

## BULLYING AND HARASSMENT

### Dignity and Respect: Dealing with Bullying and/or Harassment

#### SUMMARY OF PRINCIPAL CHANGES

##### General changes

This document supersedes version 03.0, UPR EQ01 and should be read in full.

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## 1 INTRODUCTION

1.1 The University's policy to prevent and deal with bullying and/or harassment (UPR EQ10) is part of the institution's strategy for promoting equality and valuing diversity and for protecting and enhancing the wellbeing of employees and students. It has been the subject of wide consultation within the University and has the support of the Recognised Trade Unions and the Students' Union. This policy (UPR EQ10) should be read in conjunction with the University's Equality and Diversity Policy (UPR EQ03<sup>1</sup>) and other relevant policies.

1.2 This policy has been approved by the Board of Governors with effect from 1 January 2016<sup>2</sup>.

### 1.3 ACRONYMS

SBU Strategic Business Unit

## 2 PURPOSE

2.1 This policy has two purposes:

- i to assist in developing an institutional ethos in which bullying and/or harassment are unacceptable, and to empower individuals to deal with any incidents that occur;
- ii to provide a process whereby complaints relating to bullying and/or harassment may be resolved by means of informal and/or formal action.

2.2 UPR EQ10 may only be used for the consideration of complaints of bullying and/or harassment.

2.3 Complaints concerning any other types of unfair or discriminatory treatment should be made using either the staff grievance policy (UPR HR03<sup>3</sup>) or the student and applicant complaints procedure (UPR SA16<sup>4</sup>).

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<sup>1</sup> UPR EQ03 'Equality and Diversity Policy'

<sup>2</sup> **Board of Governors minutes:** 331.3, 30 June 98; 528, 21 March 2002 and 785.3, 22 June 2005; 371. 23 June 2010 refer. **Employment, Remuneration, Governance and Nominations Committee:** *Minute 40, 19 November 2015.*

2.4 Where a complaint includes, but is not solely related to, bullying and/or harassment, advice on how to proceed should be sought from those listed in section 16 of this document.

### 3 DEFINITIONS

For the purposes of this document the following definitions will apply.

#### 3.1 'Harassment':

Harassment is unwanted conduct, which has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. The effect of the conduct (and not the intentions behind it) is key to deciding whether harassment has occurred. A single event or a series of incidents might constitute harassment.

Harassment may take many forms including, but not limited to, physical threats or contact; offensive jokes or language; ostracism; 'outing'; misuse of correspondence, electronic mail, social networking or any other technology; the display of offensive material or graffiti. Whatever the form, such behaviours are unwanted and unacceptable. Harassment can occur either on University premises or elsewhere, between employees; between students; between employees and students, and between employees or students and others, for example external partners, in the course of their direct working, professional, academic and social relationships.

#### (Harassment – legal context

- i Equality legislation makes harassment unlawful. The law offers protection from:
  - a unwanted conduct that is related to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation, which has the purpose or effect of violating an individual's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive for the Complainant;  
  
(It should be noted that this protection includes people who find the behaviour offensive even if it is not directed at them and even if they do not possess the protected characteristic);
  - b unwanted conduct of a sexual nature (sexual harassment);
  - c less favourable treatment because they have rejected or submitted to sexual harassment or harassment related to sex or gender reassignment.
- ii Intentional harassment in a public place, not necessarily related or restricted to a protected characteristic, can be a criminal offence. Harassment that is intentional and repeated, for example, in the work place, can also be a criminal offence.
- iii The University has legal responsibilities to have 'due regard' in carrying out its functions to:
  - a eliminate harassment and any other conduct prohibited by the Equality Act 2010, and
  - b advance equality of opportunity between people who have a protected characteristic and those who do not, and
  - c foster good relations between people who share a protected characteristic and those who do not.)

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<sup>3</sup> UPR HR03 'Staff Grievance Policy'  
<sup>4</sup> UPR SA16 'Student and Applicant Complaints'

3.2 **'Bullying':**

Bullying is offensive, intimidating or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure another person. It has the purpose or effect of controlling individuals, making them unsure and insecure in their relationships or roles and undermining their confidence and self-esteem. It may include ridiculing or demeaning someone; setting a person up to fail; deliberately undermining a person's confidence or competence, for example, by deliberate work overloading or unjustified constant criticism. Bullying whether obvious or insidious is unacceptable.

3.3 **'Complainant':**

A person making a complaint.

3.4 **'Respondent':**

The person against whom a complaint is made.

3.5 **'Recipient':**

The individual with whom a formal complaint of bullying and/or harassment should be lodged.

A Recipient has discretion to designate another employee of appropriate standing to act as his or her nominee for the purposes of administering this policy and its procedures.

3.6 **'Employee':**

A member of staff employed by the University, and in cases where UPR EQ10 has been adopted by their respective Board of Directors, the wholly-owned subsidiary companies or their wholly-owned subsidiaries.

3.7 **'Dignity and Respect Adviser':**

An employee trained by the Equality Office as a Dignity and Respect Adviser, with whom concerns about possible bullying and harassment may be discussed in a confidential interview.

3.8 **'Investigator':**

An employee trained to investigate complaints of bullying and/or harassment.

3.9 **'Student':**

A person registered by the University, following a University owned and/or delivered programme delivered at the University which will be assessed and will normally lead to a University award.

**(Note for guidance:**

Students enrolled on programmes delivered by Partner Organisations should follow the internal procedures of the institution at which they are enrolled.)

3.10 **'University premises':**

Premises owned or occupied by the University, its wholly-owned subsidiary companies or their wholly-owned subsidiaries.

3.11 **'Visitor':**

An individual who is neither a student nor an employee, for example, an individual who has or may apply for admission as a student or for employment, a person hiring University premises or a person otherwise using the University's premises or facilities.

## 4 SCOPE

- 4.1 This policy (UPR EQ10) covers all forms of bullying and/or harassment. The policy and its supporting procedures apply to, and may be used by:
- i members of the Board of Governors, employees, and students of the University of Hertfordshire;
  - ii contractors and self-employed consultants working on University premises;
  - iii visitors to University premises, including individuals who have or may apply for admission as students or who have applied for employment, persons hiring University premises or persons otherwise using the University's premises or facilities;
  - iv the employees, Directors and clients of the wholly-owned subsidiary companies and their wholly-owned subsidiaries where UPR EQ10 has been adopted by the relevant Board of Directors.

### (Note for guidance - Students' Union)

The Students' Union will deal with any incident of bullying and/or harassment that occurs on its premises involving employees or students of the University, or at an event which it has organised, (regardless of whether the incident(s) happened on its premises) by means of its internal procedures. Where appropriate, the Students' Union may refer an incident to the University, for example, where an employee is involved.)

## 5 POLICY

- 5.1 The University is committed to being an equal opportunities organisation which ensures equality of opportunity and fair treatment both as an employer and as a provider of education and other services.
- 5.2 The University aims to promote an ethos that safeguards the dignity and wellbeing of everyone and encourages methods of working, learning, enquiry and discussion that reflect its commitment to equality of opportunity.
- 5.3 The University welcomes and values the social diversity of its community. Where disagreements or tensions arise within that community as a result of differences in understanding about acceptable behaviours, everyone involved is expected to work together to resolve the issues fairly; to clarify and agree what behaviours are appropriate; to support individuals who may have been adversely affected, and where appropriate, to modify the behaviour that has caused offence. If at all possible, an individual should voice his or her concerns or anxieties to the other person(s) as an awkward situation may be resolved through a timely word.
- 5.4 The University considers that bullying and/or harassment undermine the wellbeing of others and create a hostile environment and that such behaviours are unacceptable.
- 5.5 The University regards bullying and/or harassment (where proven) as disciplinary offences (UPR HR02<sup>5</sup> and UPR SA13<sup>6</sup>, refer).
- 5.6 The University will invoke the relevant disciplinary procedure where it is believed that Complainants, Respondents or witnesses have been victimised (UPR HR02<sup>5</sup> and UPR SA13<sup>6</sup>, refer).
- 5.7 The University regards malicious, frivolous or vexatious complaints as disciplinary offences (UPR HR02<sup>5</sup> and UPR SA13<sup>5</sup>, refer).

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<sup>5</sup> UPR HR02 'Staff Disciplinary Policy'

<sup>6</sup> UPR SA13 'Student Discipline'

- 5.8 The University will provide advice and support for anyone who experiences bullying and/or harassment and encourages those individuals to seek advice and, as appropriate, to take informal and formal action.

**(Note for guidance – advice for Complainants)**

Employees should refer to the Stress Management Policy.

Students may obtain advice from the Students' Union or the Dean of Students' Office.)

6 **PRINCIPLES**

- 6.1 In administering this policy and its supporting procedures, the following principles will be applied:

- i the University's position is that bullying and harassment are unacceptable and that no-one should experience either;
- ii all reports of bullying and/or harassment, whether informal or formal, will be taken seriously and treated confidentially;
- iii where either of the parties involved in the complaint is unable to maintain the usual work or study relationship, the University will seek to address this in a way that causes minimum distress and disruption;
- iv where a formal complaint of bullying and/or harassment has been made against a student against whom disciplinary action has been initiated for any reason, both matters will be dealt with concurrently;
- v where a complaint of bullying and/or harassment is made against an employee prior to a complaint of underperformance or if for any reason, the employee is already the subject of disciplinary proceedings, all matters will be dealt with concurrently;
- vi it is expected that, initially and where appropriate, complaints of bullying and/or harassment will be taken through an informal route in order to resolve the matter (section 9 refers);
- vii all parties will be treated fairly and equally, regardless of their status and/or protected characteristics (UPR EQ03<sup>7</sup>, refers);
- viii other than in mediation meetings, the Complainant and Respondent have the right to be accompanied, as appropriate, by a Friend or Student's Adviser, at any meeting, including the Initial Meetings (section 10.2.1, vi, a, refers), at which the matter is to be discussed (section 8, refers);
- ix where practicable the arrangements for meetings will take account of the needs and concerns of those involved;
- x where the Vice-Chancellor (or nominee) has reason to believe that there is a risk to the personal safety, either of the Complainant or of another person, or where it is believed that a criminal offence has taken place, the Vice-Chancellor (or nominee) may inform the Police and/or take legal advice, through the Secretary and Registrar (or nominee), before proceeding with any internal action. **Complainants** will be supported in reporting hate crimes, for example, racist, disablist, homophobic or transphobic comments or attacks, or any other types of criminal harassment such as stalking, to the Police.

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<sup>7</sup> UPR EQ03 'Equality and Diversity Policy'

**(Notes for guidance – advice for those who have experienced or believe that they have witnessed bullying and/or harassment)**

The University recognises that people who believe they have, or are, being bullied and/or harassed, or those who witness such incidents, may be reluctant to take any action, perhaps because they are embarrassed; worried that they will not be believed or taken seriously; anxious not to be victimised or isolated as a result of making a complaint; concerned that a complaint will result in the Respondent losing his or her job or study place; concerned that no action will be taken; or that a complaint will be interpreted as an inability on their part to deal with people or difficult situations.

Anyone who believes that he or she is experiencing bullying and/or harassment should keep a written record of the relevant incident(s). The record should contain as much factual information as possible, and detail the impact on the person.

Where an individual believes that he or she has witnessed an incident of bullying and/or harassment, he or she should draw the matter to the attention of an appropriate person listed in section 16 of this document. Appropriate advice will be given in relation to the options that might be available from reporting an incident.

**Respondents** who require advice on procedural matters or other sources of assistance may seek advice from the individuals listed in section 16 of this document.)

**7 INTER-RELATIONSHIP OF THIS POLICY WITH THE UNIVERSITY'S DISCIPLINARY PROCEDURES**

7.1 The purpose of the procedures set out in this document (UPR EQ10) is:

- i to consider complaints of alleged bullying and/or harassment and
- ii to determine whether, on the balance of probability, harassment and/or bullying has occurred and whether it can or should be resolved informally.

7.2 Where bullying and/or harassment is believed to have occurred and cannot or should not be resolved informally, the Recipient will refer the matter for consideration under the relevant disciplinary process.

7.3 UPR EQ10 is separate from UPR HR03<sup>3</sup> and UPR SA16<sup>4</sup>. However, where an investigation into a complaint of bullying and/or harassment leads to a disciplinary hearing, that investigation will contribute to the investigation stage required by the disciplinary procedure that is being applied. In the case of employees it will take the place of the investigation of the facts.

**8 RESPONDENT'S OR COMPLAINANT'S FRIEND/STUDENT'S ADVISER**

**(Note for guidance:**

Other than in mediation meetings, the Complainant and Respondent have the right to be accompanied, as appropriate, by a Friend or Student's Adviser, at any meeting, including the Initial Meeting (section 10.2.1, vi, a, refers), at which the matter is to be discussed.)

**8.1 Where the Respondent or Complainant is an employee**

Where the Respondent or Complainant is an employee, for the purposes of this document a 'Friend' is defined as:

"a person chosen by the employee to accompany him/her to a hearing and who is either a colleague employed by the University or an employee or official of a Trade Union. The Friend may present the employee's case and confer with the employee but will not be permitted to answer direct questions for the employee".

## 8.2 Where the Complainant or Respondent is a student

- i Where the Complainant or **Respondent** is a student, he or she may be accompanied by a Student's Adviser (section 8.2. ii, refers).
- ii Student's Adviser
  - a A student may invite another person to accompany him or her to, and to act as, his or her Adviser, at any meeting (formal or informal) at which the matter is to be discussed.
  - b Although the student might, for example, invite a lawyer or a Trade Union representative to act as his or her Adviser, it should be noted that the person attends the meeting or Hearing purely in an advisory capacity and does not, therefore, act as the student's representative.
  - c Where a student wishes to be accompanied by an Adviser at a meeting, he or she should advise the University five (5) working days beforehand.

## 8.3 Where the Respondent of Complainant is a Visitor

- a A Respondent or Complainant who is a Visitor may invite another person to accompany him or her to, and to act as, his or her Adviser, at any meeting (formal or informal) at which the matter is to be discussed.
- b Although the Respondent/Complainant might, for example, invite a lawyer or a Trade Union representative to act as his or her Adviser, it should be noted that the person attends the meeting purely in an advisory capacity and does not, therefore, act as the Complainant's representative.
- c Where the **Complainant** wishes to be accompanied by an Adviser at a meeting, he or she should advise the University five (5) working days beforehand.

## 9 INFORMAL PROCESS

- 9.1 It is expected that, initially and where appropriate, complaints of bullying and/or harassment will be taken through route described in this section (9) with a view to resolving the matter informally.

### (Note for guidance:

Most people who experience bullying or harassment just want it to stop. An informal approach can be an effective means of achieving this, and is the preferred method for resolving a complaint as initial action. Such an approach is more likely to be effective in cases where the Respondent is genuinely unaware of the effect of their behaviour and wishes to re-establish a good relationship with the Complainant.

An informal route can include bringing the matter to the attention of a line manager, the Equality Office, Human Resources, the Office of the Dean of Students, Dignity and Respect Adviser, the Occupational Health and Safety Office, Trade Union or Students' Union representative, as appropriate, where further action can be considered. Further informal action might involve facilitated discussions and/or mediation. If the informal complaint route has been exhausted and the matter is left unresolved, then a formal complaint should be lodged within the time-scale set out in section 10.2.1.)

## 9.2 Informal action - options

- 9.2.1 The following options are available:

- a a confidential interview with an appropriate person (section 9.2.2 refers);
- b direct approach by the Complainant (section 9.2.3, refers);
- c a facilitated approach involving a third party (section 9.2.4, refers);
- d mediation, accessing internal resources or an external provider (section 9.2.5, refers);
- e other services within the University (section 9.2.6, refers).

### 9.2.2 Confidential interview

A confidential interview with an appropriate person, from amongst those referred to in section 16 of this document, can be sought as a way of addressing the matter informally, and for advice and guidance to deal with the matter. The confidential interview does not oblige the person who has sought the interview to take any action. It is an opportunity to discuss his or her perception of events and their effects, and to consider the options outlined in this section (9.2).

The informal interview will remain confidential and the person who sought it will decide what action, if any, will be taken. However, where it is considered that there is a risk to personal safety and/or a potential criminal offence, the interviewer will immediately seek advice, as appropriate, from the Director of Human Resources and/or the Office of the Dean of Students.

### 9.2.3 Direct approach by the Complainant

This usually involves the Complainant outlining to the Respondent, either in person or in writing, his or her complaint and asking the Respondent to make comment and either change or stop the perceived unwelcome behaviour. Where a Complainant makes an approach in person, it is strongly recommended that he or she is accompanied (section 8, refer).

If the approach is made in writing, the Complainant should keep a copy of the correspondence.

### 9.2.4 Facilitated approach involving a third party

The Complainant may request that a third party, for example, the Equality Office, Human Resources Business Partner, Dean of Students or the Students' Union, facilitates a meeting between the Complainant and Respondent to resolve the problem. Such a meeting can provide an opportunity for both sides to discuss the situation, perhaps from different perspectives, with the aim of achieving a resolution whereby the alleged behaviour is not repeated.

The third party should confirm at the start of the meeting that the aim is to resolve the situation and that any unfair treatment arising from the meeting could lead to a complaint of victimisation. All involved must agree that the meeting, and any resolution, will be confidential and that no record will be placed on any individual's personal file.

### 9.2.5 Mediation

Mediation is undertaken by a trained individual who is an employee. It is a voluntary process where the mediator facilitates two or more people in dispute in an attempt to reach an agreement. Any agreement comes from those in dispute and not the mediator. Mediators will be neutral from the individuals involved in the complaint.

### 9.2.6 Other services within the University

Other support and services which may be suggested by a Dignity and Respect Adviser include: contacting the employee support helpline; using life skills coaching to develop different behaviours and approaches to deal with the situation; using counselling or wellbeing services, such as the Occupational Health and Safety Office. Employees who are members of a recognised Trade Union may also wish to contact their Trade Union. Students may wish to contact the Advice and Support Centre of the Students' Union or the University's Student Wellbeing services.

### 9.2.7 Where the complaint cannot be resolved informally

Where, having tried any of the informal approaches described in sections 9.2.2 – 9.2.6, the Complainant remains dissatisfied because his or her complaint remains unresolved, he or she may wish to consider taking formal action (section 10, refers).

**10 FORMAL PROCESS**

**(Note for guidance:**

It will not always be possible or appropriate to attempt to resolve a complaint through informal action. In some cases, an informal approach may have been tried and proven unsuccessful. For example, the Respondent might have disputed the Complainant's account of the alleged events. In other cases the alleged incident(s) may be so serious that it is not appropriate to attempt informal resolution.)

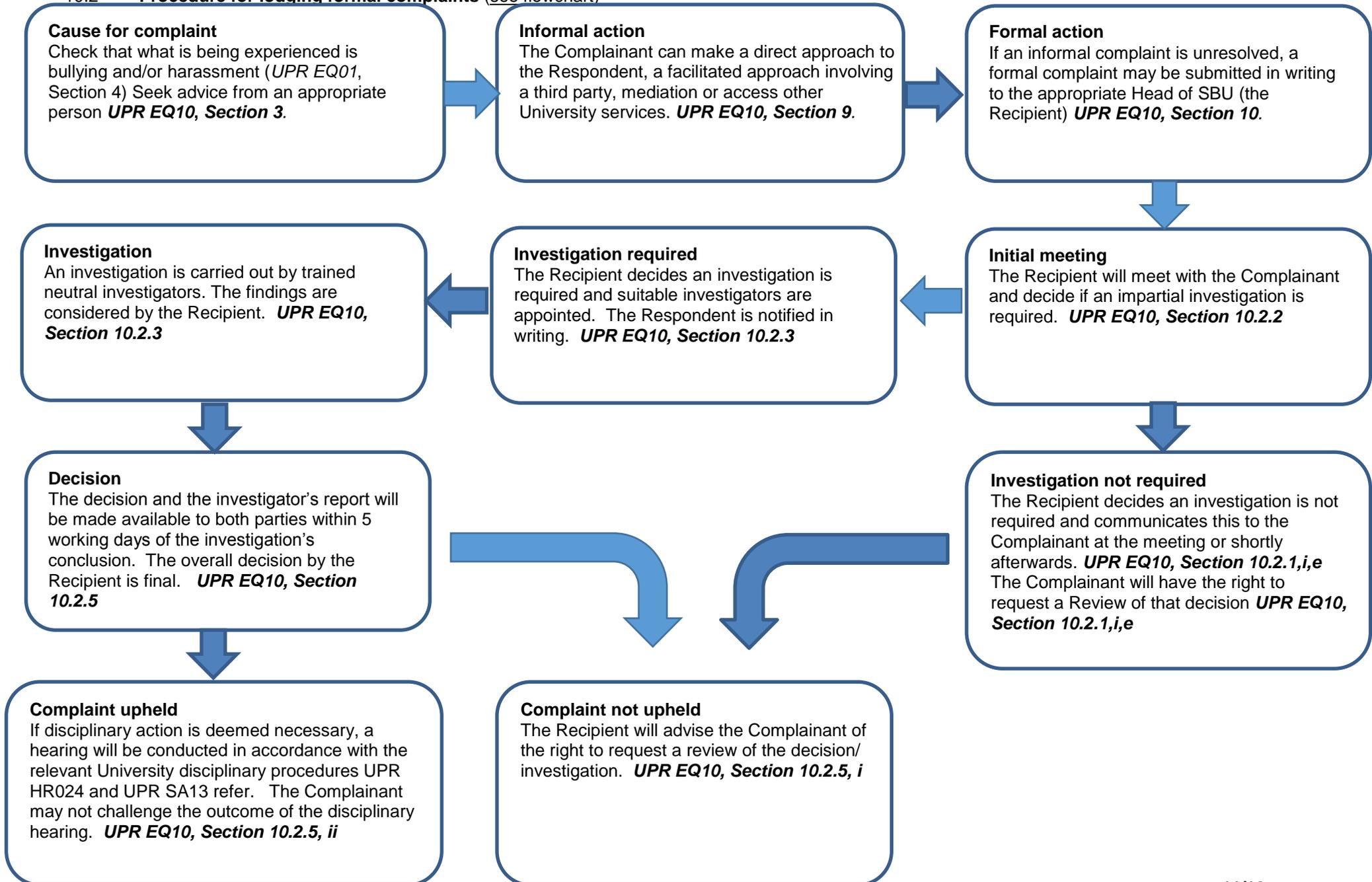
**10.1 Recipients**

Where the individual who would normally act as the Recipient is the subject of the complaint or has had previous involvement in the matter, the complaint will be re-directed to another appropriate person.

For the purposes of the Formal Process and in the following circumstances, the Recipients are:

<b>Type of complaint</b>	<b>Recipient</b>
Student complaints	the Head of the relevant SBU
Employee complaints	the Head of the relevant SBU
Visitors' complaints	Secretary and Registrar
Any complaint from a student, member of staff or visitor involving the Deputy Vice-Chancellor, Group Finance Director or the Secretary and Registrar	Vice-Chancellor
Any complaint from a student, member of staff or visitor involving the Vice-Chancellor or a member of the Board of Governors other than the Chairman of the Board	Chairman of the Board
Any complaint from a student, member of staff or visitor involving the Chairman of the Board	Chairman of the Audit Committee (a copy of the formal complaint is also to be submitted to the Vice-Chancellor)

10.2 Procedure for lodging formal complaints (see flowchart)



#### 10.2.1 Step 1 – Lodging a formal complaint

- i A formal complaint:
  - a must be made in writing using the form '**Formal Complaint: Allegation of Bullying and/or harassment**';
  - b should be lodged with the appropriate Recipient (section 10.1, refers) not more than three (3) months from the date of the incident, or if there have been a number of incidents over a period of time, not more than three (3) months from the date of the last incident.
- ii Complaints made after the three-month deadline will not normally be considered.
- iii The Recipient has discretion to extend the deadline referred to in section 10.2.1, i, b, where he or she considers this to be appropriate, but is not bound to do so. In such circumstances, and before reaching such a decision, the Recipient will be advised, as appropriate, by the Equality Office, or Director of Human Resources or the Office of the Dean of Students.
- iv The **Recipient**:
  - a will liaise, as appropriate, with Human Resources and/or the Office of the Dean of Students before proceeding to determine whether or not, at this point, it is necessary either to restrict contact between the parties or to separate them;  
  
(in making such decisions, account will be taken of the parties' situations and how potential distress and disruption might be minimised)
  - b will confirm any special arrangements, in writing, to the parties concerned;
  - c will advise the Equality Office that a complaint has been lodged and obtain a case number for that complaint from the Equality Office;
  - d having obtained a case number, will acknowledge receipt of the complaint formally to the Complainant, in writing, within five (5) working days of receipt or as soon as possible thereafter;
  - e as appropriate, and if he or she has not already done so, inform the Director of Human Resources and/or the Office of the Dean of Students that a complaint has been lodged.

#### 10.2.2 Step 2 – Initial Meeting

- i The **Recipient**:
    - a will inform the Respondent that a complaint has been made,
    - b will invite the Complainant to an Initial Meeting to discuss the complaint which may include a discussion of any scope for informal resolution or may conclude that the matter should be referred for other appropriate action, such as mediation and
    - c where such a referral is agreed at the meeting, take any action necessary to facilitate this;
    - d will, following the initial meeting:
      - 1 decide if an impartial investigation of the complaint is required before a decision can be made and if this is the case,
      - 2 initiate the investigation process (section 10.2.3, refers) and together with Human Resources and/or the Office of the Dean of Students take into account any factors that might delay or make an investigation impracticable for example, departure or absence of named parties;
      - 3 in circumstances where such a restriction was not imposed earlier in the process (section 10.2.1, iv, a, refers), and where deemed appropriate, liaise, as appropriate, with Human Resources and/or the Office of the Dean of Students to determine whether or not, at this point, it is necessary either to restrict contact between the parties or to separate them.
- or

- e will, where he or she considers that an investigation is not required:
  - 1 communicate this to the Complainant in writing and
  - 2 advise the Complainant that this decision is final and
  - 3 advise the Complainant of the limited grounds on which he or she may request a review (section 11, refers).

**(Note for guidance:**

The Recipient may conclude at the Initial Meeting that an investigation is not required and may advise the Complainant of this decision at that meeting but following the Initial Meeting, will confirm this decision to the Complainant in writing.

Where such a decision is made by the Recipient following the Initial Meeting, this will also be communicated to the Recipient in writing.)

### 10.2.3 Step 3 - Investigation

- i Where the Recipient decides that in order to reach a decision, an investigation of the complaint is necessary, the Recipient must liaise, as appropriate, with Human Resources and/or the Office of the Dean of Students before proceeding.
- ii The purpose of the investigation is to determine whether, on the basis of that investigation and on the balance of probability, harassment and/or bullying has occurred.
- iii The **Recipient**:
  - a will appoint two (2) Investigators, neither of whom have had previous involvement in the case, to investigate the matter;
  - b determine the time scale for that investigation and the date by which the investigation report is to be received by the Recipient (normally 30 working days from the date on which the formal complaint was received by the Recipient), and in doing so, take account of the potential stress on those involved.

**(Note for guidance:**

Investigations will be completed and a report prepared normally within thirty (30) working days of the date on which the formal complaint was lodged with the Recipient. The Recipient has discretion to determine a longer time scale for an investigation and the submission of the investigation report but is not bound to do so.)

- c will ensure that this deadline is met;
- d will write to all parties:
  - 1 confirming that an investigation will be made;
  - 2 advising them of the names of the Investigators;
  - 3 reminding all parties involved of the requirement to maintain confidentiality;
  - 4 informing the Complainant and the Respondent of their right to be accompanied at any meeting at which the matter is to be discussed (section 8, refers);
- e will, throughout the formal process:
  - 1 ensure that the Complainant and the Respondent receive appropriate information concerning the progress of the investigation and appropriate support;

- 2 be the contact person for the recognised Trade Unions/Students' Union employees or others who are supporting the Complainant and the Respondent;
- 3 will, at the conclusion of the investigation, provide copies of the investigators' report, including the appendices, to the Complainant and to the Respondent within five (5) working days of the receipt of that report by the Recipient.

iv **Investigation Report**

- a The purpose of the investigation is to enable the Recipient to determine whether, on the basis of that investigation and on the balance of probability, harassment and/or bullying has occurred.
- b The Recipient, the Equality Office and, as appropriate, Human Resources and/or the Office of the Dean of Students will consider the investigation report.

10.2.4 **Step 4 - Optional further meeting**

Having received the investigation report and before reaching a final decision, the Recipient may meet with the Complainant and/or the Respondent, but is not bound to do so.

10.2.5 **Step 5 - Decision**

i WHERE THE COMPLAINT IS NOT UPHELD

The Recipient will write to the Complainant and Respondent within five (5) working days of receiving the investigation report, or as soon as possible thereafter, and

- a in compliance with section 10.2.3, iii, e, 3, provide them with copies of the investigation report, including any appendices, and
- b inform them of the decision, and
- c inform them that the decision is final, and
- d advise the Complainant of the limited grounds on which he or she may request a review (section 11, refers).

ii WHERE THE COMPLAINT IS UPHELD

The Recipient will write to the Complainant and Respondent within five (5) working days of receiving the investigation report, or as soon as possible thereafter, and

- a in compliance with section 10.2.3, iii, e, 3, provide them with copies of the investigation report, including any appendices, and inform them:
  - 1 of the decision, and
  - 2 that the decision is final, and
  - 3 that the matter has been referred for consideration under the relevant disciplinary process, and
  - 4 that the disciplinary process is confidential, that the Complainant will be advised whether or not the case has been upheld but is not otherwise entitled to know the outcome;
  - 5 that the Complainant is not entitled to challenge the outcome of the disciplinary process or eligible to use the review/appeal mechanisms within the disciplinary process;
  - 6 that the Complainant may not challenge the outcome of the disciplinary process and is not eligible to use the appeals mechanisms incorporated within the University's disciplinary procedures but that the Complainant may raise any concerns about the way the University has administered its disciplinary procedures, as appropriate, through UPR HR03<sup>3</sup> or UPR SA16<sup>4</sup>.

iii **MALICIOUS OR FRIVOLOUS OR VEXATIOUS COMPLAINTS**

The Recipient will write to the Complainant and Respondent within five (5) working days of receiving the investigation report, or as soon as possible thereafter, and

- a in compliance with section 10.2.3, iii, e, 3, provide them with copies of the investigation report, including any appendices, inform them:
  - 1 of the decision, and
  - 2 that the decision is final, and
  - 3 that, where the Complainant is a student or an employee, the matter has been referred for consideration under the relevant disciplinary procedure (UPR HR02<sup>5</sup> and UPR SA13<sup>6</sup>, refer);
  - 4 that, where the Complainant is a Visitor, the matter will be referred to the Secretary and Registrar who will determine the course of action to be followed.

**11 REVIEW OF PROCESS**

11.1 In all cases, the decision of the Recipient is final.

11.2 The Complainant is not entitled to request a review where he is she is dissatisfied with any action taken in respect of the Respondent.

11.3 The Complainant may request a review of process on the following grounds:

- i where the Complainant believes there have been procedural irregularities in the administration of the process;
- ii where the Complainant believes that there has been bias on the part of the Recipient of the Investigators.

11.4 Review requests should be lodged with the Secretary and Registrar (or nominee) for consideration and decision.

**12 ADMINISTRATION OF THE PROCESS**

12.1 The Recipient:

- i is the originator of the University's record of the investigation of the formal complaint and responsible for its accuracy and completeness;
- ii will, as appropriate, lodge with the Equality Office, the Director of Human Resources and/or the Office of the Dean of Students, the University's record of the formal complaint, the investigation and its outcome;
- iii will return to the Equality Office a completed 'Monitoring: Formal Complaint of Bullying and/or Harassment' form for every formal complaint.

**(Note for guidance:**

For the avoidance of doubt, the form 'Monitoring: Formal Complaint of Bullying and/or Harassment' require the Recipient to provide details of the decision indicating whether or not the matters was referred for disciplinary action and its outcome.)

## 13 ADMINISTRATION OF THIS POLICY

### 13.1 Employees

Employees have a personal responsibility to:

- i behave consistently with this policy (UPR EQ01);
- ii participate in appropriate development to meet their personal and professional responsibilities.

### 13.2 Students

Students are required to comply with UPR SA01<sup>8</sup> and to behave consistently with the University's Policy.

### 13.3 Heads of SBUs/line managers, Managing Directors

Heads of SBUs/line managers, Managing Directors:

- i have a responsibility to promote an ethos of dignity and respect and to promote the consistent application of this policy (UPR EQ10), and are required to:
  - a promote environments which maintain the dignity of all;
  - b identify and deal appropriately with any incidents that occur, quickly and effectively;
  - c participate in development opportunities to acquire the knowledge and skills they require to promote dignity and respect;
  - d promote and implement this policy (UPR EQ10).

(It should be noted that nothing in this policy is intended to impede managers undertaking their managerial duties with respect to employee performance. Performance must be managed in ways that are consistent with this policy.)

### 13.4 Officers with responsibilities for the administration of this policy (UPR EQ10)

have additional duties to promote and implement this policy and are responsible for ensuring its effective and efficient implementation.

### 13.5 The Equality Office will:

- i provide advice and guidance to staff and students where an allegation of bullying and/or harassment is made;
- ii monitor the number, nature and any patterns of complaints discussed with the Equality Office, its network of Dignity and Respect Advisers, Human Resources, Trade Unions and the Students' Union;
- iii issue a case number to the Recipient within five (5) working days of receiving notification that a formal complaint has been made;
- iv collate data on the incidence of informal and formal complaints of bullying and/or harassment and present an Annual Report to the Chief Executive's Group and to the Joint Negotiating and Consultative Committee;
- v co-ordinate regular reviews of this policy (UPR EQ10), which will be further informed by data and Annual Reports, and by relevant external developments;
- vi deal with informal complaints from Visitors.

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<sup>8</sup> UPRT SA01 'Student Code of Conduct'

## 14 INVESTIGATORS – ROLE AND RESPONSIBILITIES

### (Note for guidance:

For the purposes of this document an Investigator is defined as ‘an employee trained to investigate complaints of bullying and/or harassment’.)

An Investigator will:

- i have had no previous involvement in any matter that he or she is nominated to investigate;
- ii be nominated by the Recipient;
- iii advise each party on how the investigation will be conducted;
- iv answer any procedural queries;
- v investigate the complaint;
- vi by the deadline specified by the Recipient, submit a formal written report to the Recipient which will advise whether or not, on the balance of probabilities, there are reasonable or sufficient grounds to believe that bullying and/or harassment occurred, and
- vii for employee complaints, provide a copy of the report to Human Resources and to the Equality Office;
- viii for student complaints, provide a copy of the report to the Office of the Dean of Students and to the Equality Office;
- ix for complaints received from Visitors, provide a copy of the report to the Equality Office;
- x where the matter is referred for disciplinary action, present the case at the disciplinary Hearing;
- xi comply with any data monitoring requirement placed on Investigators, determined from time-to-time by Human Resources, the Office of the Dean of Students and the Equality Office.

## 15 SECONDMENTS, PLACEMENTS AND OTHER EXTERNAL ARRANGEMENTS

- 15.1 The University will seek to ensure that organisations providing secondment and placement opportunities for University employees and students have in place arrangements that enable them to fulfil their legal responsibilities, to promote equal opportunities and to prevent and deal with bullying and/or harassment
- 15.2 Employees and students who have experienced, or have been accused of, bullying and/or harassment during secondment, placement or whilst involved in collaborative arrangements, are advised to seek help and advice from an appropriate person at the host or Partner Organisation. In these circumstances employees must also inform their line managers so that any matters arising may be addressed in the appropriate manner. Students in these circumstances must also inform an appropriate employees (section 16, refers). Students and employees may also seek a confidential interview with a Dignity and Respect Adviser.
- 15.3 The University will seek to make advice and support available to its employees and students and will make clear to third parties that it takes seriously complaints of bullying and/or harassment and that it will discharge appropriately its duty of care to employees and students.

## 16 ADVICE AND GUIDANCE

### (Note for guidance:

For the purposes of this document, a Dignity and Respect Adviser is defined as ‘an employee and trained by the Equality Office as a Dignity and Respect Adviser, with whom concerns about possible bullying and harassment may be discussed in a confidential interview’.)

### 16.1 Employees

Employees may, at any time:

- a seek a confidential interview with a Dignity and Respect Adviser or
- b seek advice from their line manager or
- c find out more about how University policies and procedures from the Head of the Equality Office or Human Resources Business Partner (normally the Human Resources Business Partner attached to their SBU) or
- d obtain advice from the Head of the Equality Office.

Employees who belong to a Recognised Trade Union may wish to contact their Union who can advise and represent them. Where the complainant and Respondent are members of the same Recognised Trade Union, a different Union Case Officer will be appointed to advise each member so that confidentiality is maintained.

### 16.2 Students

Students may, at any time

- a seek a confidential interview with a Dignity and Respect Adviser;
- b approach an appropriate member of the teaching staff;
- c seek advice about the University’s policies and procedures for dealing with bullying and harassment (UPR EQ01) from the Head of the Equality Office; the Office of the Dean of Students; the Advice and Support Centre of the Students’ Union;
- d obtain advice from the Head of the Equality Office.

### 16.3 Contractors

Contractors’ employees should initially approach their company line manager who may wish to involve appropriate members of University employees or may obtain advice from the Head of the Equality Office.

### 16.4 Self-employed consultants

Self-employed consultants should initially approach their usual contact within the University who may wish to involve other appropriate members of University employees, for example, the Human Resources Business Partner for the SBU in which they are working or may obtain advice from the Head of the Equality Office.

### 16.5 Visitors

Visitors should initially approach the Head of the Equality Office who may then liaise with either the member of University staff who arranged the visit or those involved in operating the service or facility.

Mrs S C Grant  
Secretary and Registrar  
Signed: **24 December 2015**