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Key Related Documents

Document Name	Location
QS10 Student Complaint and Appeals Form	College Website, Policy HUB
QS10a Student Complaints Policy	College Website, Policy HUB
QS11 Student Disciplinary Policy	College Website, Policy HUB

Introduction

This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for Bullying and Harassment (Students). Navitas UPE has, as part of its corporate code of practice, a commitment to continuous improvement and the UPE College* network has demonstrated its adherence to this commitment through the implementation of a Bullying and Harassment procedure in each College. Navitas UPE has a long history of and commitment to the provision of quality services and support to students. It recognises the importance of engaging students early in their learning experience and places immense value on the Student Voice. Working together with students, our teaching and support staff are committed to providing an education and student experience that is shaped, reviewed, and enhanced in the spirit of partnership and co-determination.

**Please interpret 'College' as 'Campus' where applicable*

Navitas UPE strives to provide a safe and comfortable environment for students from all backgrounds that values diversity and is free from discrimination. We fully subscribe to all equality legislation to protect our students and staff from bullying and harassment:

- Equality Act 2010 - www.legislation.gov.uk
- Equality Act (Specific Duties) Wales - www.legislation.gov.uk
- Equality Act 2012 (Specific Duties) Scotland - www.legislation.gov.uk
- Equal Treatment Law of the Kingdom of the Netherlands - ec.europa.eu
- General Equal Treatment Act Germany - www.antidiskriminierungsstelle.de

Also, section 43 of the Education Act 1986 protects Freedom of Speech and Academic Freedom within law. We therefore recognise and emphasise that vigorous academic debate, when it is conducted respectfully, does not accordingly constitute harassment or bullying.

It is our expectation that all students, staff, and visitors to Navitas UPE Colleges always adhere these policies. Failure to comply with these policies will result in disciplinary action up to and including dismissal or exclusion from the College (**QS11 Student Disciplinary Policy**).

The Hague Pathway College, having its location in the Netherlands, follows the principles of this policy document. In case of the wording ever conflicting with Dutch or University specific regulations or laws, these Dutch or University are prevailing.

Definition of Bullying and Harassment

The below definitions are taken from The Anti Bullying Alliance (anti-bullyingalliance.org.uk). Its members have an agreed shared definition of bullying based on research from across the world over the last 30 years.

Bullying

The intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. Bullying can be physical, verbal or psychological. It can happen face-to-face or online.

There are four key elements to this definition:

- hurtful
- repetition
- power imbalance
- Intentional

Bullying behaviour can be:

- Physical – pushing, poking, kicking, hitting, biting, pinching, etc.
- Verbal - name calling, sarcasm, spreading rumours, threats, teasing, belittling
- Emotional – isolating others, tormenting, hiding books, threatening gestures, ridiculing a person's views or opinions, humiliation, intimidating, excluding, manipulation and coercion, deliberately withholding information
- Sexual – unwanted physical contact, inappropriate touching, abusive comments, homophobic abuse, exposure to inappropriate films etc.
- Excessive supervision or misuse of power or position
- Online/cyber – posting on social media, sharing photos, sending nasty text messages, social exclusion
- Indirect - Can include the exploitation of individuals

The examples listed above are not intended to be exhaustive.

The following behaviour is not considered bullying and **is not covered** by this policy:

- Reasonable requests that are made by tutors or fellow students to attend class, participate in class activities or groupwork, or complete homework and assignments

- Techniques to manage and improve a student's performance including use of the COMPASS programme
- Healthy and robust discussion and debate of academic matters in which differences of opinion are respected
- Feedback on performance of work

The examples listed above are not intended to be exhaustive.

Cyber Bullying

Online bullying (often referred to as cyberbullying) is any form of bullying that is carried out through the use of electronic media devices, such as computers, laptops, smartphones, tablets, or gaming consoles.

When sending emails, communicating through Virtual Learning Environments, social media or text messaging, students should:

- Avoid using language, images or videos that could be deemed offensive to others or misconstrued
- Never access illegal sites or share illegal content
- Carefully consider the relevance and appropriateness of joining social media with tutors and students on your course other than for professional academic purposes

There are some things that make online bullying different to 'traditional' bullying:

- 24-7 nature - the nature of online activity means you can be in contact at any time
- There is the potential for a wider audience and bullying incidents can stay online, for example: a photo that you can't remove
- Evidence - a lot of online bullying incidents allow those experiencing it to keep evidence - for example, take a screen shot - to show to school staff or police if needed
- Potential to hide your identity - it is possible to hide your identity online which can make online bullying incidents very scary
- Degree of separation - people who cyberbully often don't see the reaction of those experiencing it so it can sometimes be harder for them to see the impact of their actions

Harassment

Harassment is defined in the Equality Act 2010 as ‘unwanted behaviour or conduct related to a protected characteristic which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them’.

It is unlawful to discriminate against people with any of the below mentioned protected characteristics.

Protected characteristics that are covered by Equality Act 2010 England and Scotland are:

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief/lack of belief, sex, and sexual orientation.

Protected characteristics that are covered by Equality Act 2010 Wales are:

Age, marriage (including equal/same sex marriage) and civil partnership, impairment or health condition, sex, sexual orientation, pregnancy and maternity, race, religion or belief, gender identity or gender expression.

Protected characteristics that are covered by the Equal Treatment Law of the Kingdom of the Netherlands are:

Religion, personal beliefs, political opinion, race, sex, nationality, hetero- or homosexual orientation and civil status.

Protected characteristics that are covered by the General Equal Treatment Act Germany are:

Race, sex, religion, handicap, age or sexual identity.

Examples of Harassment

Examples of behaviour that may amount to harassment are:

- Insults, negative comments about a person’s appearance, teasing and name-calling

- Inappropriate jokes that may be construed as racist, sexist, ableist, ageist, transphobic or homophobic
- Intimidating, coercive, aggressive, or threatening acts of behaviour
- Sexual harassment including unwelcome sexual advances, unnecessary physical contact, inappropriate body language and inappropriate comments about a person's appearance
- Stalking
- Publishing or circulating inappropriate or offensive images or video material
- Isolating, excluding, or ignoring a person
- Repeatedly criticising a person without providing constructive support

Overview of Bullying and Harassment Process

All academic and support staff at Navitas UPE Colleges are required to make every effort to ensure that bullying and harassment do not occur in the classroom or wider learning environment. This responsibility may require regular training of students and staff.

Students should be made aware of the existence of this policy and the College's commitment to remove all forms of bullying and harassment.

The Procedure: An overview for Students

Any student is entitled to take action against harassment and bullying at the College at any time. No person will be treated less favourably or suffer any detriment as a result of having raised a legitimate allegation. However, raising a false or malicious complaint may be considered a disciplinary offence (**QS11 Student Disciplinary Policy**).

Students who feel that they are being bullied/harassed should notify the College Student Services in the first instance on how to approach the matter; they will also advise on the appropriate procedure to follow. Where possible, they will try to resolve the matter at an informal level as this is the preferred resolution mechanism. Where appropriate, Student Services will then notify the Senior Management Team to seek further advice and final resolution.

Informal Procedure

The Senior Management Team may meet informally with the student(s) and representative/friend if appropriate to discuss the details of the allegations. They may choose to pursue the matter further, seek to resolve the matter or decide that that matter does not need any further action.

They will keep a record of the discussions and notify any third party of the contents of the discussion if appropriate.

Where the Senior Management Team considers the case to be too serious to be dealt with through an informal discussion, they may at their discretion decide to invoke formal proceedings immediately.

Formal Procedure

Students should use the Formal Student Complaint procedure (**QS10a Student Complaints Policy**) if they believe that the matter has not been resolved adequately at the Informal stage or if they believe that the incident is too serious to be resolved informally.

The complaint should be made on the Student Complaint and Appeals form (**QS10 Student Complaint and Appeals Form**) that is available on the College website.

On the complaint form they should make sure to include:

- An outline of the full detail or details of the allegation: dates, times, people
- Details of the person conducting the alleged behaviour
- Details of any witnesses
- Details of any informal attempts that have been taken to resolve the incident
- How they would like the matter to be resolved

Availability of Bullying and Harassment Policy

This policy will be made available to students on the College website, on the Virtual Learning Environments (VLE) and during student induction meetings.

Policy Review

This policy will be reviewed every two years by the Navitas UPE Academic Board unless there are internal or legislative changes that necessitate earlier review. The policy was last reviewed on 19 April 2023 and approved as a Chair's action on behalf of the UPE Academic Board.