

# Prevention of Bullying, Harassment and Sexual Misconduct Policy

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## Purpose

This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of the BCC community (which includes those who encounter BCC staff and students in the course of their work and study).

Bullying, harassment and sexual misconduct (which includes sexual harassment) are unacceptable behaviour and will not be tolerated at Birmingham Christian College.

These behaviours are contrary to the Equality Act 2010; the Protection from Harassment Act 1997; and the Workers Protection Act 2024, and to BCC's ethos and mission.

BCC is legally obliged to take reasonable steps to prevent sexual harassment of its students and workers. Throughout this policy the term "staff" or "worker" refers to employees and workers.

No member of the BCC community is expected to tolerate such unacceptable behaviour, whether by a member of the BCC community, or by a third party such as a supplier or visitor to the College; or a member of the public. This policy seeks to ensure that BCC students, staff and the wider BCC community are protected from bullying, harassment and sexual misconduct. Staff and students have the right to disclose experiences of unacceptable behaviour experienced while studying or working; to be listened to, and to seek support.

Breaches of this policy by staff or students will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and referral to the police. Breaches by third parties will be dealt with appropriately and may be referred to security and/or the police.

## Scope

7. This Policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by students, staff, appointees or third parties. An appointee is someone engaged by BCC such as a volunteer, honorary staff, agency worker or contractor.

Students, staff and appointees may (and are encouraged to) raise concerns of bullying, harassment or sexual misconduct (including sexual harassment) under this Policy.

8. The alleged misconduct may have occurred:

- On BCC property.
- Via BCC IT systems;
- Off BCC property.

- Online whether via email, the internet or social media.

and is alleged to have the effect of creating a hostile environment for a member of the College community.

9. This policy is designed to cover all areas of BCC including any overseas sites, subject to applicable local laws.

## Definitions

### 10. Abuse of power

An abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, pressuring staff to engage in workplace or research misconduct, bullying and harassment. Abuse of power may also occur in the context of a close personal or intimate relationship.

The above behaviours may be expressed in person, in writing and/or by electronic means.

### 11. Bullying

According to ACAS guidance, bullying is intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct.

### 12. Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

**Freedom to consent:** a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else)
- 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 and the party without power feels pressured to continue in the relationship against their will.

**Capacity to consent:**

Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have capacity to give consent if:

- they are drunk or under the influence of drugs- this means someone may still be physically able to have sex but they may not be able to consent;
- they are asleep or unconscious;
- a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

**13. Disclosure**

Disclosure, for the purposes of this Policy and procedure, involves an individual choosing to tell anyone who is part of the College, about their experience of bullying, harassment or sexual misconduct. Unlike Reporting (see definition below), disclosure does not trigger an investigation or action (unless the College has a safeguarding obligation), but it may lead to support being offered.

**14. Discrimination**

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably based on 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.

**15. Grooming**

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone 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.

**16. 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.

**17. Reporting**

Reporting is the sharing of information with a staff member of the College regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this Policy and the accompanying procedure (different from Disclosure).

**18. Reported Party**

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

### **19. Reporting Party**

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

### **20. Sexual misconduct**

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include sexual harassment (as defined below); 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.

### **21. Sexual Harassment**

Sexual harassment occurs when someone is subjected to unwanted conduct of a sexual nature which has the purpose or effect of either violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A person can be sexually harassed by someone of the same or different sex. Sexual harassment can include, for example:

- a) unwanted physical conduct of a sexual nature, including touching, pinching, pushing and grabbing, invading personal space, groping, tugging or lifting someone's clothing, and more serious forms of sexual assault.
- b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.
- c) sending or displaying material that is pornographic or that some people may reasonably find offensive (including emails, text messages, social media content, video clips and images sent by mobile phone or posted on the internet);
- d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); sexual jokes; remarks or comments about someone's body or appearance; sexual derogatory comments about women or men; innuendos; wolf whistling; or stalking.

This list of examples is not exhaustive.

A person can be sexually harassed even if they are not the intended target.

### **22. Third-party harassment**

This occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, BCC, but with whom that person has come into contact during their employment or studies. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting BCC's premises, or where a person is visiting a supplier's premises or other location in the course of their employment.

### **23. 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 to amount to a course of conduct, it may then cause significant alarm,

harassment or distress to the victim.

## **24. 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. Where BCC becomes aware of victimisation taking place, this may lead to disciplinary action including **dismissal**.

## **Roles and Responsibilities**

25. BCC is committed to preventing incidents of bullying, harassment or sexual misconduct (including sexual harassment) where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. BCC also commits to make available timely support for those who have been affected by such behaviours; and to provide prompt and equitable methods of investigation and resolution to stop bullying, harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence.

26. All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct (including sexual harassment) through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

BCC staff, student mentors and ambassadors are in a position of trust. It is important that exemplary behaviour is demonstrated. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being under-taken.

## **Sexual harassment**

27. Sexual harassment is unlawful and will not be tolerated. It may lead to disciplinary action up to and including dismissal if committed:

**(a)** In a work or educational situation.

**(b)** During any situation related to work or study, such as at a social event with colleagues, during or outside working hours.

**(c)** Against a colleague or other person connected to BCC outside of campus, including on social media.

**(d)** Against anyone outside of a work situation where the incident is relevant to the worker's suitability to carry out the role.

28. BCC will consider any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

29. If any sexual harassment or victimisation of staff occurs, BCC will take steps to remedy any complaints and to prevent it happening again. [These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.]

30. Report and Support is a service for students and staff through which they may make an anonymous disclosure or a full report on an incident of bullying, harassment and/or sexual misconduct (including sexual harassment). Report and Support will provide information on support options, internal and external to BCC, and will direct the staff member or student on how to take the informal or formal complaint forward.

31. BCC will take active steps to prevent sexual harassment and victimisation of all staff and students.

32. Staff and students are required to disclose criminal convictions acquired during employment or study at BCC.

### ***Third Party Sexual Harassment***

33. Third Party sexual harassment of BCC staff or students will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. While an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claims.

34. Where staff experience third-party harassment, they are encouraged to report it. BCC will monitor any potential risk areas for third-party harassment and take steps to prevent it occurring where possible. Where third-party harassment does occur BCC will take steps to remedy any complaints and prevent it from happening again (e.g. by warning the third-party about their behaviour, banning a third-party from BCC, reporting any criminal acts to the police or sharing information with other branches of the organisation).

## **Informal Resolutions**

35. A person affected by bullying, harassment or sexual misconduct under this policy may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious. Staff are encouraged to speak to their manager or supervisor. Students are encouraged to speak to their personal tutor, or the students support officer. BCC recognises it is for the person affected to determine the preferred pathway for resolution, and that engaging in informal resolution is not a barrier to bringing a formal complaint at a later time.

36. However, BCC may be under a duty of care to investigate the behaviour.

37. If a student, or a member of staff is approached and told that their behaviour could be construed as bullying, harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the student or colleague

to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed. If the nature of the complaint is serious or inappropriate, the student or staff member should speak with their line manager or supervisor to agree the next steps.

## **Procedure for making a formal complaint**

38. Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by another student may make a formal report to the Students support team by emailing them on [info@bccoll.ac.uk](mailto:info@bccoll.ac.uk) . This process may also be initiated through the Registry.

Students who feel they have experienced or witnessed bullying, harassment or sexual misconduct by a member of staff may make a formal report to the Registrar.

39. 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 emailing the Principal or they may make a formal complaint against a student by contacting the student support officer. Either process may also be initiated through [info@bccoll.ac.uk](mailto:info@bccoll.ac.uk)

40. 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. This may involve notifying third parties and using their complaints procedure, or notifying BCC support team and/or the police when involving members of the public.

41. Third parties or members of the public who feel they have experienced or witnessed bullying, harassment or sexual misconduct by an employee or student while at BCC or participating in a BCC activity, may make a formal complaint using the Public Complaints procedure.

42. Where the student, member of staff or member of the public 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, and the Safeguarding Children and Adults at Risk Policy should be referred to.

## **Outcome of a formal complaint/disciplinary case**

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

44. 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, where possible, but there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party.

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

## **Support Available**

46. BCC is committed to providing support for members of its community affected by these issues. Support information is outlined in the student's handbook and includes internal and external support providers. Support resources are available to any member of the College who discloses an incident regardless of whether they choose to make a report to the College or Police. Staff at BCC who receive a report or disclosure should direct the reporting party to the support available. BCC will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

## **Interim Measures**

47. Following a report, or a disclosure that requires an investigation, BCC may determine it necessary to introduce interim measures. An Interim Measures Panel (IMP) may assess support needs, consider how to protect the interests of all parties and members of the College community who may be impacted by the case, and agree to next steps. This will be achieved through a robust risk assessment to consider the academic, welfare and support needs of the parties, and any interim measures necessary to ensure a fair and transparent investigation, where appropriate.

48. Any interim measures will be proportionate to the nature of the risk(s) being managed. Interim measures may include alternative working arrangements, provision of support, or a recommendation to partially or fully suspend an employee or student during this time and will be recommended by the panel in accordance with BCC's policies and procedures.

49. The Chair of the Interim Measures Panel will be The Principal or or the Director of Finance, Business and Operations.

50. The composition of the Interim Measures Panel will depend on the nature of the allegations and the parties involved e.g. between students; between a student and a staff member or between staff members. There will be three or four members, including the Chair, and will comprise of:

- A senior representative from the reported party's department
- An independent senior academic and/or senior professional services manager from a trained pool (where the reported party is a staff member)
- A Students Union Rep (where the reported party is a student)
- The Registrar

The Chair of the panel will ensure that members have received appropriate training and that where possible, the panel is diverse and reflects any relevant protected characteristics.



51. The membership of the panel will be shared with the reporting party in advance of the meeting to ensure transparency and to manage any conflicts of interest.

52. The risk assessment and any interim measures that are put in place will be shared to both parties; and will be reviewed regularly by the IMP and amended as appropriate.

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

## **Environmental Investigations**

54. Where there are several reports concerning unacceptable behaviour, BCC may conduct an environmental investigation with staff and/or students within a department or faculty to understand the behaviours in more detail, and identify and target appropriate support and interventions.

55. An environmental investigation will involve an agreed terms of reference with the department, and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions.

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

## **Police Investigations and Judicial Proceedings**

57. Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, the College will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.

58. Where, following police advice or otherwise, BCC decides not to undertake its own investigation until the case has concluded, BCC reserve the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.

59. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the College's investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, the College may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party.

60. An internal investigation is focused exclusively on whether a breach of the Prevention of bullying, harassment and sexual misconduct policy and/or other applicable obligations or policies has occurred. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may, depending on the

circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

61. 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 BCC's Prevention of Bullying, harassment and sexual misconduct policy, they must declare this to the College (for staff refer to Criminal Convictions Policy; for students refer to the Student Disciplinary Procedure.) The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the College. Appropriate measures may be taken (if they have not already) under the respective Student Disciplinary Procedure and Staff Disciplinary Procedure.

## **Victimisation**

62. BCC will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.

63. If a formal complaint of victimisation is made about a student's or employee's behaviour it will be fully investigated and dealt with in accordance with the Student Disciplinary Procedure or BCC Staff Disciplinary Policy. Aggravating factors, such as abuse of power, will be considered when deciding what disciplinary action to take.

## **False, bad faith or misleading complaints**

64. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the Staff Disciplinary Procedure and Student Disciplinary Procedure.

## **Confidentiality**

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

## **Review of Policy**

66. This policy will be reviewed at regular intervals, and its effectiveness will be monitored and any changes which are identified as needed will be implemented.

This policy is not contractual and may be varied from time- to- time following consultation with BCC's staff and students

67. Equality data will be collected for the purposes of equality monitoring, and an annual equality assessment will be undertaken on the impact of this policy.

## Office of the Independent Adjudicator (OIA)

Once the investigation stage has been completed, and the complainant remains dissatisfied with the manner in which the complaint was addressed by the College, the complainant is entitled to appeal to OIA. Using Completion of Procedure letter (COP letter). A Completion of Procedures Letter is a letter which the college will send to a student when they have reached the end of our internal processes, whenever there is no further avenue for the student internally. Normally a student can't complain to OIA without a COP letter.

The OIA considers complaints from those who remain dissatisfied at the conclusion of the College's procedure, for example on grounds of an administrative failure by the College.

The OIA will not investigate complaints on the grounds that the student is dissatisfied with the outcome of the College's investigation in itself – the OIA can only look at complaints where the complainant is alleging a fault or maladministration in the process followed by the College.

The OIA also cannot normally look at complaints where:

- Students have not gone all the way through the College's procedures;
- It is more than 12 months after the student became aware of the alleged offensive behaviour being complained about; or
- The matter is being considered in court.

Contact details for the OIA are as follows:

You may contact the OIA Casework Support Team on 0118 959 9813 or

e-mail: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk) .

[Website](#)

[Online contact form](#)

[Complaints form](#)

## Appendix 1- Example of Unacceptable Behaviours

Examples of unacceptable behaviour that are covered by this statement include (but are not limited to) the following:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Repeatedly or deliberately ignoring people who are waiting to contribute to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions.

- Deliberately excluding someone from meetings, communications or a social activity without a good reason.
- Abuse of power by blaming a team member if something has gone wrong, rather than taking personal responsibility.
- Deliberately creating an environment where a team member is side-lined or has their responsibilities limited or narrowed.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- “Grooming” behaviour, for example making someone feel special by buying them gifts, for example, then gradually manipulating them to carry out duties outside of their normal remit, or which are in breach of BCC policy.
- Allocating staff unreasonable workloads with unreasonable deadlines that require an individual to work excessive hours for sustained periods.
- Inappropriate and/or derogatory remarks about someone’s performance
- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault.
- Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking or belittling a person’s protected characteristic, see para. 3.2
- Outing or threatening to out someone as gay, lesbian, bisexual or trans
- Speculating or gossiping about someone's perceived sexuality or gender identity, refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming').
- Practices which are potentially discriminatory and have the effect of excluding certain people. Examples may include regularly holding a meeting at a time or on a day that a part-time worker cannot make or arranging an away day with a physical activity which a wheelchair-user cannot access.
- 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.
- Any unwanted sexual advances, sexual comments or comments about someone’s body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone’s clothing, or stalking.

- Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions.
- Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by BCC policy, such as flexible working, or requests for annual leave.
- Overtly or covertly recording colleagues in order to gather evidence that may be used against them.

**Other related policies:**

[Freedom of speech policy](#)

[Student Academic Complaints Policy & Procedure](#)

[Academic Freedom Policy](#)

[Safeguarding Policy](#)