

# Dealing with Unacceptable Behaviour

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# Dealing with Unacceptable Behaviour

## Introduction

At Nexus ICA we expect all students and staff to interact with each other in line with Biblical standards, choosing to honour each other and work collaboratively, with humility, while placing the needs of others before themselves. This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or another student.

## What constitutes unacceptable behaviour?

Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications. Some examples are included below, but this list is by no means exhaustive:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip
- Unwanted physical contact, including groping
- Threats of or actual physical violence
- Offensive comments or body language
- Displaying offensive material or graffiti relating to an individual
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip based on sexual orientation
- Using social or other online media to communicate negative, abusive, and harmful statements against students, staff and Nexus ICA

If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone. You should be aware that you are also legally protected against discriminatory language, behaviour or actin related to any of the 'protected characteristics' as set out in the Equality Act 2010. These characteristics are defined by law as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation.

## Confidentiality

If information is kept confidential, you must make this clear to the person to whom any complaint is made. You should understand that in exceptional circumstances it may not be possible for confidentiality to be respected, for instance where a criminal offence has been disclosed or where it is considered that you or other students are in danger.

You should also understand that in some circumstances the demand for confidentiality may make it difficult for Nexus ICA to assist you with your complaint. If you wish Nexus ICA to take actions this will usually mean that we have to inform the person you are complaining about of the allegations. This will be explained to you at the time of making the complaint.

## What should you do if you experience unacceptable behaviour?

At Nexus ICA we encourage a Biblical pattern of conflict resolution, based on Matthew 18:15-17, as outlined in this helpful interpretation of scripture from The Message:

*"If a fellow believer hurts you, go and tell him—work it out between the two of you. If he listens, you've made a friend. If he won't listen, take one or two others along so that the presence of witnesses will keep things honest, and try again. If he still won't listen, tell the church. If he won't listen to the church, you'll have to start over from scratch, confront him with the need for repentance, and offer again God's forgiving love.*

Where possible, therefore, we recommend trying to resolve the situation informally. Wherever possible, if you believe that you are being subjected to any form of unacceptable behaviour you should take personal action to resolve the situation in the first instance as follows:

- Try to speak directly to the person responsible for the behaviour – they may genuinely not know that they are acting in a way that's unacceptable to you
- If they don't respond to this, or you feel unable to approach them, you should look at taking the matter further
- Discuss the issue with your Personal Tutor, or other appropriate member of staff to discuss ways in which the situation can be resolved with their support or involvement

If you feel unable to take any personal action or if the matter remains unresolved through the informal means outlined above, you can complete the appropriate Student Complaint Form or put your complaint in writing and submit it electronically by email to the Principal ([principal@nexus-ica.co.uk](mailto:principal@nexus-ica.co.uk)) who will then determine how your complaint will be processed. Allegations against individuals who are not students or staff of Nexus ICA may not be able to be dealt with under this policy as they are not subject to discipline under Nexus ICA's internal processes. In these circumstances you will be advised of other possible ways to pursue your complaint.

## You've made a formal complaint – so what happens next?

If you have complained about the behaviour of a student, the Principal will consider if reasonable steps have been taken to resolve the issue informally. In some cases, the complaint may be referred to the Head of Student Wellbeing to try to find a way to

resolve the complaint through informal means that have not yet been explored, or through mediation involving other members of staff as appropriate.

Where informal resolution is not possible or where the matter is deemed suitably serious, the complaint will be referred for consideration under the Student Disciplinary Regulations.

If you have complained about the behaviour of a member of staff, allegations will be considered by the Principal who will discuss the matter with the Director of Operations.

Where the matter can be resolved by informal means, such as mediation, this will be considered prior to the instigation of a formal process under the Staff Disciplinary Procedure.

Where appropriate it will be referred for investigation and action under the Staff Disciplinary Policy and Procedures

You should be aware that legitimate and constructive criticism of a student's performance or behaviour, or reasonable requests made of students by members of staff do not constitute unacceptable behaviour under this guidance.

## Reporting to the Police

Where the behaviour towards you constitutes a criminal offence, you are 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. Nexus ICA will help you do this where appropriate.

If the matter becomes the subject of a police investigation, Nexus ICA may suspend any student as a precautionary measure subject to the disciplinary investigation until the police investigation is concluded where there is a risk of harm to yourself or others in the Nexus ICA community. Once this has happened, Nexus ICA will decide what further action is required. If the matter relates to a member of staff, the disciplinary process may continue while the Police undertake any investigations. Where there is a risk of harm to yourself or others in the Nexus ICA community, Nexus ICA may suspend the member of staff, again as a precautionary measure.

Nexus ICA will respect your wishes if you do not wish to report the matter to the Police and will instigate disciplinary action as appropriate. You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct and in cases relating to staff, whether Staff Disciplinary policies and procedures have been breached. Nexus ICA will not be in a position to decide whether someone has committed a criminal offence, this is a matter for the Police.

## Investigations under the Student Code of Conduct

If you make a complaint relating to abuse or other unacceptable behaviour involving another student, Nexus ICA will consider whether it is appropriate to take action under the Student Code of Conduct. While the criminal process will consider whether a crime has

been committed, Nexus ICA's disciplinary process considers whether there has been a breach of the Student Code of Conduct.

All students are expected to comply with the Student Code of Conduct; it includes a list of the types of behaviour which would be regarded as unacceptable, such as "abusive, threatening or discriminatory behaviour either in person or through the use of email, texts or social media".

Nexus ICA will usually carry out an investigation into the matter, and will discuss the process with you in advance to ensure that you are comfortable with each stage.

You can expect Nexus ICA to carry out a risk assessment to understand whether there is a risk to members of the Nexus ICA community. As part of this risk assessment Nexus ICA may ask a senior member of staff to undertake a preliminary investigation into the case and they may request to speak with you about it to make sure your needs and concerns are fully understood. If, as a result of the risk assessment, Nexus ICA concludes that there is a significant risk to the wider community, Nexus ICA may take precautionary action, such as imposing a partial or full suspension on the related student until the case is concluded.

Nexus ICA will share the minimum amount of information needed in order to conduct its investigation. This could, however, involve speaking to any witnesses, as well as the student (or students) to whom your complaint relates.

Nexus ICA's investigation will be as thorough as reasonably possible based on the evidence provided. Please note that only a police investigation will have access to forensics, and Nexus ICA cannot compel a witness to give evidence.

At every stage of our investigation, including where it leads to a hearing before the Student Discipline Committee, we will take reasonable steps to ensure you do not have to come into contact with the student (or students) your complaint relates to.

## Investigation under the Staff Disciplinary Procedure

If you make a complaint relating to sexual abuse or harassment, or other serious allegations involving a member of Nexus ICA staff, this will be promptly investigated under Nexus ICA's Staff Disciplinary Policy and Procedure.

A manager will be appointed by Nexus ICA to investigate your complaint. They will meet with you to discuss your complaint. They will also meet with the member of staff your complaint relates to, and any witnesses identified by you or the member of staff. You should also note, that it will be necessary to provide the member of staff with a copy of the details of your complaint.

If your complaint is upheld, a disciplinary panel will consider the conduct of the staff member in line with Nexus ICA's Staff Disciplinary Policy and Procedure.

Once the investigation has been completed, you will be advised as to whether or not your complaint has been upheld.

## Confidentiality and keeping you informed

If your complaint is upheld, the action taken by either the staff or the student disciplinary panel will remain confidential.

You will, however, be advised of measures the Panel recommends be put in place to ensure your wellbeing and such information as is considered is in your legitimate interest to know. The Head of Student Wellbeing will be involved in advising on measure to ensure your wellbeing, communicate with you and offer the relevant support required.

You will be asked to keep the identity of the student or member of staff and the matter confidential as Nexus ICA has a legal obligation to maintain confidentiality. You will, however, be able to speak to the Head of Student Wellbeing with whom you can discuss matters and who can explain the process, and who will also be able to refer you to other support should you want it.

## Are there times when Nexus ICA will not take action?

Nexus ICA has the same responsibilities towards all of its students. Sometimes there is not enough evidence in a case for Nexus ICA to take action against another student or a member of staff. Where this occurs, Nexus ICA will explain this to you and try to find out whether there are other ways to support you, such as whether reasonable steps can be taken to ensure that you do not have to come into contact with the person you complaint relates to.

Nexus ICA will respond to students in line with the Nexus ICA Students Complaints Procedure as relevant in the context of this guidance.