

# MOUNTVIEW

## STUDENT BULLYING, HARASSMENT & MISCONDUCT POLICY

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## 1. INTRODUCTION

Mountview is committed to creating a work / study environment free of harassment, discrimination, and bullying, where everyone is treated with dignity and respect. Mountview will not tolerate bullying, harassment, or discrimination of any kind. Allegations of bullying and harassment will be taken seriously, investigated and, if appropriate, disciplinary action will be taken. Mountview will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.

Everyone in Mountview is responsible for ensuring that staff and students are treated with dignity and respect by discouraging any form of bullying and harassment by making it clear that such behaviour is unacceptable.

We want everyone to enjoy their time learning, training, and working at Mountview and we are committed to promoting an inclusive culture where everyone has the right to learn, work, and socialise in an environment which is free from either bullying or harassment. Our document, Creating Culturally Safer Spaces in Dramatic Training, demonstrates our commitment to developing cultural competency in order to contribute to a culturally safer space, an environment where difference is viewed as a strength, where identity is not denied or erased, and where people feel able to participate fully both emotionally and physically.

## 2. WHO DOES THIS POLICY APPLY TO

This policy applies to all staff (including subcontracted staff) of Mountview, all students, the board of trustees, and third parties.

Failure to follow Mountview's guidance and policy relating to Bullying & Harassment would constitute a matter of concern for Mountview and may lead to disciplinary action. Third parties are also expected to follow this guidance, and appropriate action will be taken to protect and support members of the Mountview community who experience bullying, harassment, or misconduct of any kind.

## 3. DEFINITION

**Bullying and harassment** means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others.

**Misconduct** means any conduct that is wrongful, improper, or unlawful.

### 3.1. BULLYING

**Bullying** is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abusive conduct that is: threatening, humiliating, insulting,

intimidating or sabotage (which prevents work from getting done) and makes a person feel vulnerable, upset, undermined or threatened.

Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media outlets. Bullying may include, by way of example:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's endeavours
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from activities, meetings or communications without good reason.

**Cyberbullying** is bullying that takes place online, and a person can be bullied online and offline at the same time. Examples of cyberbullying include:

- sending threatening or abusive messages by text or social media platforms
- creating and sharing embarrassing images or videos
- trolling – the sending of menacing or upsetting messages on social networks, chat rooms or online games
- shaming someone online
- setting up hate sites or groups about a particular individual
- creating fake accounts, hijacking or stealing online identities to embarrass a person, or cause trouble using their name
- sending explicit messages, also known as cyberflashing, without consent as defined in the Sexual Misconduct Policy
- pressuring someone into sending sexual images or engaging in sexual conversations.

### **3.2. HARRASMENT**

**Harassment** is unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment, which interferes with an individual's learning, working or social environment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Behaviour that may amount to harassment includes:

- Insults and name calling
- Inappropriate jokes, humour or language
- Ridiculing or undermining behaviour
- Threats of violence
- Unnecessary out-of-hours contact (telephonic, electronic or physical)
- Isolation or deliberate exclusion

- Making, publishing, or circulating offensive images and literature
- Sending / forwarding malicious, insulting or discriminatory e-mails, telephone text messages or other electronic communications.

Harassment related to a person's protected characteristics is unlawful. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

#### **4. VICTIMISATION**

Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes they have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.

Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.

Victimisation is unlawful under harassment and discrimination legislation and will be treated as a form of harassment under this Policy.

#### **5. MISCONDUCT**

Occasionally, bullying and harassing behaviour can include acts of physical violence which are considered acts of misconduct under Mountview's [Non-Academic Misconduct Policy](#).

Examples of physical misconduct can include:

- Punching
- Kicking
- Spitting
- Slapping
- Pulling hair

Non-consensual intentional physical contact of a sexual nature and non-consensual sexual activity and sexual exploitation are particularly serious. Consent is defined in the Sexual

Misconduct Policy. Examples of Sexual Misconduct could include:

- Sexual intercourse or engaging in a sexual act without consent
- Attempting to engage in sexual intercourse or a sexual act without consent
- Making, taking and sharing private sexual materials of another person without consent
- Kissing without consent
- Touching inappropriately through clothes without consent
- Inappropriately showing sexual organs to another person
- Repeatedly following another person or unwanted surveillance
- Making unwanted remarks of a sexual nature

See the Sexual Misconduct Policy for further information.

## **6. GENERAL PRINCIPLES**

Any cases of harassment, discrimination, victimisation, bullying, or misconduct will be taken seriously by Mountview and where necessary the appropriate procedure will be used to investigate complaints.

In cases where the act of harassment, discrimination, victimisation, bullying, or misconduct may amount to criminality, Mountview will support the affected party to consider their options for reporting the matter to the police. There are three basic principles to be considered in relation to the reporting of a matter to the police. They are, in summary:

- anyone can make a report to the police
- no-one may prevent anyone else from reporting or referring a matter to the police
- there is generally no legal requirement to report alleged or suspected crimes to the police

Any criminal process must take priority and there will be no duplication of that process, and no other process should operate at the same time. Consequently, if the matter is being dealt with under the criminal process, then save for taking any necessary precautionary action, an internal complaint investigation process will be suspended until the completion of police action.

Cases of harassment, discrimination, victimisation, bullying, or misconduct may be treated as a disciplinary offence. Some cases of harassment, discrimination, victimisation, bullying, or misconduct, if well-founded, could amount to serious or gross misconduct and result in dismissal for staff members or expulsion for students.

Cases of harassment, discrimination, victimisation, bullying, or misconduct can and should be reported by bystanders who have witnessed the behaviour, or have been made aware through other channels, and third parties external to Mountview.

Making false or unsubstantiated allegations with malicious intent could, if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion.

In some circumstances it may be appropriate to remove an individual from the situation causing conflict. This may include the reassignment of tasks. Where there is a serious allegation, an individual may be suspended from studies/work during an investigation and excluded from access to the campus.

Every effort will be made to keep the matter confidential to those who are directly involved.

## 7. PROCEDURE FOR RAISING AND REPORTING A CONCERN

### INFORMAL APPROACH

If a person believes they are being subjected to bullying, harassment, or misconduct, there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation.

### REPORTING A CONCERN

If an informal approach is not appropriate or has not been effective, you should formally report any instances of bullying, discrimination, harassment, or misconduct, either that you are personally subject to or that you witness, while taking part in any Mountview activities.

Students should refer to the **Non-Academic Complaints Procedure** for details of how to report incidents. This can be found on the [Mountview website](#) and [Student Share Point](#).

Staff can speak to their line manager, any member of the People & Culture team, or any member of the Executive team. If a member of staff wishes to make a formal complaint, they should follow the Grievance procedure.

Your concern will be taken seriously and dealt with or escalated, involving the Safeguarding Committee and/or Executive team as is appropriate. Depending on the nature of the concern, we may not always be able to let you know the outcome of our process but please rest assured that appropriate action will be taken.

Mountview also has an **Anonymous Reporting Form** available [online here](#). Students should be aware, however, that reporting anonymously does make it very hard to investigate any allegations fully and adequately, and Mountview would not be able to let you know of any action that has been taken.

### EVIDENCE

For any student or member of staff who feels that they are experiencing unacceptable behaviour, or those who have witnessed unacceptable behaviour, it is important that they begin to keep a note of the details and dates of any incidents which have caused them distress. Where

possible, the following information should be included:

- date of incident(s)
- location
- time
- nature of incident(s)
- the response made by the complainant
- the complainant's feelings at the time
- any action taken by the complainant
- the name of any witnesses
- any relevant emails, posts on social media and other correspondence

## 8. SUPPORT

Support is available to all students who have experienced bullying, harassment, or misconduct during their time at Mountview. Concerns can be discussed informally, or formally, with Personal Tutors, the Student Welfare Manager and Student Welfare Officer, and Heads of Course, and in cases where a formal complaint is submitted, both the reporting student and the responding student will be supported throughout the process. A student does not have to make a formal complaint to receive support.

The Mountview Counselling Service is able to provide short-term counselling support and information can be found on the Student Share Point or via the Student Welfare Team.

The TalkCampus platform is available to download on smart phones, and provides 24/7 peer-to-peer support to all students using their Mountview email address.

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