



Policies and Procedures

Operations Department

Bullying and Harassment Policy

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Bullying and Harassment Policy

1. Purpose and Scope

This policy provides an overview of Future Focus's zero tolerance for bullying and harassment, definitions and examples of bullying and harassment, and the measures in place in response to instances of bullying or harassment. It is intended to provide all members of the Future Focus community with a thorough understanding of their rights and obligations.

The purpose of the policy and procedure is to encourage a culture where harassment and/or bullying will not be tolerated and does not occur, and to outline the steps that can be taken to deal with any issues of harassment and/or bullying and prevent their recurrence.

Harassment is not necessarily confined to the behaviour of senior staff towards more junior staff; it can take place between colleagues at the same level or involve staff behaving inappropriately towards more senior staff. This policy applies to all aspects of the student and staff experience, including application, recruitment, training, promotion, and assessment.

This policy applies to all students, staff, visitors, and anyone acting or working on behalf of Future Focus.

2. Policy

Future Focus is committed to equality of opportunity and will not tolerate harassment and/or bullying of one individual or group in the Future Focus community by another. All members of the community have the right to work and study in an environment that encourages positive relationships. They also have a

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responsibility to treat others with dignity, courtesy and respect, to foster an environment where every member can fulfil their personal potential in a professional working and learning environment.

Future Focus's policy on harassment is designed to provide:

- A positive environment for all staff and students in the Future Focus Community
- An environment where it is clear that harassment is unacceptable, thereby reducing the chance that harassment will occur in the first instance
- A mechanism to resolve complaints where it is felt that harassment has occurred.

Disciplinary action may be taken to deal with actions, intentional or unintentional, that result in a breach of this policy. Disciplinary action may also be taken if allegations of harassment are malicious or vexatious.

Staff and students are entitled to full rights under Maltese law based on merit and not affected by protected personal characteristics. The “protected characteristics” under Maltese Law are age; belief, creed or religion; disability; family responsibilities; family or marital status; gender expression or gender identity; HIV status; maternity; pregnancy; race, colour or ethnic origin; sex or sex characteristics; or sexual orientation.

Harassment can lead to civil and criminal claims beyond Future Focus’s own disciplinary proceedings. A member of staff or a student who is found to be harassing another individual may be individually liable for his/her actions and may face action in the courts. For example, victims may be able to apply to the Civil Courts for an injunction to restrain the offending behaviour or claim damages for anxiety caused.

3. Disciplinary Action

In reported cases of bullying and harassment, Future Focus may assemble and Disciplinary Panel to review the information and determine the veracity of the complaint. In cases where bullying or harassment has been identified, disciplinary action may be taken against the perpetrator. The Student Disciplinary Policy outlines the process for resolving such issues with students.

4. Definition of Bullying and Harassment

For the purpose of this policy, bullying is defined as persistent unacceptable, offensive, intimidating, malicious, insulting or humiliating behaviour. It can be the abuse or misuse of power which attempts to undermine, humiliate, denigrate or injure an individual.

For the purpose of this policy, harassment is defined as unwelcome behaviour which violates an individual's dignity, and/or creates an intimidating, hostile, degrading, humiliating or offensive environment. This includes any conduct related to protected personal characteristics, which violate an individual's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment also covers complaints of behaviour found offensive by an individual even if it is not directed at them, and a complainant need not possess the relevant characteristic themselves.

It is not the intention of the harasser, but the conduct itself and the impact on the recipient/s that determine what constitutes bullying and harassment.

5. Third Parties

Future Focus recognizes that its staff and students come into contact with a variety of external organisations and bodies, which may result in cases where it is feasible that they feel harassed by a third party during the course of their work or study. Third parties may include visitors, contractors or any other person not directly employed by or studying with Future Focus. Harassment by third parties will not be tolerated and where such incidents are disclosed, appropriate action will be taken.

6. Responsibility of All Staff and Students

All staff and students can help to prevent or discourage bullying and harassment by:

- Being sensitive to the needs of others, and ensuring that their conduct is not offensive
- Making it clear that such conduct is unacceptable, and supporting colleagues and peers who are taking steps to prevent harassment

Future Focus is responsible for providing an environment where it is clear that harassment and bullying is not acceptable, including taking action when harassment and/or bullying may be or is taking place. It is also important that managers and administrators are aware of their responsibility for trying to prevent and, where possible, resolve problems in the immediate workplace and/or learning environment.

Specific responsibilities include:

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- Managers/Administrators are responsible for positively encouraging respect for individual dignity, and for dealing with bullying or harassment in their area of responsibility.
- The Office of Human Resources is responsible for handling formal allegations between staff members.
- The Student Welfare Office is responsible for dealing with formal allegations involving students (either as alleged harassers/bullies or complainants).
- Cases of bullying or harassment by a contractor or visitor will be handled by the relevant staff with Future Focus and/or the third party, as determined by the circumstances

The failure of managers/administrators to investigate a complaint or to follow agreed procedures may be regarded as a failure to take reasonable steps to prevent harassment and/or bullying. This not only undermines the vital importance of this policy, but may potentially be unlawful and Future Focus may pursue legal action against managers for not performing their due diligence as required.

7. Monitoring

Information concerning complaints will be handled and held securely and confidentially as outlined in the student and staff Complaint and Grievance Policy and Procedures.

Complaints will be dealt with sensitively, discreetly and as quickly as possible, with care taken to ensure confidentiality at every stage of the procedures. No sensitive personal information will be shared without consent, except where there is an unacceptable risk to the individual, others or Future Focus.

8. Types of Bullying and Harassment

Bullying and harassment can be physical or psychological. The examples given below are not exhaustive, but in general, the following are all types of bullying or harassment:

- Name calling, jokes, taunts and use of offensive language
- Verbal or physical abuse, intimidation or threatening gestures
- Harassment of an individual because of the people with whom they associate
- Making fun of personal circumstances or appearance.

9. Gender-Related Harassment

This refers to unwanted behaviour based on known or presumed sex/gender. Examples include:

- Making disparaging gender-related remarks
- Making assumptions about an individual's ability or competence because of their sex or gender
- Inappropriate reference to an individual's sex or gender
- Refusal to carry out instructions due to the gender of the individual issuing the instructions
- Refusal to work or study with an individual, or excluding them from events or meetings, due to gender
- Harassing or bullying an individual due to pregnancy.

Gender-related harassment also includes unwanted behaviour directed at anyone who is known or assumed to be undergoing or to have undergone gender reassignment. 'Gender reassignment' is considered a social process and not a

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medical process and therefore includes people who have chosen to permanently live in their preferred gender role but have not had or do not intend to have any medical gender reassignment treatments. Such behaviour may include:

- Breaching the confidentiality of someone who is intending to undergo, undergoing, or has undergone gender reassignment (this may also be a criminal offence)
- Refusing to treat a person as of their new gender when they transition
- Failing to address a person by their preferred name and correct gender pronouns
- Inappropriate exclusion of a trans person from toilet or changing facilities for their preferred gender
- Intrusive questioning
- Refusal to work or study with trans people, or intentionally excluding them from events or meetings.

10. Sexual Bullying and Harassment

This is unwanted behaviour of a sexual nature. It includes attention that denigrates or ridicules or is intimidating. This may be physical, ranging from unwanted touching, groping or the invasion of personal space to sexual assault, rape or indecent exposure. Whilst sexual harassment of women by men is more common, it is important to remember that sexual harassment can occur of men by women, and also between members of the same sex. Sexual harassment can be verbal, nonverbal, or physical. Examples include:

- Unnecessary or inappropriate touching
- Unwelcome or explicit 'jokes' or innuendo of a sexual nature

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- Inappropriate use of suggestive visual material and the display of pornographic material
- Sending sexually explicit emails
- Asking for, or offering, sexual favours in return for positive academic assessment or promotion
- Belittling, suggestive, lewd or abusive remarks
- Unwanted personal comments or sexual slurs or suggestive looks, leering and explicit gestures.

11. Harassment Related to Sexual Orientation

This is unwanted behaviour based on known or presumed sexual orientation whether gay, lesbian, bisexual or heterosexual. Such behaviour may include:

- Inappropriate references to sexual orientation or unwelcome 'jokes'
- Actual or threatened unwanted disclosure of an individual's sexual orientation
- Intimate questions about sexual activity
- Excluding a same-sex partner from social events when heterosexual partners are included
- Refusal to work or study with an individual, or excluding them from events or meetings, due to sexual orientation.

12. Bullying and Harassment Related to Religion or Beliefs

This is unwanted behaviour based on religious beliefs or practices, including non-belief (such as atheism or agnosticism) and non-religious beliefs (such as humanism and pacifism). Such behaviour may include:

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- Mocking or deriding people's beliefs or lack of belief
- Ridiculing people for wearing items for religious reasons
- Denigrating cultural or belief-based customs
- Dismissive treatment of requests for holidays to religious or cultural festivals.

13. Bullying and Harassment Related to Race

This refers to unwanted behaviour based on race, ethnic or national origin, nationality (including citizenship), caste or skin colour. Examples include:

- Inappropriate questioning and/or jokes about racial or ethnic origin
- Displaying or sharing racially offensive material, including graffiti
- Refusal to work or study with a person, or excluding them from events or meetings, due to their race, skin colour, nationality or ethnic origin.

14. Harassment of Disabled People

This is unwanted behaviour based on known or presumed disability, impairment or additional need. Under the Equality Act 2010, a disability is defined as a physical or mental impairment (such as a mental health issue or learning difficulty) that has a 'substantial' and 'long-term' negative effect on an individual's ability to do normal daily activities. Behaviours may include:

- Inappropriate reference to or discussion of the effects of a disability
- Uninvited touching or staring
- Inappropriate questioning about the impact of someone's disability

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- Assuming that a disability makes an individual inferior or lacking in intelligence
- Speaking to colleagues or peers instead of the disabled person
- Refusing to work or study with a disabled person or excluding them from events or meetings.

15. Age-Based Harassment

This is unwanted behaviour based on known or presumed age, such as derogatory age-related remarks or unjustifiable dismissal of suggestions on the grounds of the age of the person. Such behaviour may include:

- Making assumptions about an individual's ability or competence because of their age
- Inappropriate reference to age
- Refusal to carry out instructions because of a manager's or lecturer's age
- Refusal to work or study with an individual, or excluding them from events or meetings, due to age.

16. Stalking

Stalking refers to the intentional and repeated following, surveillance or harassing of another person and can be physical or psychological. Examples include:

- Repeated or alarming messages on voice mail, e-mail, messaging services or social media
- Following a target home

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- Using computers or other technology for surveillance purposes
- Approaching other individuals to ask for personal information about the target.

17. Cyberbullying and Harassment

Internet or social media harassment, also known as cyberbullying, refers to the use of the internet to harass, threaten, or maliciously embarrass. It includes behaviours such as:

- Sending unsolicited/threatening e-mail, messages or social media posts, or encouraging others to do so
- Sending viruses by e-mail (electronic sabotage)
- Making defamatory comments or spreading rumours about the victim online
- Sending negative messages directly to the victim
- Online impersonation of the victim
- Sending graphic material, including pornography that is knowingly offensive
- Creating online content that depicts the victim in negative ways.

18. Criminal Offences

Harassment may take the form of a criminal offence, such as physical assault or indecent exposure. In such an event, Future Focus will involve the police and will support the victim in approaching the police. If an investigation is undertaken, Future Focus will facilitate the enquiry wherever possible. If a criminal investigation is underway, the matter should be referred to the Future Focus



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Board of Directors, who will make a decision as to whether to pursue the complaint in parallel with the criminal investigation, or whether the complaint shall be temporarily suspended until the criminal investigation is concluded