

Bullying and Harassment Policy

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1.0 Introduction

- 1.1. This policy applies to all members of staff employed by Staffordshire University.
- 1.2. This policy was implemented following consultation with the University's recognised Trade Unions, UCU and UNISON.
- 1.3. Staffordshire University has a firm commitment to equality of treatment and as such will not tolerate the harassment or bullying of one employee by another. The purpose of this policy is to assist in developing a working environment in which harassment and bullying are known to be unacceptable and where employees are able to complain about harassment and bullying should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if an employee feels they are being harassed or bullied in the course of their work or as a result of their employment by the University.
- 1.4. The University welcomes diversity and believes that every person has a right to work in an environment which encourages harmonious relationships. The University is committed to preventing harassment and bullying and it is the responsibility of all managers to make sure that their staff are aware of, and understand the context of, the Bullying and Harassment Policy. In addition to its commitment to equality of opportunity, the University has legal obligations under the Equality Act 2010 to ensure that harassment does not take place on the grounds of an individual's personal or protected characteristic(s).

'Personal characteristics' can include numerous factors which are not covered under the Equality Act and therefore do not constitute harassment but may constitute bullying if repeated or persistent. A 'personal characteristic' refers to an individual's personal appearance, for example, wearing spectacles may attract unwarranted attention.

If the personal characteristic is related to a protected characteristic as defined by the Equality Act 2010, then it is deemed unlawful harassment.

The term "protected characteristics" refers to nine separate groups that are protected under the Act which are listed below:

- Age
- Disability
- Gender reassignment
- Race

- Religion or belief
- Sex
- Sexual Orientation
- Pregnancy and maternity
- Marriage and Civil partnership

As outlined within the University's Code of Conduct there is an expectation that staff will treat each other with dignity and respect at all times.

In addition, the University has a duty of care towards its staff under the Harassment Act 1977 and the Health and Safety at Work Act 1974

- 1.5. Every employee is also personally liable under the Equality Act for their conduct. Certain incidents of unlawful harassment may also render employees liable to prosecution in courts of law, under either civil or criminal legislation. The University therefore has a legal, as well as moral, responsibility to eradicate harassment and bullying at work.
- 1.6. The University also has a Code of Conduct which outlines the expectations of staff to conduct themselves in a reasonable and responsible manner when undertaking their duties and responsibilities including involvement in professional and social activities undertaken during the course of University business.
- 1.7. Allegations of harassment and bullying will be treated seriously by the University and could result in disciplinary action being taken against the perpetrator. The University will take all reasonable steps to ensure that any employee raising a concern under this policy is not victimised as a result of doing so.
- 1.8. The University will also treat seriously any such allegations which are deemed to be malicious and without foundation and the person responsible for such allegations, or any parties involved in the support of such allegations, is also likely to be the subject of disciplinary action.

2.0 General Principles & Definitions

- 2.1. **Definition of Harassment:** for the purposes of this policy, the University will use and apply the following definition of harassment as being:

Unwanted conduct that has either the purpose or the effect of:

- Violating a person's dignity; or

- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

2.1.1. Harassment can occur when it is related to an individual's own protected characteristic or where a person is abusive to other employees generally, but a particular individual feels harassed because they have a protected characteristic.

Harassment can also occur where the individual who is harassed:

- does not have a protected characteristic but it may be incorrectly perceived that they do have one; or
- may be associated with an accompanying person who has a characteristic, such as a family member.

2.1.2. Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples include ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment include physical threats or violence. Unlawful harassment under the Equality Act 2010 may consist of a single incident.

Behaviour that may appear trivial may not be felt as such. The emphasis is on the feeling of the person concerned not the intention. Harassment may not always be intentional, but it is always unacceptable, whether intentional or not.

2.1.3. Harassment against a protected characteristic may include the following examples of unacceptable behaviour. The examples within this list are not exhaustive:

- **Harassment on the grounds of sex** can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
- **Harassment on the grounds of race** may include jokes about, or gratuitous references to, a person's colour, race, belief, religion or nationality. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an employee or fostering hatred and/or prejudice towards employees or particular groups.

- **Harassment of people with disabilities** can take the form of employees being ignored, disparaged or ridiculed because of their disability. The disability rather than their ability can become the focus of attention. Harassment can also include inappropriate personal remarks, jokes or inappropriate reference to an employee's appearance.
- **Harassment on the grounds of religious belief** may include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
- **Harassment on the grounds of actual or perceived sexual orientation** can include homophobic remarks or jokes, offensive comments relating to a person's sexuality, or threats to disclose a person's sexuality to others.
- **Harassment on the grounds of age** may include ridicule, jokes or insults about a person's age, or singling a person out for a different treatment as a result of their age.
- **Harassment on the grounds of gender reassignment** can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
- **Harassment on the grounds of pregnancy and maternity** may include being penalised for pregnancy-related illness, requesting time off to attend maternity related appointments, or being treated differently whilst on maternity leave.

2.1.4. There are professional as well as ethical reasons for employees to maintain an appropriately formal relationship between themselves and students. The University has made clear its policy in this regard in the Statement of Consensual Relations between Staff and Students.

2.1.5. Harassment may also take place on the grounds of a person's socio-economic status or any other personal characteristic that makes them different from the majority or from the person who harasses them. Any difficulty in defining what constitutes harassment should not deter employees from complaining about behaviour that causes them distress.

2.1.6. The overriding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence.

2.2. **Definition of Bullying:** bullying is described as repeated or persistent behaviour and is defined as exercising power over another person through negative acts or behaviours that undermine them personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, inappropriately making remarks concerning job performance, or constant criticism. Bullying can be carried out by an employee against another employee, or groups of employees. Bullying does not necessarily have to take place on a face-to-face basis it may also include cyber bullying, i.e. using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner.

2.2.1. Bullying is distinct from academic debate, or the actions of a supervisor or manager making reasonable (but perhaps unpopular) requests. It is also distinct from techniques used to manage and improve performance of staff. An assertive management style would in itself not constitute bullying, but where assertiveness gives way to aggression it is likely to become destructive rather than constructive. If an employee believes they are a victim of bullying then they are encouraged to pursue the issue in line with Sections [4](#), [5](#) and [6](#) outlined below.

2.3. **Definition of Victimisation:** victimisation is defined as the less favourable treatment of a person because they have, in good faith, made allegations of harassment; intend to make such an allegation or have assisted or supported a person in bringing an allegation.

2.3.1. Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally; or to treat them in any way less favourably as a result of their actions. Victimisation is unlawful under Harassment Legislation and will be treated as a form of Harassment under this policy.

2.3.2. Retaliation against an employee for complaining about harassment is a disciplinary offence. Any employee making a complaint or assisting in an investigation shall be offered appropriate support from Human Resources & Organisational Development.

2.4. Although the terms 'harassment', 'bullying' and victimisation are not synonymous, the guidance in this policy document relates to all of these issues and the term 'harassment' will be used within this document from this point onwards to encompass all three areas.

3.0 Responsibilities of Employees in Their Conduct and Behaviour

- 3.1. Every employee has a responsibility to behave in a way that is not offensive to others.
- 3.2. Every employee has a responsibility to acknowledge that views and opinions held by others and decisions made by managers and supervisors may not always coincide with their own; such differences are unlikely to constitute harassment.
- 3.3. It must be recognised that those in authority have both a right and a responsibility to discharge managerial duties, along with an obligation to tackle issues of poor performance and therefore harassment is to be distinguished from a manager legitimately and appropriately invoking approved performance management or disciplinary procedures in accordance with University policy. In doing so, they may need to adopt a firm or assertive style, however, they should take care not to demean, devalue or intimidate staff.
- 3.4. Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take prompt action to address this. It is important that it is made clear to the perpetrator that such behaviour is unacceptable to the University and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority is the harasser, others within the group have a duty to support the employee being harassed in taking action to report the harassment to the next level of senior management within the complainant's Service or Faculty, or their Union representative.
- 3.5. Managers and Supervisors have a responsibility to promote a culture free from unacceptable behaviour and to manage any allegations of harassment as quickly as possible.
- 3.6. All documentation relating to the Bullying and Harassment Policy shall be held centrally by HR & OD, in accordance with Data Protection legislation. It should be noted that whilst any penalty remains current, appropriate members of management will be made aware of conduct issues, including new managers who may not have been involved in the original proceedings. In addition, conduct issues with live formal penalties may be used as criteria for redundancy selection and may be discoverable in court or tribunal cases. These examples are not intended to be exhaustive.

- 3.7. Employees who feel that they may be victims of harassment should pursue the issue by using the procedure outlined below.

4.0 Informal Procedure

- 4.1. If an employee believes they are the subject of harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can also have the advantage of resolving the situation quickly and with minimal disruption to working relationships. It is recommended that informal approaches are explored in all cases in the first instance prior to an employee escalating issues. The alleged perpetrator may be unaware that their behaviour is unacceptable to the person alleging harassment (the complainant) and therefore it is often possible to resolve the issue informally without requiring formal reference to management.
- 4.2. Any employee who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter is to be resolved. Confidential advice may be sought through the University's Employee Assistance Programme provider. The role of the Employee Assistance Programme is to provide support and assistance to the complainant. This facility also extends to the alleged perpetrator. The same adviser/counsellor should not advise both the person alleging harassment and the alleged perpetrator. The adviser/counsellor has no formal role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between the counsellor and employee are confidential. Employees wishing only to seek procedural advice may approach HR & OD. In addition, employees may also wish to seek advice from their Trade Union as appropriate.
- 4.3. An employee who feels that they are the subject of harassment should make a written record of the incident(s), date(s), time(s) and witness(es) for future reference.
- 4.4. There are three informal resolution options available to employees who consider themselves to have been the subject of harassment:
- Individual Meeting
 - Written Resolution
 - Management Intervention

4.4.1. **Individual Resolution**

An employee who feels they have experienced harassment can talk to the individual on his/her own. The purpose of the conversation is to make the alleged perpetrator aware of the way his/her behaviour has been perceived and ask them to stop. When taking individual action, the complainant should try to:

- Pick a time and venue where they can speak privately to the alleged perpetrator without interruption;
- Clearly identify the behaviour that is causing concern, giving examples and instances of when the behaviour has occurred; and
- Make it clear to the alleged perpetrator that their behaviour is unwelcome and has caused offence and request that it must stop immediately.

4.4.2. **Written Resolution**

An employee who feels they have experienced harassment can write to the alleged perpetrator, clearly identifying the behaviour that is causing concern, giving examples and instances of when the behaviour occurred and make it clear that the behaviour is unwelcome and must stop.

- Following receipt of such a letter, the parties should ideally meet to discuss the issue(s). The meeting should be informal and constructive to allow the complainant the opportunity to discuss the incident(s) from their perspective and allow appropriate opportunities for the alleged perpetrator to respond.
- Each person should keep a written record of their interpretation of the meeting.

4.4.3. **Management Intervention**

Where an employee feels they have experienced harassment and has genuinely attempted to resolve the matter through either Individual or Written Resolution as outline above, they can discuss the matter with their line manager or, where this is not appropriate, for example if the line manager has had direct involvement in the case i.e. as a witness, then the next senior level of management within the complainant's Faculty or Service.

The manager will seek to resolve the situation quickly and with minimal disruption. This may include meeting with the alleged perpetrator to

discuss the allegation and make it clear that any behaviour that could be considered to be harassment under this policy must cease immediately. Alternatively the manager may, with prior agreement from both parties, facilitate a meeting between the complainant and alleged perpetrator to discuss the situation and reach joint agreement on the way forward. Outcomes may include a recommendation for mediation to help rebuild the relationship (see [Section 5](#) below).

- 4.5. Confidentiality is very important in dealing with cases of alleged harassment as experience shows that they will be much more difficult to resolve informally if information about the matter becomes common knowledge.
- 4.6. The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should only be submitted as a 'final option', where the informal approach has not achieved satisfactory results, or in exceptional circumstances where the nature of the incident(s) warrants a more formal approach. It is also acknowledged that some members of staff may wish to seek advice from their trade union representative.
- 4.7. In situations where an employee believes that they are subject to harassment from a student they should seek advice from the Student Office. If the matter is not resolved informally to the satisfaction of the complainant, a formal complaint should be made in writing to the Academic Registrar and Director of Student Experience.

5.0 Mediation

- 5.1. 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 any early stage before the formal procedure is invoked.
- 5.2. Mediation is a voluntary and confidential process whereby the parties in dispute go through a structured process which encourages open communication of feelings and incidents and empowers both parties to deal directly with the conflict to reach a satisfactory resolution. Advice on referrals for mediation and the process followed can be sought via Human Resources & Organisational Development.
- 5.3. All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove to be successful, either party may withdraw from the process.

6.0 Formal Procedure

- 6.1. If the complainant remains dissatisfied with the outcome of the informal process or the harassment continues, he/she will have the right to pursue the matter in accordance with the following procedure.
- 6.2. A formal complaint in the event of a repeated incident or particular incident must be registered in writing within one month of the incident taking place. The complaint should be addressed to the Dean/Director of Faculty/Service. It is however recognised that complaints of this nature may relate to cumulative actions taking place over a period of time. If this is the case, whilst these may be detailed in the complaint, the formal process may only be entered into within one month of the latest incident or informal meeting from which the employee remained dissatisfied. The University recognises that there may be situations where this time limit can be extended at its discretion.

If the complaint relates to the Dean/Director of Faculty/Service, the employee should write to the appropriate member of the University Executive. Complaints about the University Executive should be made to the Vice Chancellor. Complaints about the Vice Chancellor should be made to the Chair of the Board of Governors.

- 6.3. A formal written complaint of harassment should include the nature of the complaint, with reference to date(s), time(s) and place(s) (where possible) in relation to a specific incident(s) and what effect this had on the employee. The details of any witness(es) to the incident(s) should also be included. The complaint should be as detailed as possible to aid the subsequent investigation. If the letter of complaint is regarding dissatisfaction from an outcome under the informal process, the employee should outline what they consider a satisfactory outcome to be. If the letter is the first action taken in relation to an employee's complaint the employee should also detail why they did not attempt to resolve the matter informally.
- 6.4. Formal complaints will be investigated and acted upon by the University as quickly as is practically possible. The investigation will be prompt, sensitive and impartial.
- 6.5. Investigation of a Formal Complaint**
 - 6.5.1. Any complaint will require an appropriate investigation and this should be conducted at the earliest possible opportunity.

- 6.5.2. An Investigating Officer will be appointed to undertake this investigation. The Dean/Director of Faculty/Service in consultation with the relevant Personnel Manager will appoint the Investigating Officer, who will determine the outcome of the complaint.
- 6.5.3. The Investigating Officer will **not** normally be the line manager of the complainant, as the line manager may have been involved with the complaint previously. It is essential that the Investigating Officer has not been involved in the alleged incident(s), for example as a witness.
- 6.5.4. A member of Human Resources & Organisational Development will advise and support the Investigating Officer at all stages of the investigation and in any possible subsequent Disciplinary Hearing.
- 6.5.5. The Investigating Officer will write to the alleged perpetrator to notify them of the complaint, and explain the role of the Investigating Officer's and process of the investigation. The alleged perpetrator will be notified that, if the complaint is upheld it, could lead to disciplinary action against them.
- 6.5.6. The Investigating Officer must advise any witnesses concerned of the subject matter of the investigation and that it is being carried out in accordance with the Bullying and Harassment Policy, which may lead to action prescribed under the Disciplinary Procedure. In exceptional circumstances, the identity of a witness may be protected. This decision will be made at the discretion of the Investigating Officer, in consultation with the relevant Personnel Manager.
- 6.5.7. The alleged perpetrator may be accompanied by an accredited Trade Union Representative or employee colleague during any investigatory interviews.
- 6.5.8. The Investigating Officer will be responsible for obtaining statements from witnesses. The witnesses should sign and date these statements as a true record and the contents should not be discussed with other employees. Witnesses should be advised that they may be required to attend any possible subsequent Disciplinary Hearing. In addition the statements may be provided to the perpetrator as part of the statement of case prior to the Disciplinary Hearing or to the complainant if the decision is made not to refer the matter into the disciplinary process, in order to assist the complainant with their understanding of the Investigating Officer's decision.

6.6. Possible Suspension or Redeployment during the Investigation

- 6.6.1. In exceptional circumstances, in order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents, or to prevent victimisation, it may be necessary to either seek redeployment for one of the parties or suspend the alleged perpetrator pending the outcome of an investigation. Should it be necessary to hold a Disciplinary Hearing, suspension may continue until the Disciplinary Hearing is concluded.
- 6.6.2. Suspension under this procedure does not constitute a disciplinary sanction and throughout the period of suspension, the employee will continue to be entitled to their full pay and benefits.
- 6.6.3. Temporary redeployment of one or both parties may also be considered. The complainant should be given the choice, though normally the alleged perpetrator would be redeployed first.
- 6.6.4. If the Dean/Director, in consultation with HR & OD, decides to suspend an employee from duty, they shall:
 - Meet with the employee and explain the circumstances of the suspension
 - Confirm the likely duration of the suspension
 - Confirm that the suspension is without prejudice to the investigation
 - Confirm the suspension and the reasons in writing to the employee within five working days
- 6.6.5. The suspension will be reviewed on a regular basis and the employee will be kept informed by the relevant HR & OD representative of the progress of the investigation and probable timescales before conclusion of the matter.
- 6.6.6. If during the period of suspension an employee becomes sick, the suspension on full pay will override sick pay entitlements for the period of the suspension. The employee will be required to submit a Fitnote if the period of absence exceeds 7 days and an Occupational Health appointment may be arranged depending on the nature of the illness.

7.0 Outcome of the Investigation

- 7.1. Having investigated the facts, the Investigating Officer will determine whether or not the matter should progress to a Disciplinary Hearing, which will be chaired by a Senior Postholder.
- 7.2. If it is determined that disciplinary action is not appropriate, the Investigating Officer and a member of HR & OD will meet with the complainant as soon as reasonable practical following an investigation and normally with 10 working days to discuss the outcome with the complainant in a meeting. At this meeting, the Investigating Officer will make use of the evidence gathered as a result of the investigation to assist the complainant's understanding of the decision.

8.0 Appeal against Outcome of the Investigation

- 8.1. A complainant dissatisfied with the outcome of an investigation may appeal in writing against the decision of the Investigating Officer. The appeal should be addressed to the Executive Director of Corporate Services and be received no later than five working days after the date of receipt of the formal notification of decision received by the employee.
- 8.2. The Executive Director of Corporate Services will determine the most appropriate person to conduct and chair the Appeal Hearing. This will be someone who has had no involvement with the complaint to date.
- 8.3. The grounds for the appeal should outline the complaint made in accordance with the formal stage of the Policy, state who has investigated the complaint and what the outcome of the investigation is to date. An explanation as to the inadequacies of the investigation outcome will also be required, together with a suggested recommendation from the employee concerned, as to how the complaint can best be resolved.
- 8.4. As soon as is possible, the Chair of the Appeal Panel should convene an Appeal Hearing. This will comprise the management representatives (the Investigating Officer and the supporting member of Human Resources & Organisational Development) and the Complainant's side (the complainant and his/her representative). Witnesses may be called as appropriate. A Secretary to the Appeal Hearing, a neutral member of Human Resources & Organisational Development not involved in the case thus far, will support the Chair of the Appeal Panel throughout the process.
- 8.5. The Secretary to the Appeal Panel will be responsible for and will confirm in writing the time and venue of the Hearing. The Secretary will also invite

written statements of case from each side. The employee will be provided with a copy of the Management Case in advance of the hearing and as soon as is reasonably practicable. This will normally be at least ten working days prior to the Appeal Hearing.

- 8.6. The employee must then provide the Secretary with a response to the Management Case with any relevant documents at least five working days prior to the Appeal Hearing.
- 8.7. The Hearing will follow the suggested format in Appendix Two, although the Chair can apply reasonable discretion to vary the format to suit individual circumstances.
- 8.8. The decision of the Appeal Panel will be notified in person to the employee and his/her Trade Union Representative or work colleague and confirmed in writing within five working days of the Appeal Hearing. This decision will be final and binding.
- 8.9. Where it is not possible to inform the employee in person following the adjournment, the employee will receive notification of the decision in writing as specified above.

9.0 Disciplinary Hearing

- 9.1. If a Disciplinary Hearing relating to the complaint is to be held, the alleged harasser will be advised of the nature of the complaint against them at least ten working days before such a Disciplinary Hearing.
- 9.2. Any Disciplinary Hearing that is held will be in accordance with Section 7.0 of the Disciplinary Procedure.
- 9.3. The Chair of the Disciplinary Panel will write no later than five working days after the Hearing to confirm the outcome of the Hearing. The letter will include:
 - The penalty imposed
 - The nature of the misconduct and where applicable the improvement required
 - The account taken of any mitigating factors presented by the employee
 - The probable likely consequences of failure to meet the required standard in the future
 - The areas of support and opportunity that will be provided to enable the required improvement (if appropriate)

- The appropriate manager assigned to manage and monitor the situation following the Hearing
 - The date and time of the review that will take place
 - The employee's right of appeal against the decision
 - The fact that the warning constitutes a formal stage of the University's Disciplinary Procedure
 - The duration that the penalty will remain on the employee's record
- 9.4. Following the Disciplinary Hearing, the Investigating Officer should meet with the person alleging harassment and explain what action has been taken as a consequence of the complaint received. Whilst action taken will be explained to the employee, this will not include informing the person alleging harassment of the level of disciplinary penalty imposed. The content of this meeting will be confirmed in a letter to the complainant.

10.0 Following a Disciplinary Hearing

- 10.1. Following a Disciplinary Hearing it is important to manage the consequences of the case. The onus is on the appropriate designated manager to manage and monitor the situation, to protect against victimisation or reprisal. Such victimisation will be treated as a serious matter, likely to lead to further disciplinary action.
- 10.2. Once a case of harassment has been heard, managers should make every effort to speak informally with the complainant after a suitable time lapse, to update the employee on management actions taken as a result of the complaint and to ensure that the harassment has in fact ceased and that they are experiencing no further problems in this respect.
- 10.3. Following a formal harassment complaint, either party may be concerned about working with the other again. Due regard of such views should be taken into account. If the case of alleged harassment is not upheld by the Chair of the Disciplinary Hearing, neither party would normally be moved. However, the person alleging harassment may, in certain circumstances, wish to request a transfer to another section, department or location. The University will attempt to facilitate this move, in accordance with the Redeployment Procedure. The University can make no guarantee that such a request can be accommodated. Where the Chair of a Disciplinary Hearing upholds the case of alleged harassment, the transfer of the person alleging harassment would only take place with their agreement. Unless the person alleging harassment requests otherwise, effort should be made to move the perpetrator and not the person alleging harassment. The management of this

process should be undertaken by the appropriate designated manager in consultation with the relevant Personnel Manager. Salary protection will not apply in these circumstances.

11.0 Appeal Following the Disciplinary Hearing

- 11.1. If the perpetrator feels dissatisfied with the outcome of the Disciplinary Hearing they may raise the concerns via an appeals process contained in Section 8 of the [Disciplinary Procedure](#).

12.0 Criminal Offences

- 12.1. In the event of a criminal offence occurring on our premises the University has the legal right to continue with its own internal investigations and where there is sufficient evidence to 'form a reasonable belief' of the alleged perpetrators guilt or otherwise, may take appropriate action in line with the Disciplinary Policy.
- 12.2. The University also expects members of staff to exercise their legal rights so as to protect themselves in cases where a criminal offence may have been committed.
- 12.3. If a criminal offence such as harassing phone calls, physical assault, indecent exposure or rape takes place, nothing in any University policy is intended to prevent or dissuade an employee from contacting the police.
- 12.4. If the police are involved in a case, the University may, at its discretion, postpone its internal investigation until the result of the police enquiry is known.
- 12.5. Any issue relating to a criminal offence will usually be dealt with in accordance with Section 9.0 of the [Disciplinary Procedure](#).

13.0 Operative Date

- 13.1. This policy was approved at the meeting of the Board of Governors' Employment and Finance Committee held on 22 March 2016 and will take effect from that date. It will be reviewed on 22 March 2019.

14.0 Equality and Diversity

- 14.1. Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

Appendix One

Format for the Appeal Hearing

The Chair of the Appeal Panel will introduce all those present.

The Chair of the Panel will ensure that summary notes of the meeting are taken during the hearing in order to assist the Panel in their deliberations during the adjournment.

Appellant's Case

1. The Appellant (and his/her representative) will state their grounds for appeal, calling any appropriate witnesses.
2. The management representatives may question the witness(es) and Appellant as appropriate.
3. The Appeal Panel may question the witness(es) and the Appellant as appropriate.

All witness(es) should attend the Hearing on an individual basis and should withdraw once they have fulfilled their role at the Hearing.

Management Case

4. The management representative will state the management case, calling any appropriate witnesses.
5. The Appellant (and his/her representative) may question the witness(es) and management representative as appropriate.
6. The Appeal Panel may question the witness(es) and the management representative as appropriate.

All witness(es) should attend the Hearing on an individual basis and should withdraw once they have fulfilled their role at the Hearing.

Summary

7. Both parties will summarise their positions without introducing new factors.
8. The Appeal Panel shall deliberate in private.

Announcement of the Panel's Decision

9. The decision of the Appeal Panel will be notified in person to the employee and his/her Trade Union Representative or work colleague. Where it is not possible to inform the employee in person following the adjournment, the employee will receive notification of the decision in writing within five working days.

The format is intended as a guide for the conduct of the Hearing. In particular circumstances the Chair can apply reasonable discretion to vary the format to suit the nature of the case being deliberated.