



Bullying and Harassment and Sexual Misconduct Policy

Introduction

Matrix College is committed to equality of opportunity and will not tolerate harassment and/or bullying. All members of the Matrix community have the right to work and study in an environment that encourages harmonious relationships; all individuals should be treated with dignity and respect so that they can fulfil their potential in our learning environment.

The purpose of the policy and procedure is to encourage a culture where harassment and/or bullying will not be tolerated and does not occur, and to outline the steps that can be taken to deal with any issues of harassment and/or bullying and prevent their recurrence.

This policy applies to staff, students and anyone else directly working on behalf of Matrix College.

Responsibilities

The Operational team is responsible for monitoring the effective implementation of this policy and procedure.

All Programme Leads and tutors are responsible for positively encouraging respect for dignity, and for dealing with bullying or harassment if it arises.

The Principal is responsible for managing formal allegations of bullying or harassment.

Definitions of Bullying, Harassment, Victimisation and Sexual Misconduct

Harassment

The Equality Act 2010 defines harassment as being 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another, and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable.

Victimisation

Victimisation is when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment or bullying) or have helped another person to make a complaint under the Equality Act 2010 by providing evidence or information.

Victimisation can count as unlawful discrimination and result in disciplinary action, regardless of the outcome of the original complaint.

It is not the intention of the harasser, but the conduct itself and the impact on the recipient(s) that determine what constitutes bullying and harassment.

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 (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

These definitions include harassment and sexual misconduct through any medium, including online.

Unwarranted Complaints

Matrix treats genuine complaints of harassment seriously; however, the possibility of malicious, vexatious, spurious or frivolous complaints is recognised. Any complaints identified as such, via an investigation, will be treated seriously and Matrix may respond with the appropriate disciplinary procedures. Vexatious complaints themselves can be a form of harassment.

Complaints will be dealt with sensitively, discreetly and as quickly as possible. Care will be taken to respect the need for confidentiality at every stage.

Bullying, Harassment and Sexual Misconduct Complaints Procedure

Where a member of staff or a student feels that they have been bullied, harassed or victimised they can seek support from the Principal. Where the complaint is against the Principal they can seek support from the Chair of the Ethics committee.

Informal complaints resolution should be sought, wherever practicable, before moving forward to the formal bullying and harassment complaints procedure.

Informal Complaints Resolution

Complaints are often resolved at an informal level, which is the preferable route for most parties and most situations.

In the first instance if possible, the problem should be discussed by the complainant with the alleged harasser – this should involve giving one or more example(s) of the unacceptable behaviour and agreeing how behaviour will change in the future. The individual may not be confident in doing this alone and it may be appropriate for another person such as Programme Lead

Another option is to write to the alleged harasser, outlining the unacceptable behaviour, with example(s), and asking for a change in behaviour.

The complainant can seek a meeting with the Principal to discuss options available to resolve the situation. This could include arranging an informal meeting with both parties to discuss the matter openly. In these circumstances, the alleged harasser would have to be informed in advance of the allegation to give them a fair opportunity to respond. Both parties could be accompanied by an appropriate person and Principal would try to facilitate a resolution.

A complaint involving either a member of staff or a student, either as an alleged harasser or complainant, should be made in writing to the Principal.

Formal Complaints Procedure

A complaint involving either a member of staff or a student, either as an alleged harasser or complainant, should be made in writing to the Principal.

The complaint should be detailed and include any evidence upon which the complainant intends to rely.

Once a written complaint about a member of staff or student has been submitted and an investigation has started it cannot be retracted, as the alleged harasser has the right to know the details of the complaint, to have it investigated, respond to any allegations, and appeal against any penalty. Matrix is clear that any alleged harasser is not necessarily blameworthy and will ensure that appropriate support is available for that person during the Bullying and Harassment Procedure.

If the complaint is very serious or involves a criminal offence, the Principal may immediately invoke the Conduct and Discipline procedure as appropriate. This may also be appropriate if the complaint does not involve bullying, harassment or victimisation but does involve other forms of misconduct.

The Principal will acknowledge the complaint within ten working days and will inform both the complainant and the alleged harasser that an investigation is to be undertaken, by whom, and what the procedure involved will be. The Principal will also provide the alleged harasser a copy of the full complaint against them, along with any accompanying evidence supplied.

The Principal will aim to meet the timescales set out in this procedure, as far as reasonably practicable. If there are any special circumstances which dictate longer timescales, this will be communicated to both parties.

Procedures for Investigation

The Principal will investigate the complaint.

The investigation will be completed as soon as reasonably practical but will not normally take longer than 20 working days, the following process will be followed:

1. Interview the complainant.

2. Interview the alleged harasser.
3. Interview any witnesses.
4. Consider the evidential material provided.
5. Repeat any of the above stages as required.
6. Compile a report of the investigation (compiled within 10 working days of the end of the investigation).

The report should include a summary of the investigation procedure, including details of investigation meetings, a list of written evidence, an analysis of the claims being made, a conclusion and recommendations. Recommendations by the Principal may include actions to mitigate issues for the future, for example training to be undertaken by a particular person or group of people.

Options for resolution:

- A further attempt should be made to resolve the matter informally
- Mediation

The investigation may be carried forward to the Matrix College Complaints and Grievance procedure if warranted.