

# Harassment Policy and Procedure

## 1. Scope and Purpose

- 1.1 This policy applies to all employees of Loughborough College (the “College”) and all staff working for the College at any of its’ premises, including: casual and agency staff, consultant, contractors, directors, employees, homeworkers, managers and officers.
- 1.2 This policy will be applied in accordance with the Articles and Instruments of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice.
- 1.3 The purpose of this policy is to assist in protecting employees against any forms of harassment related to their work.
- 1.4 This policy ensures consistent and fair treatment. Its procedures enable managers to put in place appropriate measures and support to address unacceptable treatment of harassment.
- 1.5 All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable.
- 1.6 This policy does not apply to matters over which the College has no direct control. This may include law, regulation or statute.
- 1.7 This policy does not have any contractual effect. It may be updated from time to time and the College may decide to follow a different procedure where considered appropriate.

## 2. Policy Statement

- 2.1 The College believes that all staff should be treated fairly and with respect.
- 2.2 The College defines Harassment as unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated. It can happen on its own or alongside other discrimination.
- 2.3 Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
- 2.4 This policy will be applied in accordance with The Equality Act 2010. Harassment is unlawful discrimination under the Equality Act 2010 if it’s because of or connected to one of the relevant protected characteristics.
- 2.5 The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.
- 2.6 The College embeds the FREDIE principles into all aspects of the organisation:
  - Fairness
  - Respect
  - Equality
  - Diversity
  - Inclusion

- Engagement

- 2.7 Harassment as defined by the Equality Act 2010 is ‘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 College also accepts this definition.
- 2.8 The College operates a zero tolerance policy against any form of harassment.
- 2.9 The college reserves the right to act against an employee who is seen to be harassing another employee even if that employee has not asked them to stop.
- 2.10 The college has a legal duty to adhere to Safer Working in Education statutory guidance. All allegations against staff of a safeguarding nature will be referred to the Local Area Designated Officer (LADO). The college must engage with current LADO processes which may include the involvement of the police.
- 2.11 All allegations of harassment will be treated confidently by the College and as sensitively as possible.
- 2.12 Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.

### 3. Equality

- 3.1 This policy and procedure have been assessed for its impact on equal opportunities and will be informed by the aim to eliminate all forms of discrimination in all strands of the equal opportunities legislation.

### 4. Definitions

- 4.1 The College uses the following definitions specific to this procedure:
- 4.2 Whilst not an exhaustive list, the person feeling harassed may feel emotions including:
- Disrespected
  - Degraded
  - Frightened
  - Humiliated
  - Uncomfortable
  - Offended
  - Threatened

- 4.3 For it to amount to harassment, the following should apply:
- The person engages in unwanted conduct that has the purpose or the effect referred to above;
  - The victim either rejects or submits to it and because of that rejection or submission, is treated less favourably; and
  - This less favourable treatment creates an environment that is hostile, degrading, humiliating or offensive to the victim.

4.5 The law on harassment also applies to:

- a person being harassed because they are thought to have a certain protected characteristic when they do not;
- a person being harassed because they are linked to someone with a certain protected characteristic;
- a person who witnesses harassment because of a protected characteristic and is upset by it and/or raises concerns about it.

## 5. Types of Harassment

5.1 The following identifies examples of some typical (but not all) types of harassment:

- 5.1.1 **Age harassment:** ridiculing or demeaning behaviour based on stereotypical perceptions and prejudices about a person because of their age and experience.
- 5.1.2 **Harassment against people with disabilities:** undignified or inhumane treatment, ridicule, by-passing or exclusion of people due to physical or mental disability or vulnerability.
- 5.1.3 **Racial Harassment:** offensive or hostile treatment of an individual on the basis of their race, nationality, ethnic origin or skin colour.
- 5.1.4 **Religious Harassment:** Socially unacceptable behaviour which fails to tolerate or acknowledge the rights or needs of individuals with different and dedicated religious convictions, beliefs and practices.
- 5.1.5 **Sexual harassment:** is unwanted behaviour of a sexual nature. It is unacceptable behaviour towards an individual on the basis of their gender or sexual orientation. This can include unwelcome, unwanted advances or approaches or other conduct affecting the dignity of women, men and people of any gender or sexual orientation, such as physical, verbal or non-verbal conduct.
- 5.1.6 **Sexual orientation harassment:** Offensive or hostile treatment of an individual on the basis of their sexual orientation or perceived sexual orientation.

## 5.2 Forms of harassment

Harassment can take many forms and may be disguised and can comprise of isolated or persistent incidents. Incidents may be unintentional or deliberate, direct or indirect.

- 5.2.1 **Verbal or written comments:** jokes, sexual or racial innuendoes, use of derogatory names, inappropriate 'banter', offensive language, political or racist songs, gossip, slander or libel, ridiculing an individual for cultural differences, incitement of others to join in antisocial behaviour.
- 5.2.2 **Visual displays:** posters, pin-ups, calendars, graffiti, photographs, indecent exposure, obscene or offensive gestures, emblems/badges.
- 5.2.3 **Persistent attention:** following, staring, leering, obstruction, pestering, spying or stalking.
- 5.2.4 **Bullying:** belittling, aggressive, intimidating, threatening, violent, malicious or insulting behaviour which seeks to gain power or influence over the behaviour of another individual.

- 5.2.5 **Pressure:** unreasonably pressurising an individual to participate in groups, events or discussions if they have made clear that they do not wish to do so.
- 5.2.6 **Sexual:** Coercion for sexual favours or sexually suggestive remarks or verbal, non-verbal or physical conduct of a sexual nature
- 5.2.7 **Other:** Character defamation, deliberate isolation, non-co-operation or exclusion, patronising members of minority groups, interfering with and defacing personal possessions or property.

## 6. Procedure

All allegations of harassment will be dealt with seriously, promptly and in confidence. If you feel you or a fellow employee is being harassed please raise this directly with your line manager, Head of department or HR. HR staff will provide, in confidence, advice and assistance to staff who have reported harassment and assist with the resolution of any problems. Decisions will be made about the appropriate course of action to be taken.

### 6.1 Informal route

- 6.1.1 When an employee reports a potential harassment case to their line manager or to HR it could be decided that an informal approach would help rectify the situation, if the employee feels that this is possible. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.
- 6.1.2 If an employee is in any doubt as to whether an incident or series of incidents which have occurred constitute harassment and/or bullying, then in the first instance they should approach a member of the HR department on an informal confidential basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.
- 6.1.4 If the conduct continues or if it is not appropriate to resolve the problem informally or the employee does not feel able to raise it informally, it should be raised through the following formal process.

### 6.2 Formal route

- 6.2.1 If the informal route is not deemed appropriate by the employee, line manager or HR, or if unwanted conduct continues following the informal procedure, then the formal route will commence.
- 6.2.2 In such cases, the employee should complain formally in writing to the HR department. If the matter concerns anyone within that department, you should refer your complaint to Colin Butler, Vice Principal People and Planning. Your written complaint should set out full details of the conduct in question, including the name of the perpetrator, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken to attempt to stop it occurring.
- 6.2.3 The employee will be interviewed by the allocated officer handling the complaint to establish full details of what happened. The employee may bring a fellow worker with them to this meeting if they choose. The officer will then carry out a thorough, independent, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both the employee and the alleged perpetrator.

- 6.2.4 Where the employee's complaint is about someone other than a fellow worker, such as a student, supplier or visitor, we will consider what action may be appropriate to protect the employee (and anyone else involved) pending the outcome of the investigation, bearing in mind the needs of the College and the rights of that person. We will try to discuss the matter with the third party where appropriate.
- 6.2.5 The investigation will involve interviews with the person against whom the employee is making the complaint and any other relevant witnesses. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.
- 6.2.6 Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- 6.2.7 When the investigation has been completed, the employee will be informed whether or not their allegation is considered to be well-founded. In order to maintain third party confidentiality, the College will not disclose any specific action taken against a third party as a result of the employee's complaint however will offer assurance that this will be dealt with appropriately.
- 6.2.8 If the allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour that the employee is complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person with or without notice.
- 6.2.9 If the allegation is found to be not well-founded, consideration may be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for either of them to continue to work in close proximity to each other.
- 6.2.10 The Company takes these matters very seriously. However, malicious complaints of harassment and/or bullying can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via the College's disciplinary policy. We are sure that all employees appreciate that this is necessary to protect the integrity of this policy.

## 7. Harassment from Learners

- 7.1 If the harassment is committed by one or more learners the matter should be reported to the Head of Department.
- 7.2 The Head of Department can then take appropriate action in accordance with the above and the College's Learners Disciplinary Policy and Procedures

## 8. Harassment from Contractors or Visitors

- 8.1 Harassment by visitors or contractors is unacceptable and will be treated seriously.
- 8.2 An employee can raise an allegation of harassment to the HR team or their line manager in accordance with the above process.

9. Other Action

9.1 This policy does not inhibit your right to pursue any other legal action you deem appropriate, for example, complaint to the police or private legal action.

10. Persons Responsible for the Policy

Vice Principal People and Planning

11. Linked Policies and Procedures

Grievance policy and procedure

Disciplinary policy and procedure

EDI Policy

12. Change log

Date	Version	Details of change	Review / Revision by	
			Name	Title
April 2021	2.0	Full refresh	Emma Kilby-Brooks	Head of HR