

## Procedures for Reporting Concerns of bullying, harassment, victimisation, discrimination or irregular/illegal actions

### 1. Introduction

1.1 As stated in the **Equality, Diversity and Inclusion Policy (Section 7.1)**, IBS takes very seriously incidents of bullying, harassment, intimidation, victimisation, discrimination or any other irregularities or illegal actions. This procedure identifies the way in which all parties can raise any matter that is of concern to them. Staff, students and all other parties who make a complaint have the right to do so confidentially and without fear of victimisation. All staff involved in the processing of a complaint, or a notification shall treat all information relating to the notification and the notifier (complainant) as confidential and in accordance with the applicable legislation. This shall include ensuring the required protection of the whistle-blower's personal data and the conditions set out in the legal provisions on whistleblowing.

1.2 Any IBS student or member of staff who feels that they have been subjected to, or witnessed behaviour which constitutes physical, verbal or online bullying, harassment, intimidation or discrimination in regard to their age, disability, gender, race, religion, belief, sexual orientation or physical appearance, or irregular/illegal actions has the right to make a complaint / raise a concern. Such a complaint or concern can be made along the following reporting lines:

Complaint	Person against whom complaint / concern is made	Complaint / concern should be reported to	Applicable procedures / regulations	Applicable procedure in the case of a complaint / concern by an underage student or vulnerable adult	Investigating officer
Student	Student	Any member of the Student Wellbeing Team	Complaints Procedure Disciplinary Procedures	Safeguarding Concern Procedure	Student Support Manager
Student	Member of staff / contractor / visitor	Any member of the Student Wellbeing Team	Complaints Procedure Code of Ethics	Safeguarding Concern Procedure	Student Support Manager & Chief Administration Officer
Member of staff / contractor / visitor	Student	Chief Administration Officer	Disciplinary Procedure	-	Student Support Manager
Member of staff / contractor / visitor	Member of staff / contractor / visitor	Chief Administration Officer	Code of Ethics	-	Chief Administration Officer

### 1.3 Procedural Stages

**Stage 1:** Informal Resolution with parties concerned (See below)

**Stage 2:** Complaint for formal investigation and a Formal Complaint Decision by the Investigating Officer or their nominee (See below)

**Stage 3:** Appeal against the Formal Complaint Decision to the Rector (See below)

At the end of Stage 3, once IBS procedures have been completed, a Completion of Investigation letter will be issued which summarises the outcome of the complaint. Students may also request a Completion of Investigation letter at the end of Stage 2 if they choose not to escalate the matter to Stage 3.

## **2. Criminal Offences**

- 2.1 Some bullying and harassment (physical, verbal or online) or other irregular/illegal actions constitute unlawful behaviour, including those related to a person's age, disability, gender reassignment, gender race, religion or belief, sexual orientation, pregnancy, marriage/civil partnership, and may amount to other criminal offences such as those which fall under the Act on Criminal Law (Act C of 2012).
- 2.2 In cases of alleged assault or behaviour that is unlawful or considered a criminal offence, IBS will report them to the police.

## **3. Procedure:**

### **3.1 Stage 1 (Informal)**

- 3.2 In the first instance and in most cases, it may be possible for issues to be addressed at an early stage by discussing them with the investigating officer.
- 3.3 Issues must be raised within one month of taking place and the investigating officer will aim to resolve the issue, where practicable, within 2 weeks.
- 3.4 You must make it clear from the outset what remedy you are seeking as an outcome of your complaint.
- 3.5 You are advised to keep a record of any informal contact with the investigating officer
- 3.6 The investigating officer will keep a record of action taken in response.
- 3.7 The investigating officer will investigate and endeavour to resolve your complaint appropriately and should notify you of their findings and any outcomes in writing.

### **4. Stage 2 (Formal)**

- 4.1 If your concerns remain unaddressed to your satisfaction after the informal stage, if the undesirable actions continue or resolution is not possible due to the complexity or seriousness of the case, or if you would like to move to Stage 2 immediately, you can lodge a Formal Complaint as follows:
- 4.2 Put your Formal Complaint in writing (within 60 days of the event(s) happening), stating all facts and arguments, with any evidence and send it to the investigating officer. If the complaint is about the investigating officer then you should write to the Rector.
- 4.3 You should state how you would like the matter to be resolved and whether you have tried to resolve the matter informally and explain why you are unhappy with the informal resolution (if applicable).
- 4.4 The investigating officer will investigate your complaint and will have discretion to determine the most appropriate way in which to undertake the investigation.
- 4.5 As part of this investigation, the individual(s) named in the complaint have the right to be informed and to respond before any conclusions are reached. The individual(s) in question will be invited to submit a written statement and may be invited for an interview to discuss the complaint. You may be provided access to the statement provided by the individual in question and they will have access to your statements, if deemed necessary.

- 4.6 You may also be invited to meet the investigating officer to discuss your complaint. Where the investigating officer considers it necessary or beneficial to meet with you, you will normally be given at least two working days' notice of such a meeting.
- 4.7 When the investigation is concluded, you will be informed in writing with a Completion of Investigation Letter with the outcome of your complaint. This will include a summary of the facts as found by the Investigating Officer, the decision and clear reasons for that decision, and any remedial actions arising from that decision.
- 4.8 The decision of the Investigating Officer will be one of the following:
- a) That your complaint is justified
  - b) That your complaint is justified in part
  - c) That your complaint is not justified
- 4.9 Where your complaint is justified and an individual(s) is deemed by IBS to be guilty of bullying, harassment, intimidation, victimisation or discrimination either wholly or in part, the investigating officer will normally determine one or more remedial actions. These may include:
- a) a formal apology from the perpetrator
  - b) remedial action to be taken by the relevant individual(s) or area(s)
  - c) termination of Contract with the perpetrator
  - d) requiring specified members of staff to undertake specific training and development
  - e) a review of the relevant University policy or procedure
  - f) financial compensation (where appropriate)
  - g) a recommendation that a disciplinary process is initiated
  - h) any other appropriate remedy

## 5. **Stage 3: Appeal against the Formal Complaint Decision**

- 5.1 All parties have the right, if they are unsatisfied with the outcome of the investigation, to ask for a review of the case within two weeks of the "Completion of Investigation" Letter or the determined remedy.
- 5.2 You will need to request this review in writing and address it to the investigating officer.
- 5.3 No new grounds may be raised but new evidence may be submitted.
- 5.4 You may be invited to a meeting to discuss the complaint. If you wish, a fellow student or a member of staff may attend the meeting with you.
- 5.5 The Rector will review your case within one calendar month of receipt of the Appeal. Any delay to this timing will be communicated to you.
- 5.6 The Rector may uphold, complement or overrule any previous decisions or information provided in response to your complaint.
- 5.7 You will be informed of the outcome by the Rector or nominee.

## 6. **Untrue/False Allegations**

Allegations and complaints made in good faith believed to be true will be recognised and fully and fairly investigated even if they turn out to have been inaccurate. Any allegations which are proven to have been made frivolously or maliciously may result in disciplinary action being taken.

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This Policy was adopted by the Senate in virtue of the resolution No. 1/2023 at the session held on 11 July 2023.

## **Annex: Glossary of Terms**

### **Abuse**

Abuse can take many forms and includes:

- Physical abuse
- Sexual abuse
- Emotional/psychological (including online) abuse including cyber-bullying
- Financial/Material abuse
- Neglect/acts of omission
- Discrimination
- Domestic Abuse
- Modern slavery
- Radicalisation

### **Bullying/Cyberbullying**

Bullying (and cyberbullying) is defined as any written, verbal or physical act, or any electronic communication, directed toward a person that is intended to cause or that a reasonable person would know is likely to cause, and that actually causes, physical harm or substantial emotional distress and may thereby adversely affect the ability of another person to participate in or benefit from the IBS' educational programmes or activities. Bullying can be carried out and received both individually and collectively.

### **Discrimination**

Direct discrimination is where a person or persons are treated less favourably (intentionally or unintentionally) on the grounds of one of their characteristics including and not limited to age, disability gender reassignment, ethnicity, sex, sexual orientation, religious belief etc. Indirect discrimination is when policies or practices have an adverse impact on certain groups of people more than on others, in a way that cannot be justified. Discrimination can be carried out and received both individually, collectively and by the institution itself.

### **Extremism**

Extremism is active behaviour whereby people who not only hold extremist<sup>1</sup> views actively target those who are vulnerable, including the young, by seeking to sow division between communities, and persuade others that groups of people belonging to a different gender/race/culture/religion/ethnicity are inferior.

### **Harassment**

Harassment constitutes any behaviour that is unwelcome, unwanted and which may create the effect (intentional or unintentional) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment or induces stress, anxiety, fear or sickness on the part of the harassed person. Harassment can be carried out and received both individually and collectively.

### **Peer Pressure and Peer Influence**

Peer Pressure is the persuading, encouraging, or imploring of another person (or group) of the same age (peer group) to engage in certain types of behaviour or the preventing of doing something else, whether an individual wants to do it or not. This can pressure be direct, indirect, spoken or unspoken, negative and positive. Peer Pressure can be carried out and received both individually and collectively. Peer influence is the changing of ones' behaviour to meet the perceived expectations of others in order to be accepted or fit in.

### **Radicalisation**

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<sup>1</sup> As defined in "Policy to Prevent Radicalisation and Extremism: Code of Practice to Support Students and Staff"

Radicalisation is understood as “a process of developing extremist ideologies and beliefs”

### **Significant Harm**

Significant harm refers to the threshold that both justifies referral to the appropriate external agency/body and to the level of concern for a member of staff to flag an internal matter of concern. The relevant factors in deciding whether harm is significant include the severity of ill-treatment, the degree and extent of harm or danger and the duration and frequency of abuse and/or neglect.

### **Victimisation**

Victimisation is defined as treating a person less favourably than another on grounds including and not limited to age, disability gender reassignment, ethnicity, sex, sexual orientation, religious belief etc. or because they have complained about discrimination or harassment or helped a person to do so. Victimisation may take place face to face, by writing or in written or electronic communications. Victimisation can be carried out and received both individually, collectively and by the institution itself.

### **Whistleblower/Whistleblowing**

A whistleblower is defined as a person who reveals activity which is illegal, irregular, or immoral by a member of a community or organisation. Whistleblowing is defined as the act of reporting suspicion of such misconduct including irregular, illegal, or immoral activities, or reporting the failure to act by an organization in regards those activities.