

# Open College of the Arts

## Anti-Harassment & Bullying Policy

Version number	Status	Policy owner	Approved by	Date of approval	Date of next review
1	Approved	Head of Student Services	Principal	07/06/2018	
2	Approved	Head of Student Services	Principal	July 2022	June 2023

### 1. The purpose of the policy

- 1.1 This policy sets out the steps that the Open College of the Arts takes in dealing with harassment and bullying. This relates to the culture that we create, and the specific actions we take to address these issues including training, and measures.

### 2. Who does this policy apply to?

- 2.1 This policy applies to all students, staff, and tutors at OCA.

### 3. Linked and other relevant policies and legislation

- 3.1 This policy is subject to OCA's [Terms and Conditions](#).
- 3.2 This policy should be read in conjunction with OCAs [Equality and Diversity Policy](#), [Safeguarding Policy](#), Wellbeing Policy, and [Student Code of Conduct](#).
- 3.3 This policy references the [Equality Act 2010](#) and [Protection from Harassment Act 1997](#).

### 4. General principles

- 4.1 The Open College of the Arts is committed to providing a learning and working environment that is fair, inclusive, and supportive for students, tutors and staff. We value the inherent diversity in our student, tutor and staff body and aim to enhance this through this policy and others to support our strategic aims.

- 4.2 In line with our charitable mission, we aim to provide opportunities to access the creative arts to everyone in society, and to treat everyone fairly and equally, with respect and dignity.
- 4.3 The College does not tolerate any behaviour which any member of the College community feels is harassment, bullying or victimisation. We aim to provide an environment whereby differences including, but not limited to, opinion, skin colour, gender, sexuality, and religious belief are valued and respected, and where any action runs contrary to this principle, that people feel empowered to report this.

## **5. Definitions**

- 5.1 The [Equality Act 2010](#) defines harassment as “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.”
- 5.2 The Act also bans three specific types of harassment; harassment relating to protected characteristics, sexual harassment, and treating an employee less favourably because s/he rejects sexual harassment related to gender reassignment or submits to it.
- 5.3 Bullying may be described as threatening, aggressive, abusive, or undermining behaviour. In addition it may be an abuse of a position of power, position, or knowledge. This may be either verbal or written behaviour, social exclusion, or physical.
- 5.4 Victimisation is the mistreatment of a person or persons on the basis of a complaint made by such person or persons, or have assisted in the making of such a complaint.
- 5.5 All behaviour and/or action which leads to a person or persons feeling anxiety, stress, harm, isolation, or depression is unacceptable and runs contrary to what OCA expects of its members.

## **6. Reporting an incident or concern**

- 6.1 Harassment and bullying could occur anywhere, including on OCA premises, supplied fora, and/or learning environments, but could as easily happen elsewhere. This policy and its principles are incumbent upon all members of the OCA community at all times, and in all locations and media.
- 6.2 Anyone who is concerned about actions that they consider to meet any of the definitions under section 5, should contact the OCA Safeguarding Lead to highlight the issue.
- 6.3 Any person or persons may highlight an issue of concern, even if the highlighted issue does not regard them personally, however it is the views of the subject that are considered in all circumstances to be most important.
- 6.4 It may be possible to deal with an issue informally by speaking to the instigator. However, OCA would recommend speaking to a trained adviser before attempting to do so.

6.6 Members of staff and/or tutors should speak to their line manager, or any other appropriate representative to raise an issue and seek support.

## **7. Investigation**

7.1 Any concern that is raised will be investigated fully by OCA. It is requested that in raising an issue to note dates and times of incidents and provide any other evidence that may be useful.

7.2 Investigations will be conducted by the Head of Student Services, unless the concern of incident relates to the Head of Student Services, in which case the investigation will be conducted by the Head of Quality and Academic Support.

7.3 The investigation will speak to all persons involved and seek their perspective on the issue, with primary consideration given to the views of the subject of alleged bullying and/or harassment.

7.4 Where an investigation identifies that a student has breached the conditions of the Student Code of Conduct, the investigating officer (paragraph 7.2) will apply any sanctions as appropriate

## **8. Investigation outcome**

8.1 Any investigation undertaken will seek in all cases to establish the facts of the case, including the claimed incidents, the person or persons involved, the claimed effect, and the recipient effect. In considering this, the investigation will speak to all involved, in accordance with the principles espoused in this policy.

8.2 Following the conclusion of the investigation, the authorising officer will conclude the outcome of the case, including both whether any transgression has occurred, and if so, what action should be taken.

8.3 In cases where a student is found to have breached the Student Conduct Policy through any of the definitions of behaviours/actions as described above, they will be subjected to the measures as outlined, up to and including expulsion from the College. Where the outcome of the case is such that the College is concerned a criminal offence may have occurred, the College will notify the police and suspend any internal investigation and/or sanction until such time as the police investigation is concluded.

8.4 In cases where a staff member or tutor is found to have breached the provisions of the Staff Handbook and Tutor Handbook respectively, through any of the definitions of behaviours/actions as described above, they will be subjected to the measures as outlined, up to and including termination of employment and/or contract with the College. Where the outcome of the case is such that the College is concerned a criminal offence may have occurred, the College will notify the police and suspend any internal investigation and/or sanction until such time as the police investigation is concluded.

## **9. Support for the policy**

9.1 Should you need any help with this policy whilst you are enrolling to an OCA course, you should contact our Finance team at [accounts@oca.ac.uk](mailto:accounts@oca.ac.uk) where they will be able to answer any queries you have.

## **10. Control of the policy**

10.1 This policy was authored by Craig Dewis, Head of Student Services in consultation with OCA employees and given approval through OCA Oversight Management Group.

## **11. Reviewing the policy**

11.1 OCA will work closely with the Student Association to gather student feedback on the outline of the policy, its intentions, the administration of the policy, and a review of all these points in practice. These will then be fed into the next review point for the policy.

11.2 This policy will be reviewed annually, the last review point was July 2022, and the next review is due in June 2023. If you would like to raise any issues around this policy then you should contact [accounts@oca.ac.uk](mailto:accounts@oca.ac.uk), or if you are a student, you might also wish to raise these with the appropriate Student Association representative.