



University of Essex



Complaints of Harassment or Bullying Procedure

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1. Statement

1.1 We are committed to establishing an environment that is free from any form of bullying or harassment. Our Harassment and bullying: Our zero-tolerance approach defines the terms 'harassment', 'bullying' and 'victimisation' and provides some examples of each type of behaviour (including sexual harassment).

1.2 Our Harassment and bullying: Our zero-tolerance approach and Section 5 of this document include our approach to informal resolution which should be referred to and used in the first instance if appropriate.

1.2 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. We will deal promptly with any complaint in order to restore good working relationships as soon as possible and we expect the person being complained about to cooperate to achieve that aim.

1.3 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 there is a case to answer, the matter is dealt with under the Disciplinary Procedure. If not, then informal means should be found to restore good working relationships.

1.4 Complaints should be dealt with impartially to ensure that there is no victimisation of someone who brings a complaint in good faith nor of the person being complained about who may have unfounded claims made against them.

2. Scope and exclusions

2.1 The procedure applies to all permanent and fixed-term employees at the University of Essex, regardless of length of service, during their employment with the University. This procedure may also be used by workers and 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. Employees of the University of Essex Campus Services (UECS) or Wivenhoe House Hotel have their own specific policies and procedures. This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2.2 Complaints by students should be made through the [Student concerns and Complaints Procedure](#) (.pdf).

2.3 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 employees, although it is expected that the individual(s) concerned will provide evidence as part of an investigation.

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

2.5 Response times may be extended in exceptional circumstances (e.g. out of term-time or due to an employee's annual leave).

2.6 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 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 in consultation with the student conduct team if appropriate.

3. Confidentiality

3.1 All complaints of bullying and harassment will be treated with sensitivity and respect for the privacy of any individuals involved. All individuals must treat any information communicated to them in connection with an investigation or grievance matter with appropriate confidentiality. Any breaches of confidentiality will be managed in line with the Disciplinary Procedure.

3.2 Records of complaints against employees or workers will be placed on the individual's personal file. All paperwork will be confidential and only shared with those involved in the case.

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. Informal resolution

5.1 Issues should ideally be resolved informally and as close to the source as possible. Informal resolution may take many forms and the Guidelines for Dealing with Harassment or Bullying set this out in more detail.

5.2 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.

5.3 Concerns may also be raised with the line manager of the person being complained about concerned. They may be able to take action to change and monitor behaviour.

5.4 The Harassment Report and Support Service is also available to provide advice on informal resolution. The Service will be able to advise on the range of options available for addressing the concerns.

6. Making a formal complaint

6.1 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 employees, although it is expected that the individual(s) concerned will provide evidence as part of an investigation.

6.2 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.

6.3 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

6.4 The harassment Report and Support Service will be able to provide evidence and support on making a complaint.

6.5 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, it should be submitted to the Deputy Vice-Chancellor. If the complaint is about the Registrar and Secretary, or the Vice-Chancellor, the complaint should be submitted to the Director of People & Culture.

7. Responding to a formal complaint

7.1 The line manager or Head of Department should send a copy to the Employee Relations (ER) Advisory Team via hrer@essex.ac.uk. They will ensure that support is provided, if it is not already in place.

7.2 Depending on the nature of the complaint, the line manager or Head of Department may seek to resolve it 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](#).

7.3 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
- a hate incident
- any other behaviour which may be considered 'gross misconduct' under the Disciplinary Procedure (advice from People & Culture should be sought in this case)

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

7.5 Whether an informal or formal route is considered, an initial meeting should be held with the person being complained about. This meeting would not be part of a formal investigation but will give them a chance to respond and 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. We have internal support services available to everyone working for the University. Line managers should signpost to support where required.

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

7.7 To ensure consistency, no formal action will be taken without consultation with People & Culture.

7.8 Informal routes are set out under Part 5 above.

8. Investigation

8.1 Where the person being complained about works for the University, and following consultation with People & Culture, 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.

8.2 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.

8.3 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 that procedure. If not, informal means will need to be used to restore good working relations.

9. Suspension

9.1 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 employee. Further details about suspension can be found in the Disciplinary Procedure.

9.2 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.

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

10. Communicating the outcome of the complaint

10.1 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:

- there is 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 person being complained about
- that as a result of their complaint, remedial action has been put in place which should resolve these issues

10.2 Employees who are not satisfied with the outcome of a complaint may raise their concerns as an appeal. An appeal in these circumstances should be for one of the following reasons:

- that, in the view of the complainant, the application of the complaints procedure was flawed or
- that new evidence has come to light that was not available at the time the complaint was raised

10.3 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.

11. Disability

11.1 If an employee has particular requirements at any stage of this Procedure as a result of a disability or wishes to inform the University of any medical condition which may be relevant, the individual should confirm this as early as possible during the process by contacting their line manager or a member of People & Culture.

12. Considering wellbeing

12.1 When going through this procedure it is important to consider the wellbeing and mental health of all employees involved. Line managers should signpost to support where required.

13. Academic freedom and freedom of speech within the law

13.1 We are committed to securing and promoting academic freedom and freedom of speech within the law, which we promote as core values and vital components of being an inclusive community. Academic freedom and freedom of speech are essential parts of academic and University life, and flourish where there is tolerance of a wide range of ideas and opinions which are lawfully expressed. Promoting the lawful expression of diverse ideas and opinions or the sharing of information by means of speech, writing, images (including in electronic form) or through events that we hold, including the lawful expression of ideas and opinions that some may find objectionable or offensive, is an important part of our responsibility to be inclusive. It enables all members of the University to feel able to express their ideas and opinions within the law and be encouraged to be active members of our university community.

13.2 *Our Code of Practice: Academic Freedom and Freedom of Speech* affirms our commitment to securing and promoting academic freedom, freedom of speech within Higher Education and inclusion within the law and our founding charter also enshrines academic freedom within the law. The management of complaints or concerns about academic freedom and freedom of speech within the law in relation to action taken or not taken by the University is explained in the University's *Freedom of Speech Complaints Policy (.pdf)*.

14. Equality impact assessment and Monitoring

14.1 The University has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under the Equality Act 2010.

14.2 People, Culture, and Inclusion Advisory Group will monitor the impact of this policy.

15. Related University policies and procedures

- [Equality and Diversity Policy and Strategy](#)
- [Zero Tolerance of Harassment and Bullying](#)
- [Tackling Misogyny](#)
- [Health and Safety Policy](#)
- [Grievance Procedure](#)
- [Disciplinary Procedure](#)
- [Sickness Absence Policy and Procedure](#)
- [Stress Management Policy](#)
- [Probation](#)
- [Flexible Working Policy](#)
- [Whistleblowing Policy](#)
- [Special Leave Policy](#)
- [Social Media Policy](#)
- [Essential Training Policy](#)
- [Academic Freedom and Freedom of Speech](#)

17. University sources of support and information

- [Health and Wellbeing](#)
- [Work-Related Stress](#)
- [Coaching Essentials for Line Managers](#)

- Report and Support
- Mental Health First Aid
- Employee Assistance Programme

Document Control Panel

Field	Description
Title	Complaints of Harassment and Bullying Procedure
Policy Classification	Procedure
Security Classification	Open
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