

Bullying, Harassment and Sexual Misconduct Policy

1. Introduction

1.1 NFTS policy: The National Film and Television School (the “NFTS” or “School”) is committed to providing a working and learning environment that respects the dignity and rights of all staff and students and where individuals have the opportunity to realise their full potential.

1.2 Bullying, harassment or sexual misconduct: The School will not tolerate any form of harassment, bullying or sexual misconduct and is committed to ensuring that staff and students can work and study without fear of harassment, bullying or sexual misconduct, recognising its duty of care to staff, students and visitors under health and safety, equality and employment legislation.

1.3 Incidents of bullying, harassment or sexual misconduct: The School regards any incident of harassment, bullying or sexual misconduct as a serious matter and will respond promptly and sensitively to any complaints. Staff and students will usually be encouraged to resolve concerns informally with the support of either the Student Support and Wellbeing team or the HR team. Where this is not appropriate, or fails to resolve the issue and a formal complaint is received (see ‘Reporting bullying, harassment and sexual misconduct’ below) the School will take steps to address this, and where appropriate, take disciplinary action, which could result in dismissal or expulsion from the NFTS.

2 Scope

2.1 Location of incidents: This Policy covers bullying, harassment and sexual misconduct which occurs at the School or out of the School such as conduct at work or curriculum-related events and trips, social events or on social media.

2.2 Students and staff: This Policy applies to:

- all students and apprentices (together referred to as “students”) of the NFTS throughout their period of registration;
- all members of staff employed or engaged by the NFTS;
- conduct by a student against a student or member of staff;
- conduct by a member of staff against a student or a member of staff.

“Staff” includes workers, visiting tutors, consultants, contractors, agency workers and governors. Any workers, visiting tutors, consultants, contractors, agency workers and governors who breach this Policy will be subject to appropriate sanctions, including but not restricted to the potential for their contracts to be terminated.

3 Definitions

3.1 Bullying

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour. It can be an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Examples of bullying may include:

- Verbal or physical threats or intimidation;
- Insulting, offensive, abusive or humiliating personal remarks or criticism;

- Picking on one person for criticism or setting them up to fail;
- Ostracising or isolating one person;
- Making false allegations or spreading malicious gossip.

Bullying may occur in person, by email, by phone or by messaging including via social media.

Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

3.2 Harassment

Harassment, including sexual harassment or discrimination by harassment, 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: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Harassment is usually a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. However, a one-off incident that is particularly serious can in itself constitute harassment. References to harassing a person include alarming the person or causing the person distress.

Examples of harassment may include:

- Insults, name-calling and offensive language and gestures;
- Inappropriate jokes including racist, ableist, sexist, homophobic, biphobic, transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- Ridiculing and undermining behaviour;
- Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- Physical assault or threats of physical assault;
- Intimidating, coercive or threatening actions and behaviour;
- Isolation, non-cooperation or deliberate exclusion;
- Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip;
- Outing or threatening to out someone as gay, lesbian, bi or trans;
- Making or sharing offensive images and literature;
- Pestering, spying or stalking.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

The School recognises harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst staff and students will clearly hold a range of views on a variety of issues, they would be expected to treat all members of the School community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

3.3 Reasonableness

On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if harassment has taken place.

When considering allegations of harassment, the School will therefore apply a test of 'reasonableness' to determine if harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the complainant, could the behaviour in question 'reasonably be considered' to cause harassment, e.g., could it reasonably be considered to:

- violate the complainant's dignity, or
- create an intimidating, hostile, degrading, humiliating or offensive environment for them.

A finding of harassment will only be made if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.

3.4 Sexual misconduct

Sexual misconduct is defined as any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to sexual harassment, sexual assault and rape.

Examples of sexual misconduct may include:

- Unwanted sexual intercourse or engaging in an unwanted sexual act;
- Attempting to engage in unwanted sexual intercourse or engaging in an unwanted sexual act;
- Sharing private sexual materials of another person;
- Unwanted kissing without consent;
- Unwanted inappropriate touching through clothes;
- Inappropriately showing sexual organs to another person;
- Repeatedly following another person without good reason;
- Making unwanted remarks, looks, suggestions or jokes of a sexual nature.

4 Victimization

Victimization can be defined as less favourable treatment of someone because they have made, or have helped someone else make, a complaint of bullying and/or harassment or sexual misconduct.

Ways that someone could be victimised include:

- Being labelled a troublemaker;
- Being left out;
- Not being allowed to do something;
- Having rumours spread about them.

Staff or students who raise genuine concerns (including genuine counter complaints) or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the School's staff or student Disciplinary Procedure.

5 Reporting bullying, harassment or sexual misconduct

5.1 Reporting, help and advice: Where a member of staff or a student is concerned that they have witnessed or been subject to any form of bullying, harassment or sexual misconduct they are encouraged to report it and to seek help or advice.

5.2 Report It online: A report can be made online anonymously or with contact details through the online reporting tool Report It: <https://reportit.nfts.co.uk/>

5.3 Student Support and Wellbeing team: Students can report bullying, harassment and sexual misconduct and/or seek support and advice from the Student Support and Wellbeing team or the Registrar.

5.4 HR team: Staff can make a report and/or seek support and advice from the HR team.

5.5 Union representatives: If any affected staff are members of Bectu, they may want to seek advice from a trade union representative.

6 Procedures

6.1 NFTS policies and procedures: Allegations of bullying, harassment or sexual misconduct will be dealt with under the relevant NFTS policy and procedure depending on the circumstances, such as the Student Complaints Procedure, the Student Misconduct Policy and Procedure, the Staff Grievance Procedure or the Staff Disciplinary and Dismissal Policy and Procedure.

6.2 Application of appropriate policy and procedure: The appropriate NFTS policy and procedure to be applied will be considered carefully at the outset of a matter and the following will usually apply.

(i) Student allegation against another student

An allegation of bullying, harassment or sexual misconduct made by a student against another student will be dealt with by the School under the Student Misconduct Policy.

(ii) Student allegation against a member of staff

An allegation of bullying, harassment or sexual misconduct made against a member of staff may be raised by a student as a complaint under the Student Complaints Policy and Procedure. This provides for:

- such a complaint to be considered under the Student Complaints Policy and Procedure; or
- the Student Complaints Policy and Procedure to be paused in order to allow the allegation to be investigated by a single investigator who will make findings of fact and recommendations for next steps. This may include that the allegation(s) be dealt with through the Staff Disciplinary and Dismissal Procedure, before being considered through the Student Complaints Policy and Procedure. In this situation, following the conclusion of the Staff Disciplinary and Dismissal Procedure, the Student Complaints Policy and Procedure will be promptly resumed. Further details can be found in the Student Complaints Policy and Procedure.

(iii) Member of staff allegation against member of staff

An allegation of bullying, harassment or sexual misconduct made by a member of staff against a member of staff raised as a grievance will usually be dealt with under the Staff Grievance Procedure. Where following investigation under the Staff Grievance Procedure or following a Staff

Grievance there is found to be evidence of bullying, harassment or sexual misconduct, then this could result in action being taken under the Staff Disciplinary and Dismissal Procedure.

The Staff Grievance Procedure provides for:

- such a complaint to be considered under the Staff Grievance Procedure; or
- any such allegation to be investigated and considered under the Staff Disciplinary and Dismissal Procedure.

(iv) Member of staff allegation against a student

An allegation of bullying, harassment or sexual misconduct made by a member of staff against a student will be dealt with by the School under the Student Misconduct Policy.

6.3 Other allegations: In exceptional cases, where the School becomes aware of concerns of bullying, harassment or sexual misconduct in relation to students or staff members, the School may investigate the situation in accordance with its duty of care to ensure the safety and wellbeing of all staff and/or students who may be affected by the alleged behaviour, even if an individual decides not to make a formal complaint. Where, following investigation, there is found to be evidence of bullying, harassment or sexual misconduct then this could result in action being taken under either the Staff Disciplinary and Dismissal Procedure or the Student Misconduct Policy.

6.4 Anonymous allegations: Allegations should be made by named individuals. The School cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation. However the School takes all allegations received very seriously and may take forward an anonymous allegation in some circumstances.

6.5 Allegations made in bad faith: If, at any time, there is evidence that allegations of bullying, harassment or sexual misconduct have been made vexatiously or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken under the appropriate policy and procedure. Any investigation based upon those allegations may be terminated.

This Policy was approved by ASC in January 2025

Appendix 1

Guidance for staff and students who have experienced bullying, harassment or sexual misconduct

- Any person who thinks they may have witnessed or experienced bullying, harassment or sexual misconduct is encouraged to seek advice and support from either the Student Support and Wellbeing team or the HR team. Staff who are members of Bectu can also seek advice from a trade union representative.
- The NFTS is committed to providing support for members of its community affected by these issues.
- Any person who feels that they are experiencing bullying, harassment or sexual misconduct is encouraged to keep notes and any available evidence (for example, screen shots) of the dates, times and nature of all incidents, and to keep notes of any witnesses and any factual material related to the incidents.
- Any such person could consider attempting to resolve the matter informally in the first instance – this may be appropriate in some circumstances. The Student Support and Wellbeing team or the HR team can offer help with this. In circumstances where the person finds it difficult or embarrassing to broach the subject with the perpetrator personally, a friend, Students' Union Representative or a member of the Student Support and Wellbeing team or HR team may make the initial approach on that person's behalf, and notes of any such approach should be kept by both parties in this case.
- When taking individual action, the complainant or a person acting on their behalf should try to:
 - Pick a time and a place where they can speak privately and without interruption;
 - Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
 - Make it clear that the behaviour is unwelcome and must stop immediately.
- Where relationships have been damaged, mediation can help both parties to rebuild their relationship. Mediation is a voluntary and confidential process which enables parties to resolve issues with the assistance of a professionally-qualified mediator. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

Mediation will be discussed with anyone who reports that they have experienced bullying, harassment or sexual misconduct. The School uses the services of independent mediators from outside the School.

- The School's Employee Assistance Programme (EAP) provides informal support for staff or they may wish to speak with their union representative as an alternative source of support and advice.
- If informal methods do not resolve the matter, or if the person who feels that they are experiencing bullying, harassment or sexual misconduct wishes the matter to be dealt with formally, then the allegation should be raised as soon as possible under the relevant NFTS policy and procedure, such as the Student Complaints Procedure, or the Staff Grievance Procedure.
- The School has the same responsibilities towards all of its students and staff. Sometimes there is not enough evidence available in a case for the School to take action against another student, or a member of staff. Where this occurs, the School will explain this to the reporting person, and try to

find out whether there are other ways to support them, such as whether reasonable steps can be taken to limit contact between the parties involved.

Reporting to the police

- Where the behaviour constitutes a criminal offence, the person who has experienced the behaviour is encouraged to report the matter to the police. The police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The School will help the person who has experienced the behaviour to do this where appropriate.
- The School will only in exceptional circumstances report an alleged incident to the police against the wishes of a student or member of staff. However, if the Registrar (in consultation with the HR Director, if the relevant person is a member of staff) considers it is necessary in order to protect a student or other member of the School community from harm, or the conduct affects the interests of the School, it may be reported to the police.
- The School will not normally investigate complaints about student or staff behaviour while there is an ongoing police investigation or court proceedings. However, the School will consider whether any precautionary temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned.
- Once any criminal proceedings are concluded the School may decide to proceed with action under the appropriate School policy and procedure or may choose not to do so, depending on the circumstances of the case. The fact that a student or member of staff has been acquitted of a criminal offence does not preclude the School from taking disciplinary action.
- A conviction will be taken as conclusive evidence that the offence has occurred, and no further investigation will be required by the School. The relevant Panel may, at its discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed.
- Students and members of staff are required to notify the School immediately of any conviction of a relevant criminal offence in a court of law or formal caution for a relevant criminal offence by a police officer.
- Where a student or member of staff has been convicted of a criminal offence, the School will consider the nature of the offence and whether it is appropriate for them to remain at the School. Where it is deemed appropriate, the person may be suspended as a precaution. The case may then be referred to the relevant Panel to consider penalties where appropriate. In these circumstances, the deliberations of the Panel will include an assessment of the risk posed to staff or students. Any penalty imposed by the criminal court will also be taken into account.

Guidance for staff or students accused of bullying, harassment or sexual misconduct

- Any person who is accused of bullying, harassment or sexual misconduct, either under a formal procedure or who is approached informally about their behaviour, can seek support and advice from the Student Support and Wellbeing team, or from the HR team (for allegations made by members of staff). Details of other sources of help and advice can be found in Appendix 2.
- Any person who is approached about their behaviour is advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute bullying, harassment or sexual misconduct if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.
- In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause bullying, harassment or sexual misconduct. In this case the person who is accused should explain that the behaviour would not be repeated and parties should come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.
- Any person subject to a formal allegation of bullying, harassment or sexual misconduct should not contact the complainant or any named witnesses as this is unlikely to solve, and may aggravate, the situation.

Appendix 2

Sources of Help and Advice

The School recommends that students and staff visit Support and Report as the first source of support and advice for anyone who believes they are being subjected to bullying, harassment or sexual misconduct.

The groups/people below will also be able to offer support, help and advice to those subjected to, witnessing or accused of bullying, harassment or sexual misconduct:

Service	Contacts
<i>Specifically for Staff</i>	
EAP	
Line Manager	
Union Representative	
<i>Specifically for Students</i>	
Report It	
Student Complaints Procedure	
Students' Union	
Student Support and Wellbeing	