

Bullying, Harassment and Sexual Misconduct Policy

INTRODUCTION

1. New College of the Humanities (the College) is committed to providing a learning and working environments for all students and staff that is comfortable and free from all forms of unacceptable behaviour.¹ Visitors to the College should refer to the Visitors Policy.
2. This Policy covers bullying, harassment, and sexual misconduct, including cyber bullying, hate crimes, and sexual violence. Other elements of unacceptable behaviour such as academic misconduct, antisocial behaviour is managed through other policies and procedures:
 - 2.1. Academic Engagement Policy
 - 2.2. Academic Misconduct
 - 2.3. Declaration of a Criminal Conviction Risk Assessment Procedure
 - 2.4. Student Disciplinary Procedure
 - 2.5. Staff Disciplinary Procedure
3. The College recognises the negative impact that such unacceptable behaviour can have on a person's mental health, educational experience, and career progression. Negative mental health consequences such as depression and anxiety are widely reported, with chronic ill health.
4. The aim of this Policy is to provide students or staff experiencing, or who have experienced, unacceptable behaviour with the confidence to find support and report their experience so that they, as victims, can be supported, and behaviours and cultures can be changed.
5. This Policy is for students and staff who are experiencing unacceptable behaviour through their experiences at the College, during learning, social or working experiences.
 - 5.1. Students and staff who have or are experiencing sexual assault or violence, will be supported by the [Sexual Violence Liaison Officer](#) (SVLO). For more information about the SVLO, please see [Annex A](#).

¹ 'All students' includes students/learners registered on undergraduate, postgraduate and apprenticeship degree programmes, and mobility courses at the College.

- 5.2. Students who have or are experiencing other unacceptable behaviours, such as bullying or harassment, will be supported by staff in [Student Support and Development](#).
- 5.3. Staff who have or are experiencing other unacceptable behaviours, such as bullying or harassment, will be supported by [HR](#).
- 5.4. Students who are on programmes that are part of the College's collaboration with Northeastern University (Northeastern): the College will work closely with Northeastern in regard to any issues which may be considered Title IX incidents to ensure students receive support in accordance with US legislative requirements.
- 5.5. Students who experience unacceptable behaviour in the workplace, such as during part-time jobs, or as part of their apprenticeship, should refer to and follow the relevant policies at their place of work. These students may also seek emotional support from [Student Support and Development](#).
6. This Policy will define the various unacceptable behaviours and outline the expected standards of students and staff of the College.

REPORTING AND COMPLAINING

7. The College recognises the difference between reporting incidents and complaining about breaches of policies.
8. The College has a [Report and Support page](#), where students and staff can report incidents.

REPORTING

9. Students and staff are encouraged to report incidents of bullying, harassment or sexual misconduct.
10. Reporting incidents can be done anonymously, using the form on the Report and Support page. It should be noted that anonymous reporting cannot normally lead to action being taken against an individual, however the College reserves the right to investigate reports of significant incidents.
11. Reporting enables the College to track trends and report to stakeholders, such as the Executive Committee and NCH at Northeastern Board of Governors.
12. Reporting an incident does not automatically start a complaints procedure but can provide support, if contact details are provided on the form. If a student or member of staff reports an incident and provides contact details, a trained member of professional staff will be able to provide support, such as external services/resources and or internal procedures.
13. Reporting an incident, either anonymously or with contact details, will not invoke an investigation. Investigations are only undertaken as part of a complaint (see below) or should the College consider the incident to be significant and require further information.

COMPLAINING

14. Students and staff are encouraged to submit an alleged breach of this policy through the correct procedure (see [Annex B](#)). By submitting an alleged breach of this Policy, the College will be able to take more action.
15. For cases of alleged sexual violence a SVLO will be assigned to the student or member of staff who will set up a meeting and provide the necessary support, utilising external resources as well as internal procedures.
16. Data collected through the complaint process will be collated and included in the annual reporting of unacceptable behaviour. For more information see paragraphs 35 - 40 below.

DEFINITIONS

SEXUAL MISCONDUCT

17. Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes but is not limit to:
 - 17.1. Sexual harassment (as defined by Section 26 (2) of the [Equality Act 2010](#))
 - 17.1.1. 'any kind of unwanted behaviour of a sexual nature that makes you feel humiliated or intimidated, or that creates a hostile environment' (e.g. spreading of sexual rumours, insulting with sexual names, talks about you in a sexual way that makes you uncomfortable) [Victim Support](#)
 - 17.2. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the [Equality Act 2010](#)).
 - 17.3. Assault (as defined by the [Sexual Offences Act 2003](#))
 - 17.3.1. 'sexual or indecent assault is any physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent'. [Rape Crisis Centre](#)
 - 17.4. Rape (as defined by the [Sexual Offences Act 2003](#)).
 - 17.5. Physical unwanted sexual advances (as set out in the [Equality and Human Rights Commission: Sexual Harassment and the law, 2017](#)).
 - 17.6. Intimidation, or promising resources or benefits in return for sexual favours (as set out in the [Equality and Human Rights Commission: Sexual Harassment and the law, 2017](#)).
 - 17.7. Distributing private and explicit images or video footage of an individual without their consent (as defined by the [Criminal Justice and Courts Act 2015](#)).
18. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.

19. Sexual harassment includes a wide range of unwanted behaviours which may include:
 - 19.1. Sexual comments, jokes or name calling
 - 19.2. Sharing with College members graphic pictures, posters or photos of a sexual nature
 - 19.3. Suggestive looks, staring or leering
 - 19.4. Propositions and sexual advances
 - 19.5. Making promises in return for sexual favours
 - 19.6. Sexual gestures
 - 19.7. Intrusive questions about a person's private or sex life, and discussing your own sex life
 - 19.8. Sexual posts or contact on social media
 - 19.9. Spreading sexual rumours about a person
 - 19.10. Sending sexually explicit emails or text messages
 - 19.11. Unwelcome touching, hugging, massaging or kissing
 - 19.12. Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
 - 19.13. Coercion
20. As with all lists in this Policy, the above are indicia, and not conclusive indicators of the proscribed activity.
21. Sexual interaction that is invited, mutual and consensual is not sexual harassment because it is not unwanted.
22. Relatively modest advances (e.g. flirting) may not amount to harassment under the definition above, as such conduct may not meet the level of severity implied by the definition.
23. An individual can experience sexual harassment from someone of the same or different sex, and the recipient of the behaviour decides whether or not it is unwanted. Sexual conduct that has been welcomed in the past can become unwanted on a prospective basis, although it should be noted that invited, mutual and consensual activity in the past does not become harassment solely because that invitation is withdrawn. Further activity might therefore be categorised differently on a prospective basis, but with due regard to context.

BULLYING

24. There is no single definition of bullying, but for the purposes of this policy it is defined as 'unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'. It is generally repeated behaviour (i.e. occurring more than once) which is intended to hurt someone either emotionally or physically. It is noted that, although

bullying is typically repeated behaviour, it does not always need to be directed against the same person; it can also originate from more than one person.

25. Within this definition, bullying is distinct from vigorous academic debate, or the actions of a member of staff making reasonable requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired performance, whereas bullying has the effect of undermining, humiliating, or injuring the recipient.
26. It is also important to note that, consistent with the above definition, bullying is typically a step beyond simple miscommunication.
27. Behaviour that may fall within the definition of bullying may include any or a combination of the following:
 - 27.1. Ridiculing or humiliating an individual.
 - 27.2. Shouting or screaming at an individual.
 - 27.3. Unwarranted or invalid criticism.
 - 27.4. Persistently 'singling out' a person without good reason. Deliberately excluding, isolating or ignoring an individual; encouraging others not to be friends with them, spreading rumours and gossip, humiliating someone in front of others.
 - 27.5. Physically hurting a person through pushing, biting, kicking, scratching, punching or other forms of physical violence.
28. The above examples are not exhaustive. They are, however, indicative of behaviour that is considered bullying by the College.

Cyber Bullying

29. Cyber bullying is a term used to refer to bullying through electronic media e.g. virtual learning environment, online, via social networking sites, messaging apps, gaming sites and chat rooms. It can be in the form of fake profiles, negative comments intended to cause distress, sharing personal information without permission, stalking, harassment, and trolling.
30. Student conduct online and on social media platforms will be considered within this policy and the content will be considered under the definitions of bullying and harassment.
31. When sending emails, students and staff should consider the content, language and appropriateness of such communications. This also applies to text messages and instant messaging.
32. Students and staff should also adhere to the following guidance on the use of social media (whether accounts are owned by the College or personal):
 - 32.1. Avoid using language which would be deemed offensive to others in a face-to-face setting as the impact on an individual will be much the same.
 - 32.2. Avoid forming or joining an online group that isolates or victimises people.

- 32.3. Ensure never to use such sites to access or share illegal content.
- 33. However, it should be noted that not all instances of debate are cyber bullying, and that even quite vigorous debate may not fall within the definition of bullying.
- 34. If instances of what might be online bullying or harassment, including against third parties who are not members of the College, are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

HARASSMENT

- 35. Harassment, as defined by Section 26 of the Equality Act 2010, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
 - 35.1. Age
 - 35.2. Disability (covering physical disabilities, specific learning difficulties and mental health conditions)
 - 35.3. Gender reassignment
 - 35.4. Race
 - 35.5. Religion or belief (including lack of belief)
 - 35.6. Sex (including sexual harassment)
 - 35.7. Sexual orientation
- 36. Under this definition, harassment includes domestic violence and abuse (which can also involve control, coercion, threats), and stalking.
- 37. For the sake of this Policy, reporting incidents of physical violence towards another person(s) on the basis of a protected characteristics, including 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 a 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, will be logged.
- 38. Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages, and messaging on social media platforms. It may be expressed directly to the individual, occur in their presence or be communicated about them to a third party. In most cases, harassment is targeted at a particular individual. Not all harassment fitting the definition need necessarily be addressed to a particular individual however: certain acts, such as the telling of racist jokes or homophobic comments, could also constitute harassment within the scope of the above definition.
- 39. Behaviour amounting to harassment may include instances of:
 - 39.1. Insults, name-calling and offensive language and gestures

- 39.2. Inappropriate jokes
- 39.3. Ridiculing and undermining behaviour
- 39.4. Inappropriate or unnecessary physical contact
- 39.5. Physical assault or threats of physical assault
- 39.6. Intimidating, coercive or threatening actions and behaviour
- 39.7. Unwelcome sexual advance
- 39.8. Isolation, non-cooperation or deliberate exclusion
- 39.9. Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
- 39.10. Offensive images and literature
- 39.11. Pestering, spying or stalking
40. The definition and above list is indicative, and alleged harassment will be assessed on a case by case basis.
41. The College is fully committed to the principle and promotion of freedom of speech and expression.^{2 3 4 5} In addition to its statutory obligations, paragraphs 15 – 18 of the Code of Practice on Freedom of Speech set out the College's approach to free speech and offensive speech.

UNWANTED BEHAVIOUR

42. The Equality Act 2010 says that a person harasses another if they engage in unwanted behaviour related to a relevant protected characteristic and the behaviour has the purpose or effect of:
 - 42.1. Violating the other person's dignity, or
 - 42.2. Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
43. Unwanted behaviour will amount to harassment if it has such an effect, even if that was not the intended purpose of the behaviour. In deciding whether behaviour has that effect each of the following must be taken into account:
 - 43.1. The perception of the person
 - 43.2. The other circumstances of the case
 - 43.3. Whether it is reasonable for the behaviour to have that effect.
44. Not all behaviour that is experienced as offensive will be unlawful harassment under the Equality Act 2021. For example, students' learning experiences may include exposure to course material, discussions of

² Education (No.2) Act 1986

³ Higher Education and Research Act 2017

⁴ Human Rights Act 1998

⁵ Counter-Terrorism and Security Act 2015

speaker's views that they find offensive or unacceptable, and this is unlikely to be considered harassment when balanced against the right to freedom of expression.⁶

MICROAGGRESSIONS

45. Evidence is showing the subtle nature of much of the behaviours experienced as harassing. These more nuanced forms include behaviours that are commonly referred to as microaggressions:
 - 45.1. Brief, everyday interactions that send denigrating messages because they belong to, for example, a racially minoritized group. Compared to more overt forms of racism, racial microaggressions are subtle and insidious, often leaving the victim confused, distressed and frustrated and the perpetrator oblivious of the offence they have caused.

HATE CRIMES

46. 'Hate crimes' and 'hate incidents' are terms to describe acts of violence or hostility directed at people because of who they are or who someone thinks they are. They are motivated by hostility or prejudice based on disability, race, religion, transgender identity, or sexual orientation.
47. Hate incidents, some examples include:
 - 47.1. Verbal abuse like name-calling and offensive jokes
 - 47.2. Harassment
 - 47.3. Bullying or intimidation
 - 47.4. Physical attacks such as hitting, punching, pushing, spitting
 - 47.5. Threats of violence
 - 47.6. Hoax or abusive phone calls, including text messages or emails
 - 47.7. Online abuse, including social media platforms
 - 47.8. Displaying/circulating unlawfully-discriminatory literature or posters
 - 47.9. Harm or damage to personal belongings
 - 47.10. Graffiti
 - 47.11. Arson
 - 47.12. Malicious complaints
48. When hate incidents become criminal offences they are known as hate crimes. A criminal offence is something that breaks the law. Some examples of hate crimes include:

⁶ Article 10 of the European Convention on Human Rights. See our guidance: 'Freedom of expression: a guide for higher education providers and students' unions in England and Wales' and 'Freedom of expression: a guide for higher education providers and students' unions in Scotland'

- 48.1. Assaults
 - 48.2. Criminal damage
 - 48.3. Harassment
 - 48.4. Murder
 - 48.5. Sexual assault
 - 48.6. Theft
 - 48.7. Fraud
 - 48.8. Burglary
 - 48.9. Hate mail
49. Racist, religious, homophobic, transphobic hate crimes are particularly hurtful to victims as they are being targeted solely because of their personal identity.

PROCEDURES FOR REPORTING OR COMPLAINING ABOUT AN ALLEGED BREACH

REPORTING

50. To report an incident that a student or member of staff has experienced or witnessed, students or staff should use the form on this [page](#).
51. Submitting a report will not automatically implement the relevant complaints procedure, however the College reserves the right to investigate (see paragraph 10).
52. Support will be provided by either the SVLO or the member of SSD assigned to the case should the person submitting the report wish to progress to a complaint.

COMPLAINING

53. An alleged breach of this Policy by a student should be submitted, by a student or member of staff, using the [Student Disciplinary Procedure](#).
54. An alleged breach of this Policy by a member of staff, being submitted by a student, should use the [Complaints Procedure for Students](#).
55. An alleged breach of this Policy by a member of staff, being submitted by a member of staff, should use the Grievance Procedure in the Staff Handbook, on PeopleHR.
56. Behaviour occurring in the College that is extreme and/or violent should be reported directly to a member of the [Senior Management Team \(SMT\)](#), who will follow the relevant procedure.
57. However, if a student or member of staff believes they are being subjected to unlawful harassment and are in danger, the College recommends that they contact the police. A member of Student Support and Development will be able to help the student contact the Police should support be required.
58. For a summary of the correct procedure to follow, please see [Annex B](#).

CONFIDENTIALITY

59. Students or staff who want information about their concerns to be kept confidential must make this clear to the person they confide in.
60. The member of staff to whom the student or staff member reports the incident must make the student/staff aware that:
 - 60.1. In some circumstances, it may not be possible for the information to remain confidential, for example where a criminal offence has been disclosed and investigation by a third party requires disclosure of information.
 - 60.2. Their request for confidentiality may make it difficult or impossible to investigate and resolve the issues.
61. It is possible for a student and staff member to report concerns about or on behalf of another student or staff member. The steps to protect the identity of the source of the information will be taken. While this can be requested, it must be understood that this may impede or prevent investigation and resolution.

REPORTING AND MONITORING OF CASES

62. The Head of Student Support and Development will collate a record of all incidents reported and compile a report to be presented to the Executive Committee (ExCo) and Academic Board, on an annual basis.
 63. The Registrar and Director of Operations and Resources will report to ExCo and Academic Board statistical information relating to breaches of this Policy which have progressed to the relevant complaints procedure, on an annual basis.
 64. It shall be the responsibility of ExCo to monitor the data and make recommendations as required.
 65. NCH at Northeastern Limited Board receives data relating to the frequency and outcomes of this Policy from ExCo.
 66. The annual report will be published on the College's website.
 67. The aim of monitoring the data collected is to enable the College to work with students and staff, taking preventative measures.
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Approved by: Executive Committee					
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4.0	September 2021	September 2021	Director of Academic Services	Academic Handbook; policies and procedures; general	September 2023
Policy previously called Bullying and Harassment Policy					
3.0	October 2020	October 2020	Head of Quality Assurance	Academic Handbook; policies and procedures; general	April 2022
2.0	May 2019	June 2019	Head of Quality Assurance	Academic Handbook; policies and procedures; general	April 2022
1.1	January 2017	January 2017	Student Wellbeing Coordinator	Academic Handbook; policies and procedures; general	July 2017
Referenced documents	Acceptable Use Policy for Students (IT); Student Disciplinary Procedures; Student Complaints Procedure; Grievance Procedure; Staff Handbook; Code of Practice on Freedom of Speech; Apprenticeship Handbook; Visitors Policy.				
External Reference Point(s)	UK Quality Code Theme: Enabling Student Achievement; Equality Act 2010; Equality Act 2010; Protection from Harassment Act 1997; Education (No.2) Act 1986; Higher Education and Research Act 2017; Human Rights Act 1998; Counter-Terrorism and Security Act 2015; OfS statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education; Rape Crisis Centre				

ANNEX A: SEXUAL VIOLENCE LIAISON OFFICER

A Sexual Violence Liaison Officer (SVLO) is a professional member of staff who has been trained specifically to support students or staff who have been victims of sexual abuse, assault or violence.

The College has a team of SVLOs, including one male, who are responsible for providing the support.

When a student or member of staff reports an incident of sexual violence, they will be given the option to provide their name and contact details, and select whether they would prefer a female or male SVLO. The SVLO allocated will then proceed in supporting the student or member of staff, providing advice and support on external resources and internal procedures.

If the report is submitted anonymously, the SVLO team will not be able to provide support. Students and staff are strongly recommended to provide their name and email address so support can be provided.

All interactions between the SVLO and students or members of staff will remain confidential between these parties. However, it must be noted that if the SVLO has serious concerns about the well-being of the student or member of staff, such as risk of harm to themselves, some level of confidentiality will need to be breached if emergency services are required or next of kin contacted.

Any data collected and used for reporting purposes, will be anonymised, ensuring that the student or member of staff is not identifiable.

All data will be securely stored, in compliance with GDPR and the College's data protection policy.

ANNEX B

