Bullying & Harassment Policy & Procedure

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Introduction

This Policy & Procedure applies to all students registered on a course at MetFilm School – including those registered with its academic partners - and to all staff of MetFilm School. The policy also applies to students on short courses, although the School reserves the right to vary timelines. Staff will always work to ensure the principles of fairness and natural justice are adhered to when varying this policy and procedure for short course students.

MetFilm School is dedicated to creating a safe, welcoming, inclusive and diverse community that nurtures a healthy environment and culture of mutual respect and consideration, allowing all members to thrive without fear of bullying, harassment, discrimination, sexual violence, abuse, coercive behaviours or related misconduct.

MetFilm School provides a range of support for students to access where they have experienced any form of bullying or harassment. Whether or not a student wants to make a complaint or a formal report, it is important that they have access to support in relation to their experience. Students should speak to their Student Wellbeing team for confidential guidance or advice, either in person or via mail or phone.

MetFilm School also recognises that incidents of bullying or harassment may occur within its community and will not tolerate staff or students who engage in behaviours that include forms of bullying and harassment or conduct likely to violate a student's dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment for a student. If a student has experienced behaviour of this kind where another MetFilm School student or staff member is involved, they can make a complaint or a formal report as set out in this Policy & Procedure so that it can be thoroughly investigated and, if appropriate, action can be taken by MetFilm School.

Allegations of bullying or harassment may result in disciplinary action being taken against the student or staff member involved. Any individual who makes a vexatious, demonstrably false or malicious claim of bullying or harassment will be dealt with in accordance with MetFilm School's Student Disciplinary Procedure.

As part of its commitment to eliminating bullying or harassment, MetFilm School undertakes to:

- Apply this Policy & Procedure equally to all students registered at MetFilm School;
- Treat all allegations of bullying or harassment seriously, fairly, sensitively, promptly and with appropriate regard to confidentiality;
- Publicise this Policy & Procedure as widely as possible to ensure that students are aware of its existence;
- Monitor the effectiveness of this Policy & Procedure.

Further information about the behaviour expected of students can be found in MetFilm School's *Student Code of Conduct*, *Sexual Misconduct Policy* and *Student Social Media Policy & Guidelines*.

What is Bullying & Harassment?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment is unwanted conduct which causes an individual to experience alarm or distress. It may be making discriminatory or offensive statements or behaviour relating to an individual's (actual or perceived) age, sex, race, ethnic or national origin, disability, religion or belief, sexual orientation, gender reassignment, or any other personal characteristic. It may be persistent behaviour or a single isolated incident. The key is that the actions or comments could reasonably be viewed as being hostile or intimidating, demeaning and unacceptable to the individual, and likely to cause them alarm or distress. Students can be subject to harassment and thus have a right to make a complaint even if the harassing behaviour is not directed at them personally, but instead at another student or member of staff. Harassment may have either the purpose or the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It is recognised that differences in attitude, background and culture can often mean that what is perceived by one individual as bullying or harassment may not necessarily be perceived in the same way by another.

It should be noted, therefore, that when deciding whether bullying or harassment has occurred, the impact on the individual and whether the behaviour is unacceptable by normal standards will be the focus, rather than motive or intent. Bullying or harassment can be verbal or non-verbal and can include hate crimes. The following list of examples is not intended to be exhaustive:

- Verbal abuse.
- Insulting behaviour or personal insults.
- Sexist jokes, racist jokes, or jokes about an individual's sexual orientation, disability, religion, beliefs or age (actual or perceived).
- Behaviour which incites racial hatred, such as displaying an insignia or badge associated with racist groups.
- Offensive written or computer-generated material, including the use of social media or email.
- Unreasonable,or offensive behaviour relating to an individual's disabilities or mischievous interference with personal aids or equipment.
- Unwanted physical contact ranging from touching to serious assault.
- Leering and offensive gestures.
- Display or circulation of sexually suggestive or racially abusive material.
- Coercive or menacing behaviour which interferes with dignity and privacy or which undermines an individual's self-confidence.
- Asserting a position of seniority in an aggressive, abusive or offensive manner, e.g. inappropriate or derogatory remarks made in connection with performance of duties / responsibilities.
- Intrusion by pestering, spying or stalking.
- Ridicule, isolation or exclusion from everyday social interaction or activities.

Online Bullying & Harassment

Bullying & Harassment can be conducted by digital, electronic and online media, and examples of this behaviour could include:

- Cyberstalking; or repeated and deliberate use of the internet and other electronic communications tools to engage in persistent, unwanted communication intending to frighten, intimidate or harass someone, or to spy on someone;
- Sending or posting harmful, untrue or cruel statements about a person to other people;
- Sharing someone else's personal information without their permission;
- Purposeful isolation of individuals from online communications with others in a network;
- Pretending to be someone else online;
- Engaging in tricks to solicit personal information that is then made public, often to blackmail the individual;
- Sending or posting deliberately inflammatory, inappropriate or controversial messages or comments on the internet in order to upset and provoke responses from other internet users;
- 'Virtual mobbing', or where a person tries to attract attention to someone else by getting other people to bully a person, for example where large numbers of people are encouraged to target one individual with numerous messages or by using hashtags to encourage other people to join in;
- Image-based sexual abuse; or online disclosure of sexual or intimate photos or videos, without the consent of the person pictured;
- The exchange of online sexual image or videos. This is illegal for under-18s. Where sexual photos or videos of adults are shared online between adults (that is, over 18s) without permission of those involved, this is usually classified as 'revenge porn';
- 'Upskirting', or filming or photographing under a person's clothes without their consent to capture images of their body or underwear.

In certain instances, including some of the examples listed above, bullying or harassment may be considered as Sexual Misconduct, and MetFilm School has a separate Sexual Misconduct Policy & Procedure specifically to deal with such matters. If there is a conflict or overlap between this and any other MetFilm School policy or procedure, then Academic Services will decide which policy should apply.

If MetFilm School decides not to deal with a complaint under this Policy & Procedure, there is a right of review as detailed in the 'Review Request' section below.

Any difficulty in defining bullying or harassment should not deter a student from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation. MetFilm School will respect the sensitivity of complaints of bullying or harassment and their consequences and will treat any complaint with the utmost confidentiality and in line with the provisions of the Data Protection Act. Complaints will not normally be taken further than the complainant wishes.

Complaints of bullying or harassment covered by this Policy & Procedure will be considered by MetFilm School as appropriate: where the Responding Party is a student, this will be under the Student Disciplinary Procedure and where the Responding Party is a staff member, this will be under the Staff Disciplinary Procedure.

Off-Campus Bullying & Harassment

Students are expected to behave in a respectful manner towards each other both on and off MetFilm School's campuses. Incidents of off-campus bullying or harassment, including those that take place online via social networks, etc., will be treated as seriously as those committed within MetFilm School's facilities.

What to do if you are the victim of Bullying or Harassment

If you suffer bullying or harassment, you can do one or more of the following:

- take it up with the person concerned
- take informal advice (such as from the Student Wellbeing team|)
- make an anonymous disclosure under this Policy & Procedure
- make a complaint under this Policy & Procedure
- make a formal report under the Student Disciplinary Procedure

If you consider yourself to be under physical threat or at serious risk of imminent harm, you should always contact the police in the first instance. Support for students in this situation can be provided in confidence by members of your Student Wellbeing team.

Complaints of bullying or harassment should be made in a timely manner and without unreasonable delay. Unless MetFilm School is notified of incidents of bullying or harassment within a reasonable length of time, it may not be able to adequately investigate or take steps to prevent or eliminate them.

All parties involved should act in good faith to seek a successful resolution of any complaint at as early a stage as possible and all parties will be treated fairly, consistently and with respect.

A student making a complaint under this Policy & Procedure has the right to have that complaint investigated and handled appropriately by MetFilm School in a fair, transparent and timely manner.

The individual or individuals against whom a complaint is made shall have the right to respond to any allegations made against them.

Use of a third party (such as a mediator) to help resolve the problem, whether internal or external, may be considered where deemed appropriate by MetFilm School.

A complaint determined by MetFilm School to be malicious, demonstrably false or vexatious may give rise to disciplinary proceedings against the complainant.

Anonymous Disclosure

A Student can anonymously disclose an allegation of Bullying or Harassment to MetFilm School using this Anonymous Disclosure Form. This process is completely anonymous and enables MetFilm School to understand the prevalence and type of Bullying & Harassment happening and the reasons why those making a disclosure wish to remain anonymous. However, its purpose is to collect statistical information and it will not result in any action being taken in relation to the disclosed incident.

Informal Stage 1: Taking it up with the Person Concerned

If possible, the first stage should be for you to try and resolve any issues with the person concerned by making it clear that their behaviour is unacceptable. You can do this either verbally or in writing. If you do so in writing, you should always keep a copy, bearing in mind that this can be used in evidence by the other person. You should always keep detailed notes of any incidents that distress you, including information on the ways in which the incidents cause you to change the pattern of your work or social life. You should keep a note of who witnessed the incidents.

If you don't feel able to take it up with the person concerned, or this approach does not resolve the matter to your satisfaction and if the Bullying or Harassment continues, you can take further action under Informal Stage 2 of this Procedure.

Informal Stage 2: Taking Informal Advice

You can take advice from various sources, including Student Wellbeing staff and your Course Leader. All such discussions are private and confidential, and you can bring a friend with you if you wish. The abovementioned members of staff may be able to make informal approaches to the accused to ensure that the bullying or harassment is not repeated. The decision whether to go further will depend on you.

In the event that neither of these steps resolves the matter to your satisfaction, you may request an informal investigation to be carried out by your Student Wellbeing Team where the complaint is made about a student, or MetFilm School's People Team where the complaint is made about a member of staff. Advice about the conduct of the informal investigation can be sought from either of those teams, as appropriate.
The member of staff who undertakes the informal investigation (the Investigating Officer) will meet with the individual about whom the complaint has been made to advise them of the allegations and invite their response.

If appropriate, the Investigating Officer may advise that a meeting be held with both parties with the aim of facilitating a discussion and reaching a resolution. This may include the use of trained mediators where appropriate.

The outcome of the Informal Stage 2 of this Procedure may reach one of the following conclusions:

- No further action necessary.
- Situation mutually resolved.
- Further action necessary.

Where it is decided that, on the balance of probabilities, there is sufficient evidence to find that action is necessary, but MetFilm School considers measures short of disciplinary action to be appropriate to reach a suitable resolution, either or both of the following may be requested:

- The person against whom the complaint was made should offer a written apology to the student who made the complaint. Where the complaint relates to comments or content posted on a public forum, such as on social media, the apology should be made on the same forum, with the wording to be agreed in advance with the Investigating Officer.
- The person against whom the complaint was made should undertake additional training to ensure repeats of such behaviour shall not occur in the future.

Retaliation of any kind, including any words or actions, intimidation, threats or coercion, against a student for instigating or engaging with an investigation will be dealt with as Misconduct.

Formal Process

You are strongly advised to take the informal route first, with the support of those suggested above, who may help you decide whether to make a formal report. Formal reports should be made using this Reporting Form, and you are encouraged to read the Student Disciplinary Procedure in full before completing the form.

Where a formal report is received, it will initiate an investigation process under MetFilm School's Student or Staff Disciplinary Procedure, as appropriate. Please bear in mind that, even where you are reporting criminal conduct, no formal investigation can take place without your approval and evidence, and that it is for you to choose whether or not to give that evidence. It may be the case that a formal investigation into an incident to which you are the only witness is not possible without the disclosure of your statement to the accused.

Review Request

If the Complainant is dissatisfied with the outcome of the **informal** investigation, or if they believe the matter has not been handled fairly or properly in accordance with this Policy & Procedure, they will be given the opportunity to request a review.

A Review Request must be made in writing to the Head of School within 14 days of receipt of the outcome of the informal investigation. The Review Request should include details of why the Complainant is dissatisfied with the way the case has been handled, or why they believe the outcome is not reasonable, together with any supporting documentation.

The Head of School will identify a member of staff, independent of the case, to undertake the review. The case will be reviewed on the basis of the documentation provided by the Complainant and that held by the original Investigating Officer. The Reviewing Officer may decide to seek further information if necessary. If it is decided that the case was not handled appropriately, the Reviewing Officer will either refer it for new investigation or recommend specific action to resolve the matter.

If it is decided that the case has been handled fairly and properly, the Review Request will be dismissed. The Complainant will be informed of the outcome of the Review Request within 20 working days of receipt, and that this decision is final.