

Equality & Diversity

Anti-Harassment Procedure

1. INTRODUCTION

The College is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed, or religious belief, ethnic or national origins, age and disability. It is the right of every member of staff and student to work or study without fear of harassment or victimisation. The College and Trade Unions recognise the problems associated with harassment and are committed to providing an environment in which all individuals can operate effectively, confidently and competently. If a complaint is brought to the attention of management, it will be investigated promptly and appropriate action taken.

1.1 Background

In certain circumstances harassment may be held to constitute discrimination under the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Employment Equality Regulations 2005. The Fair Employment Acts 1976 and 1989 and the Disability Discrimination Act 1995 may also lead to claims of victimisation under these Acts.

1.2 What is Harassment?

Harassment is defined as any conduct which is unwanted by the recipient, or such conduct based on the above characteristics which affects the dignity of any individual, or group of individuals at work. Harassment may be repetitive, or an isolated occurrence against one or more individuals. Harassment may be:

- * *Physical* - contact, assault or gestures, intimidation, aggressive behaviour or conduct of a sexual nature
- * *Verbal* - unwelcome remarks, suggestions and propositions, malicious gossip, practical jokes and banter based on any of the above characteristics
- * *Non-verbal* - offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion from social activities
- * *Bullying* - persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

1.3 Responsibilities

It is the duty of every member of the College and those visiting its premises to take responsibility for their behaviour and modify it if necessary, as

harassment is not acceptable under any circumstances. In the event of a failure to do so, disciplinary action may be a consequence and anyone found responsible may be held personally liable should the person who has been harassed undertake legal proceedings. Managers are required to ensure that the Procedure is effectively applied and that harassment does not occur.

The College will ensure that the Procedure is widely publicised and its contents made known to all staff, students, contractors and visitors.

1.4 Equal Opportunities Training

Training will be provided, as appropriate, to all staff. Specific training will be also be provided for managers to ensure they gain the knowledge, skills and awareness necessary to operate the College's procedure and to communicate this to their staff and students.

1.5 Supportive Framework

The College recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for employees to raise complaints directly with their line managers. Accordingly, employees may approach a colleague, trade union representative or another person in authority to raise the issue with management on their behalf in line with the procedure.

If one of the parties concerned in a personal harassment case has to be removed from the workplace, then the college will in normal circumstances remove the alleged harasser rather than the complainant.

1.6 Reviewing and Monitoring the Procedure

The Deputy Principal will review and monitor the Procedure and recommend amendments as necessary.

In addition a report will be presented to CMT on an annual basis summarising any cases and action taken. This will be done in a way, which protects the identity of individuals involved. Specific information from exit interviews, questionnaires, surveys will also be included, together with any action taken.

2. DEALING WITH ALLEGED HARASSMENT

2.1 Introduction

This procedure has been designed to deal with complaints of harassment, which need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

The procedure is separate from the Disciplinary Procedure, which may be used following the results of the investigation under this Procedure.

Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the Disciplinary Procedure.

If at any stage in this procedure an employee does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is deemed inadequate or inappropriate, the employee is entitled to raise the matter under the College's Grievance Procedure.

It is recognised that in bringing a complaint, the complainant must be protected from further harassment or detriment arising from the alleged incident and associated complaint.

2.2 Keeping Records

It is important that anyone who believes they have suffered from harassment should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

Detailed notes should include the following:

- * Date
- * Time
- * Place
- * Name of person harassing them
- * What actually happened
- * How the person felt at the time
- * Names of any witnesses
- * Action taken and whether reported to Management
- * Any correspondence relating to the incidents and subsequent complaints

2.3 Stage 1: Informal Resolution

Every effort will be made to resolve the issue informally in the first instance, if this is appropriate. As soon after the incident as possible, the individual should make it clear to the offender that the behaviour is not acceptable and should stop. This could also be done by writing, or by asking a colleague to do this for them. A note should be made of the action taken.

If the harassment continues, or the individual cannot take personal action, then they will be advised to contact the appropriate line manager. If the line manager is the person against who the complaint is being made, the matter should be reported to the next manager above. Where the employee indicates that they would prefer to discuss the matter with a person of the same sex/race etc. this should be arranged whenever possible.

Any discussion will be confidential and no further action will be taken without the consent of the employee concerned. If the manager considers the incident so serious they will consult with the employee of their need to take action against the alleged harasser.

The employee may have a work colleague or Trade Union representative present at all stages of the procedure.

The appropriate course of action may then be followed:

- * To take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the employee to seek further advice in the future if necessary
- * If the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review
- * Make a formal complaint

2.4 Counselling

If the harassment does not cease, or is serious, then the individual can approach HR for appropriate counselling support. The role of the counsellor is to provide support and assistance to the complainant during this stressful time. The role extends to the alleged harasser, if requested. However, the same counsellor should not advise the alleged harasser.

The counsellor has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between the counsellor and employee are confidential.

2.5 Stage 2: Formal Complaint

The complainant is then entitled to:

- * Expect managers to institute formal investigation/proceedings
- * Institute grievance proceedings against management for failing to meet their reasonable responsibilities under the College Anti Harassment Procedure

If the individual wishes to make a complaint this should be put in writing to their line manager, or their next in line manager if their immediate line manager is implicated. The letter needs to specify that it is a formal complaint giving details of the incident(s).

2.6 Police Involvement

In cases of alleged assault or alleged behaviour that is considered to be a criminal offence, the College may contact the Police, if the complainant so wishes and/or if the incident is considered to be a serious offence.

2.7 Investigating a Complaint

The Principal will appoint an Investigating Panel. This will protect the rights of both parties involved and ensure both are entitled to a full and fair opportunity to put their version of events.

All departments are expected to co-operate in releasing staff from their normal duties to participate in the investigation as required.

2.8 Time Limits

The investigation should normally be completed within 10 working days of the complaint being received. On occasions, it will not be possible to keep this within any timescale. In such cases, the complainant and the alleged offender must both be kept informed of any need for an extension and the likely timescale for completion.

3. HOW THE COMPLAINT WILL BE INVESTIGATED

3.1 Initial response

The investigation will be carried out by a Panel appointed by the Principal from a list agreed by the recognised Trade Unions and comprising of at least two persons. Neither should be connected with the case in any way. The Panel will reflect the nature of the complaint in terms of race/sex/disability as far as possible. This may require bringing in a third person to the panel, or seeking a manager from a different department. The College's HR Manager can provide advice on this matter.

3.2 Possible Suspension or Redeployment during the Investigation

In order to relieve the stress and pressure on one or both parties, it may be necessary to suspend the alleged harasser. Suspension under this procedure does not constitute part of the Disciplinary Procedure and will be on full pay.

Temporary redeployment of one or both parties may be considered. The complainant should be given the choice, though normally the alleged harasser would be redeployed first.

3.3 Meeting the Parties Involved

The Panel will meet the complainant and the alleged harasser separately and with any representatives. Detailed written statements will be taken, signed and dated. Both parties will be given the opportunity to nominate witnesses who they wish to be interviewed.

3.4 Meeting with Witnesses

The Panel will meet anyone else who was present or who has information, which is relevant to the issue. Notes of this meeting will also be taken and the individuals called will be able to be accompanied by a work colleague or trade union representative.

Further interviews may need to take place to clarify or gain further information. The Panel will also need to ensure that they have collected all relevant written materials.

3.5 Consideration of Information

The Panel will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated.

In some cases, there will not be any witnesses and in these cases, the Panel will consider whether on the balance of probabilities, the incident/actions occurred.

3.6 Further Action

The Panel will consider the facts and will decide either to:

- * Take no action where the allegation has not been substantiated
- * Initiate the College Disciplinary Procedure. Although the normal Disciplinary Procedure will be followed the complainant will only participate as a witness where fundamentally necessary. If they are required they are entitled to a representative or work colleague present. A manager will not be involved in the disciplinary investigation if they are connected in any way in the alleged harassment
- * Take alternative management action. This could include:
 - * a recommendation of redeployment of one or both parties, either on a temporary or permanent basis. Should a transfer take place, this must be on existing terms and conditions of employment, unless action is taken within the Disciplinary Procedure to demote an individual.
 - * Setting up arrangements to monitor the situation
 - * Requiring attendance on a training course(s)
 - * Making arrangements for both parties to work separately as possible within the same workplace for a specified period

3.7 Keeping Management Records

After a complaint has been heard, the following storage arrangements should be followed:

- * Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes notes of their meeting
- * Where the complaint is not substantiated, then no record will be kept on the alleged offenders file
 - Where the matter proceeds to a Disciplinary Hearing, then the storage of records should be in accordance with the Disciplinary Procedure.

3.8 Action when Complainant is Dissatisfied

If the complainant or the alleged harasser disagrees with the decision, then they have the right to raise the matter under the College's Grievance Policy.

4. MALICIOUS ACCUSATIONS

Any accusations considered malicious will be considered for action under the College Disciplinary Procedure.