



University of Essex

COMPLAINTS OF **HARASSMENT OR BULLYING PROCEDURE**

FOR USE BY EMPLOYEES, WORKERS,
CONTRACTORS OR VISITORS

COMPLAINTS OF **HARASSMENT** OR **BULLYING**

AIM

The University is committed to establishing an environment that is free from any form of bullying or harassment.

Harassment and Bullying: our Zero Tolerance

Approach should be referred to in the first instance. This procedure should be used where informal attempts to resolve matters have not been successful or where an informal approach is not appropriate. The aim is to get the matter resolved promptly and fairly for all parties involved.

SUMMARY

Complaints of bullying or harassment should be raised promptly, and dealt with informally if possible. If the matter is serious or if informal routes have been exhausted, it may be necessary to initiate an investigation. If the investigation finds a case to answer under the Disciplinary Procedure, then the matter is dealt with under that procedure. If not, then informal means should be found to restore good working relations.



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INTRODUCTION

1. INTRODUCTION

1.1

Where instances of bullying or harassment have occurred or are suspected of having occurred, **Harassment and Bullying: our Zero Tolerance Approach** provides guidance on how to respond. Where an informal approach has not been successful or where the matter is sufficiently serious that informal approaches are not appropriate, this complaints procedure should be used.



2. SCOPE

2.1

This procedure may be used by employees, workers, contractors, or visitors where they are subject to or a witness to bullying, harassment or sexual violence carried out by an employee, worker, student, contractor or visitor (“the respondent”). Complaints by students about other students are dealt with under the [Code of Student Conduct](#); complaints by students about employees or workers should be made through the [Student Concerns and Complaints Procedure](#).

2.2

It is preferable that complaints are made by the individual(s) who has experienced the bullying, harassment or sexual violence. However, the University recognises that this can be difficult for the individual concerned. Complaints will therefore be accepted from third parties on behalf of the complainant, such as other members of staff, although it is expected that the individual(s) concerned will provide evidence as part of an investigation.

2.3

If a grievance is submitted by a member of staff which includes reference to bullying or harassment, it may be necessary to consider the grievance or a part of it under this procedure.

2.4

Complaints from employees and workers about the behaviour of a student should be submitted under this procedure in order to try and resolve informally. If it is not possible to resolve informally, the matter should be referred to the Proctor’s office for consideration under the [Code of Student Conduct](#). If the complaint is made about a student in their capacity as an employee or worker, the matter will be dealt with under this procedure but in consultation with the Proctor.

3. PRINCIPLES

- The University will deal promptly with any complaint in order to restore good working relationships as soon as possible, and expects the respondent to cooperate to achieve that aim.
- Complaints should be dealt with impartially to ensure there is no victimisation of someone who brings a complaint in good faith nor of a respondent who has unfounded claims made against them
- Issues should ideally be resolved informally and as close to the source as possible. This will not be possible for more serious cases.
- To ensure consistency, no formal action will be taken without consultation with HR.
- To ensure fairness, all action will be taken in line with this procedure or its guidelines.
- All paperwork will be confidential and only shared with those involved in the case.

ⓘ Complaints by students will be dealt with under the [Code of Student Conduct](#) or the [Student Concerns and Complaints Procedure](#).

ⓘ Grievances that involve bullying or harassment may need to be dealt with under this procedure.

ⓘ Where an informal approach has not worked or is not appropriate, this procedure should be used.

COMPLAINT FROM		COMPLAINT ABOUT		PROCEDURE
STUDENT	▷	Student	▷	Code of Student Conduct
STUDENT	▷	Employee or worker	▷	Student Concerns and Complaints Procedure
EMPLOYEE OR WORKER	▷	Student	▷	This procedure: Complaints of Harassment or Bullying for initial reporting and informal resolution. If formal resolution is needed, report to Proctor to consider under Code of Student Conduct .
EMPLOYEE OR WORKER	▷	Employee or worker	▷	This procedure: Complaints of Harassment or Bullying.

4. GOOD FAITH

4.1

A complaint will be assumed to have been made in good faith unless there is evidence, on the balance of probabilities, to the contrary.

4.2

Should a complaint be unfounded this is not in itself a reason to conclude that it was not made in good faith.

4.3

Should it be found that a complaint has been made maliciously or in bad faith, it will be dismissed and if the individual is an employee or worker, disciplinary action may be taken. A complaint made maliciously is considered gross misconduct and could result in dismissal.

5. RECORDS

5.1

Records of complaints against employees or workers will be placed on the individual's personal file.

ⓘ No formal action should be taken without the involvement of HR.



6. INFORMAL RESOLUTION

6.1

Informal resolution may take many forms and **Harassment and Bullying: our Zero Tolerance Approach** sets this out in more detail.

6.2

In the first instance, the individual who feels harassed or bullied may raise this with the individual concerned. An end to the behaviour and an apology may be enough if the matter is at an early stage and is not serious.

6.3

Concerns may also be raised with the line manager of the respondent concerned. They may be able to take action to change and monitor behaviour.

6.4

The Harassment Report and Support Service is also available to provide advice on informal resolution. The Service will be able to advise whether the matter is so serious it should be progressed to a formal complaint and/ or an investigation under the Disciplinary Procedure.

7. MAKING A COMPLAINT

7.1

A complaint should ideally be made by the individual who has experienced the harassment or bullying. However, the University recognises that this can be difficult for the individual concerned. Complaints will therefore be accepted from third parties, on their behalf, such as members of staff, although it is expected that the individual(s) concerned will provide evidence as part of an investigation.

7.2

Complaints should be made as soon as possible after the incident(s) or after informal resolution has been exhausted. This would usually be within 28 days of the incident or the latest occurrence of the behaviour.

7.3

The complaint should cover:

- A summary of the incident or behaviour, if possible with dates, times and locations.
- Any witnesses, whether or not they have agreed to give evidence or not. This may include someone who was not a witness to any incident itself but who assisted the complainant soon after.
- Any documentary evidence, emails, mobile phone messages, social media posts, etc.
- Action already taken.

7.4

The Harassment Report and Support Service will be able to provide advice and support on making a complaint.

7.5

Complaints should be submitted to the line manager (professional services) or the Head of Department, Centre or School (academic). If the complaint is about that person, then it should be submitted to their manager. If the complaint is about the Head of a Professional Service, it should be submitted to the Registrar and Secretary. If it is about an Executive Dean, the Deputy Vice-Chancellor or the Vice-Chancellor, the complaint should be submitted to the Director of HR.

ⓘ The Harassment Report and Support Service can provide advice on different options to achieve resolution.

ⓘ Complaints should be made as soon as possible after the incident or the latest occurrence of the behaviour.

8. RESPONDING TO A COMPLAINT

8.1

The line manager or Head of Department should send a copy to the Director of HR and the Head of Equality and Diversity. They will ensure that HR support is provided, if it is not already in place.

8.2

Depending on the nature of the complaint, the line manager or Head of Department may seek to resolve informally or progress to an investigation. Complaints from employees and workers about the behaviour of a student should be submitted under this procedure. If it is not possible to resolve informally, the matter should be referred to the Proctor's office for consideration under the [Code of Student Conduct](#).

8.3

A formal investigation should take place if, for example, there has been:

- Any violence or threat of violence.
- A sexual assault or threat of sexual assault.
- An incidence of hate crime.
- Any other behaviour which may be considered 'misconduct' or 'gross misconduct' under the [Disciplinary Procedure](#) (advice from HR should be sought in this case).

8.4

If there has been police involvement, consideration will need to be given to the appropriate timing for an investigation.

8.5

Whether an informal or formal route is considered, an initial meeting should be held with the respondent. This meeting would not be part of a formal investigation but will give them a chance to respond and to clarify quickly whether there has been a misunderstanding. This meeting will also provide an opportunity to set out to the individual what is expected of them during an investigation or informal resolution, including the need to behave appropriately.

8.6

This meeting would not be part of the formal investigation or decision making process. As such, if the respondent is an employee or worker, they are not entitled to have a colleague or trade union representative accompany them. The line manager or Head of Department may agree to this, especially if they are accompanied by a representative from HR. The meeting should not be delayed if a representative is not able to attend.

8.7

Informal routes are set out under Part 6 above.

9. INVESTIGATION

9.1

Where the respondent works for the University, and following consultation with HR, if the matter is serious and it is suspected that misconduct may have occurred or if the matter cannot be resolved informally, an independent investigation should be carried out. This should be done in line with the [Conducting Investigations guidance](#).

9.2

An investigation is not a pre-judgement of guilt but provides an opportunity to clarify matters for both the complainant and the individual subject to the complaint.

9.3

Following investigation and if it is decided by the decision maker (set out in paragraph 7.5 above) that there is a case to answer under the Disciplinary Procedure, then the matter will be dealt with accordingly under this procedure. If not, informal means will need to be used to restore good working relations.

ⓘ A copy of the complaint must be sent by the line manager or Head of Department to the Director or HR and the Head of Equality and Diversity.

ⓘ A formal investigation may need to take place to establish the facts.

ⓘ An initial meeting may need to take place with the respondent to let them know what will be happening.

10. SUSPENSION

10.1

If it is decided that an investigation will take place, it may be necessary to consider how to manage relationships until the matter is resolved. If the matter is serious and gross misconduct is suspected, it may be appropriate to suspend the member of staff. Further details about suspension can be found in the [Disciplinary Procedure](#).

10.2

Suspension is a neutral act intended to protect both parties and does not indicate a pre-judgement of guilt. Suspension should be for as short a period as possible – this must be taken into account when choosing an investigation officer.

10.3

If the matter is not serious enough to require suspension, temporary arrangements may be made to avoid contact between the complainant and the respondent. Or both parties may need to be reminded to behave appropriately and to respect confidentiality.

11. COMMUNICATING THE OUTCOME OF A COMPLAINT

11.1

Depending on the outcome of the investigation and whether any disciplinary action is taken, the notification to the complainant should focus on getting back to good working relations. For example:

- That no evidence of bullying or harassment has been found but that they should discuss with their line manager how to get back to good working relations. This will involve a corresponding discussion with the accused.
- That as a result of their complaint, remedial action has been put in place which should resolve these issues.

11.2

If a disciplinary hearing takes place, all details about this and the outcome must be kept confidential and should not be shared with the complainant. Instead, communication should focus on what will happen with the working relationship.

ⓘ Following investigation, it may be necessary to take action under the Disciplinary Procedure.

ⓘ The outcome of the complaint needs to be communicated while respecting confidentiality about any action taken.

POLICY CREATOR: HUMAN RESOURCES

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