

**Bullying and Harassment Complaints
Procedure**

1. Introduction

1.1 Queen's University Belfast is an international community that is both multi-cultural and diverse. All members of the University community and visitors to the University are to be treated with dignity and respect. The University is committed to promoting a good, respectful and harmonious working environment in which no employee feels bullied, under threat or intimidated. The University recognises that bullying and harassment can adversely affect an employee's work, morale and/or health. The University believes that bullying and harassment are unacceptable and will, through its policies, strive to prevent bullying and harassment occurring, and undertakes to investigate complaints of bullying and harassment promptly and effectively. The University expects any witnesses to co-operate with the investigation. It is the duty of staff and students to give evidence if called upon.

1.2 What is Bullying?

There is no legal definition of bullying but it is generally accepted that bullying includes offensive, abusive, intimidating, malicious or insulting behaviour and which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their ability and confidence.

1.3 What is Harassment?

Harassment* is defined in equality legislation as "unwanted conduct" related to religious belief; political opinion; sex; gender reassignment; race; sexual orientation; disability; or age, which has the purpose or effect of violating a person's dignity or of creating an intimidating hostile, degrading, humiliating, or offensive environment for that person.

Harassment as defined in the equality legislation will amount to unlawful discrimination.

1.4 Forms of Bullying and Harassment

Many forms of behaviour can constitute bullying and/or harassment; these are just some examples:-

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, racist, sexist or sectarian remarks, homophobic comments, comments about a person's disability, offensive

* A Unified Guide to promoting Equal Opportunities in Employment
(Equality Commission for Northern Ireland)

language, gossip and slander, sectarian songs, mobile telephone ring tones, threats, letters, emails, or any form of cyber bullying through the internet or social networking sites

- visual displays of posters, graffiti, obscene gestures, flags, bunting, pictures, emblems or any other offensive material (including the use of email or mobile devices to send or view such material)
- isolation or marginalization at work, exclusion from work related social activities, being persistently overruled or excluded from work activities
- coercion, including pressure for sexual favours, pressure to participate in political or religious groups
- intrusion by pestering, spying, following etc.
- humiliation, intimidation, action which demeans or undermines the individual eg shouting, swearing, excessive and persistent criticism, insults
- undignified treatment, ridicule, marginalisation of an individual for any reason
- non-co-operation, withholding information, sabotaging or impeding performance, e.g. removing areas of responsibility and imposing menial tasks, setting unrealistic deadlines for the workload in question, increasing responsibility whilst decreasing authority, persistently undervaluing effort or repeatedly changing guidelines or deadlines.

The University is committed to discouraging all forms of harassment and bullying. Where any of the above behaviour is related to an equality ground covered by anti-discrimination legislation, this will be considered as harassment.

2. Time Limits

Under this procedure complaints will not normally be investigated unless they are brought within 3 months of when the complainant had knowledge of (or can reasonably be expected to have knowledge of) the act(s) complained of, or the last of a series of such acts. However the relevant manager whose role is outlined at paragraph 3.2 may consider a complaint which is out of time if it is considered just and equitable to do so, or it is believed to be in the interests of the individual and/or the University.

3. Making a Complaint

Any employee who believes they have suffered any form of bullying or harassment is entitled to raise the matter through the following University procedure.

(For the purpose of clarity any reference below to harassment or harasser should be taken to include bullying or bully).

An individual's complaint will be examined as quickly as possible with a view to resolution at as early a stage as possible.

At all stages of the procedure, the complainant (and any person against whom the complaint lies) will be given the opportunity to state his or her case and have the right to be accompanied by a representative of a recognised trade union or a university colleague.

The member of staff may normally request one adjournment on the grounds that they are unable to arrange representation for a hearing, or that on reasonable grounds they require more time to prepare their case.

3.1 The Informal Stage

It is hoped that all complaints can be resolved informally between the parties without recourse to the formal procedure.

An employee can seek to resolve matters informally by:

- approaching their line manager (where appropriate) and requesting that he/she deals with the matter giving rise for concern
- approaching the alleged harasser/ bully directly and making it clear that their actions or behaviour are giving rise to offence and should cease
- approaching the alleged harasser/ bully with the support of a work colleague or representative of a recognised trade union or a harassment advisor
- requesting a work colleague, representative of a recognised trade union or harassment advisor to make an approach to the alleged bully/ harasser on their behalf

The purpose of this stage of the procedure is to resolve matters without recourse to more formal proceedings.

Bullying and Harassment are seen to be serious matters and, consequently, if the Head of Diversity and Inclusion or the investigating panel consider a complaint to be frivolous or vexatious once the investigation is underway, this may lead to disciplinary action against the person lodging the complaint. In this regard, frivolous is defined as a complaint which cannot be substantiated or which has no basis in fact and vexatious is defined as a complaint that is brought purely to cause annoyance to the alleged harasser or others.

3.2 The Formal Stage

If the matter remains unresolved, or if the member of staff remains aggrieved or wishes to raise the matter formally, they must notify their line manager, in writing. Where a line manager is the source of the complaint, or it is otherwise inappropriate for that person to deal with the matter, the complaint may be raised directly with the next manager in line (or nominee) or through a representative of a recognised trade union. (In the event that a complaint is made against a member of the university's senior management group, the complaint may be investigated by a peer member of that group e.g. another Head of School / Director, leaving the Dean of Faculty or Registrar and Chief Operating Officer free to deal with any appeal). The line manager will confirm in writing, and normally within 5 working days of being notified, receipt of the complaint and their intention to investigate it. Where the complaint is one of Harassment, the Head of Diversity and Inclusion must be informed.

Formal Investigation

The manager will then investigate the matter and in dealing with the investigation of harassment or bullying, the relevant manager should:

- Take full details of the incidents in writing from the complainant and his/her representative (if appropriate).
- Take full details from any witnesses who may have witnessed the alleged behaviour or the circumstances around it and from any other complainants who come forward.
- Inform the alleged harasser/bully of the complaints against him/her, advise the alleged harasser/bully to seek representation and invite him/her to a meeting in order that they can comment on the allegations.
- Keep all parties informed of expected timescales.
- The relevant manager will compile a report of the investigation to include recommendations and provide copies to the relevant parties. This report may be revised in the light of any factual errors pointed out by relevant parties.

3.3 A Panel will meet to deal with the complaint and consider the report of the investigation. The manager will notify the Head of HR Business Partnering who will constitute the Panel. The Panel will comprise the next senior manager in line from the manager at 3.2, a nominee of the People and Culture Director (who shall normally be the Head of Diversity and Inclusion (or nominee) on those occasions when the matter complained of is one of Harassment) and one other manager.

3.4 The panel will consider the report, (which will include any supporting documentation) and its recommendations and decide whether or not to uphold the findings. Should the panel require any further information, they may refer the matter back to the investigating manager who will then revert to the panel in due course.

3.5 Following the panel's decision the complainant and the alleged harasser shall be notified in writing normally within 10 working days, of the Panel's decision in response to the complaint, the reasons for the decision, the proposed action to deal with the complaint and the right to appeal.

The Panel may

- initiate the University's agreed disciplinary procedure against any party as appropriate and refer the matter to those responsible for instituting appropriate disciplinary action
- suggest any other appropriate management action e.g. provision of training, counselling, supervision, redeployment or a change in reporting arrangements.

Where a complaint is lodged prior to a disciplinary process relating to the matter, then the complaint will continue to be heard, unless the disciplinary offence is of a serious

nature. Where necessary, the People and Culture Director will adjudicate on any such issue.

- 3.6** A member of staff intending to appeal (either the complainant or the alleged harasser) shall notify the Head of HR Business Partnering in writing, within 10 working days (which may be extended in exceptional circumstances) from the date that they were notified of the University's decision, and should set out the grounds of the appeal.

4. Appeal

- 4.1** An appeal hearing will normally be held no later than 30 working days from the date on which the member of staff is notified of the University's decision.

- 4.2** Appeal Panels shall be established by the Head of HR Business Partnering and shall consist of 3 persons, none of whom shall previously have had any involvement with the case and each of whom has consented to act:

(i) A Chair drawn from a list approved by the Senate, from time to time, which shall include lay members of the Senate.

(ii) One person drawn from a list approved from time to time by the Academic Council in the instance of a Panel considering the case of a member of the academic or research staff, or by the University Management Board in the instance of a Panel considering the case of any other member of staff falling within the scope of Statute XIII.

(iii) One person nominated by the Registrar and Chief Operating Officer.

Any relevant Health Trust or other relevant body may be represented on any Panel convened under this regulation to deal with a member of the clinical academic staff falling within clause 18(1) of Statute XIII and the Panel shall be enlarged for this purpose.

- 4.3** People and Culture will notify the member of staff in writing of the hearing and of their right to be represented by a University colleague or representative of a recognised trade union. At least 10 days notice will be given of the date of the hearing.

- 4.4** At the hearing, the Appeal Panel will, if it deems it appropriate, receive evidence from the appellant, line manager(s) and any relevant witnesses. Without good cause, new grievances cannot be considered at this stage nor can evidence which in the view of the Panel could have been made available at an earlier stage.

- 4.5** The Appeal Panel shall give a reasoned decision in writing which shall be provided to both parties within 10 working days of the decision and reported to the Standing Committee of Senate. The Panel may uphold or revoke the original decision and will recommend further action, if appropriate, to the People and Culture Director.

- 4.6** The decision of the Appeal Panel shall be final.

5. Avoiding contact between the Complainant and the alleged Bully/Harasser

Where a case of serious harassment or bullying has been alleged, the alleged harasser/bully must not disadvantage a complainant or witness by reason of the complaint having been made. Consideration will be given to a precautionary suspension [on full pay] of the alleged harasser/bully to enable the investigation to proceed. An individual who is going to be suspended will be advised formally of this at a meeting with the Investigating Manager or Panel. The decision to suspend an employee(s) on a precautionary basis will be taken by the Head of HR Business Partnering, having been briefed as to the relevant circumstances.

6. Relocation

Where a complaint has been upheld, the complainant may wish to avoid any further contact with the harasser/bully. Where a case is proven consideration will always be given to relocating the harasser/bully in the first instance. If the complainant wishes to relocate to another School or Directorate, the University will attempt in so far as is practicable and appropriate to facilitate this request. Where relocation of the complainant occurs it will not lead to any disadvantage to him/her.

Follow up

Where a complaint has been upheld, there will be a follow up meeting involving People and Culture in conjunction with the complainant and their recognized trade union representative. This will take place about three months after the issuing of the report of the investigation to ensure that the harassment/bullying has ceased, no victimization has occurred and that the complainant has suffered no other disadvantage.

7. Role of the Bullying/Harassment Advisors

Trained bullying/harassment advisors have been appointed to provide employees with advice and assistance and can be contacted at any stage of informal or formal procedures. The names and locations of these advisors are listed on the University's website together with telephone numbers where they can be contacted on a confidential basis. Please click below:

<https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Fileupload,866036,en.pdf>

The advisor will provide support to assist with the informal resolution of the problem and can also provide support during formal procedures but will not conduct formal investigations. Separate advisors will be available to provide support to both the complainant and the alleged bully/harasser.

Where an employee seeks the support of a supervisor/manager or designated advisor, he/she will be informed sensitively that their role at the informal stage can only be one of support or assistance.

All reported incidents of harassment will be monitored by the Diversity and Inclusion Unit and in the event of any patterns emerging, management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary.

8. Counselling Advice

Counselling may be offered to the person who has been harassed or bullied or to individuals against whom a complaint has been made but has been unfounded.

The University has commissioned the provision of a free independent confidential and professional counselling service for staff.

Professional counsellors are fully qualified and experienced in a wide range of issues including bullying and harassment.

Counselling is provided by telephone and face to face.

Details of the counselling service is available from the People and Culture website at

<http://www.qub.ac.uk/sites/wellbeing/StaffCounselling/>