

GRIEVANCE POLICY AND PROCEDURE

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1 Introduction

- 1.1 This document applies to all staff except those covered by College Charter and Statutes 2007 covering academic staff. The Appendix to the Statutes - Discipline, Grievance and Dismissal Procedures for Academic Staff is available for reference on the College website at: <http://www.imperial.ac.uk/admin-services/secretariat/college-governance/charters/ordinances/staff> (see Ordinance D9).
- 1.2 The purpose of the *Grievance Procedure* is to support the College's commitment to promoting and ensuring a working environment where individuals are treated with respect and courtesy. The procedure is designed to resolve problems, for example concerns relating to harassment, bullying and victimisation or where a member of staff feels that they have been unfairly or unreasonably treated and to provide members of staff with a reasonable and prompt opportunity to obtain redress of any grievance. It is hoped that grievances can be resolved amicably thereby maintaining, and where necessary, restoring good relations within the College. All parties should co-operate constructively in resolving matters. To this end, members of staff are encouraged to only use the formal procedure where the matter has not been resolved through informal dialogue.
- 1.3 Grievances may be raised by an individual or collectively by a group of staff. Members of staff raising a grievance (either individually or collectively) should be offered the opportunity to be accompanied and supported by a work colleague or trade union representative at all formal grievance meetings. Under exceptional circumstances the manager and Human Resources representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative.
- 1.4 The College has specific policies for dealing with: ***Instances of Public Interest Disclosure*** (commonly known as whistle-blowing); ***Allegations of Research Misconduct***; appeal mechanisms for ***Job Level Reviews, Redundancy and Change, Flexible Working*** and ***Formal Disciplinary and Poor Performance Action***. Where a manager has concerns about the conduct or performance of a member of their staff then this would normally be dealt with through the Disciplinary and Poor Performance Policy and Procedure. These policies are all available on the College website and from Campus Human Resources Offices. Where a grievance relates to a matter covered by a specific College policy or procedure, it is appropriate for the complaint to be raised under that policy, rather than the general Grievance Procedure. Human Resources can provide guidance on the appropriate process. The College will ensure that all issues are dealt with in accordance with the statutory requirements set out in the ACAS Code of Practice April 2009 and the Equality Act 2010.
- 1.5 Each step and action under this procedure will be taken without unreasonable delay. If either of the parties perceive that the procedure has not been followed correctly or is unnecessarily delayed, this should be raised in writing with the Director of HR, who will arrange for the case to be reviewed.
- 1.6 As an employer, the College has a duty to protect individuals from harassment that may take the form of grievances submitted vexatiously, maliciously, without substance or generally in bad faith. Grievances of this nature will be subject to review

under the College's Disciplinary Procedure. Staff who have genuine grievances are assured that the College is committed to enabling concerns or grievances to be raised without fear of victimisation or reprisal.

- 1.7 The College trade unions have been consulted on this document and it follows the principles established by ACAS and the Equality Act 2010.
- 1.8 Notes and records of matters dealt with under the grievance procedure will be held in accordance with the Data Protection Act 1998. Paperwork will be handled on a confidential basis and stored securely.

2 Equality and Diversity

- 2.1 The College treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise and understand this procedure.

3 Definitions

- 3.1 Grievance procedures enable individuals to raise issues with management about their work, or about their employers', clients' or their colleagues' actions that affect them. It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance, but some of the more common include: *harassment, bullying and victimisation, terms and conditions of employment; health and safety; relationships at work; new working practices and equal opportunities.
- 3.2 A dispute exists when there is believed to have been a breakdown in negotiations between managers and the recognised trade union(s) which, if unresolved, would have serious repercussions on staff, students and/or the running of the College.
- 3.3 Mediation is a confidential and informal process that can be used to resolve grievances. The College's Mediation Procedure is available from the College website <http://www.imperial.ac.uk/human-resources/procedures/people-management/mediation/>.

*please refer to Appendix A for the legal definitions of Harassment, Bullying and Victimisation

4 Responsibilities

- 4.1 Faculty Deans, Heads of Departments/Divisions, and all other managers have a duty to implement this policy and procedure, and to make every effort to ensure that grievances are minimised, and that harassment, bullying or victimisation does not occur, particularly in the areas of work for which they are responsible. Any concerns raised must be investigated promptly and effectively. It is not acceptable for any manager to ignore unacceptable behaviour.

- 4.2 The College also has a responsibility to ensure that its members of staff are not subjected to unacceptable behaviour by contractors or service providers that could lead to a grievance. Any complaints about such behaviour or conduct should be made to the manager responsible for engaging the contractor. The manager will be responsible for taking it forward in conjunction with the section of College which has retained the contractor or service provider.
- 4.3 Managers and supervisors should take steps to promote awareness of the procedure for dealing with complaints. They should be responsive and supportive to any member of staff who raises a grievance either informally or formally. Managers should seek advice from HR on how to manage any such grievance so that they can provide clear advice on how to use the procedure. They should maintain confidentiality and seek to ensure that there is no further problem after a grievance has been resolved.
- 4.4 As part of the College's commitment to ensure colleagues, clients, students, visitors, etc are treated with dignity and respect within the College, all members of staff should discourage harassment, bullying or victimisation by making it clear that they find such behaviour unacceptable, and by supporting colleagues who suffer such treatment and who are considering making a formal complaint. Staff should alert a manager or supervisor to any incident of harassment, bullying or victimisation to enable the College to deal with the matter.
- 4.5 The Human Resources Division will provide guidance, training and support to line managers as requested.

5 Support Contacts

It is advisable to talk to someone before taking any action either informally or formally. Support and advice is available from the following sources:

5.1 Human Resources

- 5.1(i) Members of staff can seek support and advice from Human Resources at any stage of this procedure, please click [this link](#) to access a list of HR staff.
- 5.1(ii) Members of staff who have been accused of harassment, bullying or victimisation will be given the opportunity to contact an HR representative not involved in the case for procedural guidance. Please see appendix B.

5.2 Trade Unions Representation and Support

- 5.2(i) During the informal stages of a grievance, trade union representatives are available to provide support, and at the formal stages of this procedure the members of staff are entitled to be accompanied and assisted by a trade union representative or a work colleague. For more information on the role/ support provided by representatives please click [this link](#)

5.3 Counselling

- 5.3(i) Confidential counselling is available to all Imperial College staff through the College's Employee Assistance Provider, [Confidential Care \(CiC\)](#).

5.4 Harassment Support Contacts

- 5.4(i) The establishment of Harassment Support Contacts (HSCs) is an integral part of this policy; additional information is attached in Appendix B. HSCs will be matched with, or selected by, individual members of staff who are concerned that they are the subject of harassment, bullying or victimisation at work. The role of an HSC is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support. Click here for [Harassment Support Contacts](#)
- 5.4(ii) The College will ensure, where possible, that members of staff can raise issues, should they wish, with someone of their own gender, age range, sexuality, religion, race, or with someone who is aware of disability issues.
- 5.4(iii) HSCs are expected to attend initial and refresher training. HSCs will also be involved in monitoring the effectiveness of the policy and will work with Human Resources on monitoring and evaluation systems, ensuring confidentiality and privacy are not breached.

6 Raising grievance issues informally

6.1 General Grievances:

- 6.1(i) The College is committed to the resolution of individual grievances fairly and promptly whenever possible. Staff who have a grievance are encouraged to discuss the problem informally with their immediate line manager to seek a resolution.
- 6.1(ii) Supervisors and managers of staff are required to give any grievance that has been raised informally proper and full consideration. College managers will be encouraged and supported to facilitate mutually acceptable solutions to genuine concerns raised by members of staff.
- 6.1(iii) If a member of staff does not feel able to discuss the problem with their first line manager, the member of staff can raise the grievance informally in writing to their HR Manager, who will liaise with the appropriate senior manager. The Senior Manager will then be responsible for identifying a suitable investigator, usually from within the Department/Division.

6.2 Grievances related to allegations of harassment, bullying and victimisation

- 6.2(i) The College recognises that for grievances of this type it is important that the member of staff decides how they wish to proceed, and that they may choose to start at either the informal or formal stage of this procedure. It is strongly recommended that members of staff seek advice prior to deciding how to proceed.
- 6.2(ii) Members of staff choosing to raise an informal grievance related to an allegation of harassment, bullying or victimisation can seek assistance, help and guidance in the initial stages from a designated Harassment Support Contact.
- 6.2(iii) Individual action is appropriate where the member of staff wants to make it clear that someone's behaviour is unacceptable and he or she wants it to stop, and feels able to approach the alleged harasser directly. If possible, the member of staff who believes she/he is being subjected to personal harassment of any form should seek, at the earliest opportunity, to raise it with the individual responsible.
- 6.2 (iv) The member of staff could speak or write to the person causing the offence and

explain that his or her conduct is unwelcome, offensive and interfering with work. In many instances this is sufficient to bring the unwelcome behaviour to an end.

6.3 General guidance on dealing with grievances informally applicable to both types of grievances

- 6.3(i) A member of staff will not suffer any detriment, for example in relation to pay, promotion or access to opportunities, by making a complaint when it is made in good faith.
- 6.3(ii) It should be noted that if a member of staff wishes to remain anonymous, it may not be possible to take any action against the person causing offence. It may, however, be possible to address a complaint through indirect methods, such as publicising and drawing attention to this policy, and through training initiatives.
- 6.3(iii) Whilst attempting to resolve a grievance informally, a record of any discussions and copies of any correspondence should be kept by the member of staff, in the event that follow-up action becomes necessary.
- 6.3(iv) Mediation should be considered when identifying options to resolve a grievance via the informal route.
- 6.3(v) If the alleged respondent/believes that an informal accusation has no substance and was made vexatiously or maliciously, they may wish to lodge a formal complaint against the complainant. Such complaints will be dealt with in line with the relevant procedure.

7 Raising grievance issues formally. Standard Procedure - Stage One – Line Manager Review

- 7.1 The Standard Procedure set out in this section and section 8 below will apply in most cases, that is where the member of staff is still within the employment of the College. If the member of staff's employment has ended and they wish to raise a grievance which they had not already raised under the Standard Procedure prior to leaving the College, they are required to use the Special Procedure set out at section 9 below. However, neither procedure should be used in addition to, or in place of, any appeal lodged as part of another College policy or procedure.
- 7.2 If the member of staff has not been able to resolve a grievance via the informal route, then they may request a formal review of the grievance by a senior manager. The request should be made in writing to their HR Manager, who will liaise with the Head of Department/Division to identify a suitable senior manager to consider the case. The request should state the details of the grievance, with reference to dates, times and places, names of any witness(es) to the incident(s) (where applicable) and the action taken by the member of staff to resolve the matter so far. The request should also include details of the outcome or remedy sought. Copies of any relevant papers in support of the grievance should be included with the letter.
- 7.3 Where the complaint relates to an allegation of harassment, bullying and victimisation; or relationship conflict between members of staff, the investigations must be handled sensitively, respecting the rights of all parties. The issue of avoiding contact between the members of staff must be considered before action is taken to inform the alleged harasser/ member of staff who is the subject of the complaint. The senior manager may consider making a recommendation for time off for either, or both, parties while the matter is under investigation. The senior manager will take appropriate action concerning contact, including the possibility of transfer of either/both parties if appropriate. The issue of relocation must be handled

with due regard to both of the individuals' views and feelings. Where this is not possible or considered appropriate, both parties will be expected to behave professionally while the investigation is ongoing. They should be advised that there should be no communication between them, directly or indirectly, in relation to the complaint. Any transfer or time off will be without prejudice to the eventual outcome of the investigation, and will be without salary detriment to the individual(s).

- 7.4 The senior manager considering the grievance will notify the individual, against whom the grievance is being taken, that a grievance has been submitted by the member of staff and will provide the individual with a copy of the grievance and copies of any additional documentation submitted in support of the grievance. The individual will be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the senior manager within 5 working days. The senior manager will then forward a copy of the response, together with any additional documentation, to the complainant. A copy will also be provided to any colleague or trade union representative assisting the complainant.
- 7.5 The senior manager considering the grievance will then arrange to meet with the member of staff who raised the grievance. This meeting will usually take place within 10 working days of receipt of the grievance. A Human Resources' representative will be present to assist in the resolution of the grievance and dependant on the complexity of the case a note-taker may also be in attendance. The member of staff must take all reasonable steps to attend the meeting, and they may be supported and accompanied at the grievance meeting by a trade union representative or colleague. Under exceptional circumstances the manager and Human Resources representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative. The member of staff should provide the name of any representative that will be assisting with their complaint, if they have not already done so.
- 7.6 If the member of staff's representative is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement.
- 7.7 If the member of staff does not attend either the original or re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.
- 7.8 The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions. It may be necessary to undertake further investigation of the member of staff's grievance, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.
- 7.9 In certain circumstances, it may also be necessary for the senior manager to carry out further investigations into the grievance, by meeting with the member of staff who is the subject of the complaint and/or any witnesses relevant to any of the matters complained of. If this is necessary, the senior manager will again forward any witness statements and/or relevant papers to the complainant. Copies will also be provided to any colleague or trade union representative assisting the complainant, and to the member of staff against whom the complaint has been raised.
- 7.10 The senior manager will then arrange to meet with the individual whom the complaint has been raised against, usually within 10 working days of meeting with the complainant. A member of Human Resources will also be present to assist in the

resolution of the complaint and dependant on the complexity of the case a note-taker. The member of staff must take all reasonable steps to attend the meeting and they may be supported and accompanied to the complaint meeting by a trade union representative or work colleague. Under exceptional circumstances the manager and Human Resources representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative. The member of staff should provide the name of any representative who will be assisting them, if they have not already done so.

- 7.11 If the member of staff who is the subject of the complaint, or their representative, is unable to attend on a proposed date, then they may suggest an alternative date, provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement between both parties.
- 7.12 The purpose of the meeting will be for the member of staff to state their response to the complaint. It may be necessary to undertake further investigations of their response, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time agreed with both parties.
- 7.13 If the member of staff against whom the grievance has been raised makes allegations that are relevant to the original complaint or complainant, they should be investigated simultaneously and before any disciplinary action is decided.
- 7.14 Following these meetings, the timetable for any further investigations will be discussed and agreed with both the member of staff who raised the grievance, and the individual against whom the grievance has been raised. Every attempt will be made to address the issue promptly.
- 7.15 Following the meetings, and completion of any further investigation, the complainant will be informed in writing of the decision under Stage One of the *Grievance Procedure*. This will normally be issued to the member of staff within 10 working days of the close of the grievance meeting. The letter/ report will generally summarise:
- the nature of the grievance;
 - the investigation that was conducted;
 - the decision;
 - the reason for the decision; and
 - any outcome for work and working practices as a result of the decision

A copy of meeting records and any formal minutes taken will also be enclosed.

- 7.16. A copy of the paperwork will also be provided to the individual, against whom the grievance was raised, representatives of both members of staff, and the relevant line manager(s). Any dissenting comments in connection with the decision will be recorded. If a prima facie case (sufficient evidence to prove there is a case to answer) is proven, a disciplinary hearing may be convened.
- 7.17 In certain circumstances it will also be appropriate for the senior manager to meet with the member of staff and the line manager, in order to explore any specific issues and/or to advise them orally of the decision.
- 7.18 There may be situations where, with mutual agreement, it would be helpful to seek external advice and assistance during the grievance procedure, or after it has concluded. For example, where relationships are strained, a mediator might be able to assist in resolving the problem. A mediator may be used to assist in the rebuilding of work relationships or to provide expert advice on a particular area of work. The

mediator may be an external consultant or an agreed internal member of staff not directly connected with the grievance. The senior manager considering the grievance may recommend the use of a mediator with the agreement of both members of staff.

8.0 Raising grievance issues formally. Standard Procedure - Stage Two – Appeal.

- 8.1 If the complainant is not satisfied with the outcome of the grievance meeting held under Stage One above, they may appeal.
- 8.2 The member of staff should write to the Director of HR within 10 working days of receipt of the letter issued following Stage One of the Grievance Procedure. The letter should state that the grievance has not been resolved to the member of staff's satisfaction under Stage One of the procedure, and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should also be specified in the letter from the member of staff.
- 8.3 A senior HR representative, nominated by the Director of HR, will arrange for a meeting to be convened, in order to review the appeal. The meeting will be chaired by a Faculty Dean/ Head of Support Services or senior member of staff as their nominee. The member of staff may be supported and accompanied at an appeal meeting by a trade union representative or work colleague (under exceptional circumstances the Chair of the Appeal Meeting will consider requests for accompaniment by a by a relative or friend, this individual must not be a legal representative). The member of staff should provide the name of any representative assisting with their complaint. A senior representative from Human Resources will be present to assist in the resolution of the grievance along with a note taker.
- 8.4 If the member of staff who raised the grievance, or their representative, is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement between both parties.
- 8.5 The purpose of the meeting will be to understand the on-going nature of the grievance, to review the basis for the earlier decision and to explore potential solutions. Again, the member of staff will be afforded every opportunity to state their grievance at the meeting.
- 8.6 It may also be necessary for further investigations to take place, in which case the meeting may be adjourned to enable this to be undertaken. In this event, the appeal meeting will be reconvened within a reasonable period of time. Such further investigation may include meeting with the individual against whom the grievance was raised, and/or other witnesses. Again, the timetable for investigation will be discussed and agreed with the complainant. Every attempt will be made to address the issue promptly.
- 8.7 The letter with the decision under Stage Two of the *Grievance Procedure* will normally be issued within 10 working days of the conclusion of the meeting. The letter will generally summarise:
 - the nature of the grievance;
 - the investigation that was conducted;
 - the decision;
 - the reason for the decision; and
 - any outcome for work or working practices as a result of the decision.

A copy of meeting records and any formal minutes taken, will also be enclosed.

8.8 A copy of the paperwork will also be provided to the individual, against whom the grievance was raised, representatives of both members of staff, and the relevant line manager(s). Any dissenting comments in connection with the decision will be recorded. This will conclude the internal process for the resolution of the grievance. It will also conclude the internal process for resolution of the complaint. If on appeal a prima facie case of Harassment, Bullying or Victimisation is upheld, a disciplinary hearing may be convened.

9 After the Formal Stage: where the grievance concerned an issue of harassment, bullying or victimisation or a breakdown of a working relationship

9.1 The line manager of the complainant will meet with them regularly to offer support and to ensure that no further harassment, bullying or victimisation has occurred as a result of making a complaint. These meetings should take place even where a complaint has not been upheld.

9.2 Line managers also have a responsibility to meet and offer support to members of staff who have been subject to an allegation that has not been upheld or, if the case was proven, to monitor their behaviour.

9.3 Where a complaint has been fully upheld and the member of staff against whom the grievance was raised remains employed, either or both parties may wish to avoid any further contact with each other. Where the line manager, in consultation with HR, believes that regular contact would be undesirable, every effort will be made to relocate the member of staff the complaint was made against in the first instance. Where transfer of the complainant occurs, it should not be disadvantageous to them.

9.4 Where a complaint has not been upheld but where, for example, the evidence is inconclusive, consideration may be given to the voluntary transfer of one of the members of staff, if this is practicable.

10 Special Procedure

10.1 If the member of staff's employment with the College has ended and he or she wishes to raise a grievance, they may choose to follow the Special Procedure, provided that their employment with the College ended within the preceding three months.

10.2 Under the Special Procedure, the member of staff should set out their grievance in writing and send it to their Head of Department/Division with a copy to the Director of HR. The request should state the details of the grievance, with reference to dates, times and places, names of any witness(es) to the incident(s) (where applicable) and the action taken by the member of staff to resolve the matter so far. The request should also include details of the outcome or remedy sought. Copies of any relevant papers in support of the grievance should be included with the letter.

10.3 Upon receipt of the grievance, the Director of HR will liaise with the Head of Department/Division to identify a suitable senior manager to consider the case.

10.4 After the College has had an opportunity to consider the grievance, and the information provided within it, the member of staff will be provided with a written response within a reasonable timescale. This will conclude the process under the special procedure.

11 Procedure for dealing with disputes registered by a recognised College trade union(s)

- 11.1 A failure to agree may be recorded by either management or trade union(s) representatives when discussions on a collective issue have broken down.
- 11.2 If the trade union(s) representatives wish to register a collective dispute then they should do so within 10 days of the issue of the failure to agree. The dispute should be registered in writing with the Director of HR. The letter should state which trade union(s) are in dispute and the names of two or more employees on whose behalf the dispute is being raised. The letter should state the nature and background to the dispute and the proposed solution to resolve the matter.
- 11.3 The Director of HR will acknowledge receipt of the dispute within 5 working days. A senior Human Resources' representative will arrange for a College Panel to be convened to enter into discussion with the trade union(s). The College Panel will consist of two senior academic or administrative staff and a Chair, who will be a Faculty Dean/ Head of Support Services or an equivalent or more senior member of staff. The purpose of the meeting will be to discuss the matter with a view to reaching a resolution. If the matter affects a specific department or Faculty, the College Panel will include a representative from that area. A Human Resources' representative, not previously involved in the issue, will act as Secretary to the Panel but will not form part of the Panel. The timetable for meetings will be agreed with the trade union(s).
- 11.4 Where both sides fail to reach an agreement, either side may register a second failure to agree. The matter may then be referred to the Provost for further consideration. In this instance, with the agreement of both parties, the matter may be referred to ACAS who will be asked to assist in the resolution of the dispute.

12 Confidentiality

- 12.1 Confidentiality is very important when dealing with all cases as experience shows that they become much more difficult to resolve informally if information about the matter becomes common knowledge.
- 12.2 Witnesses may need to be given details of the grievances. Where this is the case, they must be made aware that these details must not be disclosed, including once the case has concluded. All participants, including witnesses, should be made aware of their responsibilities. Witnesses will be asked to sign statements, which may be shared with the relevant parties only. Where deemed appropriate by the line manager leading the investigation and HR, witness(es) will be allowed to provide anonymous statements and will only be questioned by both the line manager and the Human Resources' representative.
- 12.3 Any breach of confidentiality by the complainant, the individual against whom the grievance has been raised, or witnesses, relating to this policy, will be treated as a serious disciplinary offence.

13 Notes of the Hearing and Investigation

Notes and records of matters dealt with under the Grievance Policy and Procedure should be handled on a confidential basis and stored securely. The covert recording of informal or formal meetings, e.g. by use of a mobile phone or other recording device will not be permitted, and will result in disciplinary action.

14 Training

- 14.1 In addition to one-to-one guidance given by HR to staff who are involved in cases, training on issues relating to harassment, bullying and victimisation, including training

on this policy and procedure, will be provided regularly. The College's HSCs will also be provided with initial and refresher training to support them in their role.

15 Glossary of Terms

Standard Procedure	The procedure used by a member of staff while employed by the College
Special Procedure	The procedure use by a member of staff no longer employed by the College
Complainant	The individual making the complaint
Respondent/harasser	The individual against whom the complaint has been made
Prima facie	A Latin term meaning that evidence is sufficient to prove there is a case to answer
Cyber bullying	using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner

General Notes

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This document has been agreed between the Joint Trades Union and Director of HR. It takes effect from June 2008. This document has been revised and agreed between the Joint Trades Union and Head of Policy, Systems and Information). It takes effect from August 2009 and will be reviewed in October 2017.

Updated April 2016

Appendix A

Legal Definition of Harassment, Bullying and Victimisation

Definitions

- 1 **Harassment:** Men and women have a right not to be subjected to harassment at work, or to work in an intimidating environment. Legally, harassment is defined as occurring where an individual engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. Please note that an individual may feel harassed or offended even when the inappropriate comment or conduct is not made towards or about them personally.

Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples include repeatedly ignoring a colleague, through to subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents, and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional, but is always unacceptable whether intentional or not.

All forms of harassment intentional or not are covered by this policy and procedure. The following are examples of unacceptable behaviour. This list is not exhaustive:

- **Sexual harassment** can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.
- **Racial harassment** may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances it can include pressure to participate in political/religious groups.
- **Harassment of people with disabilities** can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.
- **Harassment on the grounds of actual or perceived sexual orientation** can include homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status.
- **Harassment on the grounds of religious belief** can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.

- **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 age** can include jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.

2 Bullying: The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist a member of staff to address performance concerns; 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

The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

3 Victimization: The College will not tolerate victimisation against a member of staff because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. The College will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

Appendix B

HARASSMENT SUPPORT CONTACTS NETWORK - FAQs

What is the difference between harassment and bullying?

Harassment and bullying both involve behaviour which harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates.

Harassment is always linked to anti-discrimination legislation, and thus will focus on sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic background, colour, religion or belief [including lack of belief], sexual orientation, age or disability. Harassment may be a single incident or a series of incidents.

Bullying is repeated inappropriate behaviour, direct or indirect and by one or more persons which undermines an individual's right to dignity.

What are some actual examples of bullying or harassing behaviours?

Discriminatory harassment can take many forms. The following list is not comprehensive and serves as an example only:

- Offensive material that is displayed publicly
- Verbal abuse or comments that belittle people
- Unwelcome and hurtful jokes
- Direct or subtle threats
- Offensive gestures
- Ignoring, isolating or segregating a person
- Staring or leering in a sexual way
- Unwanted physical contact of a sexual nature
- Aggressive physical behaviour
- Repeated behaviour which a person has previously objected to
- Offensive comments or conduct to or about a third person

What is electronic harassment/ bullying?

Electronic harassment can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending emails, all members of staff and students should consider the content, language and appropriateness of such communications, and bear in mind the College policy relating to Conditions of Use of IT Facilities:

<http://www3.imperial.ac.uk/secretariat/policiesandpublications/informationssystemsecurity/policy/policy2>

The Conditions of Use outline that Users of College IT facilities must:

“Not display, store, receive or transmit images or text which could be considered offensive e.g. material of a sexual, pornographic, paedophilic, sexist, racist, libellous, threatening, defamatory, of a terrorist nature or likely to bring the College into disrepute.”

If occasions of what might be online bullying or harassment are reported they will be dealt with in the same way as if the alleged bullying or harassment had taken place in a face-to-face setting

What are the possible effects of bullying or long term harassment?

Everyone will have a very individual reaction which will vary according to their own personality and state of health, and the intensity or nature of the bullying and harassment. The following are examples of common reactions:

- Stress and/or sleep disturbance
- Fatigue
- Panic attacks or general anxiety
- Depression
- Impaired ability to work/concentrate
- Loss of self confidence and/or self esteem
- If sustained, bullying can cause lasting damage to a person's self confidence.

How extreme does it have to be?

Whilst some bullying and harassment may involve verbal abuse and physical violence, it can also be subtle intimidation such as inappropriate comments (whether to you or to another person), or unrealistic, embarrassing or degrading demands. If you feel that you are being harassed or bullied or that your working environment is offensive you should do something about it.

What is a Harassment Support Contact (HSC)?

The role of an HSC is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support. They may also recommend the member of staff talks to their trade union representative if they are a member of the union.

Who do the HSCs report to?

The harassment support contacts are part of a confidential volunteer network and as such do not formally report to anyone. They have support from the equality and diversity team here at the College, and top level endorsement from management who recognise the valuable contribution these roles make. Any information shared with a HSC is confidential and, unless you direct them to do so, will not be shared with a third party.

How does the HSC network relate to the Harassment Policy?

Seeking support from an HSC does not form any part of formal procedures. Because of its anonymous, confidential nature, it is often used prior to formal procedures being invoked. **No written records are kept** by the HSC volunteers but individuals can take notes if they so wish. However, HSCs cannot be called as witnesses for the person making the complaint under the formal process.

Can anyone become a HSC?

All staff are welcome to apply to become a support contact. Volunteers should register their interest with Christine Yates - Equalities Consultant, or Kani Kamara - Equalities Manager, for appropriate training to be arranged. The process for selection and training includes pre and post interviews to assess suitability.

What qualifications do the HSCs have?

The role of HSCs does not include counselling so they do not require formal qualifications. All HSCs have been through a College supported training programme which includes regular refreshers and additional training, such as mediation training.

When should you contact an HSC?

You can contact an HSC whenever you feel that that confidential support would be of use to you. It can be useful to talk through any incidents at an early stage before the situation escalates.

Appendix C

GUIDANCE FOR THOSE ACCUSED OF HARASSMENT, BULLYING OR VICTIMISATION

- If you are approached informally by a member of staff about your behaviour, do not dismiss the complaint. Remember that all people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.
- If accused of harassment or bullying, you may wish to contact your Faculty/Departmental HR Manager who can refer you to someone in HR not involved in the particular case. Alternatively, or in addition, the Trade Unions and/or Confidential Care (CiC) can supply support.
- Those who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.
- If you believe the accusation to be unfounded, you should say so and participate willingly in the proceedings, so that the situation can be resolved informally or formally. You should also be prepared to participate in mediation if this is identified as an appropriate solution.
- If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the complainant (up to and including dismissal).
- During the formal procedure both you and the complainant may wish to be accompanied at meetings by a work colleague or a Trade Union representative.
- Wherever possible, the College will try to ensure that during investigations the relevant parties are not required to work together. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until the disciplinary proceedings have been concluded.
- If a complaint is not upheld, you should expect your line manager to take action to restore reasonable working relationships between you and the complainant. You must not victimise a member of staff who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint.
- If a complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal without notice. If the complaint is upheld, but you are not dismissed, the College could decide to transfer you to another role.
- In addition, or as an alternative to a disciplinary sanction, guidance or counselling may be offered to support you to understand how your behaviour affected the complainant.
- Both you and the College can also be subject to prosecution under criminal as well as civil law, and you could be personally liable and have to pay compensation yourself.