

## **Dignity at Study** **(Anti-bullying and Harassment)**

### **About this policy and procedures**

1. Backstage Academy is committed to a working and learning environment in which all students and staff are treated with respect and dignity, which is free from harassment including discrimination, victimisation and bullying, and in which no student feels under threat or intimidated. In so doing Backstage Academy is meeting its requirements under The Equality Act 2010, which prohibits higher education institutions from discriminating against, harassing or victimising: prospective students; students at the institutions and in some limited circumstances former students, with what are called 'protected characteristics'. The protected characteristics are:
  - age,
  - disability,
  - gender reassignment,
  - pregnancy and maternity,
  - race,
  - religion or belief,
  - sex and sexual orientation.
2. In striving toward the achievement of such an environment, allegations of harassment and/or bullying by students will be taken seriously. If substantiated, allegations of harassment and/or bullying may provide grounds for disciplinary action and may give rise to students being required to withdraw from their course.
3. Harassment and bullying can have very serious consequences for individuals and Backstage Academy. Harassment or bullying:
  - may make people unhappy;
  - may cause them stress and affect their health and family and social relationships;
  - may affect their performance and could cause them to leave Backstage Academy;
  - severe cases of harassment and bullying can even lead to mental illness and suicide.
4. Effects on the Backstage Academy can include:
  - loss of morale;
  - poor performance, and increased student withdrawal rates;
  - legal claims and damage to Backstage Academy's reputation.
5. Backstage Academy will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Backstage Academy will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence
6. 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

## Who is this policy for?

7. This policy applies to all students of Backstage Academy and relates to those who are being bullied by another student, a member of staff or whilst on placement. 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

## Definitions

8. The following definitions are not exhaustive. Fuller definitions and examples of bullying, harassment and victimisation can be found in Appendix 1, Additional Guidance.
9. **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end
10. **Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, pregnancy, maternity, sexual orientation, religion or belief and age, that:
  - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
  - is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

A single incident can be harassment if it is sufficiently serious.

11. **Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Provided that individuals act in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and Backstage Academy will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

Making a complaint that they know to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

## Consequences of bullying and harassment

12. All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under Backstage Academy's ***Student Non-Academic Disciplinary Policy and Procedures***.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

## Confidentiality

13. Backstage Academy will respect the particular sensitivity of allegations of harassment and their consequences and the need for confidentiality. As a general principle, confidentiality will be agreed and maintained wherever possible. However, there may be situations where confidentiality has to be broken 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 Backstage Academy, 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.

## Help and advice

14. If you believe you are being harassed, there are a number of options to consider. Every situation is different and the action an individual student takes depends on his/her particular circumstances. You can decide to seek advice or discuss the matter with a member of academic staff, the student services team or the Student Wellbeing Officer. You are advised to act promptly and you should not feel the unwanted behaviour is your fault, or that you have to wait until the situation is intolerable.
15. All Backstage Academy students and staff have a responsibility to help create and maintain a working and learning environment free of bullying and harassment. You can help to do this by:
  - being aware of how your own behaviour may affect others and changing it, if necessary – you can still cause offence even if you are "only joking";
  - treating your colleagues with dignity and respect;
  - taking a stand if you think inappropriate jokes or comments are being made;
  - making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
  - intervening, if possible, to stop harassment or bullying and giving support to recipients;
  - making it clear that you find harassment and bullying unacceptable;
  - reporting harassment or bullying to tutors and supporting Backstage Academy in the investigation of complaints; and
  - if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

## Complaints procedures

16. **Informal Procedure**
  - i. It is appropriate to use the Informal Procedure of the Student Complaints Procedure where you simply want the behaviour to stop, or where it has not been repeated. It may also be appropriate for either the student or Backstage Academy to consider the role of (see Appendix 1 for the definition) in enabling the complain to reach an informal resolution. However, you are not obliged to attempt to resolve the matter informally.
  - ii. You should seek to resolve the matter in the first instance by discussing it with a member of staff in the School or the Student Services team. The Student Complaints Procedure: Informal Procedure is detailed in Backstage Academy's Student Complaints Policy and Procedures.
  - iii. Brief details of the complaint and any subsequent meetings will be recorded but will only be used if formal proceedings ensue.

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

If the above steps fail to produce a resolution, or if these options are unacceptable to you, the issue may be raised under the Formal Procedure detailed within the Student Complaints Procedure.

#### **17. Formal Procedures**

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 Backstage Academy's Student Complaints: Policy and Procedures. A complaint against a member of staff, or by a student whilst on a placement, will be investigated in accordance with this policy.

The Formal Procedure will normally be adopted where the alleged harassment is serious, or if it continues after the Informal Procedure has been invoked.

#### **18. False Allegations**

Complaints of harassment are treated seriously by Backstage Academy. Therefore, any student who makes a false, frivolous, malicious, mischievous or vexatious complaint will be dealt with under Backstage Academy's Student Disciplinary Policy and Procedures.

## Appendix 1: Definitions and Further Guidance

### Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

### Harassment

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, pregnancy, maternity, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly another individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Backstage Academy's ***Student Non-Academic Disciplinary Policy and Procedures***.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

## Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail"). It also includes bullying or harassment on social network sites etc.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an individual is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- ridiculing someone;
- isolation or non-cooperation in the learning environment; and
- excluding someone from social activities.

## Victimisation

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Provided that individuals act in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and Backstage Academy will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

Making a complaint that they know to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

## **Mediation**

Mediation is a process where a neutral person, the mediator, works with people who have a disagreement to help them to find their solution and reach an agreement that will assist them to resolve their problem, improve the situation or enable them to work together effectively. The mediator does not take sides or judge who is right or wrong. A student can request mediation from a member of the Student Services Team or the Student Wellbeing Officer.

Informal Mediation will involve both parties either separately or together where the informal mediator will ask questions that will help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their conflict/issue, no formal notes will be taken and neither parties will be asked to sign a document. Their role is to purely facilitate a conversation between the two parties involved.