

# Sotheby's INSTITUTE OF ART

## HARASSMENT, BULLYING, SEXUAL MISCONDUCT AND VICTIMISATION POLICY AND PROCEDURE

This procedure is applicable to all SIA - London students registered with the University of Manchester

### Introduction, Purpose and Scope

1. Harassment and bullying can have a serious detrimental effect on people's health, their confidence, morale and well-being and the Institute is committed to providing a positive study experience for all its students.
2. Sotheby's Institute of Art – London will not tolerate any form of discrimination, harassment, bullying, sexual misconduct or victimisation against students, faculty, staff or authorised visitors to the Institute. Such unacceptable behaviour is contrary to the Equality Act 2010<sup>1</sup>
3. All students have a right to complain if they believe that they are being, or have been, subjected to unacceptable behaviour whilst studying at Sotheby's Institute of Art – London, either in person or remotely.
4. Students are expected to consider their own behaviour and the impact it can have on others. Harassment, bullying and sexual misconduct can take place in a number of ways – including, but not limited to face-to-face encounters, online, email and written communications.
5. Harassment, bullying and sexual misconduct can range from obvious forms of intimidating behaviour such as physical violence or shouting to more subtle forms that can be difficult to identify. If an action or behaviour could reasonably have been expected to cause offence, then it is likely that harassment, bullying or sexual misconduct has occurred.
6. Examples of harassment, bullying and sexual misconduct include:
  - unwanted physical contact, sexual advances, sexual coercion;
  - violence or the threat of violence;
  - disparaging, ridiculing or insulting comments, jokes and gossip;
  - Coercion, control and threats;
  - offensive gestures, posters or graffiti;
  - isolation, non-cooperation, exclusion from social events or activities;
  - personal intrusion from pestering, spying and stalking
  - failure to safeguard confidential information;
  - setting impossible deadlines, persistent unwarranted criticism.

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<sup>1</sup> Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

## Definitions

### Harassment

7. Harassment (as defined by Part 2 Section 2 of the Equality Act 2010<sup>2</sup>) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
  - Disability
  - Race
  - Age
  - Religion and belief
  - Sexual Orientation
  - Sex
  - Gender Identity
  - Marriage and civil partnership
  - Pregnancy or maternity (where interpreted as discrimination)
8. Under the above definition, we also understand harassment to include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.
9. Harassment may consist of persistent behaviour, although one single act may be considered sufficiently serious to warrant formal or informal reporting.
10. A person can make a complaint if they experience harassment because they are perceived by others to have a characteristic which they do not actually have, or because they are linked with a person who has a protected characteristic.
11. Threatening to expose someone as a member of a protected group is also a form of harassment, e.g. revealing someone being LGBTQ+, or having a long-term health condition, etc. The disclosure, against their wishes, of someone's gender history is a violation of the Gender Recognition Act<sup>3</sup>.

### Bullying

12. Bullying 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 is persistent, offensive, intimidating, malicious, humiliating or insulting behaviour – often associated with the misuse of power or position which aims to undermine the confidence and self-esteem of the recipient. Some examples of bullying include:
  - Verbal and/or physical intimidation;
  - Ignoring, patronising or ostracising;

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<sup>2</sup> Equality Act 2010 Part 2 Chapter 2 <https://www.legislation.gov.uk/ukpga/2010/15/section/26/enacted>

<sup>3</sup> Gender Recognition Act 2004, Section 22 <http://www.legislation.gov.uk/ukpga/2004/7/contents>

- Setting arbitrary or unachievable workloads in an unreasonable manner, and making threats associated with failure to achieve;
- Excessive supervision
- Public reprimand, ridicule, sarcasm or humiliation
- Posting offensive comments on social networking sites or in other media;
- Sending offensive text messages, or emails;
- Intentionally blocking a person's training, learning or development opportunities.
- Threatening to expose someone as a member of a protected group

### Sexual Misconduct

13. Sexual misconduct is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following behaviour:

- Engaging, or attempting to engage in a sexual act with another individual without consent (including rape);
- Sexually touching another person without their consent;
- Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
- Inappropriately showing sexual organs to another person;
- Repeatedly following another person without good reason;
- Distributing private and personal explicit images or video footage of an individual without their consent.
- Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.
- Exploiting a position of authority to coerce someone into sexual activity.

### Victimisation

14. Victimisation occurs when someone is treated badly because they have made a complaint about discrimination or harassment, or because an individual thinks that they are doing or may do these things.

15. Some examples of victimisation include:

- Excluding someone from social situations following a complaint, or rumour;
- Denying someone the opportunity to participate in a project, social event or apply for a placement opportunity because they are perceived to be a 'troublemaker';
- Lowering a student's assessment results because they have made or supported a complaint.

### **Measures to help stop harassment, bullying, sexual misconduct and victimisation**

16. Institute students, faculty and staff have a responsibility to help create and maintain a working and learning environment free of harassment, bullying, sexual misconduct and victimisation. You can help to do this by:

- always treating your fellow students and colleagues with dignity and respect;

- taking a stand if you think inappropriate jokes or comments are being made;
- being clear with others when you find their behaviour to be unacceptable;
- being conscious about your own behaviour and how it might affect other people;
- intervening, if possible, to stop harassment, bullying, sexual misconduct and victimisation and providing support to recipients;
- making it clear that you find harassment, bullying, sexual misconduct and victimisation unacceptable;
- reporting harassment, bullying, sexual misconduct and victimisation to Institute faculty and staff members and supporting the Institute in the investigation of complaints; and
- if a complaint of harassment, bullying or sexual misconduct is made, not prejudging or victimising the complainant or alleged harasser.

## **Confidentiality**

17. It is essential for all of those involved in informal and formal complaints procedures to maintain appropriate confidentiality. Cases relating to harassment, bullying, sexual misconduct and victimisation may be of an extremely sensitive nature and information will only be shared with relevant individuals with the agreement of the reporting party. SIAL reserves the right to share information in exceptional circumstances where disclosure is necessary to protect any individual or the SIAL community from harm.
18. Any individuals involved in any part of the process – either in relation to those seeking support or those submitting a complaint – must keep information that what is disclosed to them is confidential. Any unauthorised disclosure of confidential information will be considered a policy violation and will be addressed accordingly. Throughout all proceedings, SIAL will act in compliance with the General Data Protection Regulation (GDPR)<sup>4</sup> and Data Protection Act 2018<sup>5</sup>.

## **Procedure**

### **a) Informal Resolution Stage**

19. It may be appropriate to use a Local Informal Resolution in order to resolve concerns swiftly and effectively at the point at which a concern is raised, or as close to that point as possible.
20. Students should raise any concerns immediately and there are a number of individuals they might approach including their Programme Director or Course Leader, the Counselling and Student Support Manager, or the Registrar, with the aim of resolving the issue directly and informally. If the concern is about the Counselling and Student Support Manager, the Registrar should be contacted. If the complaint relates to a member of faculty or staff, students may approach the Head of Human Resources. In order to raise a concern, students may choose to use the Disclosure of Misconduct Form (see Appendix 2).

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<sup>4</sup> Guide to the UK General Data Protection Regulation (UK GDPR) <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

<sup>5</sup> Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

21. Once a complaint has been raised, a meeting will be arranged within 10 Days. At the meeting the student will be asked to discuss the nature of the complaint, steps taken to resolve this, if appropriate, and the outcome sought.
22. Where a student concern has been resolved locally, the member(s) of faculty or staff involved will communicate the resolution to the student

#### **b) Formal Procedure**

23. Where it has not been possible to resolve matters to the student's satisfaction, or where cases are too serious to consider within the Local Resolution Stage, they will be referred to the Director's Office. The Director (or his / her Deputy) will consider whether the case should be referred to the Student Misconduct Committee and whether an investigation is to be commissioned under section 18 of the Student Misconduct Policy. The Director will determine, who will be the Investigating Officer(s). Where an allegation is against a member of faculty or staff, Human Resources will be involved at all stages of the process. If the allegation is against the Director, it should be referred to the Governing Body via the Clerk of the Governing Body.
24. The Formal Procedure will normally be adopted where the allegation is serious, or if it continues after the Local Resolution Stage has been used.
25. Throughout the Formal Procedure Stage the Registrar will ensure that all meetings are documented.
26. Please note that with cases where a person, or people, are at risk or that there is reasonable suspicion that a crime has been committed, then the case may be referred to the police following consultation with the complainant. In line with the UUK Guidance on 'Handling Alleged Student Misconduct which may also Constitute a Criminal Offence' (2016), in the event of any police investigation of a reported complaint, the criminal process takes priority. There would be no internal duplication of that process and no other process would 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 to safeguard students and staff, any internal disciplinary process would be suspended until the criminal process is at an end.
27. See Appendix 1 for a flow chart of disclosure.

#### **False Allegations**

28. Complaints of harassment, bullying, sexual misconduct and victimisation are taken extremely seriously by the Institute. If it is discovered that a student has made a false, malicious or mischievous complaint then they will be dealt with in accordance with the Institute's *Student Misconduct Policy*.

## Anonymous Disclosure

29. Sotheby's Institute of Art – London will evaluate whether to investigate anonymous reports on a case by case basis. If such cases are investigated, it must be recognised that anonymous disclosure will inevitably limit both the scope of any investigation and also the scope of any subsequent outcome.

## Advice and Support

30. If you believe that you are being harassed, there are a number of options to consider. Each case will be different and is dependent on the individual student's circumstances. You are advised to seek advice from a member of faculty or staff at the Institute or a member of the Student Support team. You are advised to act promptly and should not feel the unwanted behaviour is your fault, or that you have to wait until the situation is intolerable. The Student Support team can be contacted via email at: [student.support@sia.edu](mailto:student.support@sia.edu); you can also email the Registrar at [j.mills-foy@sia.edu](mailto:j.mills-foy@sia.edu)

## Reporting to the Governing Body

31. An annual report will be submitted to the Institute's Governing Body, detailing the number of cases that have been addressed under this policy and the nature of any resolution or disciplinary outcome.

<b>Title</b>	Harassment, Bullying, Sexual Misconduct and Victimisation Policy and Procedure
<b>Date first implemented</b>	2020
<b>Approving body</b>	Academic Board
<b>Version</b>	September 2022
<b>Supersedes</b>	September 2021
<b>Next review date</b>	Summer 2025
<b>Frequency of review</b>	3 years
<b>Policy owner</b>	Quality Team

## Additional Sources of Advice and Help

You may need to report serious criminal offences to the police, and the following information may be of help.

### Reporting to the police

Sexual assault and rape are serious criminal offences. You can choose to report them to the police, who have the authority and resources to investigate. You can report a rape at any time, including many years after the event.

- The Metropolitan Police [provide a number of ways in which you can report sexual offences](#)
- If you are in immediate danger call **999** and ask for the police.
- You can also report a crime and [submit a report online](#), rather than speaking directly to a police officer. All reports made using this service are reviewed by the 24/7 contact centre within a few hours and an officer will get back to you in a maximum of two days (although usually quicker).
- Call the police on 101 and report what happened or just get some advice. If you're deaf or hard of hearing, use the police textphone service on 18001 101.
- **Visit a police station. If you'd like to speak to an officer in person, safe and comfortable environments are provided at all police stations.**

### Additional areas of support

[Police](#) (Opens in a new tab or window)

Practical information about reporting incidents and the police force in your area.

[Citizens Advice](#) (Opens in a new tab or window)

Citizens Advice has more information about what you can do if you've experienced, or know someone who has experienced, a hate incident or crime. Hate incidents and hate crime happen because of prejudice or hostility based on a person's disability, race, religion, sexual orientation or transgender identity.

[Rape Crisis England and Wales](#) (Opens in a new tab or window)

Rape Crisis can help you find a Rape Crisis Centre, get online emotional support, or find information and self-help tools.

[Stonewall](#) (Opens in a new tab or window)

Stonewall can help you find LGBT support services and community groups that are local to you.

[TellMama](#) (Opens in a new tab or window)

TellMama offers a secure service that allows people from across England to report any form of anti-Muslim abuse.

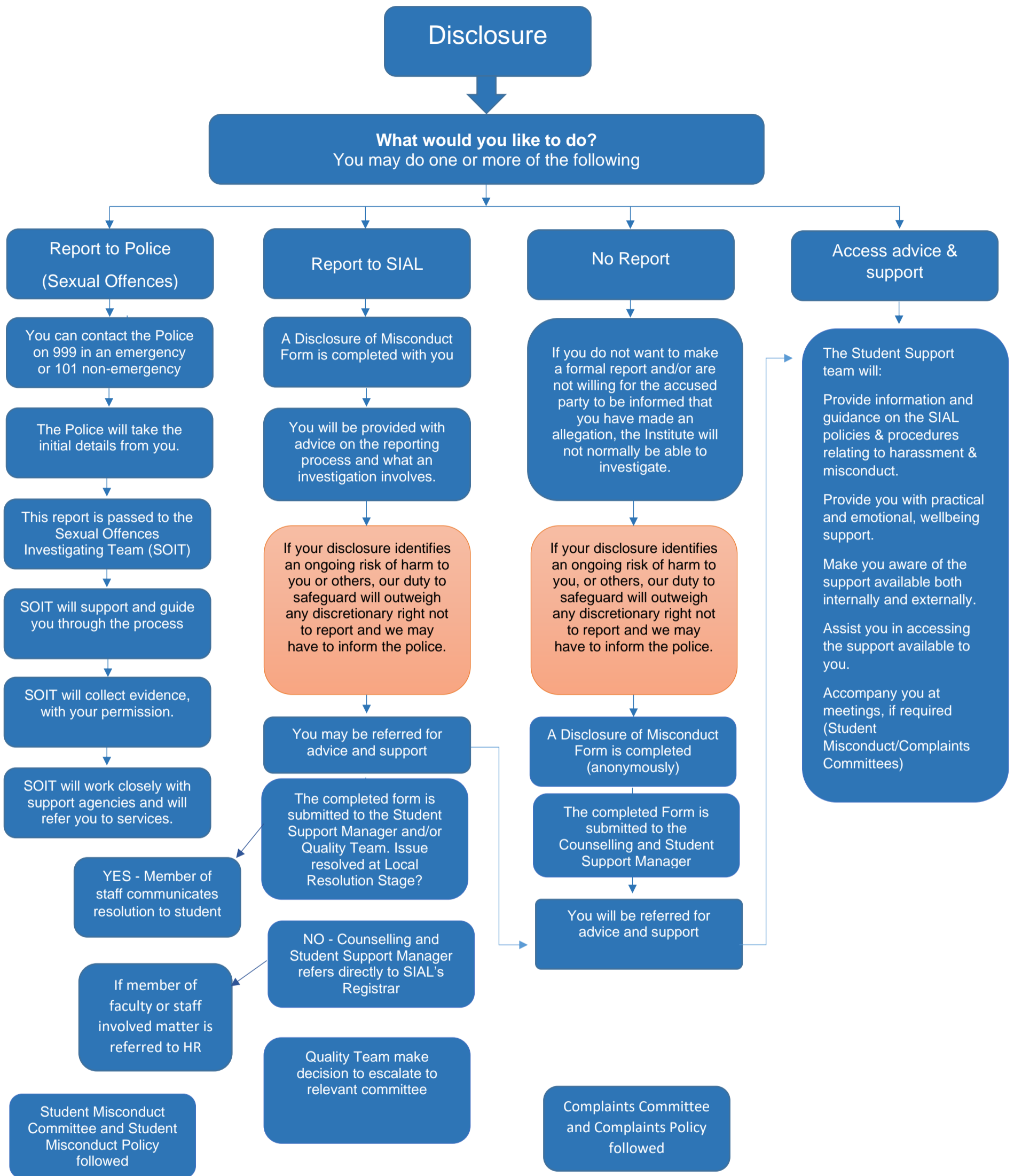
[Disability Rights UK](#) (Opens in a new tab or window)

Disability Rights UK has a disabled students' helpline, providing advice to disabled students studying in England. They also campaign to improve disabled people's rights and to tackle hostility, bullying and hate crime.

[Community Security Trust](#) (Opens in a new tab or window)

The Community Security Trust is a charity that protects British Jews from antisemitism.

Disclosure of alleged harassment, bullying, sexual misconduct and victimisation – flowchart for students making disclosures





## Sotheby's Institute of Art – London

### Disclosure of Misconduct Form

Name of person making disclosure:
Programme of study:
Mobile number:

Name(s) of person subject of alleged misconduct (if different from above):
Programme of study (if known / applicable):

Name of person allegation of misconduct is against:
Programme of study (if known / applicable):

Details of alleged misconduct. Please include the following information: <ul style="list-style-type: none"><li>- What is the nature of the misconduct?</li><li>- The date(s) on which it took place</li><li>- The time(s) it took place</li><li>- Where it took place</li><li>- The names and contact details of any witnesses</li></ul>
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By signing below, you are confirming the following:

- that you believe the information set out in this form is true and correct
- that you understand that the information provided may be used as evidence if further investigation/action is required
- that you may be required to provide further evidence if a formal resolution is sought
- that you understand that the information on this form may need to be shared with faculty or staff participating with further investigation/action and, if necessary, be shared with the police for the purposes of further investigation.

Print name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Please submit this form to one or more of those listed below, as appropriate:

- The Counselling and Student Support Manager, Dawn Ashdown Harris: [student.support@sia.edu](mailto:student.support@sia.edu) / [D.AshdownHarris@sia.edu](mailto:D.AshdownHarris@sia.edu)
- The Registrar, Joanna Mills-Foy: [j.mills-foy@sia.edu](mailto:j.mills-foy@sia.edu)
- The Head of HR, Audrey Parr: [a.parr@sia.edu](mailto:a.parr@sia.edu)