff should address their complaints to the HR department in the first instance. Contractors or visitors wishing to raise complaints about student conduct should raise the matter with Student and Academic Services in the first instance.

An investigation finds that harassment has taken place, resulting in disciplinary action under the relevant staff or student procedure.

Allegations should be made by named individuals. The College cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.



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