

POLICIES AND PROCEDURES



Policy Title	HARASSMENT & BULLYING POLICY
Policy No	WLCBMS 040
Responsible	DEAN OF TEACHING
Approval By	EXECUTIVE COMMITTEE
Last Reviewed	AUGUST 2017
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Harassment & Bullying Policy

1. POLICY STATEMENT

1.1 WLCBMS wishes to provide a stimulating and supportive working environment which will enable its staff and students to fulfill their personal potential and creativity. The College accepts that such an environment cannot be created or sustained if staff or students are subject to harassment, intimidation, aggression or coercion.

1.2 WLCBMS is fully committed to the principles of equal opportunities (Ref: 4.2) in the workplace and regards personal harassment as a discriminatory and unacceptable form of behaviour.

1.3 Accordingly, the College will treat any incident of harassment as a serious matter which may lead to disciplinary action, up to and including dismissal, being taken against the perpetrator.

1.4 All members of the College's staff are responsible for ensuring that personal harassment of another member of staff or a student does not occur.

1.5 Appropriate members of staff will receive training in dealing with personal harassment to form a College Harassment Support Group and will be available to offer, in confidence, advice, information and support as required.

1.6 Harassment of College staff or students outside College premises or outside working hours may nevertheless fall within the remit of this policy and its procedures.

1.7 In addition to any penalty imposed by the College, those responsible for harassing others may be subject to criminal and/or civil proceedings. Nothing in this policy and its procedures will prevent members of staff from exercising their legal rights

2. DEFINITION

2.1 Harassment may take many forms but essentially consists of behaviour which is unacceptable to and diminishes the dignity of the recipient(s) and which creates an intimidating, hostile or offensive workplace environment for that individual.

2.2 Harassment may involve single, sporadic or continuing acts of intimidation, coercion, bullying, verbal or physical abuse, or the creation and/or maintenance of an offensive working environment for others. Harassment relating to another's sex, sexual orientation, religion, race or disability is all included within this definition.

Appendix 1 provides further details on types of personal harassment.

3. GRIEVANCES AND DISCIPLINE

3.1 A formal complaint should follow the normal grievance and/or disciplinary procedures, except that any panel, committee or other body set up to investigate the case must include member(s) who have recognised experience in equal opportunities issues.

3.2 Serious cases of harassment will be treated as gross misconduct and may lead to dismissal if proved. Less serious cases may be dealt with under the normal disciplinary provisions.

3.3 In proven cases, it may not be considered appropriate for the harasser and complainant to continue working in the same area or department. Wherever possible, the College will redeploy the harasser rather than the complainant.

3.4 Unless a complaint of harassment can be shown to be based on knowingly false information or was made with malicious intent, the complainant will suffer no loss or detriment as a result.

4. NOTES

4.1 Being under the influence of alcohol or otherwise intoxicated will not be admitted as a mitigating factor or an excuse for harassment and may be regarded as an aggravating feature.

4.2 Abuse of a position of authority will be considered to be an aggravating feature of harassment.

4.3 The College recognises the possibility that complaints may be brought with mischievous or malicious intent and this may provide grounds for disciplinary action against individuals so doing.

4.4 All those involved in a complaints procedure, including the complainant(s), should observe the strictest confidentiality, bearing in mind that accusations of harassment may constitute grounds for legal action.

5. Related Documents

5.1 Student Complaints Policy and Procedure (WLCBMS 018)

5.2 Equal Opportunities Policy (WLCBMS 006)

5.3 Code of Conduct & Disciplinary Policy and Procedure (WLCBMS 042)

5.4 Academic Appeals Policy and Procedure (WLCBMS 001)

6. APPENDICIES

APPENDIX 1

TYPES OF PERSONAL HARASSMENT

1. Sexual harassment.

Sexual harassment is a form of sex discrimination and involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Some examples of sexual harassment are:

- indecent assault
 - deliberate physical contact to which the individual has not consented or had the opportunity to object to
 - offensive or derogatory language alluding to a person's private life or sexual behaviour or orientation by innuendo, jokes or remarks
 - provocative suggestions
 - pressing an individual to accept unwelcome invitations
 - the display of suggestive or pornographic material
 - unwelcome repeated telephone calls, letters or emails
- These examples should not be seen as exhaustive: any unwelcome behaviour of a sexual nature which creates an intimidating, hostile or offensive environment for the recipient may be regarded as sexual harassment.

2. Racial harassment.

Racial harassment is any behaviour, deliberate or otherwise, relating to race, colour, ethnic or national origin directed at an individual or group, which is found to be offensive or objectionable to the recipient and which creates an intimidating, hostile or offensive environment. Some examples include:

- physical attack
- verbal abuse, threats, derogatory name-calling, racist insults and jokes
- ridicule of an individual on racial or cultural grounds
- exclusion from normal workplace interactions or social events

- unfair allocation of work and/or responsibilities
- racist graffiti/insignia or display of racist material
- inciting others to commit any of the above

3. Bullying

Bullying in the workplace damages individuals' health and lives and also undermines productivity and effective work relationships. Bullying can occur when a superior uses the opportunity of position to intimidate a subordinate, in peer relationships or, in rare cases, may affect someone in a superior position. Bullying can be broadly defined as behaviour which consistently undermines another's confidence, reducing feelings of self-esteem and self-worth. Such behaviour may be deliberate, as in a planned campaign, or may arise out of the bully's own immaturity, lack of interpersonal skills and poor self-confidence. It is generally psychological, rarely though sometimes physical, and may also be exacerbated by the bully's own susceptibility and reaction to stress. Workplace bullying consists of the abuse of power and the regular use of inappropriate behaviours at the expense of another individual. Some examples of these behaviours include:

- physical or verbal abuse, including threats
- psychological intimidation, humiliation, excessive and/or unreasonable criticism
- unjustifiable removal of areas of responsibility
- ostracism ("sent to Coventry")/exclusion
- malicious lies
- setting unreasonable and unrealistic goals/targets
- "academic bullying": *i.e.* asserting a position of intellectual superiority in an aggressive, abusive or offensive manner; threats of academic failure; public sarcasm and humiliation

Note:

Legitimate, constructive and fair criticism of a staff member's performance or behaviour at work will not be considered to be bullying or harassment. The College will not condone bullying under the guise of "strong management" but, conversely, regards an assertive management style as acceptable provided that staff are treated with respect and dignity.

4. Other forms of harassment

The following are further examples of specific types of harassment but, once again, should not be considered an exhaustive list:

- homophobic harassment, *i.e.* harassment directed at homosexual persons or groups on the grounds of their sexual orientation (applying equally to homosexual men or women)
- harassment in respect of a recipient's disability or impairment
- repeated gibes in respect of personal traits or appearance, practical jokes or invasions of privacy, any or all of which may cause physical or psychological distress
- harassment likely to incite involvement in acts of terrorism

APPENDIX 2

Guidelines for staff

- 1.** If you experience harassment at work you will be given the full support of the College in putting a stop to that harassment.
- 2.** You have a number of options to enable you to deal with harassment, ranging from simply indicating that the behaviour is unacceptable to you to making a formal complaint through the Grievance Procedure (Ref: 5.3).
- 3.** If you believe you are being harassed, keep a written log of all relevant incidents and of the behaviour which troubles you. Make a note of the place, the dates and times, the names of any witnesses and what was said and done. This information will be useful if you decide to make a complaint.
- 4.** Act quickly. Don't delay until your working conditions become intolerable or your personal well-being is seriously affected. In some cases, it may be that the person against whom you have a complaint may be unaware that their behaviour is inappropriate or offensive, or it may be that their words or actions have been misinterpreted. In cases like this, a misunderstanding can be cleared up promptly.
- 5.** If you feel you can, speak up at the time and tell the person to stop. Be direct. Wherever possible, say explicitly that you feel you are being harassed and that their behaviour is objectionable to you. Even if the other person intended to act in an unacceptable way, a swift and clear statement of your objections may be enough to put

a stop to the problem. If you don't feel you can do this alone, ask a colleague, friend or student or trade union representative to go with you.

6. Alternatively, you could write a letter to the harasser, clearly identifying the behaviour you found to be offensive and, if the behaviour is continuing, requesting that it should stop immediately. If you do write, keep a dated copy of the letter for possible future reference. This will be useful in the event of a formal complaint.

7. If you don't want to confront the person face to face but still want the matter to be dealt with informally, you have the following options:

- ask a student or trade union representative or colleague to go with you to speak to the person on your behalf or to go in your place
- get advice from a member of the College's Harassment Support Group (see list of contacts). An adviser can explain the alternative types of action available to you, can assist you in writing a suitable letter to the harasser if you wish or can approach the harasser directly but informally on your behalf
- arrange to consult the Staff Welfare Officer (who is also a member of the College's Harassment Support Group and acts as its co-ordinator)
- take the issue up informally with your immediate supervisor/manager or with a more senior member of staff if you wish. This last may clearly be more appropriate if you feel your supervisor/manager is the source of the harassment
- consult the Head of Department

8. If the harassment continues and you haven't already done so, contact one of the Support Group advisers. They will deal with you in confidence and advise you on how to proceed. They will explain how you can make a formal complaint if you decide you want to.

9. If informal methods haven't succeeded in stopping the harassment, you may decide to make a formal complaint by raising a grievance. This should follow the Grievance Procedure (available from the Staffing Services Office) and should include full details of your complaint of harassment, including descriptions of the incident(s), dates, times and the names of any witnesses.

10. You are under no obligation to pursue the matter informally first and you may raise a Grievance at any stage.

11. At any point in the grievance process you can seek advice or support from the

Staff Welfare Officer, a Support Group advisor (Ref: Appendix 4) or a trade union representative. Any of these, or a friend who is a member of staff, may accompany you to relevant meetings, if appropriate.

12. All reasonable steps will be taken to ensure that all enquiries and complaints are dealt with in confidence. Accusations of harassment are potentially defamatory and could provide grounds for possible legal action; it is therefore essential that complainants as well as recipients of complaints observe strict confidentiality.

Note 1:

If you are physically attacked you should seek help immediately. If you have been sexually assaulted or raped it is particularly important that you should seek advice and medical assistance immediately. Any one of the suggested contacts named in these guidelines will willingly offer you support and will help you decide what you want to do. If you do consult any of these contacts, no-one else will be involved without your permission: you will be advised what to do but the choice will remain your own. In cases of this nature you will almost certainly be the victim of a crime and you are encouraged to consider reporting the incident to the police as soon as possible. For your own protection and that of others it is important that an offender is caught.

Note 2:

If you are concerned that your behaviour, manner or attitudes might be regarded as harassing to others, you should consult the Staff Welfare Officer for discussion and advice.

APPENDIX 3

Guidelines for managers and supervisors

1. A manager, supervisor, head of department or other senior member of staff who is approached informally by a complainant

- should respond sensitively and reasonably to the complainant.
- should respect and accept a complainant's decision to have the matter dealt with on a wholly confidential basis (though it should be explained that an anonymous complaint can only be pursued in more general terms and may be less likely to effect the desired change in behaviour).
- should arrange, if appropriate and agreed by the complainant, a meeting between the parties involved. At this meeting the person against whom the complaint has been made will be given details of the nature of the complaint and

the opportunity to respond. If all parties accept that a problem exists, steps to remedy the situation and prevent it from recurring will be agreed and notified to both parties.

- should advise the complainant (if appropriate) that the complaint is so serious that the matter should be dealt with formally, by way of the Grievance Procedure (Ref: 5.3). If the complainant is not able or willing to accept this advice, the matter will continue to be dealt with informally as far as is reasonably practical.
- should provide advice and information on how to make a formal complaint if necessary.
- should ensure that a person who brings a reasonable complaint suffers no detriment by doing so.
- should maintain appropriate written records.

APPENDIX 4

College Harassment Support Group

Nominees appointed by the Principal may include: Student Disability Advisor, Student Welfare Officer, a senior management representative (with no connection to any allegation)