Anti-Bullying, Harassment and Sexual Misconduct Policy

The Queen's Foundation

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1. Introduction

1.1. The Queen's Foundation is committed to maintaining an environment in which bullying, harassment and sexual misconduct are not tolerated. As well as being unacceptable to the ethos of the Foundation, such behaviours are contrary to the Equality Act 2010 and/or the Protection from Harassment Act 1997.

1.2. This policy seeks to ensure a safe, welcoming, and inclusive atmosphere in which all members of the Queen's community can work and study in comfort and dignity. All who are part of that community, including visitors, have the right to disclose instances of unacceptable behaviour whist working, studying or participating in Foundation activities, with the full expectation that their disclosure will be heard and acted upon.

1.3. Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure, possibly resulting in dismissal or expulsion and referral to the police. Breaches by visitors or other members of the public will normally be referred to the police.

1.4. The policy has been approved by the Governors of the Foundation. Implementation of this policy and the practice of its provisions will be overseen by the Principal and managed by the Director of Operations and the Academic Dean.

2. Scope

2.1. This policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by any member of the Queen's community staff, students, or visitors, or by other third parties. It sets out the responsibilities of all who are associated with the Foundation whether students, staff (including contractors and volunteers), visitors, or Governors.

2.2. Any use of the term 'staff' in this policy shall also be taken to include Governors, volunteers and contractors, as relevant.

2.3. Any use of the phrase 'Queen's community' in this policy shall be taken to include all who work or study at the Foundation, including contractors, all visitors, and those attending events of any sort. It also includes Governors.

2.4. Further terms and implications in respect of sexual harassment or sexual misconduct may be found within the Foundation's Safeguarding policy.

3. Definitions

3.1. ***Reporting*** is sharing information with a member of staff in order to make a complaint under this policy about an incident (or incidents) of bullying, harassment or sexual misconduct.

3.2. The ***Reported Person*** is the person who is the subject of a complaint because their behaviour has been alleged to amount to bullying, harassment or sexual misconduct.

3.3. The ***Reporting Person*** is the person who was subject to, or witnessed, the alleged bullying, harassment, or sexual misconduct, and has raised a complaint.

3.4. The definitions for terms regarding bullying, harassment and sexual misconduct can be found at ***Appendix 1***.

3.5. Examples of what constitutes unacceptable behaviours under this policy can be found at ***Appendix 2***.

4. Roles and responsibilities

4.1. The Queen's Foundation is committed to preventing incidents of bullying, harassment or sexual misconduct wherever reasonably possible, and to provide preventive guidance regarding such behaviours. The Foundation also commits to make timely support available for those who have been affected by such behaviours, and to provide prompt and equitable investigation and resolution of such incidents and/or situations. This will include action to remedy harm and prevent recurrence wherever possible.

4.2. All members of the Queen's community have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Every person is expected to contribute to preventing unacceptable behaviours through self-awareness, by modelling positive behaviour, and by raising any concerns they have regarding inappropriate treatment they have received or witnessed someone else receiving.

4.3. No person will be treated less favourably for making allegations in good faith. However, where an allegation is found to have been malicious the Foundation will take disciplinary action against the person who makes it.

4.4. Anyone who believes that they have been subjected to harassment has the right to be listened to and have their concerns taken seriously. The Foundation would not wish any person to suffer distress or leave the Foundation because they consider others are subjecting them to unacceptable treatment.

4.5. If a member of the Queen's community witnesses an incident of bullying, harassment or sexual misconduct, it is their duty take action, whether by making the perpetrator aware that their behaviour is unacceptable, or by reporting it to the appropriate person under this policy. Silence or inaction can be interpreted as collusion or endorsement of the perpetrator's action.

4.6. Behaviour that is extreme and/or violent should be reported directly and immediately to the Police.

4.7. Where an allegation is found to be true, the Foundation will take action against the perpetrator(s), up to and including dismissal of staff or expulsion of students. If an individual has engaged in unlawful activity, this will be reported to the police; perpetrators will be held personally liable for their actions and may be subject to prosecution for a criminal offence.

4.8. Those who are in a position of trust must demonstrate exemplary behaviour, with an awareness that even the most well-intentioned actions can be misinterpreted. Due consideration should be given to what is appropriate conduct in relation to the activities being undertaken and the environment in which they are taking place.

4.9. The Foundation has a Wellbeing Officer and a Chaplain, who can also provide support independently of the procedures in place under this policy.

4.10. Governors, staff and students are required to disclose criminal convictions, whether these occurred before or during employment or study with the Foundation. This is done initially by self-declaring through a confidential declaration form which may be followed up with a DBS check if their role requires it.

5. Perceptions of reasonable behaviour

5.1. On occasion, perceptions regarding what may or may not be reasonable behaviour can vary, possibly due to differences in attitude, experience, or culture. What one person may consider reasonable can be entirely unacceptable to another. This should be taken into account when considering whether a behaviour might be bullying, harassment, or sexual misconduct.

5.2. The intention of the person engaging in the behaviour, and whether they intended to bully, harass, or commit sexual misconduct, is secondary to the question of whether that behaviour could reasonably be considered to have, for example, created a hostile, intimidating, or offensive environment for someone, or violated someone's dignity in the context of circumstances and the perception of the person reporting the behaviour.

5.3. The Foundation recognises that there is a distinction between the behaviours addressed under this policy and vigorous academic debate which encourages stimulating, robust and thoughtful discussion but is characterised by a respectful attitude. While staff and students will hold a range of views on a variety of issues, they are expected to treat all members of the Queen's community with dignity and respect so that the way they express themselves does not create an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

6. Informal resolution

6.1. Someone who experiences bullying, harassment, or sexual misconduct may wish to resolve the situation informally. If a person believes they are being subjected to harassment, a number of informal and formal options are available to them. Where possible and appropriate, attempts to resolve the situation informally should be taken in the first instance. It is, however, up to the individual to decide how they wish to proceed.

6.2. An attempt at informal resolution does not preclude the individual from lodging a formal complaint at a later date.

6.3. While the person affected can decide that their preference is for informal resolution, they should also be aware that the Foundation may be under a duty of care to investigate the behaviour formally, depending on the potential for wider impact or of legal obligations.

6.4. Whichever approach is chosen, a written record of any incident should be made as soon as possible after it occurs so that a clear record is available should further action become necessary. This should be signed, dated and kept for future reference and should include:

- Details of when and where the occurrence takes place, including dates and times;
- Details of the behaviour; and
- Details of any witnesses to the behaviour.

6.5. An 'informal approach' can often address the unwanted behaviour (or misunderstandings) quickly and effectively, without the need for formal procedures. It can prevent escalation in a potentially difficult situation with minimal disruption to relationships.

6.6. If someone has not realised that their words or actions are causing offence, an informal conversation can be helpful in prompting them to rethink their behaviour. Ideally, the person should be approached at the earliest opportunity so that there is no repeat or continuation of the incident.

6.7. When approaching the alleged perpetrator, every effort should be made to do so in a setting where confidentiality can be observed. The facts of the incident(s) in terms of what happened, when and where, should be clearly stated.

6.8. If the reporting person feels unable to speak directly to the person concerned, they could try putting their concerns to them in writing.

6.9. Whilst it may be upsetting, the alleged perpetrator should allow the person to express their concerns and, if appropriate, try to reach a common understanding to remedy the situation and allow a positive relationship to be resumed. If the nature of the complaint is serious or inappropriate, the alleged perpetrator should speak to their line manager or personal tutor to agree the next steps. They may also wish to seek support from the Wellbeing Officer.

6.10. Persons who are approached informally and told that their behaviour could be construed as bullying, harassment or sexual misconduct, are advised to consider what is being said openly and carefully. They should ensure that they understand what they are being asked to do/not do. Persons are advised to try and follow reasonable requests to cease the behaviour described. Even if it was not the intention to cause offence, actions can still constitute harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change.

6.11. In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause harassment. In this case the person engaging in the behaviour should come to an agreement with the person who has approached them regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

6.12. The person raising the issue may wish to ask for support in raising the matter informally. If this is the case, this must be done in any way that shows awareness of the importance of maintaining appropriate confidentiality.

6.13. Staff and Governors, should approach their line manager or the next senior level of management. Students should contact their personal tutor. For a visitor, this would be the person responsible for the activity or event they are participating in. The Wellbeing Officer and the Chaplain are also available to all those who are part of the Queen's community

7. Making a formal complaint under this policy

7.1. Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct, whether by another student or by a member of staff, may make a formal report to their personal tutor, their Centre Director, or to the Academic Dean. They may also do so by contacting the Wellbeing Officer.

7.2. Members of staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct may make a formal complaint against a staff member by using the Staff Grievance Policy. If they wish to make such a formal complaint against a student, they may do so by contacting the Academic Dean or the relevant Centre Director.

7.3. Students or members of staff who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a third party or a member of the public should discuss this with their line manager, supervisor or personal tutor in the first instance.

7.4. Visitors or members of the public who feel they have experienced or witnessed bullying, harassment or sexual misconduct by an employee or student or while at campus or participating in an activity or event at Queens may make a formal complaint by contacting either the organiser of the event they were participating in, or the Academic Dean, or the Director of Operations

7.5. Where the student, member of staff, or visitor who has experienced bullying, harassment or sexual misconduct is under the age of 18 or is deemed to be an "adult at risk", there may be a safeguarding element involved. In such cases, the *Safeguarding Policy* should be referred to.

8. Interim measures

8.1. Following a report or disclosure, the Foundation may deem it necessary to introduce interim measures to protect those involved and the Queen's community as well as to ensure a fair and transparent investigation. Such measures may include, for example, alternative working arrangements, provision of support, or a recommendation to suspend a member of staff or student while a full investigation is carried out.

8.2. Any measures taken will be proportionate to the nature of the risk(s) and based on a risk assessment conducted by a panel. The role of the panel is not to investigate the complaint but rather to ensure the safety of the community while the complaint is being investigated.

8.3. The composition of the panel will depend on the nature of the allegations and the parties involved. The panel will normally be comprised of three or four members, draw from the following list:

- The Wellbeing Officer
- The Academic Dean
- The Director of Operations, responsible for HR matters
- The relevant Centre Director
- A student representative (where the reported party is a student)
- The Principal
- A Governor

8.4. The Chair of the panel will ensure that where possible, the panel is diverse and reflects any relevant protected characteristics. The membership of the panel will be shared with the Reporting Party and the Reported Person to ensure transparency and to manage any conflicts of interest.

8.5. The risk assessment and any interim measures that are put in place will be shared with both parties. The measures will be reviewed regularly by the panel and amended as appropriate.

8.6. All information disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.

9. Disclosure of outcomes from formal procedures

9.1. Formal complaint and disciplinary procedures are highly confidential. Information relating to their conduct and outcome will only be disclosed on a 'need-to-know' basis

9.2. The Reporting Party will be told whether their complaint has been upheld or not; and whether the Reported Party has been dismissed or expelled.

9.3. If the complaint is not upheld or the Reported Party is not dismissed or expelled, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or study environment. However, there may be limits to the information which can be shared with the Reporting Party.

9.4. Where the Reporting Party is told the outcome, they will be asked to respect confidentiality with regards to that outcome.

10. Wider investigations

10.1. Where there are a number of reports concerning unacceptable behaviour, the Foundation may conduct a wider investigation with staff and/or students to understand the behaviours in more detail and to identify and target appropriate support and interventions.

10.2. Such an investigation will involve agreed terms of reference and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions.

10.3. The introduction of wider investigations is intended to ensure effective resolution of complaints and prevention of future unacceptable behaviours.

11. Police involvement and judicial proceedings

11.1. Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence, the Foundation will usually also conduct its own investigation and take disciplinary action, subject to the circumstances of the case and police advice.

11.2. Where no action is taken until criminal investigations and/or judicial proceedings have concluded, the Foundation reserves the right to initiate its own investigation and/or disciplinary action at a later stage.

11.3. If any criminal proceedings exonerate the Reported Person and it has been found that the Reporting Person has made a false, bad faith or misleading complaint, the Foundation may revisit any disciplinary sanction issued to the Reported Person and also take disciplinary action against the Reporting Person if they are a student or member of staff.

11.4. Internal investigations will be based on whether a breach of this policy and/or other applicable obligations or policies has occurred. This may mean depending on the circumstances, internal investigations may continue at the same time as a criminal process.

11.5. Where a student or staff member is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of this policy, they must declare this to the Foundation. The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the Foundation. Appropriate measures may be taken (if they have not already) under the respective staff or student procedures

12. Complaints which are not made in good faith

12.1. Making a complaint that is false, or not made in good faith, or providing false or misleading information in any investigation of a complaint will be dealt with in accordance with staff or student disciplinary procedures as appropriate.

13. Victimisation

13.1. The Foundation will not tolerate any form of victimisation against someone who has raised a complaint or supported a complaint or for co-operating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have taken any such steps

13.2. If a formal complaint of such victimisation is made, it will be dealt with in accordance with the respective staff or student disciplinary procedures.

14. Confidentiality

14.1. Confidentiality is vital in dealing with cases of alleged unacceptable behaviour. The Reporting Person, the Reported Person and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis

15. Policy Review

15.1. This policy shall be reviewed annually to ensure that it continues to meet statutory and best practice requirements.

15.2. The review will include an assessment of any incidents reported under this policy, how successfully they were handled, and any resulting proposals to address issues arising. This information will be reported to the Audit Committee as part of the Safeguarding Report.

Any enquiries regarding this policy should be addressed to:

The Director of Operations
Email: websterd@queens.ac.uk
The Queen's Foundation for Ecumenical Theological Education
Somerset Road, Edgbaston, Birmingham B15 2QH
Tel: 0121 452 1527

Other Related Policies and Procedures:

Academic Freedom and Freedom of Speech

Acceptable use of ICT

Code of Practice for Student Behaviour

Data Protection Policy

Equality, Diversity and Inclusion Policy

Fitness to Practice Framework

Fitness to Study Policy and Procedure

Prevent Policy

Safeguarding Policy

Staff Disciplinary Policy and Procedure

Staff Grievance Procedures

Student Disciplinary Procedure

Appendix 1: Definition of terms regarding bullying, harassment, and sexual misconduct

Abuse of power
This is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take in person, in writing, or via any electronic medium.

It includes but is not limited to manipulation, coercion, or pressuring someone to do something which may be illegal or against the rules. or something which they are not comfortable with.

Bullying
This is where intimidating, hostile, degrading, humiliating or offensive behaviour is used to violate a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying often involves a repeated course of conduct.

Consent
Consent is agreeing by choice and having the freedom and capacity to make that choice. This applies both in the context of a particular instance or situation and in the context of a relationship. The person who is seeking consent should always ensure that it is given freely, that it is informed, also recognising that it can be withdrawn at any time.

- ***Freedom to consent***: a person is free to make a choice with the confidence of knowing that refusing consent will not lead to negative consequences. For example, a person may not feel free to make a choice if:
  - they are being threatened with violence
  - they are being threatened with humiliation
  - they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused
  - they are being blackmailed
  - there is a significant power imbalance so that they feel that they are being pressured to continue in a relationship against their will.

- **Capacity to consent**: Capacity is about whether someone is physically and/or mentally able to make an informed choice, understanding the consequences of that choice. For example, a person does not have the capacity to give consent if:
  - they are drunk or under the influence of drugs
  - they are asleep or unconscious
  - they have a cognitive or learning difficulty, or other disability which impairs their speech
  - they are experiencing a mental health crisis.

Cyberbullying, harassment or sexual misconduct
This is the use of electronic communications to bully, harass or commit sexual misconduct against a person. Typically, this might be by sending inappropriate messages or messages of an intimidating or threatening nature.

Disclosure
Disclosure, for the purposes of this Policy and procedure, involves an individual choosing to tell anyone who is part of the Foundation, about their experience of bullying, harassment or sexual misconduct. Unlike Reporting, a Disclosure may not trigger an investigation or action, but it would lead to support being offered.

Discrimination
The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably on the basis of a protected characteristic. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

Grooming
This can be defined as a gradual process through which someone uses a position of power to manipulate another person to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Harassment under the Equality Act 2010
Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal.

Racism
This is where a person is treated worse, excluded, disadvantaged, bullied, humiliated or degraded because or their race or ethnicity. It can also be the collective failure by an organisation to provide an inclusive working environment to people because of their race or ethnicity.

Hate Crime
Any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime.

Reporting
This is sharing information with a member of staff in order to make a complaint under this policy about an incident (or incidents) of bullying, harassment or sexual misconduct. ***Reporting*** is not the same as ***Disclosure***, defined above.

Reported Person
The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct

Reporting party
The Reporting Party is the person(s) who witnessed or was subject to the alleged incident of bullying, harassment or sexual misconduct.

Sexual misconduct
Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include: sexual harassment; sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

Stalking
Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

Victimisation
Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure.

Appendix 2: Examples of unacceptable behaviour under this policy

Examples of unacceptable behaviour include but are not limited to the list below.

- Instigating unnecessary or unwanted physical contact
- Making demeaning comments about a person's appearance or gender expression
- Ridiculing and demeaning others
- Making inappropriate sexual jokes, comments or advances
- Racist behaviour, such as making racist jokes, name calling, making assumptions about someone based on their race
- Making jokes or comments or about someone's age, disability, sexual orientation, gender identity/expression or religion or any other protected characteristics
- Treating someone less favourably due to their race, age, disability, or any other protected characteristic
- Deliberately displaying material that is likely to cause offence to others
- Verbal or written abuse, including deliberate non-communication and/or exclusion from social events or day to day activities
- Derogatory name-calling and insults
- Homophobic, biphobic and transphobic bullying/harassment, for example, excluding someone from a work or social activity because of their sexual orientation, or labelling someone who is bi-sexual as indecisive, or deliberately misnaming or misgendering trans people.
- Victimising someone due to their gender, race, disability, sexual orientation, age, religion or other beliefs, sexual orientation, gender reassignment, gender identity/expression, pregnancy and maternity, marriage and civil partnership
- Making physical or psychological threats
- Using behaviour or language that causes fear or distress to others, for example, shouting at, or being sarcastic towards others
- Abusing power when in a position of authority, for example by blaming someone else if something has gone wrong, or by taking credit for their work
- "Grooming" behaviour, for example making someone feel special by befriending them, for example, then gradually manipulating them to carry out duties outside of their normal remit, or to do things which are in breach of Foundation policy or with which they are not comfortable
- Allocating unreasonable workloads with unreasonable
- Not providing equal development opportunities or promotional prospects to those in a team.
- Being discriminatory in recruitment practices or appointing staff in a non-transparent way.
- Inciting others to bully, harassment, or victimise others in any way
- Cyber bullying for example by email or the use of social networking sites to post derogatory messages or distribute confidential information about someone
- Excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, partner is black or parent is disabled
- Spreading malicious rumours or insulting someone
- Picking on someone or demonstrably setting them up to fail
- Fostering isolation or non-cooperation at work