UNIVERSITY OF ULSTER

POLICY & PROCEDURES ON DEALING WITH BULLYING & HARASSMENT (DIGNITY AT WORK)

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CONTENTS

PART 1:

HARASSMENT POLICY

INTRODUCTION 2

Section 1 **DEFINITION OF BOTH BULLYING AND HARASSMENT**
1.1 Bullying 4
1.2 Harassment 5
1.3 Victimisation 5

Section 2 **THE UNIVERSITY'S RESPONSIBILITIES** 6

Section 3 **MANAGERS' AND SUPERVISORS' RESPONSIBILITIES** 6

Section 4 **STUDENTS' REPRESENTATIVES' RESPONSIBILITIES** 7

Section 5 **EMPLOYEES' AND STUDENTS' RESPONSIBILITIES** 8

Section 6 **EMPLOYEES' AND STUDENTS' RIGHTS** 8

Section 7 **FACETIOUS OR MALICIOUS ALLEGATIONS** 9

Section 8 **REVIEW** 9

CONTENTS

PART II:

PROCEDURE FOR DEALING WITH COMPLAINTS OF HARASSMENT

Section 9	INITIATING COMPLAINTS OF BULLYING OR HARASSMENT	11
Section 10	CONFIDENTIALITY	11
Section 11	PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT STAFF	11
Section 12	STAGE I - **THE INFORMAL COMPLAINTS**	
	12.1 Informal Procedure	12
	12.2 Harassment Advisor	12
	12.3 Mediation	13
Section 13	STAGE II - **FORMAL COMPLAINTS**	13
Section 14	STAGE III – APPEAL	15
Section 15	PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT STAFF	17
Section 16	STAGE I – INFORMAL COMPLAINTS	
	16.1 Informal Procedure	17
	16.2 Harassment Advisor	18
	16.3 Mediation	18
Section 17	STAGE II – FORMAL COMPLAINTS	19
Section 18	STAGE III – APPEALS	20

PART I:

BULLYING AND HARASSMENT POLICY

INTRODUCTION

UNIVERSITY COMMITMENT TO DIVERSITY AND DIGNITY AT WORK

The University of Ulster is committed to creating and sustaining a welcoming, inclusive and accessible learning and working environment which is free from all and any forms of bullying and harassment.

This is supported and underpinned by the University's vision and strategic aims which include:

To conduct business in line with the University's core values and to the highest standards of corporate governance.

The University's Core Values are to:

- *See all students and members of staff as individuals with their own needs;*
- *Provide quality learning and development for students and staff;*
- *Respect ourselves and those we deal with and to be accountable for what we say and do;*
- *Work together with trust, openness and honesty;*
- *Value diversity and inclusiveness and see everyone as an equal;*
- *Be creative and adapt to the challenges of change; and*
- *Take pride in how we do our work.*

POLICY STATEMENT

As part of its overall commitment to the promotion of equality of opportunity and good relations, and in support of its core values, the University of Ulster is fully committed to promoting a good and harmonious learning and working environment in which no member of staff or student feels under threat or intimidated on grounds of religious beliefs, political opinion, sex or gender identity, marital status, having or not having dependants, sexual orientation, disability, race, ethnic origin, or age and where every employee and student is treated with respect and dignity. The University has a zero tolerance attitude to Bullying and Harassment. It is the University's policy to ensure that all staff and students are made aware of this policy and of their responsibilities. All staff and students are expected to comply with the policy, and to assist in the promotion of a good working environment free from any form of bullying and harassment. The aim of this policy and the accompanying procedures is to try to ensure that Bullying or Harassment does not occur and, if it

does occur, to ensure that appropriate procedures are readily available to resolve the problem and prevent recurrence.

Bullying and Harassment detracts from a productive working and learning environment and can affect the health, integrity, confidence, morale and performance of those affected, including those who witness or know about such unwanted behaviour. This can have a direct impact on the motivation and attendance of staff and students, and consequently on the productivity and economic efficiency of the organisation.

Bullying and Harassment can be experienced by a group of people as well as by individuals. This policy recognises this and where the singular is used, it is accepted that the circumstances may also be applicable to a group of people. Bullying and Harassment can also be carried out by a group of people against an individual.

Bullying and Harassment in any form is unacceptable behaviour and will not be permitted or condoned. Sexual, sectarian and racial harassment and harassment on the grounds of disability or sexual orientation constitute discrimination and are unlawful under the sex discrimination, fair employment, race relations, disability, sexual orientation and age legislation. Harassment is also a criminal offence under the Protection from Harassment (NI) Order 1997 and it may contravene the Health and Safety at Work (NI) Order 1978.

There is no excuse for Bullying and Harassment within the University. It is inappropriate behaviour and it will be treated by the University as a disciplinary offence, which may include gross misconduct warranting suspension, dismissal or expulsion. All employees and students must comply with this policy.

The recognised Trade Unions and the Students Union have been fully consulted in drawing up this policy. The University, in conjunction with the Unions, will engage in an awareness raising exercise in order to facilitate the implementation of this policy. Staff who may have to investigate complaints, will also be provided with training and must be fully aware of their responsibilities.

1. DEFINITION OF BOTH BULLYING AND HARASSMENT

1.1 Bullying

Bullying is unacceptable, offensive behaviour. It is often an abuse of power or position where the targets can experience difficulty in defending themselves. It can be defined as unfair treatment, excessive criticism, or persistent nit-picking, intimidating, aggressive or undermining behaviour, which makes the recipient(s), feel upset, humiliated, threatened or vulnerable and undermines their self-confidence and integrity. Some examples could include a combination of:

- Aggression, threats and shouting;
- Belittling, marginalising or ridiculing;
- Excessive criticism about minor things;
- Inappropriate removal of areas of responsibility, or deliberately impeding the work of another employee;
- Excessive monitoring of someone's work or inaccurate accusations about quality of work;
- Public humiliation;
- Taking credit for someone's work but never taking the blame if something goes wrong;
- Twisting things someone says or does;
- Withholding information from or deliberately supplying incorrect information to employees so they are less able to do their job;
- Setting impossible objectives or constantly changing someone's work remit;
- Isolation or non-co-operation at work, exclusion from social activities or conversation;
- Spreading malicious rumours;
- Failure to deal with the issue of an individual consistently being given an excessive workload compared with colleagues;
- Preventing individuals from progressing, by intentionally blocking promotion or training opportunities.

Bullying can also be more subtle and insidious, and can gradually wear someone down. Often it takes place when there are no witnesses, and the victim is afraid to complain through fear of not being believed and of the bullying getting worse. Bullying has an extremely negative effect on the individual and ultimately on the organisation and can cause stress and anxiety which can lead to physical ill health and mental distress. The University recognises the effect that this can have on staff and students and this is addressed in its Stress Management Policy. The University will therefore investigate any complaints of bullying thoroughly.

1.2 Harassment

Harassment is unwanted conduct of a sexual/sectarian/racist nature or other conduct based on sex, sexual orientation, religious belief, political opinion, race/ethnic origin1, marital or family status[2], which has the purpose or effect of violating the dignity of women and men or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can also be unwanted conduct aimed at an individual's disability or based on an individual's age, social status or Trade Union membership. Harassment can include unwelcome physical, verbal or non-verbal conduct. Such behaviour is unacceptable where it is unwanted, unreasonable and offensive to the recipient. It is also important to note that it is the purpose or effect of the behaviour rather than the motive, which must be considered.

Some examples are given below but many forms of behaviour can constitute harassment.

- Physical conduct ranging from touching to serious assault;
- Oral and written harassment through jokes, offensive language, racist remarks**,** gossip and slander, sectarian songs, threats, letters;
- Visual displays such as of posters, graffiti, obscene gestures, flags, buntings or emblems or any offensive material, including electronically generated material;
- Isolation or non-co-operation at work, exclusion from social activities or conversation;
- Coercion, including pressure for sexual favours, pressure to participate in political/ religious groups; and
- Intrusion by pestering, spying, following etc.

1 Race/ethnic origin also includes colour, nationality and national origin. The Irish Travellers are also recognised as being a racial group.
2 This includes both people with, and people without dependants.

1.3 Victimisation

Harassment also covers victimisation, which is defined in law as:

- When a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things. The University's policy also extends this definition to bullying.

2. THE UNIVERSITY'S RESPONSIBILITIES

The University has a legal and moral responsibility to ensure that any form of bullying or harassment is stopped effectively. Research indicates that bullying and harassment thrive in workplace cultures where it is ignored rather than challenged. Therefore this policy and procedures will be communicated effectively to all employees and students and the University will continue to ensure that all employees and students are aware of their responsibilities. In addition, managers and supervisors and Student Union representatives have specific additional responsibilities. Appropriate training will be provided including training on induction and management courses.

Harassment Advisors have been designated to provide advice and assistance to employees and students who are subjected to bullying and harassment and their names have been circulated to all employees and students (for a list of current advisors contact the Equality and Diversity Services or your Faculty/Department office). The list is also obtainable on the University's website at www.ulster.ac.uk/quality/equality/harassmentadvisors.html . Employees and students may contact anyone on the list. All complaints of Bullying and Harassment will be dealt with promptly, seriously and confidentially.

All those involved in an official role in any complaints will receive appropriate training. This will include Trades Union representatives.

The University will support victims of Bullying and Harassment by the provision of counselling or other appropriate help. It will also provide counselling facilities for those accused of Bullying and Harassment.

3. MANAGERS' AND SUPERVISORS' RESPONSIBILITIES

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that bullying and harassment does not occur, particularly in work areas for which they are responsible. Managers and supervisors have responsibility for seeking to resolve any incidents of bullying or harassment of which they are aware or ought to be aware. If bullying or harassment does occur, they must effectively deal with the situation. Failure to implement this policy and to investigate

a complaint could lead to a line manager/supervisor being individually liable for that complaint, and/or could lead to disciplinary action and/or to legal proceedings**.**

Managers or supervisors must not threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances or refusal to participate in potentially harassing behaviour will be used as a basis for an employment decision affecting that employee. Such conduct by a manager or supervisor will be treated as a serious disciplinary offence, and if an employee lodges a tribunal application against a manager or supervisor in these circumstances they may be individually liable.

Line managers have a responsibility to ensure that performance standards for tasks are established fairly and consistently with each member of staff, and that objectives are formalised and agreed to ensure that an employee does not feel victimised or unfairly criticised for their standard of work. Moreover, under-performance must be dealt with in an appropriate manner and under the appropriate procedures. Line managers must not resort to bullying tactics in these, or any circumstances.

Managers and supervisors must also ensure that they afford fair and unbiased treatment to anyone who has been accused of bullying or harassment, at all stages of the investigation.

In addition they must:

(i) Attend training to ensure that they understand their responsibilities under the policy.

(ii) Explain the University's policy to their staff and take steps to promote the policy. Ensure that each member of staff is made aware of the policy and has access to a copy of the policy.

(iii) Ensure that staff including supervisors of students, know how to raise bullying or harassment problems.

(iv) Set a good example by treating all staff, students and visitors with dignity and respect.

(v) Be responsive and supportive to any member of staff who makes an allegation of bullying or harassment, provide full and clear advice on the procedure to be adopted, maintain confidentiality, and ensure that there is no problem of bullying or harassment or victimisation, both after the incident has been reported, and after a complaint has been resolved.

(vi) Ensure that the complainant and the alleged harasser are kept informed as to how the complaint is being addressed and progressed.

(vii) Be alert to unacceptable behaviour and take appropriate action where an allegation is established.

(viii) Ensure that any staff who have contact with students have a responsibility to be aware of incidents of bullying or harassment and take appropriate action.

4. STUDENTS' REPRESENTATIVES' RESPONSIBILITIES

All Students' Union representatives and those with responsibility for Student's Union staff should take appropriate steps for ensuring that bullying and harassment do not occur in their work and social environment.

In addition they should, in line with their own policies and procedures:

(i) Understand the University Bullying and Harassment Policy and Procedures and provide information regarding the policy and procedures when requested to do so.

(ii) Advise and inform their staff or students of the University Bullying and Harassment Policy and Procedures.

(iii) Provide an educational/social environment which is free from visual Bullying and Harassment e.g. pin-ups, graffiti, defaced posters etc.

(iv) Be alert to physical and verbal bullying and harassment in their work/social environment and deal with it immediately, whether or not it is formally brought to their attention.

(v) Be supportive of individuals who state that they have been bullied or harassed and take full account of their feelings and perception of the situation.

(vi) Maintain complete confidentiality relating to all aspects of cases of bullying and harassment at all times and not disclosing and discussing the case unnecessarily with any individual not involved in its investigation.

(vii) Not participate in, encourage or condone gossip relating to cases of actual or alleged bullying and harassment and taking appropriate steps to prevent or stop such gossip in their work/social environment.

(viii) Attend any training session which may be arranged to increase awareness of the University Bullying and Harassment Policy and Procedures.

5. EMPLOYEES' AND STUDENTS' RESPONSIBILITIES

Employees have a responsibility to carry out their duties to meet objectives in a professional manner and according to agreed procedures and standards. Bullying or harassment are not acceptable methods for a line manager to deal with under performance.

All employees and students have a responsibility to help ensure a working environment in which the dignity of employees and students is respected. Everyone must comply with this policy and employees and students should ensure that their behaviour to colleagues, students and visitors to the University does not cause offence and could not in any way be considered to be bullying or harassment.

Employees and students should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues or students who suffer such treatment and are considering making a complaint. Anyone aware of or being subjected to bullying or harassment is encouraged to alert a manager, supervisor or member of academic or support staff to any incident of bullying or harassment to enable the organisation to deal with the matter.

Employees and students have a responsibility towards one another and if they witness an incident of bullying or harassment they may be required to give a statement and to be interviewed in the course of an investigation.

6. EMPLOYEES' AND STUDENTS' RIGHTS

All employees and students have the right to work in an environment which is free from any form of bullying or harassment. The University fully recognises the right of employees and students to complain about bullying and harassment should it occur. All complaints will be dealt with seriously, promptly and confidentially. A copy of the relevant complaints procedure, which has been agreed with the recognised Unions, is available from your line manager, or the Equality and Diversity Services, the Students' Union and the University website www.ulster.ac.uk/quality/equality/bullyingandharassmentpolicy.pdf.

This procedure does not replace or detract from the statutory rights of employees or students to pursue a complaint under legislation to Tribunal or Court.

Every effort will be made to ensure that employees and students making complaints, and others, who give evidence or information in connection with the complaint, will not be victimised. Victimisation is discrimination contrary to equality legislation or in the case of bullying, contrary to this policy. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

An employee or student who is accused of bullying or harassment has the right to respond fully to such accusations and to be accompanied in this process by their Union representative. They also have the right to seek advice from the harassment advisors, or from the Department of Human Resources, or Equality and Diversity Services, or their Trades Union representative, as appropriate. These people will provide advice and support but formal investigations will be carried out as described in paragraph 12.

7. FACETIOUS OR MALICIOUS ALLEGATIONS

If the outcome of an investigation indicates that a facetious or malicious allegation has been made against a member of staff or student, this is likely to result in disciplinary action being taken against the complainant.

8. REVIEW

The University together with the Trades Union will monitor all formal complaints of Bullying and Harassment and will review the effectiveness of this policy and procedures 2 years from implementation and then on a regular basis.

PART II:

PROCEDURE FORDEALING WITH COMPLAINTS OF BULLYING OR HARASSMENT

9. INITIATING COMPLAINTS OF BULLYING/HARASSMENT

Any employee or student, or group of employees or students, who believe(s) that he/she/they has/have suffered any form of bullying or harassment is/are entitled to raise the matter through the following procedure.

This procedure does not replace or detract from his/her/ their statutory rights under sex discrimination, fair employment and treatment, disability, race relations, sexual orientation or age legislation, or the Health & Safety at Work (NI) Order, or the Protection from Harassment (NI) Order.

(When the singular form is used in relation to the person alleging bullying or harassment e.g. complainant, this is intended to include a group of employees where applicable).

Further information is also available in the leaflet **"Guidance Notes for Staff" available at www.ulster.ac.uk/quality/equality.**

The University has a duty of care to safeguard the mental and physical well-being of its staff. If a member of staff appears to be at immediate risk because of alleged bullying or harassment the University has an obligation to investigate, where it seems there may be a legitimate case, even if a formal complaint has not been lodged. This investigation will be carried out within the procedures outlined in this policy.

10. CONFIDENTIALITY

Strict confidentiality must be maintained throughout all investigations. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised. Complaints regarding a breach of confidentiality should be reported to the Director of Human Resources. It will be explained to everyone involved in the process that any breach of confidentiality may lead to disciplinary action.

11. PROCEDURES FOR DEALING WITH COMPLAINTS ABOUT STAFF

The three stages for dealing with complaints about staff are detailed below.

Complaints should be raised as soon as possible following an act of alleged bullying or harassment so that the matter can be dealt with swiftly and decisively.

12. STAGE I – THE INFORMAL STAGE

12.1 Informal Procedure

Experience indicates that the majority of bullying and harassment complaints can be resolved informally, particularly if action is taken quickly**.** Individuals are encouraged to use this route wherever possible and if they feel it is appropriate.

Employees and students can seek to resolve matters informally by one or more of the following:

- Approaching the alleged bully/harasser directly making it clear to them that the behaviour in question is offensive, is not welcome and should be stopped;

- Requesting a meeting with the alleged bully/harasser and a third party, e.g. Trades Union or Students' Union representative, one of the University's Harassment Advisors or a member of Equality and Diversity Services.

- Discuss the matter with a Union representative, your line manager, your Head of School, or one of the University's Harassment Advisors, and ask them to speak to the alleged bully/harasser on your behalf.

- Engage in the University's mediation process (see paragraph 12.3 below)

12.2 Harassment Advisors

Harassment Advisors have been appointed to provide staff and students with advice and assistance. They will not conduct investigations but they may accompany people at any stage of either informal or formal investigations in place of a Trade Union representative or colleague**.** An advisor can be contacted on a confidential basis at any stage of informal or formal procedures. The names and locations of advisors can be obtained from Equality and Diversity Services and from Faculty/Department offices.

All incidents of bullying and harassment which are reported to a harassment advisor will be monitored annually on an anonymous basis. In the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. An annual report on the Harassment Advisers activities will be prepared for Equality and Diversity Advisory Group and Senior Management Group.

The student or member of staff should be advised:

- A formal investigation and possible disciplinary action can only take place if the incident/s is/are investigated under the formal procedure;

- A written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

12.3 Mediation

ACAS (Advisory Conciliation and Arbitration Service) defines mediation as:

"Mediation is the most common form of alternative dispute resolution. It's completely voluntary and confidential. It involves an independent, impartial person helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgements or determine outcomes – they ask questions that help to uncover underlying problems, assist the parties to understand the issues and helps them to clarify the options for resolving their conflict.

The aim is to restore and maintain the employment relationship if possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Most kinds of dispute can be mediated if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective if used early on.

Mediation is an option in the informal process and can be an effective way of resolving the issues. Mediation will only be used if both parties concerned agree to this".

The University has a pool of trained mediators who can be contacted by either the complainant or the alleged harasser at any time during the informal process. They will provide information on the service they provide.

13. STAGE II - FORMAL COMPLAINTS

The formal complaints procedure is appropriate if the individual feels the bullying or harassment is such that it would be inappropriate because of the nature of the allegation to investigate it informally, or if the bullying or harassment continues after the informal procedures have been used.

This applies to complaints of bullying/harassment made by either students or staff about University employees.

The process for formal complaints of bullying or harassment is as follows:

13.1 Formal complaints should be made in writing to the Director of Human Resources and should outline the nature of the complaint.

Assistance may be sought from:

- A harassment advisor, or
- A Trades Union or Students Union representative
- Equality and Diversity Services[3]

Within 10 working days of receipt of the complaint, the Director of Human Resources will acknowledge receipt of the complaint and appoint an investigating panel. He will also write to the alleged harasser/bully to advise them that a complaint has been made.

At this stage the Director of Human Resources will also decide whether or not it is necessary to separate the complainant and the alleged harasser/bully. In certain circumstance, the Director of Human Resources, in consultation with Equality and Diversity Services, will consider alternative working arrangements to facilitate the investigation of the complaint; this may include paid leave of absence.

The investigating Panel shall comprise:

a) a Chairperson who shall be a line manager not from the direct area, at an appropriate level and where there is no conflict of interest, nominated by the Director of Human Resources.

b) a Harassment Advisor not involved in the complaint

c) a Trade Union Representative where possible, from another trade union,.

d) if a student makes the complaint the Panel will also include the Students' Union President or representative.

There will also be a member of Human Resources, who will be there to offer professional/procedural support and provide a formal/accurate record of events, but will not be a member of the panel.

All staff who sit on these panels must attend appropriate training.

3 Equality and Diversity Services provide advice on the policy and procedures to staff and students, but generally are not involved in formal complaints.

13.2 The Panel will normally meet with the complainant within 15 working days. The complainant will be entitled to be accompanied by a Trades Union representative, work colleague or harassment advisor. The complainant must be advised of this[4]. At this meeting the Investigating Panel will ascertain the details of the complaint and determine the relevant information. The complainant should submit any further documentation including names of witnesses at least 5 days prior to this meeting.

13.3 The Panel will then arrange to meet with the alleged harasser/bully. They will give at least 5 working days notice. The alleged harasser/bully should submit any documentation to be relied on, together with the names of witnesses, prior to the meeting. The purpose of this meeting is to give the harasser/bully an opportunity to respond to the allegations and to provide any further relevant information in relation to the complaint. The alleged harasser/bully also has the right to be accompanied by a Trades Union representative, work colleague or harassment advisor. The alleged harasser/bully must be advised of this.

13.4 The panel will then arrange to meet any witnesses who will normally be given 5 working days' notice of this meeting. Staff who are called as a witness for either party are required to attend.

13.5 If, following all these meetings, any further information has emerged which requires a response from any of the parties, the Investigating Panel will meet the relevant people to discuss this.

13.6 The Investigating Panel will write a report covering the determinations of its findings on each point of the relevant allegations. In reaching its decisions the Panel must take into account the balance of probabilities in relation to all it has heard, particularly as there are often no witnesses to incidents of bullying and harassment. It should also include recommendations as to any action which needs to be taken. This may include a number of options including: disciplinary action, redeployment, training/development or some alternative form of conciliation. Where a complaint of bullying or harassment is upheld, this will automatically lead to a disciplinary investigation under the University's Disciplinary procedures. This report will be sent to the Director of Human Resources.

13.7 The Investigating Panel will also write to both the complainant and the alleged harasser/bully to confirm that the investigation is complete and that the final report is with the Director of Human Resources.

Investigations should be completed within 3 Months. Objective reasons for any delay must be included in the final report.

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4 Students will not be entitled to be accompanied by a parent unless they are under the age of 18. In cases where English is not the first language an interpreter will be assigned. Their role will be strictly limited to acting as an interpreter.

If the complainant is off sick, a member of the panel will write to the complainant and ask if they are able to continue with the investigation at that time.

Strict confidentiality must be maintained throughout all investigations. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised. It will be explained to everyone involved in the process that any breach of confidentiality may lead to disciplinary action. Any breach of confidentiality should be reported to the Director of Human Resources

13.8 Finally the Director of Human Resources will contact and either meet with or write to both the complainant and the alleged harasser/bully to give them a copy of the report and advise them as to what action will be taken. All parties have the right to be accompanied by a trade union representative, colleague or harassment advisor at such a meeting[5].

14. STAGE III – APPEAL

14.1 If you are not satisfied with the outcome of Stage II, you should refer the matter back to the Director of Human Resources in writing. The Director of Human Resources will appoint an Appeals Panel who will review the decision of the formal investigation.

The Appeals Panel shall comprise:

a) a Chairperson who shall be a member of Senior Management Group, nominated by the Director of Human Resources;

b) a Trade Union Representative, not previously involved in the matter and where possible, from a different trade union;

c) an elected member of Senate; and

d) If a student makes the complaint the Panel will also include the Students' Union President or representative.

There will also be a member of Human Resources, not previously involved, who will be there to offer professional/procedural support and provide a formal/accurate record of events, but will not be a member of the appeals panel.

The member of Human Resources will arrange a meeting of the panel to hear the appeal, normally within 10 working days of the referral.

[5] Students will not be entitled to be accompanied by a parent unless they are under the age of 18. In cases where English is not the first language an interpreter will be assigned. Their role will be strictly limited to acting as an interpreter.

Members of the panel will be provided with written details of the complaint.

The Appeals panel will be able to hear an appeal on the basis of a procedural complaint, or where either party feels that some relevant evidence has either not been heard, or has been misunderstood or misinterpreted.

14.2 All parties to the appeal will normally be given 10 working days' notice of this meeting and advised of their right to submit documentation to be relied on by the Chair together with the names of any such persons that may aid the Panel in its deliberations of the complaint. Any such documentation should be submitted at least 5 working days prior to the meeting. The Panel should normally meet with such witnesses within 10 working days. Staff who are called as witness for either party are required to attend. **Strict confidentiality must be maintained throughout all investigations. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised. It will be explained to everyone involved in the process that any breach of confidentiality may lead to disciplinary action. Any breach of confidentiality should be reported to the Director of Human Resources**

All parties have the right to be accompanied by a fellow employee or trade union representative.

14.3 The Appeals Panel will write a report covering the determinations of its findings on each point of the relevant allegations. In reaching its decisions the Panel must take into account the balance of probabilities in relation to all it has heard, particularly as there are often no witnesses to incidents of bullying and harassment. It should also include recommendations as to any action which needs to be taken. This may include a number of options including: disciplinary action, redeployment, training/development or some alternative form of conciliation. Where a complaint of bullying or harassment is upheld, this will automatically lead to a disciplinary investigation under the University's Disciplinary procedures. This report will be sent to the Director of Human Resources.

14.4 The Chair of the Appeals Panel will communicate the outcome of the appeal and the decision of the panel to the relevant parties. The report will be copied to the Director of Human Resources to take action if required, and as appropriate.

14.5 Complaints to the Fair Employment/Industrial Tribunal/Court

These internal procedures do not prevent staff or students from pursuing a complaint of harassment under the relevant legislation to an industrial or fair employment tribunal or to a court of law. However, there are strict time limits for making such complaints and

complainants will normally be expected to have raised their complaint under these procedures first. Further advice on this is available from Equality and Diversity Services.

If a member of staff pursues such a statutory course of action and these procedures have already determined that the alleged harasser is at fault, then the University reserves the right to have that members of staff, i.e. the harasser added as a respondent to the complaint.

15. PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT STUDENTS

This applies to complaints of bullying/harassment made by either students or staff about University students.

The Three stages for dealing with complaints about students are detailed below.

16. STAGE I - INFORMAL COMPLAINTS

16.1 Informal Procedure

Experience indicates that the majority of bullying and harassment complaints can be resolved informally, particularly if action is taken quickly**.** Individuals are encouraged to use this route wherever possible.

Employees and students can seek to resolve matters informally by one or more of the following:

- Approaching the alleged bully/harasser directly making it clear to them that the behaviour in question is offensive, is not welcome and should be stopped.

- Requesting a meeting with the alleged bully/harasser and a third party, e.g. Trades Union or Students' Union representative, one of the University's Harassment Advisors or a member of Equality and Diversity Services.

- Discuss the matter with a Union representative, your line manager, your Head of School, or one of the University's Harassment Advisors, and ask them to speak to the alleged bully/harasser on your behalf.

- Engage in the University's mediation process (see paragraph 11.3 below)

Complaints should be raised as soon as possible following an act of alleged bullying or harassment so that the matter can be dealt with swiftly and decisively.

16.2 Harassment Advisors

Harassment Advisors have been appointed to provide staff and students with advice and assistance. They will not conduct investigations but they may accompany people at any stage of either informal or formal investigations in place of a Trade Union representative or colleague**.** An advisor can be contacted on a confidential basis at any stage of informal or formal procedures. The names and locations of advisors can be obtained from Equality and Diversity Services and from Faculty/Department offices.

All incidents of bullying and harassment which are reported to a harassment advisor will be monitored annually on an anonymous basis. In the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. An annual report on the Harassment Advisers activities will be prepared for Equality and Diversity Advisory Group and Senior Management Group.

The student or member of staff should be advised:

- A formal investigation and possible disciplinary action can only take place if the incident/s is/are investigated under the formal procedure;

- A written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

16.3 Mediation

ACAS (Advisory Conciliation and Arbitration Service) defines mediation as:

“Mediation is the most common form of alternative dispute resolution. It’s completely voluntary and confidential. It involves an independent, impartial person helping two or more individuals or groups reach a solution that’s acceptable to everyone. The mediator can talk to both sides separately or uncover underlying problems, assist the parties to understand the issues and helps them to clarify the options for resolving their conflict.

The aim is to restore and maintain the employment relationship if possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Most kinds of dispute can be mediated if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective if used early on.

Mediation is an option in the informal process and can be an effective way of resolving the issues. Mediation will only be used if both parties concerned agree to this.

The University has a pool of trained mediators who can be contacted by either the complainant or the alleged harasser at any time during the informal process. They will provide information on the service they provide.

17. STAGE II - FORMAL COMPLAINTS

17.1 The process for formal complaints of bullying or harassment is as follows:

17.2 Formal complaints should be made in writing to the relevant Provost. Assistance may be sought from:

- A harassment advisor, or
- A Students' Union representative
- Equality and Diversity Services[6]

On receipt of a formal complaint, the Provost will consult with the Head(s) of School and/or anyone else deemed appropriate, to decide whether or not it is necessary to separate the complainant and the alleged harasser/bully. Where an exceptionally serious case of bullying or harassment has been alleged, the Provost will refer the matter to the Vice Chancellor who will consider a precautionary suspension of the alleged harasser. The suspension will remain in place until the matter is considered by the Disciplinary Committee.

17.3 Within 5 days of receipt of the complaint, the Provost will acknowledge receipt of the complaint with the complainant and arrange to meet him/her and agree a timescale for the investigation. This meeting should be held within 5 days from receipt of this letter. The complainant will be entitled to be accompanied by a students' union representative or fellow student. S/he must be advised of this. At this meeting the Provost will ascertain the details of the complaint and determine the relevant points. The Provost will also write to the alleged harasser/bully to advise him/her that a complaint has been made and that they will be given the details and the opportunity to respond to this in due course.

[6] Equality and Diversity Services provide advice on the policy and procedures to staff and students, but generally are not involved in formal complaints.

Other than in exceptional circumstances, the investigation should be completed within 28 days. Objective reasons for any delay should be included in the final report.

17.4 The Provost will then decide if it is necessary to interview anyone who may be able to assist, e.g. witnesses to any of the alleged events. These individuals also have the right to be accompanied by a students'/trades union representative or fellow student/work colleague at the meeting.

17.5 Having ascertained the relevant points in the complaint, the Provost will forward these to the alleged harasser/bully and arrange to meet him/her. The purpose of this meeting is to give the alleged harasser/bully an opportunity to respond to the allegations and provide any other relevant information in relation to the complaint. The alleged harasser/bully also has the right to be accompanied by a students'/ trades union representative or fellow student/work colleague.

17.6 If, following all these meetings, any further points have emerged which require a response from any of the parties, the Provost will meet the relevant people to discuss these.

17.7 The Provost will write a report covering the determinations of his/her findings on each point of the relevant allegations. It should also include recommendations as to any action which needs to be taken. This may include disciplinary action, or some form of mediation or conciliation.

17.8 Finally the Provost will write to both the complainant and the alleged harasser/bully to give them a copy of the report and advise them as to what action will be taken. If disciplinary action is to be taken against a student, this will be initiated in accordance with the Ordinance governing student discipline.

18. STAGE III - APPEALS

18.1 If you are not satisfied with the outcome of Stage II, you should refer the matter to the Vice-Chancellor stating the reason for the Appeal. The Vice-Chancellor will appoint an Appeals Panel.

The Appeals Panel will comprise:

(a) a lay member of Council

(b) a member of Senate

(c) a Students' Union sabbatical officer

There will also be a member of Governance Services, who will be there to offer professional/procedural support and provide a formal/accurate record of events, but will not be a member of the appeals panel.

The Chair of the panel shall arrange a meeting of the panel within 10 working days of such referral, providing members of the panel with written details of the complaint.

All parties of the complaint will normally be given 15 working days' notice of any hearing and advised of their right to submit documentation to be relied on to the Chair together with the names of any such persons that may aid the Panel in its deliberations of the complaint at least seven days prior to the meeting.

All parties have the right to be accompanied as appropriate.

18.2 Complaints to a Court

These internal procedures do not prevent staff or students from pursuing a complaint of harassment under the relevant legislation to an industrial or fair employment tribunal or to a court of law. However, there are strict time limits for making such complaints and complainants will normally be expected to have raised their complaint under these procedures first. Further advice on this is available from Equality and Diversity Services.

If a member of staff pursues such a statutory course of action and these procedures have already determined that the alleged harasser is at fault, then the University reserves the right to have that members of staff i.e. the harasser added as a respondent to the complaint.