

# BULLYING AND HARASSMENT POLICY AND PROCEDURE

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## Bullying and Harassment Policy and Procedure

## 1 Scope

- 1.1 This policy should be used where a member of staff considers they have been bullied or harassed by:
- a member of University staff or student
  - a third party (such as a contractor)
- 1.2 If an employee considers they are being bullied or harassed they should raise a complaint under this policy in preference to the Grievance Policy and Procedure.
- 1.3 Normally it is expected that an individual who is experiencing bullying or harassment will raise a complaint themselves either informally or formally. However, where another member of staff becomes aware of bullying or harassment against another party, they may raise a complaint. It does not matter that the person raising the complaint is not the person being bullied or harassed.
- 1.4 Complaints made by a student against another student are not covered by this policy. Further advice is available from Student and Academic Services. Where the student is also an employee, advice should be sought from the People Directorate about the most appropriate route for addressing the issue. Appendix 1 gives more information on where formal complaints will be directed.

## 2 Aims

- 2.1 The University is committed to creating an environment which is free from harassment, discrimination and bullying. This policy aims to ensure members of staff are able to challenge behaviour which does not respect the rights and dignity of others and to raise a complaint about harassment, discrimination or bullying without fear of victimisation.
- 2.2 The procedure aims to ensure that a fair, constructive and consistent approach is taken when dealing with employee concerns and that issues are resolved as fairly and promptly as possible.

## 3 Policy

- 3.1 The University will not tolerate discrimination, bullying or harassment against employees on the grounds of age, disability, marriage and civil partnership, gender expression, gender identity, pregnancy and maternity, race, religion or belief, sex, sexual orientation, trans identity or on any other grounds. All staff have a responsibility to challenge or raise concerns if they experience or observe this type of behaviour. Management at all levels have a responsibility to respond appropriately and take action when they become aware of bullying or harassment. In such cases, when a manager is aware of bullying or harassment behaviour but fails to address it, this may result in disciplinary procedures being implemented against them.

- 3.2 The University encourages employees to raise any concerns they may have about harassment, discrimination or bullying. However, it is important to distinguish such incidents from other behaviour such as vigorous, respectful academic debate or performance management which is in line with the University's Values.
- 3.3 It is a management responsibility to raise with staff any performance or conduct issues where improvement is needed. Managers are required to carry out these duties in a reasonable manner. Actions and processes to improve employee performance should be designed to support and encourage improvement and not to undermine or injure the recipient. Feedback should be constructive.
- 3.4 Many issues can be resolved informally and this approach is encouraged wherever possible. More information is given in section 6.1.
- 3.5 The matter should normally be raised without unreasonable delay, i.e. as soon as it occurs, or comes to light or within three months of the most recent episode.
- 3.6 Where appropriate (i.e. where the employee and the person complained about both agree to do so) mediation will be offered to try to resolve the complaint. This will be carried out by a neutral person trained in mediation skills. Mediation is a voluntary step for all parties and neither will be penalised for declining the offer of mediation. Mediation can be considered at any stage and is arranged through the People Directorate. More information on mediation is given at Appendix 4.
- 3.7 Where matters cannot be resolved informally, allegations will be investigated and formal action taken as appropriate.
- 3.8 Where concerns have come to the attention of management, the University may decide to take action even where the individual themselves wishes to drop the case. In such cases the employees concerned will be offered support as appropriate.
- 3.9 Those participating in a formal Bullying and Harassment meeting may be accompanied by a trade union representative, trade union official, or a workplace colleague. See section 7 for information on accompaniment.
- 3.10 The outcome of the Bullying and Harassment meeting will be advised to the person who raised the complaint and the person complained about, subject to any confidentiality requirements.
- 3.11 All parties involved in a bullying or harassment matter must exercise due care to maintain confidentiality. Records must be stored in line with Data Protection requirements. Complaints will be dealt with sensitively and no sensitive personal information will be shared without consent, except where there is an unacceptable risk to an individual, others, or to the University.

3.12 Electronic recordings of meetings are not permitted.

## 4 Definition of harassment, bullying and victimisation

4.1 Harassment, bullying and victimisation are unacceptable on moral and legal grounds. Further information, definitions and examples are provided at Appendices 2 and 3.

## 5 Impact of bullying, harassment or discrimination

5.1 The potential impact of bullying, harassment or discrimination includes:

- Increased feelings of personal stress and higher sickness absence
- Poor morale
- Reduced efficiency
- Increased staff turnover
- Reduced loyalty and commitment
- Financial implications including Employment Tribunal claims

It is therefore the responsibility of all members of the University to encourage issues to be addressed.

## 6 Procedure

### 6.1 Informal Resolution

6.1.1 Complaints can often be resolved at an informal level. The individual concerned may not realise that their behaviour is unwelcome or upsetting. There may be cultural or language differences which impact on their behaviour or how it is perceived. An informal discussion may help those concerned to understand the effect of their behaviour so that they agree to change it.

6.1.2 Informal and amicable resolution of issues is usually much easier if matters are raised without delay.

6.1.3 An employee may find it helpful to keep a diary of the instances of harassment or bullying to which they believe they have been subjected. It is important to note the date, time and place of the incident, exactly what was said or done, the context in which it was said or done, how it made the employee feel and what action was taken (if any). The names of any witnesses should be noted and relevant documents retained.

#### 6.1.4 Raise the issue with the person/s concerned

6.1.5 Where the employee feels able to do so they should speak to the person or persons directly, without delay, giving examples of the behaviour they find unacceptable and asking for it to stop.

- 6.1.6 The employee should keep a record of the date they spoke to the person/s and their response.
- 6.1.7 If the employee does not feel able to speak to the person/s, they may prefer to write to them, outlining the behaviour they find unacceptable, together with example(s), and asking for the behaviour to stop. The employee may wish to add that if the unacceptable behaviour continues, that they intend to make a formal complaint.

#### **6.1.8 Speak to someone else about the issue**

- 6.1.9 If the employee does not feel able to speak to or write to the person or persons concerned, they may discuss the matter with another appropriate person (see below). It is important to note that whilst issues will be treated with sensitivity, once a manager or a member of the People Directorate is aware of an allegation of bullying, harassment or discrimination they are obliged to take action. What kind of action is appropriate will be discussed in advance with the person raising the complaint and they will be offered any necessary support.
- 6.1.10 If the person being complained about is the employee's own line manager, the employee may prefer to speak to the counter-signing manager (their line manager's line manager).
- 6.1.11 If the employee does not feel able to raise the matter with the person/s directly, the line manager or the counter-signing manager, they should approach the People Directorate or if they are member of a trade union, they may wish to seek advice from their local TU representative.

#### **6.1.12 Participate in an informal meeting**

- 6.1.13 The counter-signing manager or the People Directorate will normally seek to support an informal resolution of the concerns. This may take the form of facilitating a resolution by speaking to both parties individually. Where such meetings are arranged, the person complained about will be informed in advance of the allegation in order to give them a fair opportunity to respond.
- 6.1.14 Where complaints concern employees from different Faculties or Directorates, guidance should be sought from the People Directorate to identify an appropriate person/persons to facilitate an informal meeting.
- 6.1.15 There is no right of accompaniment by a trade union representative at an informal meeting. If the employee wishes to be accompanied by a trade union representative it must be recognised that the meeting will be held under the formal stage. Instead the employee may find it helpful to discuss with their counter-signing manager or the People Directorate in advance of the meeting, how the matter may be resolved informally. This may include the possibility of mediation by a neutral person trained in mediation (see appendix 4). Where the manager believes the employee would benefit from being supported by a workplace colleague at the informal stage, this may be agreed.

6.1.16 If the manager meets with an individual at the informal stage, they should make a written note of the discussion and share it with that employee. For the avoidance of doubt this should clearly state the matter was discussed at an informal stage. Notes of informal action are not placed on the People Directorate records of the employee who raised the complaint or the person complained about.

6.1.17 Informal resolution is encouraged wherever possible. However, it is accepted that some cases may be so serious that informal resolution will not be appropriate. Where this is the case, or where attempts to resolve the matter informally have not been successful, the complaint should be raised formally in writing without delay.

## 6.2 Formal Stage

6.2.1 Normally the formal written complaint should be submitted to the line manager. However, if the line manager is implicated in the complaint the employee may submit the formal complaint to the counter-signing manager. A copy of the complaint must be sent to the People Directorate. Where it is not appropriate to submit the complaint to the line manager or the counter-signing manager, it may be sent to the People Directorate.

6.2.2 The written complaint should set out the nature of the issues, including relevant facts, names and dates, so that the matters can be investigated. The employee raising the complaint may wish to state their desired outcome.

6.2.3 If the manager considering the written complaint believes that it may still be possible for the matter to be resolved without formal action, they may suggest further measures to address the matter informally. This does not, however, prevent the employee from pursuing the formal procedure if they wish to do so.

## 6.3 Investigation

6.3.1 An investigator will be appointed. The person appointed to conduct an investigation will not be involved with the people or issues concerned. When appointing individuals to carry out roles in the process, every effort will be made to avoid a conflict of interest. If a manager is appointed to a formal role and the employee or manager is aware of a conflict of interest, they should raise this immediately with the People Directorate.

6.3.2 Any necessary investigations will be carried out before reaching a decision. Investigation will normally involve conducting interviews with the employee, the person complained about and any witnesses, as well as reviewing any relevant documents. Employees are expected to co-operate fully and promptly. Employees may be accompanied at investigation meetings if they wish; see section 7 for information on accompaniment.

- 6.3.3 Unless there are exceptional circumstances investigations will not normally include historic issues which were not raised within three months of the occurrence or the most recent incident, or matters which were previously investigated.
- 6.3.4 Whilst it can be difficult to determine a fixed timescale for conducting an investigation, especially in complex cases, the investigator should set out an indicative timescale and keep the employees involved updated about progress and any delays.
- 6.3.5 The University will treat complaints sensitively and maintain strict confidentiality as far as possible. Investigation of allegations will normally require limited disclosure on a “need to know” basis. For example, the identity of the individual concerned and the nature of the allegations will be shared with the person complained about so that they are able to respond to the allegations. Some details may need to be given to potential witnesses; where this is necessary, the importance of confidentiality will be emphasised.
- 6.3.6 Where “counter-claims” are received, for example where the person complained about considers the behaviour of the person raising the complaint amounts to harassment, discrimination or bullying, the terms of reference for the investigation will be extended to cover these claims.
- 6.3.7 The investigator will investigate the facts, write a report and then submit it to the manager hearing the complaint. Information gathered may be appended to the main report. The investigator should ensure their report is written without unfair bias. The investigator does not make a recommendation as to the outcome. The investigator will not restrict evidence from the report, although any sensitive data will not be shared without consent.
- 6.3.8 The employee and the employee complained about will be given a copy of the report subject to confidentiality and the Data Protection Act. Where the University is not authorised to disclose sensitive personal data, this will be redacted.
- 6.3.9 If at any time enquiries indicate that suspension may be an appropriate step, this will be considered in line with the Disciplinary policy. For ease of reference the relevant section of the staff Disciplinary procedure is provided at appendix 5.

#### **6.4 Formal meeting**

- 6.4.1 If the complaint is about the line manager, they will not hear the formal complaint; a manager who is not involved with the people or issues concerned will hear the complaint. Where complaints concern employees from different Faculties or Directorates, guidance should be sought from the People Directorate in order to identify an appropriate person to hear the complaint.
- 6.4.2 Where necessary the investigator will be available to provide clarification on their investigation.

- 6.4.3 The employee who has raised the complaint and the employee being complained about will be given at least 10 working days' notice of the formal meeting. Any additional information to be submitted which is not already available in the investigation report should be sent to the manager hearing the case no later than three working days before the meeting.
- 6.4.4 A representative from the People Directorate will attend the meeting to provide procedural advice. In the event that witnesses are to be called, advance notice must be given. A note-taker will also attend. The manager hearing the case will normally be responsible for making the necessary arrangements.
- 6.4.5 Guidance is given at appendix 6 on holding a formal meeting. The employee who raised the complaint and the person complained about will not normally attend the meeting simultaneously. However, where all parties wish to be present at the same time, this may be agreed.
- 6.4.6 The formal meeting will be adjourned to allow consideration of all the evidence before reaching a decision. Potential outcomes from a formal meeting are that the complaint is:
- upheld
  - partially upheld or
  - not upheld.
- 6.4.7 Minutes will be provided as soon as possible and normally within 10 working days of the meeting. Minutes are not verbatim but are a summary. The employees who attended the meeting can ask for corrections to the minutes. If the requested amendments are not made, their comments will be appended to the minutes.
- 6.4.8 The decision from the meeting will be advised to the person who raised the complaint and the person complained about. Where possible a decision should be provided on that day.
- 6.4.9 Where a complaint is not upheld it will normally be desirable for the decision to be communicated face-to-face to the employee who raised the complaint. In any case the decision will be sent in writing, normally within five working days. In the event of any delay, the parties to the complaint should be kept informed.
- 6.4.10 Where a decision is upheld or partially upheld the matter will normally be referred for consideration under the Disciplinary policy. Where this is the case, the Bullying and Harassment investigation report and notes/documents from the Bullying and Harassment meeting will serve as the investigation report for the disciplinary panel.

## 6.5 Appeal

- 6.5.1 If the employee who raised the complaint disagrees with the outcome of the Bullying and Harassment meeting they may appeal.
- 6.5.2 The employee must submit any appeal they wish to make in writing to the person named in the decision letter, within 10 working days of receiving the written decision and set out their grounds of appeal. A copy must be sent to the People Directorate. Any additional documentary evidence to be submitted must be provided no later than three working days before the appeal meeting.
- 6.5.3 The appeal will be heard by a senior manager who is not involved with the people or issues concerned.
- 6.5.4 Documentation from the Bullying and Harassment meeting will be made available to those present at the appeal.
- 6.5.5 A representative from the People Directorate will attend the appeal to provide procedural advice. A note-taker will also attend. The manager hearing the appeal should make the necessary arrangements.
- 6.5.6 The outcome of the appeal will be confirmed in writing, normally within five working days of the appeal hearing. Following delivery of the appeal decision there is no further right of appeal.

## **7 Accompaniment**

- 7.1 An employee has the right to be accompanied at a formal meeting or appeal by a workplace colleague or trade union representative or an official employed by the trade union. The University also permits accompaniment at an investigation meeting. A companion should not answer questions on behalf of the employee but may make representations and ask questions. The employee and companion may talk privately at any time during the meeting. The chosen companion must not be otherwise involved with the case.
- 7.2 If the chosen companion is not available at the time offered, the employee may request that the meeting is postponed to an alternative time provided this is not more than five working days after the original date.
- 7.3 Where a witness is asked to attend they may be accompanied although there is no statutory right of accompaniment. Their chosen companion must not be otherwise involved in the case.

## **8 Support**

- 8.1 Those involved in a bullying and harassment complaint will have access to appropriate support at all stages of a complaint.
- 8.2 If a complaint is made against you**

- 8.2.1 Staff are expected to respond appropriately if an individual raises a concern about their behaviour. An apology or assurance that the behaviour will not be repeated may be all that is needed to deal with the situation.
- 8.2.2 The University recognises it can be distressing to be accused of bullying and/or harassment. If a member of staff is approached and told their behaviour could be construed as bullying or harassment, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should listen carefully and allow the complainant to express their concerns and then try to reach common ground to remedy the situation. The employee should not ignore the complaint because it is felt the person raising the complaint was being too sensitive, or the behaviour was intended as a joke. It is often helpful to seek clarification about what aspects of behaviour were felt to be unacceptable and to discuss ways of working together more effectively.
- 8.2.3 The University acknowledges that an alleged harasser is not necessarily blameworthy and will ensure that appropriate support is available to them.

## **9 Unwarranted complaints**

- 9.1 The University will not tolerate victimisation of a person who has made an allegation in good faith or someone who has supported, in good faith, a person who has raised a complaint. However, if there is evidence that allegations of harassment, discrimination or bullying have been made vexatiously, maliciously or that false information has been provided, disciplinary action will be taken. Vexatious complaints themselves can be a form of harassment.

## **10 Criminal Offences**

- 10.1 If a person experiences unwanted physical contact, intimidation or stalking they should seek appropriate advice/ assistance immediately. In such cases for their own protection and that of others, it is important that an offender is caught. Some actions are so serious, such as physical assault, indecent exposure or stalking, that they are very likely to be a criminal offence. In serious matters such as these, the University will encourage the victim to involve the Police and will support the victim to do so. If an investigation is undertaken, the University will facilitate the Police enquiry wherever possible.
- 10.2 In exceptional cases where the police are investigating allegations against an employee, or legal proceedings have commenced, the matter should be referred to the University Secretary who will make a decision as to whether to pursue the complaint in parallel with the criminal investigation, or whether the complaint shall be held in abeyance until the criminal investigation is concluded.

## **11 Summary of timings**

- 11.1 For ease of reference a summary of timings in this policy is provided at appendix 7.

## 12 Relationship with other policies

- 12.1 For information on the implications of other policies in relation to the Bullying and Harassment policy, please see appendix 8.

## 13 Review

- 13.1 The University will keep this policy and procedure under review with the recognised trade unions.

## Appendix 1

### Where to take a complaint

**A member of staff** wishes to raise a complaint of bullying or harassment by another member of staff

- The employee should raise this with their **line manager**, or if the complaint is about their line manager their **countersigning manager**.
- If neither is appropriate it should be raised via the People Directorate.
- In all cases the People Directorate should be alerted.

**A member of staff** complains of bullying or harassment by a student or students

- The member of staff should raise this with their **Faculty or Directorate** who should alert the People Directorate.

**A member of staff** wishes to complain about bullying or harassment by a contractor or agency worker

- The employee should raise this with their **line manager**.
- In all cases the People Directorate should be alerted.

**Student** raises a complaint of bullying or harassment by another student who is also an employee

- This should be raised with **Student and Academic Services who will consult with the People Directorate**

## Appendix 2

### Definitions of Bullying, Harassment, Discrimination and Victimisation

#### 1 Introduction

- 1.1 When deciding whether bullying or harassment has occurred, the impact on the individual and whether the behaviour is unacceptable by normal standards will be the focus, rather than the intent.
- 1.2 Harassment, bullying and discrimination can occur in various ways, for example:
- Amongst co-workers
  - Downwards – a manager against those they manage
  - Upwards – a worker against their manager
  - Students – against their lecturer
  - Lecturer – against a student
  - Towards a third party or by a third party - such as a contractor or visitor
  - Face-to-face or in writing, electronically (eg texts or emails) or via social media (eg Facebook, Twitter).

#### 2 Harassment

- 2.1 Harassment and discrimination on the grounds of a protected characteristic, as well as victimisation, are unlawful under the Equality Act 2010. Some types of harassment also constitute a criminal offence under the Protection from Harassment Act 1997. This has legal implications for the perpetrator as well as the University.
- 2.2 Harassment as defined in the Equality Act, is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It can be persistent or an isolated incident.
- 2.3 Harassment by association or perception:  
An individual can be harassed on the grounds that they are related to, or associates with, someone with a relevant protected characteristic. Individuals may also be subject to harassment on the grounds of a mistaken perception that they have or do not have a protected characteristic.

#### 3. Bullying:

- 3.1 Bullying may be characterised as offensive, intimidating, persistent malicious or insulting behaviour, an abuse of power that undermines, humiliates or injures the recipient.

#### 4. Discrimination

4.1 Discrimination occurs when a person is treated less favourably for a reason related to a protected characteristic under the Equality Act. These characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

## 5. **Victimisation**

5.1 Victimisation occurs when a person is treated less favourably because they have asserted their rights to raise a complaint under this policy. This also applies to those who have acted as witnesses or supporters of individuals who complained of harassment or bullying.

## Appendix 3

### Examples of Bullying and Harassment

Behaviour that is considered bullying by one person may not seem so to another. The key is in how the behaviour is perceived, not the intent of the person who does it. The examples of bullying and harassment given below are illustrative.

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone - picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Making homophobic insults and threats
- Bullying based on prejudice or negative attitudes about bi people e.g. labelling/calling a bi person 'greedy' for being attracted to more than one gender.
- Bullying is bullying based on prejudice or negative attitudes about trans people e.g. calling a trans person 'it' or 'he-she' or intentionally use their old name (dead naming) or intentionally using incorrect pronouns.

### Harassment

Harassment based on personal attributes may include:

- Sexual Harassment
- Harassment on grounds of sex
- Racial Harassment
- Disability Harassment
- Ageist Harassment
- Sexual Orientation Harassment
- Religion or Belief Harassment
- Gender Reassignment Harassment

The above list is not exclusive or exhaustive; harassment can occur on the basis of any personal attribute that makes the individual different from the majority, or from the person who harasses them.

## Appendix 4

### The Mediation Process

Mediation is a neutral, non-confrontational meeting where ground rules are agreed at the beginning of the discussion (e.g. confidential, constructive).

The mediator – the third-party present at the meeting – has the role of impartial, non-judgemental facilitator to assist with the discussion. Mediators are trained and do not express views about how to handle a specific conflict but help the parties to find an agreement between themselves.

Key principles of mediation are:

- ❖ the meeting is held in a neutral location;
- ❖ it is engaged in voluntarily by the two parties;
- ❖ the discussion is confidential;
- ❖ it is conducted in a respectful way.

The process is:

- a) The mediator meets individually with each party to listen to and understand any concerns and to explain how the meeting will be conducted.
- b) The two parties meet together with the mediator to give the opportunity to raise individual issues/goals in a safe and structured environment, and for these to be addressed.

Any outcomes or actions are subject to agreement by both parties. Normally these are recorded in writing.

## Appendix 5

### Extract from Disciplinary Policy

#### “4.2 Suspension

4.2.1 In certain circumstances it may be necessary to suspend an employee from work. The Vice Chancellor (or their nominee) is able to authorise suspension. Suspension will be for a stated period of time. Any extension or removal from suspension must also be approved by the Vice Chancellor (or their nominee). If the employee is suspended for three weeks or more they can appeal to Court against the continuation of suspension.

4.2.2 Suspension is paid at the same rate of pay that applied before the employee was suspended. A decision to suspend does not imply guilt; it is a neutral act and is not a disciplinary penalty.

4.2.3 Alternatives to suspension should always be considered. For example it may be possible to move the employee to another location, job, or limited duties while an investigation takes place.

4.2.4 The following circumstances are examples of where suspension may be appropriate:

- the allegations are potentially gross misconduct
- because of the particular nature of the duties of the employee
- there is a perceived threat to security or risk to evidence, witnesses or the safety or well-being of the employee or others should they remain at work.

4.2.5 An appropriate person will meet with the employee to advise them of the suspension; where possible a representative from the People Directorate will also attend. Where possible the People Directorate will notify the employee of the requirement to attend a meeting to which they may wish to bring a colleague or trade union representative or trade union official. Where this is not possible immediately following the suspension meeting, the People Directorate will offer to alert a trade union representative or chosen colleague if the employee so wishes.

4.2.6 Following consultation with the People Directorate, and only in exceptional circumstances, it may be necessary to advise the employee of their suspension on the telephone. This might be, for example, if the employee is working abroad. In all cases the suspension must be confirmed in writing within 24 hours, giving brief details of the reasons, an indication of the period of suspension and details of contact arrangements.

4.2.7 Suspension must be kept as confidential as possible. Great care must be taken before making any announcement about the status and whereabouts of an employee when they have been suspended from the workplace; in this respect advice must be sought from the People Directorate and where possible wording will be discussed with the employee.

4.2.8 The employee must be kept informed of the likely period of suspension and any delays. Any extension must be confirmed in writing to the employee. Suspension should be kept to as short a period as is reasonably practical to carry out an investigation. The suspension must be kept under review and the employee permitted to return to work if it becomes apparent the allegations are unlikely to be substantiated or the original reasons for suspension no longer apply. However, suspension may continue until a decision is taken at a disciplinary hearing.”

## Appendix 6

### Guidance on the procedure at a formal Bullying and Harassment meeting

- Introductions
- The employee who raised the complaint and the person complained about will not normally attend the meeting simultaneously. However, where all parties wish to be present at the same time, this may be agreed.
- Whilst the meeting is of a formal nature, the sensitivity of the concerns is acknowledged. Every effort should be made to take account of the emotional state of all parties. Adjournments should be offered as appropriate to enable people to compose themselves before proceeding.

The manager hearing the case will:

- state the roles of those present
- remind those present that electronic recording of the meeting is not permitted
- check that those present have the same documents
- check that the employee has read the Bullying and Harassment policy and procedure
- state whether an investigator will be asked to present investigation findings or is available for clarification
- confirm whether witnesses will be called
- read or summarise the complaint

The employee (or companion if the employee so wishes) may:

- explain their complaint in their own words if they wish
- refer to evidence and ask questions, including questions about witness statements
- sum up (this can be at the end of the meeting if preferred)

The companion:

- may not respond to questions on behalf of the employee or prevent the employee from answering

The manager hearing the complaint will:

- ask questions
- summarise their understanding of what is being presented
- summarise their understanding of the outcome that the employee is seeking
- check whether the employee has anything to add

The manager hearing the complaint will:

invite the person complained about to join the meeting (normally the person raising the complaint will be asked to leave at this point)

- summarise their understanding of what is being presented

- invite the person complained about to respond
- ask questions
- check whether the employee has anything to add
- advise of next steps including proposed timescales
- advise that confidentiality must be maintained

The manager hearing the complaint will:

- invite the person raising the complaint to return to the meeting (normally the person complained about will be asked to leave at this point)
- advise of next steps including proposed timescales
- advise that confidentiality must be maintained
- advise whether the meeting will be reconvened to deliver the decision in person
- advise that the decision will be provided in writing as soon as possible following the meeting
- adjourn to consider and reach a decision

## Appendix 7

### Bullying and Harassment policy - summary of timings

For ease of reference a summary of timescales involved in the Bullying and Harassment policy is given below.

- 1 The matter should normally be raised without unreasonable delay, ie as soon as it occurs, or comes to light or within three months of the most recent episode.
- 2 Following the circulation of a completed investigation, a formal meeting should be arranged as soon as possible. If exceptionally there is an unavoidable delay in hearing the complaint, any delay must be kept to a minimum and the manager hearing the case or appeal should keep the employees concerned informed.
- 3 At least 10 working days' notice will be given of the meeting or the appeal date.
- 4 Any additional information for consideration, which is not already available in the investigation report, should be submitted no later than three working days before the meeting.
- 5 If circumstances beyond the control of all concerned prevent a meeting (or appeal) from taking place in a timely way, consideration will be given to appointing alternative managers.
- 6 Where an employee is persistently unable or unwilling to attend a formal meeting without good cause, a decision will be made on the information available; this may include a written submission. In these circumstances the employee will be informed in advance that a decision may be made in their absence.
- 7 Any appeal should be submitted in writing to the person named in the decision letter within 10 working days of receiving the written decision.
- 8 Where the relevant information is available, it may be possible to provide a decision verbally on that day. In any case the decision will be provided in writing within five working days following the meeting.

## Appendix 8

### Relationship between other policies and the Bullying and Harassment policy

- 1 Complaints about bullying and harassment will normally be addressed using the Bullying and Harassment Policy and not the Grievance Policy. Where a complaint involves a grievance as well as allegations of bullying and harassment, both complaints will be addressed under the Bullying and Harassment policy where appropriate to do so.
- 2 Where an investigation indicates that the conduct of a member of staff is a disciplinary matter, the case will be taken forward for consideration under the University's Disciplinary Policy and Procedure utilising the investigation report conducted under the Bullying and Harassment policy together with notes/documents from the Bullying and Harassment meeting.
- 3 Complaints about issues relating to wrong-doing by the University where there is a public interest concern should be raised in accordance with the Whistle Blowing Policy.
- 4 Where an employee raises a complaint of bullying and harassment, during a Disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the complaint. Where the bullying and harassment complaint and disciplinary cases are related it will may be appropriate to deal with the issues concurrently.
- 5 Where an employee raises a complaint of bullying and harassment, during the formal stages of the Capability procedure, a formal meeting may be temporarily suspended in order to deal with the complaint. Where the bullying and harassment complaint and capability cases are related it will may be appropriate to deal with the issues concurrently.
- 6 Each case will be considered on an individual basis, taking into account the need to provide a fair process without unduly delaying or indeed duplicating formal processes.
- 7 There are professional and ethical reasons for staff and students to maintain appropriate professional relationships. The University's policy in this area is made clear in the Policy on Relationships between Staff and Students.
- 8 Reasonable adjustments will be made available to disabled employees to allow them to participate fully in the procedure.
- 9 The University will take all reasonable steps to ensure that external organisations providing secondment and placement opportunities for members of the University community have policies and procedures in place to prevent and deal with issues of harassment and bullying. Any member of staff who is subject to harassment or bullying in such a situation will be supported appropriately by the University.

- 10 The Bullying and Harassment policy does not infringe respectful academic debate that is in line with the Code of Good Practice Regarding the Professional Rights and Responsibilities of Academic Staff.