

	<h2>Dealing with Harassment and Bullying - Procedure for Staff</h2>
Contact Officer	Registrar and Secretary and Director of Personnel

PROCEDURE	Purpose/Scope	<p>1. This procedure is to be used by members of staff who wish to take informal or formal steps in making a complaint against:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> another staff member;</li> <li><input type="checkbox"/> a student; or</li> <li><input type="checkbox"/> a third party closely associated with the University – such as contractors working on a university site/premises, or providers of student placements etc who they feel is harassing or bullying them.</li> </ul> <p>Definitions and examples of what may be considered Harassment, Bullying and Victimisation are provided in the Policy, Dealing with Harassment and Bullying – 19.12.11.</p> <p>2. In the following sections the person:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> making a formal complaint is referred to as <b>‘the complainant’</b>;</li> <li><input type="checkbox"/> against whom a complaint of harassment or bullying has been made is referred to as <b>‘the alleged harasser/bully(ies)’</b>.</li> </ul> <p>3. Principles: The University:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> will not assume guilt and will support all staff members and students involved in a case of alleged harassment, discrimination or bullying;</li> <li><input type="checkbox"/> advises staff and students not to delay in raising issues to do with harassment and bullying;</li> <li><input type="checkbox"/> will seek to ensure that matters relating to bullying and harassment remain confidential and disclosed only to those directly involved.</li> </ul> <p>4. If you feel that you are experiencing unacceptable behaviour, it is important that you begin to keep a note of the details and dates of any incidents which have caused you distress. Where possible, the following information should be included: date of incidents; location; time; name(s) of alleged harasser/bully; nature of incident(s); the response made by you the ‘complainant’; your feelings at the time incidents took place; any action you the ‘complainant’ took as a result of the incident(s); name(s) of any witnesses to the incident(s); any relevant other evidence – emails, voicemails.</p>
	Informal Procedure	<p>5. <b>Resolve informally</b> - Many complaints can be resolved informally.</p>

		<p>6. <b>Mediation in the Informal Procedure</b> – Details are set out below in the sections on Mediation. If complainants do not feel able to follow an informal process or mediation, or if the incident is too serious for such approaches, they should proceed straight to the formal stage.</p> <p>7. <b>Complainant talks concerns through with friend, mentor or colleague</b> – It may help to talk to someone you can trust. This may be another colleague, a line manager, a trade union representative, perhaps someone outside the University or a family member or friend.</p> <p>8. <b>Avoid delay in raising issues</b> – It is recommended that you do not delay in raising these issues, whether informally or formally.</p> <p>9. <b>Complainant takes direct informal action</b> – You may feel able to tell the person who is harassing you to stop, either by talking or writing to them. Sometimes it is enough just to explain to the person what aspects of their behaviour are causing distress and why it is unacceptable. You may prefer to be accompanied by a colleague, trade union representative, manager or Initial/Harassment Advisor.</p> <p>10. <b>Complainant takes indirect informal action</b> – If it is too difficult and too embarrassing to do this personally, you may request your manager to approach the alleged harasser/bully on your behalf. If your manager is the alleged harasser/bully, you may request a colleague, trade union representative, Initial/Harassment Advisor, or your manager's manager to approach the alleged harasser/bully on your behalf. If you feel unable to speak to the person concerned, this does not imply that you have accepted the harassment, discrimination or bullying, nor will it prejudice any complaint which you may bring.</p> <p>11. <b>Complainant contacts an Initial/Harassment Advisor</b> – If it has not been possible to find resolution by either approaching the alleged harasser/bully or by a representative approaching the alleged harasser/bully on your behalf, then you can contact an Initial/Harassment Advisor. Initial/Harassment Advisors will be able to advise on the options available to you. Information on Initial/Harassment Advisors is available on the Personnel Web pages, or the Student Sole pages, <a href="http://www.worc.ac.uk/personnel/666.htm">http://www.worc.ac.uk/personnel/666.htm</a></p>
	<p><b>Mediation Section</b></p>	<p>12. Mediation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> is a process of assisting the people involved to reach an agreement that is acceptable to both. No decisions are imposed by the mediator, whose role is to ensure that discussions can take place in a safe environment, and where each person is heard and listened to;</li> <li><input type="checkbox"/> can be used as part of either the informal or formal bullying and harassment procedure;</li> <li><input type="checkbox"/> is usually provided by a suitably trained member of staff, though external mediators may be used in more complex cases.</li> </ul>

		<p>13. Mediation is available either as an alternative to the informal stage or as the next step after informal procedures if you have not been able to resolve the complaint informally, either because you have not felt able to address the issues by raising it either directly or indirectly with the alleged harasser/bully, or because it has not been possible to find resolution through this process, but you would prefer not to invoke the formal procedure at this stage.</p> <p>14. Mediation is not compulsory. The complainant and the alleged harasser/bully must both agree to mediation and either is entitled to have the matter determined under the formal procedure. However, the use of mediation is encouraged as it offers a less adversarial alternative to formal stages of the Dealing with Harassment and Bullying procedure and can resolve complaints more quickly than the formal procedure, with a greater focus on establishing an agreed outcome.</p> <p>15. To start the mediation process you will need to contact either the Personnel Department or an Initial/Harassment Advisor.</p> <p>16. The Personnel Department will contact the alleged harasser/bully to advise them of the complaint against them, and the request for mediation. The alleged harasser/bully must agree to mediation for the process to continue. If they do not then the complainant has the right to activate the formal procedure.</p> <p>17. If you are contacted by the Personnel Department and advised of a complaint against you, and you agree to mediation, then you are strongly recommended to contact an Initial/Harassment Advisor. You may also wish to consult a trades' union representative for advice.</p> <p>18. An impartial mediator will be assigned and an appointment made. It is important that both sides have confidence in the mediator and both the complainant and the alleged harasser/bully must agree on the mediator for mediation to continue. If there is no agreement on the mediator, then as far as is reasonably possible, another mediator will be assigned.</p>
	<p><b>The Mediation Process</b></p>	<p>19. Initially parties meet individually, for up to one hour, with the mediator to assess whether mediation is appropriate.</p> <p>20. Subsequent meeting(s) is held with all parties in attendance and generally last for up to 3 hours.</p> <p>21. During mediation the complainant and the alleged harasser/bully can be accompanied by a support worker, e.g. signer or interpreter. Anyone brought along for general support will be required to wait in a separate room.</p> <p>22. The mediator will inform the Personnel Department when mediation has led to an agreed proposal, but will not divulge details.</p>

23. If mediation hasn't been successful Personnel will advise the parties on further options available.
24. If it has not been possible to resolve the matter informally or through mediation, or if it is not appropriate to seek to resolve the complaint using those less formal stages, the complainant has the right to activate the formal procedure.
25. Any staff member involved in this procedure has the right to be accompanied at all stages in this procedure either by a trade union representative or a colleague, and if appropriate, by a support worker e.g. signer or interpreter. In exceptional circumstances application may be made to the Director of Personnel to request an alternative companion.
26. The table below outlines those staff members who will be responsible for implementing the formal complaints and investigation procedure.

<b>Status of the Alleged Harasser</b>	<b>Investigating Officer</b>	<b>Review Officer</b>
Bands 1 – 7	Band 8 or above	Director of Personnel
Bands 8 – 9	Head of Institute or Service as designated by the Director of Personnel	Registrar and Secretary
Directors and Heads of Institute or Service	Director of Personnel	Vice Chancellor
Director of Personnel	Nominated Director	Vice Chancellor
Senior post holders, e.g. VC, Deputy VC, Pro VC, Registrar and Secretary	To be nominated by the Chair of the Board of Governors	Chair of Governors
Student, including post graduate and international students	Head of Student Services or Head of Registry Services	Registrar and Secretary

27. The Investigating Officer will be responsible for gathering information to allow him/her to reach a conclusion on the complaint. The scope of the investigation is at the discretion of the investigating officer.

		<p>28. The Review Officer will be responsible for reviewing the information collated by the Investigating Officer and their decision. The Review Officer's decision is final.</p>
	<p><b>Making a formal complaint</b></p>	<p>29. Where the mediation process has not been used then the complainant will need to contact the Director of Personnel or one of the Personnel Advisers, who will meet with them within 5 working days to determine the nature and detail of the complaint. A written record will be maintained at the meeting, which will be agreed by both parties as an accurate description of the circumstances as presented.</p> <p>30. The Director of Personnel will advise the complainant's Head of Institute or Service that a member of staff has raised a formal complaint. If the alleged bully/harasser is the Head of Institute or Service, then the next level of management will be informed.</p>
	<p><b>Investigation of a formal complaint procedure</b></p>	<p>31. Anyone dealing with the formal complaint must be independent of the complainant or alleged harasser/bully. The Director of Personnel will determine disputes about the independence of an investigating officer; where this involves the Director of Personnel a dispute will be determined by the Registrar and Secretary.</p> <p>32. In any situation where the complaint is against a staff member, the Director of Personnel would be involved in the investigation from the outset.</p> <p>33. Depending on the nature and severity of the complaint the alleged harasser/bully may be suspended, with pay in the case of staff. Suspension can only be approved by the Vice Chancellor and for a limited period of time.</p> <p>34. Investigations will be undertaken as quickly as possible, in confidence and will normally begin within 10 working days of receipt of the complaint. If this is not feasible the reasons will be explained to the complainant.</p> <p>35. The complainant will be asked to attend a meeting by the Investigating Officer during which the procedure will be explained and discussed, and details of the allegation will be confirmed. The complainant and any potential witnesses to the alleged misconduct will then be required to attend an interview independently as part of the investigation.</p> <p>36. The alleged harasser/bully(ies) will be informed of the substance of the complaint against them and also be asked to attend a meeting. During the meeting, the procedure will be explained and discussed, and they will be given the opportunity to respond to the complaint against them.</p> <p>37. Comprehensive notes of any interviews will be made and will be signed by the interviewee as accurate and reflecting the discussion. The interviewee may make any written comments about any section of the notes with which they do not agree. Copies of the signed notes, with any comments, will be retained by both the interviewee and the Investigating Officer.</p>

<p><b>Outcome(s) of a formal complaint Section</b></p>	<p>38. Each case of alleged harassment/bullying behaviour will be considered on the facts of the case. On the basis of interviews and statements received, the Investigating Officer will compile a report and inform both parties in writing of their decision, normally within 20 working days of complaint being received. Where, for reasons of complexity, it is not possible to complete the formal procedure within this time scale the parties will be kept informed.</p> <p>39. Having gathered and considered all information relating to the case, the Investigating Officer will determine whether the outcome should be to:</p> <ul style="list-style-type: none"> <li>a. <b>Take no further action</b> – Where the facts of the case suggest the claim is unsubstantiated, felt to be unjustified or the evidence is inconclusive; it should be noted that part of the outcome of the investigation will address any support for both the complainant and alleged offender that is either requested or deemed appropriate;</li> <li>b. <b>Resolve the matter by informal means</b> – Where it is considered that a conciliatory meeting between the two parties accompanied by appropriate members of management will be sufficient;</li> <li>c. <b>Arrange mediation for the two parties</b> – Where it is considered that this is a viable option and has the agreement of both parties;</li> <li>d. <b>Arrange counselling or training for the alleged offender</b> – Where it is felt to be sufficient to correct the behaviour or resolve the situation;</li> <li>e. <b>Arrange for the matter to be referred for consideration under the appropriate disciplinary procedures</b> – <ul style="list-style-type: none"> <li><input type="checkbox"/> where it is felt that the conduct of the staff member or student against whom the complaint was made does constitute misconduct;</li> <li><input type="checkbox"/> where it is felt that the complainant had knowingly made false or unsubstantiated allegations with malicious intent In either of the above situations these could, if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion;</li> <li><input type="checkbox"/> where the harasser is a student, action may be taken under the terms of the Student Disciplinary procedures;</li> <li><input type="checkbox"/> where the harasser is a member of staff, action will be considered in accordance with the appropriate Staff Disciplinary procedures.</li> </ul> </li> </ul>
<p><b>Appeal / Review Procedure</b></p>	<p>40. If, once a final decision on a complaint of harassment or bullying has been given, either the complainant or the alleged bully/harasser has reason to believe that the matter has not been handled fairly or properly in accordance with these procedures, they can request a review by writing to the Director of Personnel within 10 working days of receipt of the outcome.</p>

		<p>41. Appeal/Review requests – The request should include details of why either party is dissatisfied with the way the case has been handled or that the outcome is not reasonable and what resolution is sought, and should include copies of correspondence exchanged during the preceding stages, and any other relevant papers. Details of who will act as Review Officer are set out in paragraph 29.</p> <p>42. Receipt of the request for Appeal/Review will be acknowledged in writing within 5 working days. The Director of Personnel will then nominate a Review Officer. The Review Officer will then review the case on the basis of the documentation provided by the party requesting a review, and that made available by those who dealt with the formal complaint. The Review Officer may decide to seek further information from the complainant, alleged harasser/bully and/or others concerned.</p> <p>43. If the Review Officer concludes that the case has not been handled fairly or properly, he/she will decide on an appropriate course of action, which may include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> specific action to resolve the matter;</li> <li><input type="checkbox"/> referral for a new investigation.</li> </ul> <p>44. If the Review Officer concludes that the case has been handled fairly and properly, the review will be dismissed and reasons will be given in writing. If the Review Officer dismisses the complaint there shall be no further opportunity for the complainant/alleged bully/harasser to pursue this under this policy, however an individual may have the opportunity to raise a grievance under the University's Grievance procedure.</p> <p>45. The Review Officer will make a decision normally within 20 working days of receipt of the request for review.</p>
	<p><b>Victimisation</b></p>	<p>46. Victimisation is treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.</p> <p>47. Victimisation or retaliation that occurs as a result of the application of this procedure is unacceptable and may lead to disciplinary action being taken under the appropriate disciplinary procedures.</p>
	<p><b>Keywords</b></p>	<p>Keywords or phrases that will be used to facilitate online searching:          Harassment; Bullying; Victimisation; Sexual Harassment; Mediation; Homophobic Harassment and Bullying; Initial Harassment Advisors; Cyber Bullying; Harassment and Bullying.</p>
	<p><b>Associated Documents</b></p>	<p><b>Policy</b> - Dealing with Harassment and Bullying Policy  <b>LINK</b></p>

		<ul style="list-style-type: none"> <li><input type="checkbox"/> Overview Procedure for Dealing with Harassment &amp; Bullying at Work</li> <li><input type="checkbox"/> Flow chart detailing Harassment &amp; Bullying Procedure</li> <li><input type="checkbox"/> FAQ If I think I'm being harassed or bullied</li> <li><input type="checkbox"/> FAQ Initial/Harassment Advisors</li> <li><input type="checkbox"/> FAQ: Informal Procedure for dealing with Harassment &amp; Bullying</li> <li><input type="checkbox"/> FAQ: Use of Mediation in the Harassment &amp; Bullying Procedure</li> <li><input type="checkbox"/> FAQ: Formal Procedure for dealing with Harassment &amp; Bullying</li> </ul>
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<b>Equality Impact Assessment completed</b>	<i>Day Month Year Assessed by;</i>
<b>Date Approved</b>	<i>19.12.11</i>
<b>Approval Authority</b>	<i>Diversity and Equality Committee</i>
<b>Date of Commencement</b>	<i>Day Month Year</i>
<b>Amendment Dates</b>	<i>List the dates the policy has been amended (Day Month Year)</i>
<b>Date for Next Review</b>	<i>Day Month Year</i>
<b>Related Policies, Procedures and Guidelines</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Staff Grievance and Disciplinary Policy and Procedure</li> <li><input type="checkbox"/> Whistle blowing Policy and Procedure</li> </ul>