

JACCD DIA
STUDENT HARASSMENT AND BULLYING POLICY



2021

Introduction

1. The JACCD DESIGN INSTITUTE AFRICA is committed to a policy of equality of opportunity and aims to ensure that no JACCD DESIGN INSTITUTE AFRICA student is subject to harassment or bullying of any nature in the teaching, learning, or working environments so that they are treated with dignity and respect. The policy and procedures seek to encourage students to come forward with their concerns so that they can be dealt with promptly, impartially and with sensitivity.

2. The JACCD DIA will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and appropriate action will be taken. Also the JACCD DIA will not tolerate victimisation of a person for making allegations of bullying or harassment in good faith, or supporting someone to make such a complaint. Any form of discrimination, harassment or victimisation that is proven may be treated as a disciplinary offence under the Student Disciplinary Procedure.

3. Harassment is unwanted conduct related to a protected characteristic which:
 - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - is *reasonably* considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

In accordance with the Constitution of Ghana, all human beings are equal before the law and no person can be discriminated on any ground, including gender, race, colour, ethnic origin, religion, creed or social or economic status.

Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this constitution but subject to respect for the rights and freedoms of others and for the public interest. (Art. 12) Harassment can be directed at an individual or a group.

4. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which undermines, humiliates or injures the person on the receiving end.

Bullying or harassment may be misconduct which is physical, verbal or non-verbal, e.g. by letter, e-mails, text messages, social networking media, or by attitude or behaviour.

If the incident is sufficiently serious that it is being investigated by the police, the JACCD/DIA procedures will be suspended until the police have completed their investigations.

5. Bullying or harassment relating to a protected characteristic (see paragraph 3) is unlawful discrimination even if it is by association or perception:
6. **Associated discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (excluding marriage and civil partnership). For example, a

student, whose child has attention deficit hyperactivity disorder, is refused access to a graduation ceremony because of fears about the child's behaviour.

7. **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not have that protected characteristic (excluding marriage and civil partnership). For example, an Advisor refuses to work with a student because they believe that the student is gay irrespective of whether the student is gay or not.
8. **Victimisation** is deliberately treating someone less favourably than others because he or she has complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has made a complaint. For example, a student alleges that they have encountered racism from a tutor, and as a result they are ignored by other staff members.
9. **Mediation** is a process where a neutral person, the mediator, works with people who have a disagreement to help them to find their solution and reach an agreement that will assist them to resolve their problem, improve the situation or enable them to work together effectively. The mediator does not take sides or judge who is right or wrong. A student can request mediation and/or the JACCD DIA may consider offering mediation to enable the student to reach informal resolution, where appropriate.

Policy Statement

11. This policy applies to students.

12. This policy does not apply to staff, visitors or contractors. If you are a member of staff, a visitor to the JACCD DIA or a contractor of services on behalf of the JACCD DIA experiencing harassment or bullying, you should consult the Policy on Harassment and Bullying in the Work Place. This is contained in the employee and faculty handbook

13. Implementation of this policy will be by:

- Publicising the policy throughout the JACCD DESIGN INSTITUTE AFRICA.
- Providing specialist training for Harassment Advisors and managers to raise awareness and to deal with harassment issues.
- Provide access for student complainants for advice and support through a network of Harassment Advisors.
- Provide counselling support where appropriate.

14. Students have a right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- ❖ physical conduct ranging from unwelcome touching to serious assault;
- ❖ unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- ❖ demeaning comments about a person's appearance;
- ❖ unwelcome jokes, comments or unwanted nicknames related to a protected characteristic;
- ❖ the use of obscene gestures;

- ❖ spreading malicious rumours or insulting someone by word or behaviour;
- ❖ picking on someone or setting him or her up to fail;
- ❖ ridiculing or demeaning someone;
- ❖ isolation or non-cooperation in the classroom or study group; and
- ❖ excluding someone from social activities such as organising a social event and deliberately not inviting a student colleague.

15. Differences of attitude, culture, background or misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not seem so to another. The Student Conduct Statement makes clear the JACCD DIA's expectation that we all have a duty to be sensitive to the needs of others and to respect individual differences. In its investigation of allegations of harassment and bullying the JACCD DIA will apply the concept of reasonableness to its handling of such matters.

16. Being under the influence of alcohol or drugs will not be accepted as an excuse for any form of inappropriate behaviour, harassment or bullying.

Any student who is found to have discriminated against, harassed or bullied a member of JACCD DIA staff will have the incident(s) investigated under the Policy on Harassment and Bullying in the Work Place.

17. The JACCD DIA has a network of Harassment Advisors that can be contacted for advice. They provide an advisory and guidance role in incidents of harassment and bullying on the options for resolution for students through the students affairs office

Responsibilities of students:

- ❖ To ensure that they behave in a way that is regarded as lawful and acceptable that does not cause offence, humiliation, embarrassment or distress.
- ❖ To ensure they have read the policy and comply with its terms and associated codes of practice.
- ❖ Students who perceive that they are being harassed or bullied should act promptly and should not wait until it reaches an intolerable level or their well-being is jeopardised.
- ❖ Students who witness bullying, harassment or any incidents of unacceptable behaviour should not ignore it. They should intervene. If they are not confident to do so they should contact their Personal Tutor or a Harassment Advisor for advice.
- ❖ To ensure that other students, employees, and visitors are treated fairly and in accordance with the JACCD DESIGN INSTITUTE AFRICA's core values identified in this policy and ensure that they do not harass or bully others.
- ❖ Students should be aware that any behaviour which impacts negatively on fellow students, staff or visitors or is in any way disruptive or offensive; is not acceptable within the JACCD DIA community and will be subject to Student Disciplinary Procedures (<http://www.bolton.ac.uk/Students/PoliciesProceduresRegulations/AllStudents/Home.aspx>)
- ❖ To understand that it is perfectly proper that their performance is evaluated by academic staff against fair and objective performance indicators that are not open to abuse or misuse.
- ❖ To ensure any complaints are made in good faith, are true and not vexatious or for personal gain.

Responsibilities of staff:

- ❖ To deal appropriately with any complaint of harassment/bullying, using the JACCD DIA's agreed procedures e.g. Student Complaints and /or Disciplinary Procedures as appropriate or if a student has harassed or bullied a member of staff to follow the Harassment and Bullying in the Workplace/Staff Grievance Procedures.
- ❖ To ensure that students are treated fairly, in a manner that does not cause offence, humiliation, embarrassment or distress.
- ❖ To watch for signs of bullying by others, be aware of what is unacceptable behaviour.
- ❖ Act as a source of advice to students.
- ❖ Staff who witness bullying or harassment incidents should not ignore it and, if they feel confident to do so, deal with the incident themselves using this policy for guidance. Alternatively staff can contact a Harassment Advisor for advice or advice the student to pursue the matter by following this policy or the Students Complaints Procedure.
- ❖ To maintain an appropriate relationship between themselves, colleagues and students based on professional ethical principles. To judge performance based on fair, objective and measurable criteria.
- ❖ To participate in harassment and bullying awareness training.

Responsibilities of Student Services staff:

- ❖ To give appropriate advice to students who make a complaint of harassment or bullying and ensure they are made aware of any support available.

Responsibility of the Student Affairs Unit

- ❖ To ensure that staff are trained in dealing with harassment and bullying in line with these procedures.

Responsibilities of Harassment Advisors:

- ❖ To give appropriate support to any student complaint of harassment or bullying.
To ensure all student cases are dealt with in accordance with the appropriate procedures.
- ❖ To be involved in the informal stages of the Student Harassment and Bullying procedure by advising students on this procedure.
- ❖ To participate in regular updating and training on harassment and bullying issues.
- ❖ To promote and share good practice in dealing with harassment and bullying issues.

It is **not** the Harassment Advisor's role to investigate the incident, accompany a student to an investigation meeting or counsel students; however, an Advisor can signpost students to these services to be delivered by the appropriate JACCD DIA staff or Student Union.

Responsibilities of the Student Union:

- ❖ To advise appropriately to any student on how to proceed with a harassment or bullying incident.
- ❖ To give appropriate support to any student complaint of harassment or bullying including accompanying a student to an investigation meeting.

- ❖ To promote and share good practice in dealing with harassment and bullying issues.

The process to be followed after an incident

18. All incidents of bullying and harassment can be addressed either through the informal process or through the formal procedure of the Student Complaints Procedure dependant upon the seriousness of the incident.

19. The JACCD DIA believes informal approaches for complaints help to clarify:

- Why the recipient considers the behaviour as unwanted, unsolicited, offensive and distressing
- The distinction between incidents of harassment, discrimination and bullying which are unintentional and regretted, and more offensive acts which are intended and persistent.

Informal process

20. Before raising a formal complaint, in some instances, the student is encouraged as a first step, to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.

21. Where a student would like support to make such an approach, he/she, may in the first instance contact the student affairs unit.

- If an incident occurs in the classroom (or equivalent), the student can contact the classroom supervisor or Personal Tutor as appropriate.
- If an incident occurs in the Student Union, the student can contact a Student Union Officer.
- If any incidents occur elsewhere (including the use of social media), the student can contact a Harassment Advisor.

When a student approaches any of the above for advice, the student will be asked to outline what **informal** action, if any, he/she has already taken themselves to resolve the situation. If this has not already taken place, the student will be offered advice and guidance on steps that can be taken.

22. All conversations will be treated as confidential and all persons involved will be treated with respect. However, the student should be aware that there are times when it is in the best interest of the student that the classroom supervisor/Personal Tutor/Harassment Advisor may need to contact other people on the student's behalf.
23. It may be appropriate on occasions for either the student or the JACCD DIA to consider the role of mediation in enabling the complainant to reach informal resolution.
24. If a student has already approached the person(s) directly regarding their behavior, the student will be offered advice and guidance on further appropriate steps that can be taken.
25. If the student feels unable to take this course of action as set out above, or if they have already approached the person to no avail, or if the harassment is of

a very serious nature, they will be advised to raise a formal complaint through the Student Complaints Procedure to resolve the issue.

Formal process – Student Complaints Procedure

26. Where the informal method fails to resolve the harassment or bullying or serious harassment or bullying occurs, the next course of action available to the student is to raise a formal complaint through the Student Complaints Procedure. This procedure is designed to enable an individual or groups of students to bring matters of concern to the attention of the JACCD DIA and provide a mechanism for the formal investigation to those concerns with the aim of a satisfactory conclusion.
27. The Students Complaints Procedure can be obtained from the Student Centre or Student Affairs or can be downloaded from www.jaccd.edu.gh/student-life/student-affairs
28. Any subsequent harassment and bullying incident after a formal complaint has been received will be treated as a separate case.
29. If the complaint of harassment or bullying is found to be malicious, mischievous, or vexatious it will provide grounds for disciplinary action against the complainant through the Student Disciplinary Procedure.

Equality Impact Assessment

31. An Equality Impact Assessment (EIA) has been completed on this policy.
32. The JACCD DESIGN INSTITUTE AFRICA is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to the protected characteristics of race, sex, disability, age, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity.

33. All JACCD DIA policies are subject to periodic review under the equality impact assessment process.

Monitoring and Review

34. This policy will be monitored to judge its effectiveness and updated in accordance with changes in the law via the Equality and Diversity Committee.

Other Policies and Procedures

- Student Complaints Procedure
- Student Disciplinary Procedure
- Consensual Relationships
- Student Entitlement Statement
- Faculty Handbook
- Employee Handbook
- Student Constitution

Dissemination of and Access to the Policy

35. This policy will be published on the JACCD DESIGN INSTITUTE AFRICA's website, Library and Students Portal to be available to all students.

Student Harassment and Bullying Policy	
Procedure Ref	
Version Number	1
Version Date	<i>August 2021</i>
Name of Developer/Reviewer	Student affairs
Procedure Owner ((School/Centre/Unit)	Student Services
Person responsible for implementation (postholder)	Head of Student Services
Approving Committee/Board	Executive Board
Date approved	August 2021
Effective from	September 2021
Dissemination Method (e.g. website)	Student Diversity web pages –
Review Frequency	Annually
Reviewing Committee	Equality and Diversity Committee
Document History (e.g. rationale for and dates of previous amendments)	To update the policy to reflect the Staff Grievance Procedure and changes in the Equality Act to harassment and discrimination

