



## QUALITY ASSURANCE

## DEALING WITH HARASSMENT OR BULLYING

Policy Ref: S/4/14

This procedure relates to the above policy

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### INFORMAL

In some cases it may be possible to rectify matters informally. Informal discussion can lead to greater understanding and an agreement that the behaviour will cease. The individual may choose to do this themselves or need support from a manager, human resources or employee representative.

Where both parties agree, mediation can be a useful and informal way to resolve complaints. Mediation focuses on the future and rebuilding relationships rather than apportioning blame.

If the matter remains unresolved through this informal approach, or if the matter continues after an agreed resolution, the matter should be referred to the formal stage.

In most cases, individuals should be encouraged to report their concerns over harassment or bullying to:

- |                      |                                      |                             |
|----------------------|--------------------------------------|-----------------------------|
| <b>for students:</b> | Learning Coach                       | ) See                       |
|                      | Course Leader                        | ) Compliments               |
|                      | Deputy Director                      | ) and                       |
|                      | Equality & Diversity<br>Co-ordinator | ) Complaints<br>) Procedure |
| <b>for staff:</b>    | Line Manager                         | )                           |
|                      | Director                             | ) See Grievance             |
|                      | Equality & Diversity                 | ) Procedure                 |
|                      | Co-ordinator                         | )                           |
|                      | Human Resources                      | )                           |

The complainant may be accompanied, for support only, by a colleague or a Trade Union representative, if an employee, or in the case of a student, by a member of staff, a parent of the student (if under 18) or a fellow student at any meetings, interviews or hearings during the appropriate procedure.

Once the initial details of the complaint have been heard, the individual in receipt of the complaint should ensure that details of any student complaints are reported and dealt with under the Complaints Procedure.

Where an allegation is made against a member of staff, the appropriate line manager and the HR Department must be informed so that an investigation can be undertaken which could ultimately lead to the College's Staff Disciplinary Procedure being invoked. For reasons of confidentiality it might not be possible or appropriate to disclose details of the disciplinary proceedings or the outcome to the complainant. The complainant shall then assume the status of a witness in the Disciplinary Proceedings.

It is expected that any allegations of harassment or bullying will be raised within a maximum period of 3 months from the date of the alleged incident.

## **FORMAL**

If the issue cannot be resolved quickly and informally then it must be dealt with formally under the Complaints Procedure or the Grievance Procedure, as appropriate. The complaint should be in writing to the appropriate manager detailing the bullying or harassment as appropriate. Where it involves complaints of misconduct against an individual member of staff, the investigation and procedures shall be under the Disciplinary Procedures.

Following appropriate investigation, a number of actions arising from the relevant procedures may be appropriate, including:

- provide informal advice and guidance about appropriate behaviour to individuals involved
- in cases where the evidence suggests that the harassment results from misunderstanding or insensitivity rather than deliberate malice it may be appropriate to arrange a supervised meeting between the parties to talk through the problems that have arisen and reconcile their differences
- offer counselling or mentoring to individuals who acknowledge their behaviour was inappropriate
- arrange for appropriate staff to monitor the situation for an agreed period of time to ensure there is no recurrence of the problem
- in cases where evidence comes to light that criminal offences may have been committed, the investigating manager must consult with the Human Resources Director on involving the police (this should not be undertaken without the Principal's express permission).
- if the complaint of harassment is found to be malicious or mischievous it may provide grounds for disciplinary action against the complainant.

All records of investigations into formal complaints or grievances will be held securely for a period of not less than two years.

Where the complainant is dissatisfied with the outcome, there is no formal appeal process. However if the complainant believes that the alleged bullying or harassment was not investigated properly in accordance with procedure, he/she may seek to have the matter addressed by stating in writing the aspects of the investigation that were not undertaken correctly.

## **REVIEW**

The Equality and Diversity Co-ordinator will ensure that information is gathered and collated on the number and nature of student harassment cases, including details of the sex, sexual orientation, age, ethnicity and disability status of victims, for monitoring purposes.

The Human Resources Director will ensure that information is gathered and collated on the number and nature of staff harassment cases, including details of the sex, sexual orientation, age, ethnicity and disability status of victims, for monitoring purposes.

### EXAMPLES OF THE VARIOUS TYPES OF HARASSMENT/BULLYING

Any behaviour which is persistent, unwanted, unwelcome and unreciprocated, creating an atmosphere, in which people feel uncomfortable, can constitute harassment.

The following seek to illustrate the kind of behaviours that will be regarded as constituting bullying and harassment:

**Sexual Harassment** – Examples of such behaviour include the following: unwanted verbal or physical advances, sexually explicit statements that have the effect of creating an intimidating environment.

#### Examples

- Lewd/unwelcome comments about physical experience
- Persistent verbal or physical advances of a sexual nature
- Transmission of offensive materials or statements via electronic means or through the post
- Offensive comments about personal characteristics or lifestyle
- Photographs or drawings that are sexually explicit in nature, which may be deemed otherwise
- Offensive graffiti
- Obscene language
- Unwanted physical contact
- Offensive jokes or pranks of a sexual nature
- Sexual assault
- Abuse of power by those in a position of authority

**Sexual Orientation** – Examples of such behaviour include the following: harassment on the grounds of sexual orientation, involves homophobic harassment of gay men and lesbians.

#### Examples

- Homophobic remarks, jokes, innuendo, or gossip
- Threats of disclosing sexuality of individual
- Expressing or acting upon stereotypical assumptions
- Display of or transmission (including by electronic means) of offensive materials
- The asking of intimate questions about personal sexual life
- Excluding people because they are bisexual, lesbian or gay
- Offensive actions and physical attack

#### Racial Harassment

Defined as conduct that is intended to cause, or has the effect of causing, physical or emotional harm or mental distress to a person for reasons of racial, ethnic or national origins or for reasons of colour.

## **Examples**

- Insensitive jokes, banter, pranks or taunts of a racial or ethnic nature
- Racist graffiti
- Racially abusive language
- Offensive photographs or drawings or racist propaganda
- Exclusion, for example from conversations, team meetings, briefings, social events etc
- Offensive comments or intrusive questioning about physical racial characteristics or lifestyle
- The transmission of racially offensive material or statements via electronic means or through the post
- Unfair allocation of work and responsibilities
- Harassment of a person on the grounds of their association with a person(s) who belongs to a racial or minority ethnic group will also constitute racial harassment

## **Disability**

Harassment of people with a physical, sensory or mental disability involves conscious or unconscious conduct towards people with disabilities, which undermines their dignity, self-confidence, career or learning opportunities.

## **Examples**

- Undue pressure or intimidation
- Impractical or unfair work expectations
- Intrusive or unwelcome discussion of the effects of disability on the individual's personal life
- Offensive language
- "Jokes" or name calling
- Exclusion from meetings or other events
- Uninvited, patronising or unnecessary assistance
- General ridicule or derogatory comments

## **Religion or Belief**

Defined as any hostile or offensive act or oppression by any person or group against another person or group, based on their religion or philosophical belief.

## **Examples**

- Ridicule or religious jokes
- Derogatory remarks or name calling
- Exclusion from social activities without justification
- Display of or transmission (including by electronic means) of offensive materials
- Scorning of beliefs
- Unreasonably refusing requests for leave during religious festivals

## **Age**

Hostile or offensive acts or expressions by a person or group against another person or group in relation to chronological age.

### **Examples**

- Inappropriate remarks or “jokes” based on age
- Negative comments generalising about the age group of the individual
- The display of offensive materials
- Debarring staff from opportunities

## **Transsexuality**

Hostile or offensive acts or expressions by a person or group against another person or group that is transsexual.

### **Examples**

- Derogatory remarks, “jokes”, innuendo or gossip
- Threats of disclosing the transsexuality of the individual
- Expressing or acting on stereotypical assumptions
- Exclusion of transsexuals from facilities
- Display of or electronic transmission of offensive materials
- Exclusion from social activity

## **Other Forms of Harassment**

### **Examples**

- Harassment on the grounds of politics
- Treating someone adversely because they have or it is suspected/believed that they have HIV/AIDS
- Repeated gibes in reference to personal traits or appearance, invasion of privacy
- Or practical jokes causing physical or psychological distress
- Persistent pressure to become involved in antisocial or unlawful behaviour
- Bullying by text, phone calls

## **Bullying**

Defined as persistent, threatening, abusive, malicious, intimidating, belittling or insulting behaviour, directed against an individual or series of individuals, or a group of people. Bullying is defined not only by what has actually been done but also by the effect that it has on the recipient.

### **Examples**

- Verbal, written or physical threat and intimidation
- Persistent, negative and unjustified comments
- Offensive or abusive personal remarks
- Abuse and humiliation in the presence of other colleagues or in private
- Removing areas of responsibility without justification and undervaluing work done

- Setting individual targets and/or changing instructions without consultation in order to cause the individual to fail
- Reducing a colleagues effectiveness by withholding important information
- Monitoring work unnecessarily and intrusively
- Continually refusing reasonable requests without any justification
- Unfair allocation of work