Bullying, Harassment and Sexual Misconduct

Version number	Date approved (including committee)	Reason for production/revision	Author	Proposed next review date
V1.1	14/6/22 Academic Board	New policy to replace and broaden the scope of the Student Anti-Bullying policy	Head of Student Services	Biennially and as required

Related policies
• Safeguarding Policy   • Cause for Concern process   • Student Charter   • Equality & Diversity Policy   • Student Disciplinary Policy   • Staff Disciplinary Policy   • Complaints Policy   • Drug & Alcohol Policy

External Reference

1. Equality Act 2010, https://www.legislation.gov.uk/ukpga/2010/15/contents *The policy has been informed by the Equality Act 2010 consolidated, simplified, strengthened and replaced previous legislation, consolidating equality legislation with respect to nine protected characteristics*

2. Sexual Offences Act 2003 www.legislation.gov.uk.

3. Sexual harassment and the law: Guidance for Employers Equality and Human Rights Commission

4. Criminal Justice and Courts Act 2015 www.legislation.gov.uk

5. UK Quality Code for Higher Education, Advice and Guidance: *Enabling Student Achievement.* ICMP aims to provide a supportive environment.

6. Bullying at School https://www.gov.uk/bullying-at-school.

7. Preventing and tackling bullying, https://www.gov.uk/government/publications/preventing-and-tackling-bullying. Guidance for schools on preventing and responding to bullying, 2017.

8. OfS guidance 'Prevent and address harassment and sexual conduct – Statement of Expectations. https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/what-we-re-doing/

1. **Purpose**
   1.1. This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of ICMP's community of students and staff and includes all those who come into contact with ICMP staff and students in the course of their role or job and includes a third party such as a supplier, contractor, visitor or member of the public. Bullying, harassment and sexual misconduct are unacceptable behaviours and contrary to the Equality Act 2010 and/ or the Protection from Harassment Act 1997.
   1.2. ICMP has a zero tolerance for all forms of discriminatory behaviour, violence or harassment in ICMP's community. We are committed to ensuring all people are treated with dignity and respect regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
   1.3. No member of ICMP's community is expected to tolerate unacceptable behaviour and has the right to disclose experiences of unacceptable behaviour experienced while working, studying or participating in an ICMP activity; to be listened to, and to seek support.
   1.4. Breaches of this policy will be investigated under the relevant disciplinary procedures which may result in dismissal or expulsion and referral to the Police.

2. **Scope**
   ICMP's definitions include bullying, harassment and sexual misconduct through any medium, including for example, online.

3. **Queries About Application**
   3.1. Queries about the interpretation of the policy should be addressed to the Head of Student Services, in the first instance.

4. **Definitions:**
   4.1. **Bullying**
   Bullying is behaviour by an individual or group over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance cyber-bullying via text messages, social media or gaming, which can include the use of images and video). Bullying can be defined as an imbalance or power between the perpetrator and the victim. This could involve perpetrators of bullying having control over the relationship which makes it difficult for those they bully to defend themselves. The imbalance of power can manifest itself in several ways, it may be physical, psychological, derive from an intellectual imbalance, or by having access to the support of a group, or the capacity to socially isolate. It can result in the intimidation of a person or persons through the threat of violence or by isolating them either physically or online.
   Bullying can take many forms:
   - **Physical** - hitting, kicking, taking/destroying belongings;
   - **Verbal** - name calling, insulting, making offensive remarks, malicious rumours, malicious phone calls;
   - **Indirect** - spreading stories or rumours, exclusion from social groups, sending malicious e-mails, text messages, chat room messages e.g. MSN, web pages.
   It is not bullying when
   - There is no intention to hurt or harm, i.e. behaviour is thoughtless or accidental;
   - There is a one-off fight/argument between students of equal stature or strength;
   - There is a good reason why others cannot be included in a group activity;
   - a student is called a nickname with which they are happy.

4.2. **Harassment**
Harassment includes unwanted behaviour or conduct which has the purpose or effect or violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to
- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation

Under our definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

ICMP consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on the person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity

The distinction between bullying and harassment is the point at which the bullying behaviour directed at the target is also based on a protected characteristic, that behaviour is then defined as harassment.

4.3. **Sexual Misconduct**
Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:
- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment.
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advanced (Equality and Human Rights Commission: Sexual harassment and the law, 2017).
- Intimidation, or promising resources or benefits in return for sexual favours
- Distributing private and personal explicit images or video footage or an individual without their consent (as defined by the Criminal Justice and Courts 2015)

4.4. **Zero Tolerance**
ICMP has adopted a Zero Tolerance approach which means that any instance of Bullying, Harassment or Sexual Misconduct will be investigated and where appropriate, disciplinary sanctions will be used.

4.5. **Consent**
Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognizes that it can be withdrawn at any time.

5. **Roles and Responsibilities**
   5.1. All staff and students have a responsibility to ensure ICMP is a working, teaching and learning environment where everyone is treated with equal respect and dignity. Every member of staff and student is expected to contribute to preventing unacceptable behaviours, including harassment, bullying and sexual misconduct through;
   - awareness of the Bullying, Harassment and Sexual Misconduct policy and the process for reporting concerns.
   - Taking action in line with this policy should they witness acts of bullying, harassment or Sexual Misconduct; or are approached in confidence by any individual who has experienced bullying, harassment or sexual misconduct.
   5.2. "Zero Tolerance" is ICMP's reporting system through which ICMP staff, students and third parties (contractors, visitors, members of the public) can report any incident of Bullying, Harassment and Sexual Misconduct. Reports can be made anonymously or the individual can identify themselves and receive support and guidance through the process as appropriate.

6. **Making a disclosure**
   6.1. A disclosure is made when a member of staff, student or third party (visitor, contractor, member of the public, etc.) tells a member of staff or student that they have experienced bullying, harassment or sexual misconduct. A disclosure can be made in person, online, or via other means such as phone or email.
   6.2. ICMP staff, students and third parties (contractors, visitors, members of the public) can make disclosures via ICMP's online reporting form: Zero Tolerance.
   6.3. Where a member of staff has received a disclosure in person or via other means, they should direct the individual who has disclosed to report it through the Zero Tolerance reporting system and /or submit a Cause for Concern depending on the nature of the incident . Anyone can submit a disclosure on behalf of the person who has disclosed, with their permission, via the Zero Tolerance online reporting form.
   6.4. The individual who has chosen to disclose does not need to provide the full details of their experience if they do not wish to. They will not be pressured to make a formal complaint.
   6.5. If the incident is historical, the individual who has experienced it can still disclose it through Zero Tolerance and receive support.
   6.6. Disclosure does not create a formal complaint. The person who has disclosed will have the opportunity to be heard and to consider their options before proceeding with any further steps. No action will be taken immediately by ICMP unless there is a safeguarding concern regarding the immediate safety of any individuals identified in the disclosure.
   6.7. Zero Tolerance allows the individual making the disclosure to select (from a list of named staff) who they would like to act as first point of contact and provide support to them through the process.
   6.8. Disclosures can be made anonymously without disclosing any personal information. Choosing to report anonymously will mean ICMP will not be able to contact the individual making the disclosure to offer support or advice. However, the information provided will be used to help identify areas of concern, and inform prevention work across ICMP. Reporting anonymously will not lead to formal action being taken.

7. **Outcomes**:
   7.1. unless there is an immediate concern about safety, safeguarding and/ or risk to life, the individual making the disclosure has the right to choose:

- **No further action at this time**: In this case advice will be provided including around any preservation of evidence which may be needed if the person subsequently decides to make a report to the Police or to submit a formal complaint to ICMP. They will also be informed of the ongoing support available to them internally and externally.
- **Make a report to the Police**: a report to the Police can be made alongside a formal report to ICMP. There may be cases where an open Police investigation or criminal justice process might require a pause of any internal investigation. Students can continue to access internal and external support throughout any police investigation or criminal justice process.
- **Make a formal report to ICMP**: Following a disclosure this option is available. A student or member of staff can confirm that they wish ICMP to proceed with a formal investigation under the relevant procedure. Students and staff can continue to access internal and external support throughout any internal investigation.

8. **Interim measures (risk assessment)**
   8.1. If after reviewing a disclosure submitted via the Zero Tolerance reporting form cause for concerns are raised that there is a perceived or real risk to life the incident must be reported through ICMP's Cause for Concern process and the disclosure referred to the Designated Safeguarding Lead.
   8.2. The Designated Safeguarding Lead in collaboration with the Deputy Safeguarding lead(s) and relevant members of the Safeguarding Team will decide and enact any necessary interim measures to mitigate risk and ensure safety. Such measures may include arrangements that limit contact between the reporting and reported party, including restriction of access to ICMP facilities.
   8.3. If a suspension is issued, the person alleged to have committed the misconduct will be informed in writing and, wherever possible, in person. They will be told what they need to do in order to comply with the suspension of rights. They will be assigned a named point of contact who will provide support and guidance.

9. **Making a formal report (complaint/disciplinary)**
   9.1. Breaches of this policy will be investigated under the relevant disciplinary procedures.

10. **Restorative approaches**
    10.1. This approach is a voluntary process and will only work if all involved wish to improve the situation. It is based on the premise that all parties involved in the incident/s can be brought together with a mediator (e.g. a member of staff) in a safe, confidential environment to talk about:
    - What happened
    - Who was affected by it
    - How did everyone feel
    - What is going to happen to make things better
    10.2. A restorative approach allows the person causing the harm to take responsibility for their actions and allows them the opportunity to change their behaviour. It does not involve disciplinary action or sanctions.
    10.3. In the event of a student not wishing to participate in a restorative process or if the process fails, a member of the Senior Management Team may invoke the appropriate disciplinary procedures.

11. **Monitoring, reviews and evaluation**
    11.1. Reviewed in accordance with ICMP's policy review tracking schedule.