

Policy, Procedure and Guidelines



For Dealing with Bullying and Harassment

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DE MONTFORT UNIVERSITY

POLICY AND PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

1. Policy

1.1 Policy Statement

De Montfort University is committed to providing a working and learning environment that promotes the dignity and respect of every individual and is free from bullying and harassment. All forms of bullying or harassment are prohibited and the bullying or harassment of staff, or others with whom individuals have contact while on University business is unacceptable. It is therefore the policy of DMU to treat any complaint of bullying or harassment seriously and sensitively, ensuring that a full investigation is made and appropriate action taken, if necessary, in accordance with the disciplinary procedure for staff.

Complaints of bullying or harassment will be dealt with promptly, fairly and resolved informally where possible, but formally if necessary. Complaints, if proven, may in serious cases result in dismissal of staff from the University.

The University encourages all staff to use the means set out in this document to report any complaints of harassment. Unless incidents of bullying or harassment are brought to the attention of the University, it may be difficult to take adequate steps to prevent such incidents from recurrence. Questions/queries about this policy should be directed to your line manager, Human Resources Adviser or to one of the named persons.¹(see Appendix 2)

1.2 Scope

This Policy applies to all instances of bullying and harassment and it applies to all individuals working for the University at all levels and grades (collectively referred to as “Staff”). All staff have a duty to comply with the Policy at all times and to ensure as far as possible that no individual suffers any form of bullying or harassment in the course of their duties and responsibilities.

1.3 Confidentiality

The University will respect the sensitive nature of bullying and harassment complaints and will treat all complaints with the utmost confidentiality. All records concerning complaints will also be kept confidential. However, there may be situations where confidentiality may not be guaranteed, for instance, where a Named Person is given information in confidence that in their view constitutes an unacceptable risk to other staff. In such cases, the Named Person will advise the complainant of the need to break confidentiality and will report the matter to the Deputy Director of Human Resources who will then decide on the action to be taken.

1.4 Definition of Bullying and Harassment

The definitions and examples of bullying and harassment given below are to enable staff to understand what may constitute unacceptable behaviour in the University. It is also intended to

¹ See page 11 for Named Person role explanation

help everyone recognise if they, or a colleague, is being bullied or harassed and to give them the confidence to raise the issue as appropriate.

1.4.1 Definition of Bullying

Bullying is defined as a threatening, abusive, offensive, malicious, intimidating or insulting behaviour, directed against an individual or a series of individuals, or a group of people.

Bullying is offensive and it undermines the confidence and self-esteem of the recipient. Bullying is identified not only by what has actually been done but also by the effect that it has on the recipient. Such behaviour makes the recipient feel threatened, undermined, humiliated or vulnerable and may cause them to be demotivated, suffer stress-related illness or even resign from work. Particularly serious cases can arise when the bully is perceived to be in a position of power in relation to the person being bullied. It should be noted that a person in a position of authority can also suffer bullying.

Some examples of bullying behaviour are:

- Verbal, written or physical threats and intimidation
- Ridiculing or demeaning others
- Persistent negative 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 the individual unachievable targets and/or changing instructions without consultation in order to cause them to fail
- Reducing a colleague's effectiveness by withholding important information
- Monitoring work unnecessarily and intrusively
- Continually refusing reasonable requests without any justification
- Unfair allocation of work
- Overbearing unjustifiable supervision
- Unjustifiably excluding colleagues from meetings/communication

Bullying should not be confused with legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Also, the occasional outburst of anger or argument between colleagues should not be interpreted as bullying.

1.4.2 Definition of Harassment

Harassment is defined as unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, affecting an individual's dignity or creating an intimidating hostile, degrading, humiliating or offensive environment.

The defining features of harassment are that the behaviour is offensive or intimidating to, and unwanted by, the recipient and would be regarded as harassment by any reasonable person. It can be an isolated act or it can take the form of repeated behaviour against an individual or a group. A single incident may be serious enough to constitute harassment and justify a complaint. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment.

The effects of harassment may include increased level of stress, the undermining of the recipient(s)' confidence, a detrimental effect on their work performance and ability to undertake

their duties, as well as a lowering of their quality of life. Particularly serious cases can arise when the harasser is perceived to be in a position of power in relation to the person being harassed. It should be noted that a person in a position of authority can also suffer harassment.

Some forms of harassment are outlined in Appendix one. Some, if occurring only once, may cause mild irritation but if repeated becomes harassing. Some on the other hand are clearly harassment even if they occur once. Nevertheless, all the forms of harassment are inappropriate if staff are to have equality of opportunity in the University.

(The University endorses the principle of freedom of speech and expression within the law. It also has regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions. Views that are lawfully held or expressed by staff should not be confused with or regarded as harassment. However, members of staff should ensure that their views and subsequent discussions do not degenerate into offensive and unacceptable behaviour. The Code of Practice on Freedom of Speech within De Montfort University sets out the rights and obligations expected within the principle of freedom of speech.)

1.5 Management responsibility

All staff with managerial/supervisory responsibilities have a duty to implement the policy. It is their responsibility to ensure that all staff for whom they are responsible are aware of the policy and procedures which they should use if they wish to complain about bullying or harassment and they are responsible for ensuring that all staff understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards. Line managers are also responsible for ensuring that incidents in the area they are responsible for are dealt with promptly and fairly. Manager/Supervisory Staff will be given training on the relevant operational framework of this policy.

1.6 Individual responsibility

All employees of DMU are responsible for helping to ensure that individuals do not suffer any form of bullying or harassment and are supported in any legitimate complaint. It is also the responsibility of everyone to bring to the attention of the University incidents of bullying or harassment, so that adequate steps can be taken to prevent such incidents from recurrence. Normally, the permission of the person experiencing the bullying or harassment should be obtained before it is reported by a third party. However, if there are exceptional circumstances involving unacceptable risk to other people, it is appropriate to report behaviour which causes concern even without such permission.

1.7 Legal Responsibility

There are legal reasons for the establishment of this policy. Both bullying and harassment constitute behaviours which, if based on a person's sex, gender reassignment, race, religion and belief, age, disability, or sexual orientation, is unlawful. Additionally, there are legal implications coming from Health and Safety legislation. Any bullying and harassment may be a source of great distress to the recipient and the University has a legal 'duty of care' under Health and Safety legislation to protect its staff.

1.8 Visitors

When visitors are invited to the University, it is the responsibility of the staff host to take reasonable steps to ensure that the visitor does not suffer any form of bullying or harassment. The host is also responsible for taking reasonable steps to ensure that colleagues do not suffer any form of unwanted behaviour at the hands of the visitor. Complaints of bullying or harassment will be investigated and action taken may include severing links with the visitor where the complaint against them is upheld.

1.9 Rights of the complainant

The complainant has the right

- To be listened to fairly and impartially
- To have the case dealt with sensitively, promptly and in line with the Policy
- To be able to seek advice from a Named Person
- To be supported/accompanied by a colleague who is an employee of DMU or a trade union representative at any investigation interview and if appropriate, subsequent disciplinary hearing
- To have the matter dealt with as confidentially as possible (in line with section 1.3)
- To be protected from victimisation which may result from making a complaint
- To receive feedback or clarification as to action to be taken following investigation of a complaint
- To appeal against any decision made by the panel following the investigation.

1.10 Rights of the respondent

The respondent has the right

- Not to be prejudged
- To be informed of the complaint(s)
- To state his/her case and to be listened to fairly and impartially
- To have the case dealt with sensitively, promptly and in line with the Policy
- To be able to seek advice from a Named Person
- To be supported/accompanied by a colleague who is an employee of DMU or a trade union representative at any investigation interview and if appropriate, subsequent disciplinary hearing
- To have the matter dealt with as confidentially as possible (in line with section 1.3)
- To receive feedback or clarification as to action to be taken following investigation of a complaint
- To receive feedback on any decision made by the disciplinary panel
- To appeal against any decision made by the disciplinary panel.

1.11 Investigating Officers

The University will ensure that an appropriate number of Investigating Officers who will be trained specifically for this role are available to investigate complaints.

1.12 Time limits

Time limits are set out in this policy to ensure that complaints are dealt with promptly. However, there may be reasons why the time limits cannot be complied with and, in such cases, it may be

necessary to modify the time limits. Where the time limits are adjusted the reasons for this will be documented.

1.13 Decisions and recommendations

When complaints of bullying or harassment have been investigated, the Investigating Officer will arrange a meeting with the complainant. The complainant can attend this meeting with a work colleague or a trade union official. Following the meeting the Deputy Director of Human Resources will inform the complainant and the respondent in writing of the outcome of the complaint and the action to be taken, if any, and whether the complaint will result in disciplinary action.

1.14 Appeals against decisions

If the complainant is not satisfied with the outcome of the complaint, the course of action to be taken, or with the conduct of the investigation, s/he may raise a grievance at stage 2 of the University's Grievance Procedure within 5 working days of the decision being sent to the complainant.

1.15 On Going Support

1.15.1 Counselling/Support

After a bullying or harassment case has been concluded, the line manager, with assistance from their Human Resources Adviser, will arrange for counselling and/or support to be available for both the complainant and the respondent if this is required. The manager will also arrange to meet with the individuals to:

- (a) check that the behaviour giving rise to the case has stopped and that there has been no victimisation and
- (b) ensure that illness and absenteeism which may have occurred as a result of the behaviour is effectively and sympathetically managed.

1.15.2 Relocation

Following a disciplinary hearing at which the complaint has been fully or partially upheld, it may be considered inappropriate for the respondent and the complainant to continue working together in close proximity. In these circumstances, the University's policy will normally be to relocate the respondent. Before action is taken to relocate a member of staff, the Human Resources Adviser for the area will hold separate meetings in confidence with the complainant and the respondent, with the relevant line managers and trade union representative in attendance at each meeting, to discuss the relocation. The relocation will be on the same grade, salary and terms and conditions as applied before the disciplinary action was taken.

If it is not practical to relocate the respondent, the Human Resources Adviser will hold discussions with the complainant, their line manager (if s/he is not involved in the case) and trade union representative to agree a way of resolving the situation. The discussion may include an option to relocate the complainant if this is practical and is satisfactory to the complainant.

1.16 Protection from victimisation

It is the policy of DMU to take seriously any incident of victimisation arising from a complaint of bullying or harassment made by an individual, or from taking part in the investigation process. Such treatment will be dealt with as a formal disciplinary issue. Members of staff who feel that they have been victimised may make a complaint using the *Grievance Procedure*.

1.17 Malicious or frivolous allegations

The University recognises the possibility that complaints of bullying or harassment may be made with malicious or frivolous intent. False accusations will be viewed as a serious matter and appropriate action will be taken against the relevant member of staff using the *Disciplinary Procedure*.

1.18 Cases of physical assault

Physical assault and rape constitute criminal offences and if an individual is attacked by a DMU member of staff, they are advised to report the incident to the police immediately for them to investigate the matter. While the police investigation is taking place, staff are encouraged to pursue action under this policy for the complaint to be investigated by the University and for appropriate action to be taken. Staff are advised to contact a Named Person who will support and help them to consider the options available to them but the decision as to what further action is to be taken will remain with the individual concerned.

1.19 Role of the Human Resources Function

The Human Resources Team will provide training, advice, guidance and support on the operation of this policy and procedure.

1.19.1 Training on Bullying and Harassment issues

With assistance from Human Resources Advisers, line managers will organise training for their staff to ensure that they are familiar with this policy and are aware of their responsibilities. It is the policy of the University that all members of the management team should be trained in order to assist them in identifying the signs of bullying and harassment in their work area. Specialist training will also be provided to Named Persons, Investigating Officers and trade union officers to enable them to deal sensitively and effectively with complaints as appropriate.

Where it is recommended that the respondent should attend a mandatory training and development session on bullying or harassment issues their immediate line manager will arrange this with the assistance of their Human Resources Adviser.

1.19.2 Communication of policy

In order that the Policy is effectively implemented, the University will take the necessary steps to ensure that all staff are informed of the Policy and know their rights and personal responsibilities under the Policy. The Policy will be communicated to new staff via the corporate induction process. The Policy will also be published on the Intranet for existing staff to access.

1.19.3 Monitoring and Review of the Policy and Procedure

The operation of the policy and procedures will be monitored annually by the Human Resources Team to ensure that it continues to meet the University's requirement for best practice and legal obligations. Complaints of bullying and harassment, both formal and informal, will also be monitored on a confidential basis and the statistics will be anonymised. The Deputy Director of Human Resources will arrange for statistics relating to staff complaints to be produced for analysis and reporting.

The statistics supplied will be:

- (a) The number of cases dealt with in the academic year
- (b) The nature of the complaints, both formal and informal
- (c) The faculty/directorate in which the complaint occurred
- (d) How the cases were resolved whether informally or formally.

2. Procedure for Dealing with Bullying and Harassment

2.1 Introduction

If staff feel they are being bullied or harassed, there are a number of options available to stop the offending behaviour whether informally or formally. Where an individual does feel they are being bullied or harassed, the matter should be raised at the earliest opportunity. If possible and appropriate, attempts should be made to resolve the matter informally in order to achieve an amicable resolution without recourse to formal action. Staff may then wish to proceed to take formal action if:

- (a) informal action fails to resolve the matter, or
- (b) there is a recurrence, or
- (c) the severity of the complaint means that informal action is inappropriate.

The procedures for dealing with matters regarding bullying and harassment informally and formally are outlined below.

Depending on the seriousness of the allegations and the effect it has on the complainant, the Director of Human Resources may grant contingency leave (with full pay) to the complainant, and/or relocate the respondent to another work area, or suspend the respondent from work (with full pay) while the complaint is being investigated.

As a general principle, the decision to pursue a complaint rests with the complainant. However, the University has a duty to protect all workers and may pursue a complaint independently if it is considered to be appropriate to do so in all the circumstances.

2.2 Informal action - Named Persons

Named Persons are members of DMU staff who have volunteered to offer support to staff and students in cases regarding bullying or harassment. They have been carefully selected and trained to provide information and to offer support in such situations to the complainant or the respondent. Named Persons are available to talk to any member of staff in confidence. They are not required to take any action on behalf of the complainant unless specifically asked to do so.

However, in situations where a Named Person is given information in confidence which in their view, constitutes an unacceptable risk to other staff, the Named Person will advise the complainant of the need to break confidentiality and will report the matter to a Deputy Director of Human Resources who will then decide on the action to be taken.

Named Persons do not play any part in the process of investigation nor have any formal role in relation to disciplinary matters. The role of the Named Person is outlined below.

- To act as a first point of contact for a complainant or the respondent seeking information or support.
- To listen to the complaint and help the complainant clarify their thinking as to whether or not they have been bullied or suffered harassment.
- To explain the options that are open to the individual and their possible outcomes and to assist them in seeking a satisfactory solution to the matter. The complainant will decide on whether they want to progress the matter informally or formally and with the consent of the complainant, the Named Person could take the matter further on their behalf.
- To be non-judgmental
- To maintain confidentiality
- May be present to offer support at a disciplinary hearing at the formal stage if the complainant or the respondent requests this but not to attend as a witness.

Named Persons can be contacted directly and their details can be found in Appendix 1 of this document.

2.3 Informal action

It is recommended that you first contact a Named Person to discuss your complaint. The Named Person will be willing to advise you on a course of action or support you in taking the matter through the informal stage if this is requested. Any discussion between you will be confidential and the Named Person will not take any action without your consent. The options available to you are outlined below.

2.3.1 Informal action by the complainant

- (a) If you feel able to approach the respondent yourself, the Named Person will support and assist you in preparing for the meeting. The preparation may include suggestions on the best way to inform the respondent that their behaviour is unacceptable to you and that you wish the behaviour to cease.
- (b) Alternatively, if you prefer to write to the respondent, the Named Person will assist you in drafting an appropriate letter. The letter to the respondent should state the incident, date and place it occurred, explaining that their behaviour is unacceptable to you and that you wish it to cease. You are advised to keep a copy of the letter if you choose to write.

Approaching the respondent as described in (a) or (b) above may be sufficient to stop the unwanted behaviour as the person may be unaware that their behaviour is offensive to you.

However, if the behaviour continues, you are advised to make a note of all the incidents, with dates, time and place and the names of any witness(es). You are advised to contact a Named Person to discuss a way to proceed.

2.3.2 Informal action with the Named Person acting on behalf of the complainant

If you are not able to approach the person yourself, the options available to you are outlined below.

- (a) In some circumstances, the Named Person may approach the person on your behalf if you wish, to resolve the matter in an amicable way. Normally, the respondent will be given your name. Where this is not practicable the Named Person will, with your consent, seek advice from the HR Team prior to any approach being made to the respondent,
- (b) Where possible and with your agreement, the Named Person may arrange a meeting, and provide support to you during the meeting to resolve the matter, between you and the respondent in a satisfactory manner and without recourse to the formal action.
- (c) In a situation where a Named Person is unable to approach the respondent, for example, if the respondent is in a senior position to the Named Person, the Named Person could with your consent, request support from another Named Person who is of equivalent work status or in a senior position to the respondent, to approach the respondent on your behalf or to arrange a meeting between you.
- (d) Alternatively, the Named Person may advise and assist you in writing to the respondent, explaining that the behaviour is unacceptable to you, stating date(s) and occasion(s) and stating that you wish the behaviour to cease. You are advised to keep a copy of the letter for your records.

Any of the above action may be sufficient to stop the offensive behaviour. However, if the behaviour continues, you are advised to make a note of all the incidents, with dates, time and place and the names of any witness(es) and seek advice from the Named Person on how to progress the matter.

If you do not wish to be identified, it may be difficult for the Named Person to take any action on your behalf. Where you are prepared to be identified but unwilling to enter into formal procedures, further action against the respondent may be limited and the matter may remain unresolved.

Where formal action is to be taken, the respondent will be entitled to know the details of the complaints which have been made against them. Please be assured that the University will not tolerate any incident of victimisation arising from complaints of bullying or harassment and such incidents will be dealt with as a disciplinary matter.

2.4 Formal action

If the informal action taken fails to resolve the matter or the severity of the complaint means that informal action is inappropriate, you may make a formal complaint in writing.

2.4.1 Reporting a complaint

Formal complaints should be made in writing to your line manager. If your line manager is the respondent, then the complaint should be addressed to the next level of line management for action. Your complaint should state:

- The incident(s)
- The date and time(s) it occurred
- Where it took place
- Who the respondent is
- The witness(es)
- Any informal action taken to date

2.4.2 Managers response to a complaint

A manager who receives a formal complaint of bullying or harassment must take the following action:

- (a) Acknowledge receipt of the complaint in writing normally within three working days of its receipt
- (b) Confirm that the complaint will be investigated promptly and sensitively and that confidentiality will be maintained (in line with section 1.3)
- (c) Seek advice from the Human Resources Adviser for the area and arrange for two investigating officers to investigate the complaint.
- (d) Inform the respondent in writing that a complaint has been made against them, and provide them with a copy of the complaint that has been made.
- (e) Inform the respondent that the complaint will be investigated in line with the University's policy.

Depending on the seriousness of the allegations and the effect it has on the complainant, a Director of Human Resources may grant contingency leave (with full pay) to the complainant, and/or relocate the respondent to another work area, or suspend the respondent from work (with full pay) while the complaint is being investigated.

As a general principle, the decision to pursue a complaint rests with the complainant. However, the University has a duty to protect all workers and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

2.5 Advice for those accused of bullying or harassment

If you have been named as a respondent of bullying or harassment under the formal procedure, you may seek assistance from a Named Person to assess your behaviour which has led to the complaint. The Named Person will also explain to you the process of the investigation, what may happen after the investigation and advise you as to what information you will need to gather to assist the investigation process.

When the investigation has been concluded, a Deputy Director of Human Resources will advise you in writing of the outcome of the investigation and the course of action to be taken. You will also receive a copy of the Investigating Officers report. If it is recommended that disciplinary action is taken against you, all arrangements under the Disciplinary Procedure will apply. This will include the right to appeal against the decision of the disciplinary panel.

2.6 Record keeping

All documents relating to complaints of bullying or harassment made by staff will be returned to the Human Resources Adviser for the area when the case has been concluded. This should include the written complaint, evidence, witness statement(s), report of the Investigating Officers, notes of

any disciplinary panel and copies of correspondence to the complainant and the respondent. Copies of the documents will be kept in the complainant's and normally in the respondent's personal files. However, if the complaint is found to be malicious, no record will be kept in the respondent's personal file except at the express request of the respondent.

2.7 Appeal

If the complainant is not satisfied with the outcome of the investigation and management decision on the course of action to be taken, or with the conduct of the investigation, s/he may raise a grievance at stage 2 of the University's Grievance Procedure within 5 working days of the outcome of the investigation being known.

Appeals relating to the outcome of the investigation can only be made on grounds relating to either:

- An unreasonable outcome
- A failure to follow the correct procedure
- New evidence coming to light that was not known at the time of the investigation that could have affected the outcome.

The respondent has the same rights of appeal as the complainant and should follow the guidance as noted above.

3. Guidelines for Investigating Bullying and/or Harassment

3.1 Investigation of complaints

Complaints of bullying or harassment made at the formal stage of the procedure will be fully investigated by Investigating Officers not connected with the specific complaint, normally within 20 working days of the complaint being made. There may be reasons why the time limits cannot be complied with and in such cases, it may be necessary to modify the time limits.

The investigation will be carried out in accordance with the *Disciplinary Procedure*; therefore all aspects of the disciplinary procedure will apply, including the possibility of suspension of the staff if appropriate.

The investigation will be carried out by two members of staff called Investigating Officers who have been specially trained for this purpose and who are not connected with the specific complaint.

In carrying out the investigation, Investigating Officers will abide by the following principles:

- (a) Assume that the complaint is made in good faith
- (b) Handle complaints sensitively, respecting the rights of all parties involved in the case
- (c) Be independent and objective
- (d) Try to adhere to the stated or agreed timescales for completing the investigation
- (e) Maintain confidentiality (in line with section 1.3)

3.1.1 Responsibilities of the Investigating Officers

The responsibilities of the Investigating Officers are outlined below:

- (a) Contact all the parties involved in the matter to arrange interviews to take place normally within the 20 working days timescale specified. The complainant and the respondent will be informed of their right to be accompanied at the interview by a colleague who is an employee of DMU or their trade union representative. This arrangement should be communicated in writing to the individuals.
- (b) Establish the facts
- (c) Interview separately, any relevant witnesses and other relevant people who may be able to offer information relating to the case. Although the preferred option will usually be to establish facts by interviewing the people involved (in person or by other means i.e. telephone), in some cases, Investigating Officers may accept signed statements from any person able to offer information relating to the case. Investigating Officers will also have access to records relevant to the complaint, (including personnel files) and can choose to request access to documents as part of the investigation.
- (d) Take notes of all interviews and ensure that the notes are agreed, signed and dated by those interviewed.
- (e) Compile a report which will:
 - provide a summary of the investigation procedure,
 - clarify the allegation(s),
 - state the findings,
 - list the evidence and
 - make recommendations.

Documents to be attached to the report will be the statements and/or the agreed notes taken from the individuals. Separate reports should be prepared where there is more than one respondent person. The report(s) will be presented to a panel to determine the appropriate action to be taken. The complainant and the respondent will each receive a copy of the report.

3.1.2 Recommendations by Investigating Officers

The course of action that is recommended by Investigating Officers will depend on the nature of the complaint. Possible recommendations may include the following:

- (a) To conclude that there was no evidence of bullying or harassment and that no further action should be taken.
- (b) To recommend an apology. This may, for example, be a sufficient response where the investigation indicates a misunderstanding between the complainant and the respondent. The respondent or complainant may be advised to apologise either verbally or in writing and to give an undertaking that no similar incident will occur in future.

- (c) To recommend disciplinary action against the respondent, where the circumstances are sufficiently serious.
- (d) To conclude that the complainant has made a malicious or frivolous allegation in bad faith and therefore should face disciplinary action.
- (e) To recommend that the respondent or complainant be asked to attend a mandatory training and development course on bullying and harassment in the work place (most obviously where the investigation concludes that the respondent or complainant lacks awareness of bullying or harassment issues).
- (f) To recommend relocation in accordance with section 6.1 if this is appropriate.

A combination of the above may be recommended if necessary.

3.1.3 Meeting with Complainant

Once the investigation report has been compiled, the Investigating Officer will forward a copy of the report to the complainant and the respondent. The complainant will then be invited to attend a meeting with a Deputy Director of Human Resources and another person who would normally be trained as an Investigating Officer to discuss the content of the investigation report, including the findings. The complainant can attend this meeting with a work colleague or a trade union official. Following the meeting, a panel, which will include a Deputy Director of Human Resources will decide the outcome of the complaint.

3.1.4 Notification of outcome of Investigation

Once the panel has made a decision based on all the evidence from the Investigating Officers report and recommendations, the chair of the panel will notify the complainant and the respondent of the outcome in writing normally within 5 working days.

If the recommendation is that disciplinary investigation should be initiated, either against the respondent or against the complainant for making malicious or frivolous allegations, a Deputy Director of Human Resources will refer the matter to the relevant line manager normally within 5 working days from the date that the outcome of the bullying and harassment complaint has been communicated to the respondent or complainant. The disciplinary investigation will be conducted in line with the University's disciplinary procedure. The stage at which the disciplinary procedure is invoked will depend on the seriousness of the allegation(s). Arrangements for the disciplinary hearing and the conduct of the hearing will be as stated in the Disciplinary Procedure and within the specified timescale.

APPENDIX 1

DEFINITION OF TERMS

Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature or conduct based on sex which is offensive to the recipient. It can be physical, verbal or non-verbal in nature and can occur between members of the same or opposite sex. It is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. However, any behaviour that could make the recipient feel that s/he is viewed as a sexual object may cause offence even if offence was not intended.

Some examples of sexual harassment are:

- Unwelcome advances, attention, invitations or propositions
- Offensive or unwelcome sexist comments or behaviour
- Unwanted or derogatory comments about dress or appearance
- Electronic display or the transmission of pornographic or indecent materials
- Display of offensive drawings, photographs or pornographic materials
- Unnecessary and unwanted physical contact, ranging from touching against another employee's body to assault or coercing sexual relations
- Making unwelcome comments, jokes, pranks or gestures emphasising the gender of an individual or a group that are of a sexual nature
- Threats of academic failure or promises of promotion or training in exchange for sexual favours

Serious criminal behaviour such as indecent exposure, indecent or sexual assault or rape are extreme examples of sexual harassment.

Racial Harassment

Racial harassment may be defined as any hostile or offensive act or expression by a person or group against another person or group, based on their race, colour, ethnic origin, cultural differences or nationality. Incitement to commit such an act will also be viewed as racial harassment. Some examples of racial harassment are given below:

- Derogatory name-calling, insults, banter, taunts and racist jokes
- Verbal abuse or threats
- The display of racist graffiti or images
- The transmission of racially offensive materials or statements via electronic or other means
- Physical attack
- Ridicule of an individual for cultural differences
- Unnecessary comments or intrusive questioning about racial issues or racial origin
- Open hostility, avoiding or refusing to work with an individual from a different racial group
- Unreasonable allocation of work.

Disability Harassment

Disability harassment is behaviour which makes direct or indirect insulting and offensive references to a person's disability. Such behaviour includes the following:

- Mockery, taunts or jokes regarding personal attributes
- Offensive language or derogatory name-calling
- Avoidance or refusal to work alongside a disabled person
- Speaking to others rather than to the disabled person directly
- Unwelcome discussion of the effects of disability on the individual's personal life
- Excluding the disabled person from social events or meetings
- Physical abuse or intimidation
- Interfering with personal aids or equipment
- Assumption about a person's ability to carry out certain types of work based on their disability.

Harassment relating to Sexual Orientation

Harassment on the grounds of sexual orientation can be hostile or offensive acts or expressions by a person or group against another person or group because of their sexuality. Examples of such behaviour include the following:

- Homophobic remarks, jokes, innuendo or gossip
- Threats of disclosing sexuality of the individual
- Expressing or acting on stereotypical assumptions
- Display of or transmission (including by electronic means) of offensive materials
- The asking of intimate questions about a person's personal or sexual life
- Excluding people because of their sexual orientation
- Offensive actions and physical attack

Religious or Belief Harassment

Religious or Belief harassment may be defined as any hostile or offensive act or expression by a person or group against another person or group, based on their religion or religious belief. Religious or Belief harassment may include the following:

- Ridicule and 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 - where this is done in offensive manner (see 1.4.2)
- Physical attack

Age Harassment

Harassment on the grounds of age consists of conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment by a person or group against another person or group in relation to chronological age. It is recognised that younger or older workers may be harassed or bullied on account of their age. Examples of such behaviour may include:

- Ageist remarks, jokes.
- Negative comments generalising about the age-group of the individual
- Physical abuse
- Display of offensive materials

Harassment relating to Transsexuality or Gender Reassignment

Harassment on the grounds of transsexuality or gender reassignment can be hostile or offensive acts or expressions by a person or group against another person or group that is transsexual or person that intends to undergo, is undergoing or has undergone gender reassignment. Examples of such behaviour include the following:

- Derogatory remarks, jokes, innuendo or gossip
- Threats of disclosing the transsexuality/ gender reassignment of the individual
- Expressing or acting on stereotypical assumptions
- Exclusion of transsexuals/ gender reassigned from facilities
- Display of or electronic transmission of offensive materials

Other forms of Harassment

There are other forms of harassment which do not constitute harassment on the above grounds but nevertheless can seriously affect the well being of colleagues if they occur. Examples of such behaviour include:

- Intrusion into the individual's personal life by pestering, spying or stalking
- Persistent pressures to become involved in anti-social or criminal behaviour
- Persistent intimidating behaviour based on the individual's membership or non-membership of a trade union
- Persistent intimidating behaviour based on an individual's marital status.

APPENDIX 2

Named Persons

Mrs	Pat	Groves	Occupational Health Nurse	Gateway House	pgroves@dmu.ac.uk	8365
Ms	Barbara	Harvey	Principal Lecturer	Elfed Thomas	BAharvey@dmu.ac.uk	7188
Ms	Georgina	Hill	Faculty Manager	Gateway House	george@dmu.ac.uk	7695
Mrs	Joanne	Cooke	Research Office Manager	12 The Newarke	jcooke@dmu.ac.uk	6284
Mr	Klaus	Heinrich	Counsellor	Gateway House	kheinrich@dmu.ac.uk	7604
Ms	Mary	Prior	Principal Lecturer	Gateway House	mprior@dmu.ac.uk	6747
Ms	Nora (Julie)	Kent	Principal Lecturer	Hawthorn	jkent@dmu.ac.uk	8794
Mr	Terence	Hutchings	Head of Studies	Fletcher	thutchings@dmu.ac.uk	6415

APPENDIX 3

EXTERNAL SOURCES OF INFORMATION

Samaritans – 08457 90 90 90 (open 24 hours)

Citizens Advice Bureau – 0845 120 2920

Andrea Adams Trust – 01273 704900

or: www.andreadamstrust.org/

Commission for Racial Equality – 020 7939 0000

or: www.cre.gov.uk

Disability Rights Commission – 08457 622 633

or: www.drc.org.uk

Equal Opportunities Commission – 08456 015 901

or: www.eoc.org.uk



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