Dignity and Respect Procedure

Purpose
This document outlines the University’s approach to dignity and respect at work and sets out a procedure for addressing issues of bullying or harassment.

Scope
This applies to all students, staff and to visitors of the University.

Introduction
The University is unequivocally committed to the goal of fostering mutual respect and understanding between individuals and within its constituent communities and to promoting equality of opportunity among employees and students alike.

The University aims to promote a working and learning environment and culture in which differences are tolerated, harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimisation. This procedure aims to ensure that if harassment or bullying does occur employees, students or visitors have support and adequate procedures to deal with the problem.

The University undertakes to:

- Treat incidents of harassment or bullying as serious.
- Publicise the procedure as widely as possibly in order to ensure that all employees and students are aware of its existence.
- Include information in employee induction and appropriate staff development sessions.
- Monitor the number of cases arising and the effectiveness of the procedure.

Harassment and bullying can have a detrimental effect upon health, confidence, morale and performance of those affected by it, and on the working and learning environment. The
University undertakes to ensure a prompt response to all complaints and to treat them with due respect, appropriate confidentiality and fairness.

Informal resolution can often be the quickest and most effective way to deal with bullying /harassment. The University wishes to encourage a degree of flexibility appropriate to the individual circumstances to allow for informal resolution. However, where a formal complaint is made, every effort will be made to ensure it is dealt with expeditiously and within prescribed timescales.

**Definition of Bullying and Harassment**

The Equality Act 2010 defines harassment as

- “unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant’s dignity”;
- Unwanted conduct of a sexual nature (sexual harassment);
- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.”

Harassment may be related to age, disability, gender reassignment status, marital or civil partnership status, pregnancy or maternity status, race (including ethnic origin, nationality and colour), religion or belief, sexual orientation, gender, political belief, trade union membership, or any personal characteristic of the individual. It may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient and that it is reasonable for the recipient to feel this way, or perceive the actions in this way.

For further information on bullying and harassment please refer to Appendix 1.

**Dealing with Bullying and Harassment Informally**

Informal resolution can often be the quickest and most effective way to deal with bullying /harassment. The University wishes to encourage a degree of flexibility appropriate to the
individual circumstances to allow for informal resolution. Employees and students are encouraged to try and resolve issues informally before making a formal complaint.

If you think you are being subjected to harassment or bullying in any form, do not feel that it is your fault or that you have to tolerate it.

If possible make clear to the harasser that his/her behaviour is unacceptable and must stop. You could do this verbally, or you may find it easier to do it in writing, in which case you are advised make it clear that you do not wish to make a formal complaint at this stage and to keep a copy.

It may be helpful for you to keep a record of events which distress you and the effect they have had on you. Make a note of any witnesses to an incident and ask them if they would be prepared to give evidence on your behalf should the complaint proceed to the formal stage.

The Just Ask team will be able to offer support and suggest strategies for dealing with your situation. For further information about this service refer to Appendix 1 or visit http://www.ncl.ac.uk/justask/

If you feel unable to confront the person concerned, you should seek advice from your line manager (or their line manager if they are the harasser). Where appropriate and with your agreement, they will attempt to resolve the matter informally. A guidance document for managers is available from at http://www.ncl.ac.uk/diversity/guidance/bullying.php

**Mediation**

Mediation is a voluntary dispute resolution process where an impartial third party helps two individual employees who are in conflict to agree a solution that is acceptable to both of them. All employees should consider mediation before pursuing a formal complaint.

Access to the mediation service is via a HR Manager. Further information about mediation can be found in the Mediation Policy.
Dignity and Respect – Formal Complaints Procedure for Employees

A formal complaint should be made where a matter remains unresolved through the informal approach, if the problem continues after an agreed resolution, or if the matter is of a more serious nature that would not be appropriate to be dealt with by informal means.

Students must follow the Student Complaints Procedure which is available from the Student Progress Service.

A formal complaint must be made within twelve months from the date of the first instance or attempted informal resolution in order to make the investigation feasible.

Procedure

1. Employees must submit a Dignity & Respect complaint Form to the Executive Director of Human Resources. Your complaint must include:
   • Clear, specific allegations against the named person/s;
   • Where possible, dates, times and witnesses to any incidents with direct quotes;
   • Factual description of events
   • An indication of how each incident made you feel;
   • Any documentary evidence and
   • Details of any action that you or others have already taken (or if you have not taken any action to resolve the issue, why not).

2. The Executive Director of Human Resources (or Assistant HR Director in her absence) will acknowledge receipt of your complaint within 5 working days, and nominate an appropriate investigating officer.

3. At this stage the alleged harasser will be sent a copy of your completed complaint Form and any other materials that you submit with the form. The line manager of the alleged harasser will also be advised that they have had a complaint made against them. If your complaint is against a student, the Executive Director of Human Resources and the Head of the Student Progress Service will jointly nominate an appropriate investigating officer.
4. The Investigating Officer will investigate the matter to establish the facts by talking to the claimant, the respondent and relevant witnesses. He/she is required to consider if the claimant has experienced those feelings and perceptions outlined in their complaint and if it was reasonable for them to do so.

5. Notes will kept of any investigation, meetings or discussions and appropriate confidentiality will be observed for the claimant, alleged harasser and witnesses. Witness statements will be drafted for the witnesses to sign. Unsigned statements may be omitted or given less weight. During the formal procedure, evidence or statements provided by the complainant, alleged harasser or witnesses may form part of the investigation. The information may also be used in any subsequent disciplinary hearing or employment tribunal and could therefore become public.

6. The Investigating Officer will prepare a report for the Executive Director of Human Resources, which will include recommendations on whether the complaint should be upheld and on suitable courses of action. The Executive Director of Human Resources will consider the evidence and recommendations and decide upon an outcome. The Executive Director of Human Resources is responsible for this procedure and other employment related matters at the University and as such has the responsibility and authority to make such a decision.

7. Both claimant and alleged harasser will be informed of the outcome of the investigation in writing by the Executive Director of Human Resources within 8 weeks of submitting the complaint Form. Whilst every effort will be made to adhere to this timescale, there may be circumstances which will mean that the process may take longer. Where this is the case the parties will be informed in writing.

**Possible Outcomes**

Recommended outcomes of the investigation will depend upon the individual circumstances and tailored to be appropriate to the facts of the case. Outcomes may include the following possibilities:

- Training or development for the alleged harasser;
• Disciplinary procedure being invoked;
• Moving the alleged harasser or claimant to a different location, if appropriate;
• Informal interventions, for example conciliation or mediation;
• No further action.

This list is not exhaustive.

**Appeals**

The claimant or the person against whom the allegations have been made has the right of appeal against the decision taken by the Executive Director of Human Resources if the complainant considers:

• The process of the investigation to be procedurally flawed or
• The conclusion and/or recommendations to be unreasonable because they are not supported by the findings of the report or
• There is new evidence.

The purpose of the appeal is, therefore, to consider whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all of the circumstances. The purpose is not to reinvestigate the complaint.

Employee appeals are to be made in writing to the Chair of the Diversity Committee within 10 working days of written notification of the outcome of the formal investigation. An appeal hearing will be held within 15 working days from the receipt of the written appeal. The appeal will be heard by the Chair of the Diversity Committee or their nominee, so long as that person has not previously been involved in the case. Whilst every effort will be made to adhere to this timescale, there may be circumstances which will mean that the process may take longer. Where this is the case you will be informed in writing.

There will be no further opportunities to appeal within the University.

**Where a complaint is made against you**

If a complaint is made against you informally or formally, you should consider the following:

• Even though your behaviour seems inoffensive to you, others may consider your behaviour to be offensive.
• Consider differences in attitude, culture and the appropriateness of your behaviour.
• Reflect carefully about the complaint and consider if it can be justified and if it would be advisable to change your behaviour.
• If your colleagues have justification/reasonable grounds, they can ask you to stop behaving in a way that they find insulting or offensive.
• The complainant's reasonable reaction will be considered. If they have reacted in an unreasonable manner, their complaint is unlikely to be upheld.
• Being accused of harassment or bullying does not automatically indicate guilt.
• The Just Ask support network is available to any member of staff who has been accused of bullying or harassment.
• The University’s Dignity & Respect procedure allows individuals to explore informal resolution to issues. Be prepared to try and resolve issues so that both parties can move forward and put them in the past.
• Consider if Staff Development can offer you any courses that could help with your personal development and your interpersonal skills
• If your intentions have been misunderstood, consider whether it was reasonable for that misunderstanding to have occurred.

False Complaints
This procedure aims to promote fairness and consistency in dealing with reasonable complaints from employees or students. However, the University will not accept complaints which the Investigating Officers believe to be false or malicious and, indeed, may decide to take disciplinary action in some circumstances when it can be demonstrated that a complaint is made on a deliberately false or malicious basis.

Victimisation
Victimisation and retaliation as a result of action being taken under this Procedure are unacceptable and may lead to disciplinary action. Victimisation may also be unlawful.
What records will be held?
Where a formal complaint is made and the complaint is substantiated, records will be kept on a central file and the relevant personnel file. Records of any disciplinary action taken will be retained in a similar way.

Responsibilities

All Employees and Students
Everyone has a responsibility to comply with this Procedure and all staff and students should ensure that their behaviour towards colleagues does not cause offence and could not reasonably be considered harassment or bullying. Differences in culture, attitudes and experience, or the misinterpretation of social signals, can mean that what is perceived by the person experiencing the behaviour as harassment and/or bullying, may be perceived by others as normal. It is important to be sensitive to the feelings and reactions of others. Consider the appropriateness of your behaviour and the affect it has on others and be prepared to adjust it if necessary.

Line Managers and Supervisors
Those responsible for the management of employees or the supervision of students should:

- Set a good example by treating employees and students with dignity and respect.
- Understand the Procedure and make every effort to ensure that harassment and bullying do not occur, particularly in work or study areas for which they are responsible.
- Respond sensitively and supportively to any employee or student who makes an allegation of harassment or bullying; provide clear advice on the procedure to be adopted; maintain confidentiality in accordance with this Procedure; monitor the work and study environment to ensure that there are no problems of harassment or bullying, or of victimisation after a complaint has been made.
- Be alert to unacceptable behaviour and take appropriate action; do not wait until complaints are brought to your attention if you are aware of behaviour of other managers, employees or students which might cause offence. If the incident is not serious then calling the individual aside and providing some advice may be sufficient to stop the behaviour.
Ensure that employees and students know how to raise problems, are aware of the Procedure and sources of help and support.

If you are made aware of something that could seriously affect the wellbeing of an individual or group, you should contact your HR Manager/Adviser.

Confidentiality
It is important that any claims of bullying and harassment are treated seriously and confidentially. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

Appropriate confidentiality will be observed for both complainant and alleged harasser. Confidentiality in this context relates to the details of the case and investigation. Only those who are required to know details of the case will have access to information including the complainant and the alleged harasser.

There may however be circumstances where it is necessary to share information with another party. For example, where a line manager learns about something that could seriously affect the wellbeing of an individual or group; they have a duty of care to advise their HR Manager even though it may be against the wishes of the employee. Except in these exceptional circumstances confidentiality will be maintained where at all possible.

Status of the Procedure
The employment relationship between the University and each of its employees is set out in the contract of employment, this procedure does not form part of the contract of employment but it shall apply both to the University and to all of its employees.

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<tr>
<td>Approval</td>
<td>Approved by Staff Committee 24/06/2013</td>
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<tr>
<td>Procedure/Procedure Owner</td>
<td>Jan Halliburton/Tracey Charlton/Zoe Charlton</td>
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