



Bullying, 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'.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership

- Pregnancy and maternity
- Race (including colour, nationality, ethnic or national origin)
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

Harassment related to these characteristics is unlawful.

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.

Bullying and Harassment and Sexual Misconduct Complaints Procedure

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 if this is possible. (Please see Matrix Code of Ethics & Professional Conduct, section D 1.8)

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, John Monk-Steel.

Informal complaints resolution will 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 to do it.

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

We understand that it may be difficult to bring a report of unacceptable behaviour to the attention of Matrix staff. There is an inevitable tension between not wanting to report a peer/colleague/staff member and the requirement to ensure the safety of everyone at Matrix. If unacceptable behaviour is not reported, there is an inherent danger to others; including clients.

All reports will be dealt with sensitively and be taken seriously. Someone making a report may wish to have their identity protected; this is understandable and Matrix will acknowledge this; however, in the process of investigating and/or resolving a complaint, it may be necessary to identify some or all of the parties concerned. Therefore, it cannot always be guaranteed that the person complained against will not know, or be informed, of the identity of the complainant.

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 the Principal would try to facilitate a resolution.

A log of all resolved informal complaints is held by 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. If the complaint is against the Principal, the Chair of the Ethics Committee will investigate, using the same procedure.

An 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, and a conclusion. Possible outcomes will include (but not be limited to)

i. The complaint is not upheld. The investigator thinks the evidence does not support the complaint, in which case the procedure is complete.

- ii. The complaint, or some parts of it, are upheld. This will have consequences:

For students who have a harassment complaint against them upheld, the Fitness to Study procedure will be invoked (Stage 1 or Stage 2, depending on the severity of the issue).

For tutors who have a harassment complaint against them upheld, the procedure for a breach of the Code of Ethics and Professional Conduct will be invoked. It is very possible that the matter will be viewed as breach of the Code, and therefore a breach of the tutor agreement.

Members of Matrix staff (payroll) who have a harassment complaint against them will be dealt with via HR procedures.

Any actions (requirements, recommendations, guidance, or a combination of these) that may be identified for any parties involved will be monitored or followed-up by the Principal (or the Chair of Ethics, if the complaint is against the Principal).