

Somerville College

Support Staff Harassment and Bullying Policy

1 Harassment and bullying policy

1.1 General principles

Somerville College is committed to maintaining a working, learning and social environment in which the rights and dignity of all members of the College community are respected. This includes staff, students, and visitors to the College.

The College expects all members of the College community to treat each other with respect, courtesy and consideration. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others.

Harassment is a serious offence which is subject to the College's disciplinary procedures. Where necessary, complaints of harassment, bullying or other inappropriate behaviour will be investigated in line with the appropriate procedures.

All members of the College community have a personal responsibility for complying with this code and those in positions of authority, such as Fellows and senior managers, have particular responsibilities under this policy, including to set a good personal example, to have regard to the principles of the policy, and to familiarise themselves with the procedures.

This policy will be subject to regular review by the Governing Body.

1.2 Harassment

A person subjects another to harassment where s/he engages in unwanted and unwarranted conduct which has the purpose or effect of:

- (a) violating that other's dignity, or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.

Harassment on grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination*. Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under the provisions of the Protection from Harassment Act 1997.

*** Harassment and bullying** may occur not only on grounds of characteristics or perceived characteristics of the recipient of the behaviour but also on grounds of the characteristics or perceived characteristics of a person associated with him or her.

Reasonable and proper management instructions administered reasonably, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment or bullying.

Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

1.3 Bullying

Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Examples of behaviour which may amount to harassment and bullying include (but are not limited to) the following:

- offensive comments or body language
- verbal or physical threats
- insulting, abusive, embarrassing or patronising behaviour or comments
- humiliating, intimidating, and/or demeaning criticism
- open hostility
- deliberately undermining a competent person by overloading with work and constant criticism
- isolation from normal work or study place, or from conversations or social events
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials
- unwanted physical contact, ranging from an invasion of space to a serious assault.

Many of these examples of behaviour may occur through the use of the Internet, email, social networking sites, or telephone.

All of the examples above may amount to bullying, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

Being under the influence of alcohol, illegal drugs or otherwise intoxicated is not an excuse for harassment, and may be regarded as an aggravating feature.

Intention or motives

The intention or motives of the person whose behaviour is the subject of a complaint is not conclusive in deciding if behaviour amounts to harassment or bullying.

1.4 Victimisation

Harassment and bullying may occur not only on grounds of characteristics or perceived characteristics of the recipient of the behaviour but also on grounds of the characteristics or perceived characteristics of a person associated with him or her.

Victimisation occurs where a person is subjected to detrimental treatment because s/he has, in good faith, made an allegation of harassment, or has indicated an intention to make such an allegation, or has assisted or supported another person in bringing forward such an allegation, or participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation.

The College seeks to protect any member of the College community from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in a disciplinary process.

1.5 Malicious or vexatious complaints

If a complaint is judged to be vexatious or malicious*, disciplinary action may be taken against the complainant; however, such action will not be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

*** If a complaint is judged to be vexatious or malicious:** this phrase means the complainant knew or could reasonably have been expected to know that the complaint was unfounded.

1.6 Confidentiality

All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process.

1.7 Sources of advice

The sources of advice set out below are available to anyone who believes that s/he may be being harassed, and who wishes to discuss any concerns in confidence. These sources of advice are also available to anyone who has been told that his/her conduct is perceived as harassing.

University's Harassment Advisory Service
Telephone (2)70760,
Email: harassment.line@admin.ox.ac.uk

Details about the Harassment Advisor Network may be found on the University of Oxford website at <http://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/>

Other sources of more general help are listed on the University harassment advice website which can be found at www.admin.ox.ac.uk/eop/harassmentadvice.shtml

1.8 Harassment and bullying procedure

Wherever possible, the aim is to resolve complaints of harassment promptly and effectively so that good working relationships and normal social interactions can be resumed as quickly as possible.

For the purposes of this procedure, 'harassment' is taken to include bullying and victimisation.

The references in this procedure to the 'Manager' should be taken to mean the senior manager, Department manager, or the person to whom responsibility has been formally delegated.

All information concerning allegations of harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action in accordance with the policy on harassment and bullying.

Incidents of harassment that occur within the College environment will normally be dealt with under the appropriate College procedure.

Complaints of harassment against students

Complaints of harassment against students which arise within the college environment will normally be dealt with under the appropriate college procedure. Other complaints of harassment against students may be considered by the Proctors under Statute XI.

Advice may be sought from the Proctors' Office if the subject of the complaint is a student.

Complaints of harassment against College staff

Any complaints against College staff relating to College teaching or supervision will be dealt with under the appropriate College procedures.

The procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff.

1.9 Informal complaints

Initial action

An individual who feels that s/he is being harassed in the course of their College activities such as work or studies or College leisure activities may feel able to approach the person in question to explain what conduct s/he finds upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. Such an informal approach may be all that is required to resolve the issue. The College does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

If the complainant is unable or reluctant to approach the person complained against, s/he may approach his or her manager or senior manager to ask for help in achieving a resolution of the problem. Human Resources will also be available to advise.

Mediation

In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

An experienced mediator acceptable to both parties will normally be nominated by the Human Resources Manager. The mediator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended by agreement). To avoid confusion any agreed outcome will normally be recorded in writing.

All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove fruitful, or is taking an unacceptably long time to achieve resolution, either party may withdraw from the process.

1.10 Formal complaints procedure

If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint to his or her manager or, if the complainant feels it is not appropriate to approach that person, the relevant senior manager. If any of the parties considers that the manager or senior manager has a conflict of interest in the complaint, the complaint may be referred to the Principal. In cases where it is not immediately clear to whom a complaint should be addressed, advice may be sought from the Human Resources Manager.

Submission of the complaint

The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that s/he is concerned about; (ii) the effect of this behaviour on him/her; and (iii) the resolution s/he is seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome s/he is seeking.

A copy of all written complaints should be sent to the Human Resources Manager for information.

Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result.

Both parties to the complaint have the right to be accompanied and supported by a trade union representative or by a colleague of his or her choice from within the College at any meeting held under this procedure. If the complaint involves a student s/he may be accompanied, for example, by a college tutor or equivalent. These people must maintain appropriate confidentiality.

There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the manager or senior manager considers that the implications for the aggrieved person or others actually or potentially affected are serious. In this case, the manager or senior manager will consult the Human Resource manager, and may initiate an

investigation and make a decision on further action on the basis of such evidence as is available.

Action by the manager on receipt of a complaint

On receipt of a complaint, the manager (or his or her nominee) will in consultation with Human Resources take such steps as s/he thinks necessary or appropriate to understand the nature of the complaint and the outcome sought including:

- informing the person against whom a complaint has been made of the allegations against him or her;
- meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
- speaking to other relevant people on a confidential basis; and /or
- obtaining further relevant information.

The manager will then decide how to proceed and will inform the parties in writing. S/he may make such enquiries as are necessary to determine the complaint, or may commission an investigation.

Investigation

The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. (See section 23.11 below for the procedure for investigations.)

As a general rule, the investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The investigator will prepare a report and may, if specifically requested to do so by the manager, make recommendations on possible courses of action.

The manager will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions she or he has reached having reviewed the evidence, including any investigation report; (ii) of the action the manager intends to take; and (iii) of the reasons for any such action.

The manager will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

1.11 Investigation procedure

The procedure for an investigation will normally be as follows but may be adapted by the investigator to meet the case:-

- The investigator will meet the complainant to confirm the details of the complaint.
- The complaint as clarified will be forwarded to the person complained against by the manager, together with any other relevant material that s/he has.
- The investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.

- The investigator will meet the person complained against to hear his/her response to the complaint and any further evidence that has come to light.
- The investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
- Having considered all the evidence, including any relevant documents, the investigator will prepare a written report of his/her findings, in relation to which she or she may check relevant sections in draft with the parties before finalising.
- The report will be forwarded to the manager and usually with a copy to the Human Resources Manager.

At all stages during the investigation, the investigator and manager may seek advice from the Human Resources Manager about the investigation procedure.

Possible outcomes of a complaint

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the manager, in consultation with the Human Resources Manager, will either:-

- **Take no further action**

other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.

- **Initiate resolution of the issues**

(e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve working relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively that there are structural issues within a department that require management attention.

- **Institute disciplinary proceedings**

where the manager is reasonably satisfied that there is sufficient evidence to support allegations of harassment of a sufficiently serious nature as to merit disciplinary action.

- **In rare cases disciplinary action may be instituted against the complainant**

if the manager is satisfied that the complaint of harassment is unfounded and not made in good faith.

1.12 Appeal

If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), s/he may invoke the grievance procedure with the relevant time scales specified in that procedure.

Please note however, that if the outcome of the grievance is a decision to start disciplinary proceedings, the person against whom disciplinary action is being taken may not submit a grievance as part of their response to the disciplinary proceedings. S/he will be given every opportunity to present their case within the disciplinary process.

1.13 Record keeping

The College and all those involved in this process must comply with the principles of the Data Protection Act 1998*. These include ensuring that personal data is kept accurate and up-to-date, held securely, not passed on to unauthorised third parties, and not kept for longer than necessary.

Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

Human Resources should be consulted about filing and retaining any notes and documents all of which must be held in confidence.