

1. INTRODUCTION

Warwick SU is an organisation committed to creating a work environment that is free of bullying and harassment, and where everyone is treated with dignity and respect.

2. AIMS

It is Warwick SU's policy:

- To actively promote an environment free from discrimination, intimidation or victimisation on any grounds. (Including gender, age, race, sexual orientation, disability, religion or belief, gender reassignment, marriage or civil partnership or Pregnancy and Maternity)
- To provide clearly defined and effective procedures to ensure anyone who has been bullied or harassed feels sufficiently confident to raise problems they experience.
- To provide examples and definitions of unacceptable behaviour, wherever possible.
- To provide effective procedures for dealing with the perpetrators of bullying or harassment
- To ensure the effects of bullying or harassment on individuals are understood and minimised.
- To ensure targets of bullying or harassment receive the support required, in whatever form is deemed appropriate.
- To comply with the law
- To communicate to all staff and members, that it is our mutual responsibility to comply with anti-bullying or anti-harassment legislation and that both Warwick SU and the individual can be held liable if they contravene the law.

3. SCOPE OF POLICY

This policy covers bullying and harassment of and by Managers, Employees, Contractors, Agency staff and anyone else engaged to work at Warwick SU, whether by direct contract or otherwise. If the complainant or alleged perpetrator is not employed by the organisation, this policy will still apply with necessary modifications.

4. DEFINITION OF BULLYING AND HARASSMENT

4.1 Definition of Bullying:

“Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self confidence and which may cause them to suffer stress”

4.2 Examples of Unacceptable Bullying Behaviour:

Bullying generally consists of a pattern of behaviour or incidents on more than one occasion. It can be perpetrated by one individual or a group; equally the victim may be one individual or a group.

The following lists examples of unacceptable behaviour that the University of Warwick Students' Union would classify as "bullying"

- Shouting at, ridiculing or demeaning someone, particularly in front of others or by written forms such as email or memo
- Isolating an individual, preventing others from communicating with the individual
- Excluding from activities, such as social gatherings
- Creating an atmosphere of fear and intimidation by setting rules of behaviour that prevent individuals from seeking advice or support from others layers in the organisation, or that prevent any forms of social communication
- Applying policy unfairly and not in line with organisational policy
- Overbearing supervision or misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant unjustified criticism
- No substantive or quantifiable evidence of poor performance yet detrimental comments made about the individual's personal qualities
- Setting unrealistic targets and work deadlines
- Targets and deadlines are constantly changed to the detriment of the individual
- Blocking promotion or training opportunities
- Significant changes in the duties or responsibilities to the employee's detriment without reasonable justification and not in line with employee's job role or purpose
- Duties removed and replaced with menial tasks, undermining the individual
- Spreading malicious rumours, gossip particularly about performance
- Constant picking up on trivialities
- Denied access to or information about other support or procedures
- Communication only by email or memo, no verbal communication
- When on leave, receives continuous calls at home for trivial issues
- Work is frequently plagiarised and passed off as the work of the bully
- Electronic Bullying (Use of media, instant messaging, text messages, social network sites, e-mails)

The bullying behaviour may include one or many of the above examples and this list is not exhaustive. The key characteristics are that the individual feels intimidated and humiliated.

If any occasions of online bullying or harassment are reported, they will be dealt with in the same way as if it had taken place in a face to face setting.

4.3 Definition of Harassment:

"Unwanted conduct based on gender, age, race, ethnic origin, sexual orientation, disability, religious belief, political belief, appearance affecting the dignity of men and women at work. This can include unwelcome physical or non verbal conduct"

Whether an act constitutes harassment depends on how it is regarded by the recipient rather than the motive or intention of the alleged perpetrator.

Warwick SU will not tolerate any such conduct and complaints made will be treated seriously, confidentially and with sensitivity.

In the interests of impartiality and fairness, every effort will be made to carefully establish the facts of the case before the appropriate course of action is determined

4.4 Examples of Unacceptable Harassment Behaviour:

The following lists examples of unacceptable behaviour that Warwick SU would classify as “harassment”:

- **Physical Contact:**
Unwanted touching, patting, pinching
Brushing up against someone in a suggestive manner
Serious assault
Threats of physical violence
Unwelcome sexual advances
Threatened or actual sexual violence
Lewd acts
- **Verbal Conduct:**
Unwelcome propositions
Insults
Lewd comments
Abusive language
Offensive jokes
Derogatory terms or jokes
Gossip, slander
- **Non-Verbal Conduct:**
Display of pornographic or offensive materials, pictures, posters
Offensive graffiti
Displays of nationalist/political emblems
Offensive gestures
Offensive Emails, memos
Posts on Social Network Sites (Facebook, Twitter etc)
- **Unacceptable Conduct:**
Blackmail
Bribery
Unfair allocation of jobs
Non co-operation at work leading to isolation
Coercion, pressure for sexual favours, pressure to join a particular political or religious group”

The behaviour may include one or many of the above examples and this list is not exhaustive.

4.5 Definition of Victimisation

“Subjecting a person to detriment because he/she has in good faith complained (whether formally or informally) that someone has been bullying or harassing him / her or someone else or supported someone to make a complaint or given evidence in relation to a complaint”.

Providing that you act in good faith and you genuinely believe what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment. Warwick SU will take appropriate action to deal with any

alleged victimisation which could be regarded as gross misconduct and will result in a formal investigation and if proven, will result in disciplinary action, which may include dismissal

The making of false or malicious complaints of bullying / harassment will be regarded as gross misconduct and will result in a formal investigation and if proven, will result in disciplinary action, which may include dismissal.

4.6 THIRD PARTY HARASSMENT

It is unlawful to allow an employee to be persistently harassed by a third party (e.g, client, customer) on the grounds of gender, age, race, sexual orientation, disability, religion or belief or gender reassignment,

Warwick SU will be liable for such harassment if : -

- We are aware that the employee has been harassed in the course of their employment on at least two other occasions by a third party, and
- We have not taken reasonable steps to stop it happening to that person again

(It does not matter whether the third party is the same or a different person on each occasion)

Should you experience any form of third party harassment, please speak with your Line Manager in the first instance or a member of the HR Department.

Warwick SU are fully committed to ensuring all of our staff are free from any form of bullying, harassment or victimisation.

5. RECORD KEEPING / CONFIDENTIALITY

Notes should be taken of all interviews or meetings at any stage in the process. All parties to the procedure may have access to these should they require them. Preparatory notes are the property of the individual who made them and will be destroyed once the procedure has been concluded.

Evidence to be used in the decision making process should be made available to all parties prior to any decision being taken. Evidence to be referred to in any hearing will be made available before the hearing, wherever practicable.

Records should be held in a secure place and final records will be held by the HRM.

5.1 Confidentiality

At all times during the investigations, confidentiality and discretion must be maintained by all those involved, regardless of the nature of the incident.

It may be appropriate, following any disciplinary action, to communicate the outcome, particularly in the following cases:

- To reiterate procedures
- To ensure false rumours are not allowed to circulate

In all cases, advice should be taken from the HR Department on how actions should be communicated, if at all.

6. STAGES OF THE PROCEDURE

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion may help him / her to understand the effects of his / her behaviour and this could lead to greater understanding and agree that the behaviour will cease.

Complainants are encouraged to try, if they feel able to do so to resolve the problem informally by making it clear to the alleged perpetrator that their action are unwanted and should not be repeated.

Once a case is reported then Warwick SU must act in accordance with this procedure.

6.1 REPORTING A CASE

The person reporting the case may have witnessed incidents or may be speaking on behalf of the victim, this person may be the victim themselves.

The person can report the case to any of the following people:

- Their Line Manager
- Their Line Manager's Line Manager
- Their Head of Department
- Any of the Senior Managers
- Human Resources Manager / Human Resources Advisor
- The Chief Executive

6.2 INFORMAL PROCEDURE FOR HANDLING COMPLAINTS

There are a number of informal routes that may be followed;

It is the responsibility of the person to whom the case is reported to inform the victim/or their representative of the possible routes available to them. This person must remain impartial at all times. They should however be supportive and listen to all of the issues raised.

1. The two parties are brought together with a mediator (Management level, Member of HR Department, or an external mediator, depending on circumstances) to discuss the issues.

The procedure for this meeting will be:

- The victim explains how they feel and what examples of bullying / harassment behaviour they feel they have been subjected to.
- The alleged perpetrator responds to these points and listens carefully to the complaint and concerns
- The victim may respond to any further issues raised and where applicable, states what they would like to see changed
- The alleged perpetrator responds
- An action plan is agreed with regards to the aspects of behaviour that will change
- A further meeting date can be arranged to follow up progress

- All records will be kept of this meeting and will be kept confidential

2. The person to whom the alleged bullying has been reported meets with the two parties separately to establish the facts and determine what action needs to be taken

The procedure for these meetings will be:

- Both parties will be informed of meeting times and will be offered the opportunity of being accompanied by a colleague or a Trade Union representative.
- The mediator will set out the alleged behaviour and ask for the individual's account of the issues.
- Explanations will be sought and also views on how the individual's would like to progress the discussion.
- The mediator will take time to consider what action, if any needs to be taken and will then meet with each person to inform them.

Action may be that:

- The two parties meet with mediation,
- There is no grounds for further action but the situation will be monitored,
- If both parties strongly disagree, formal procedures should be invoked, commencing with a full investigation including interviewing witnesses

3. The victim meets the alleged perpetrator on their own to feed back their feelings and the alleged bullying behaviour.
 - The victim should then be encouraged to feed back to the person they reported the case to so that whatever resulted from the meeting can be recorded and then monitored.
 - There is the option of trying another informal route if this process does not have a satisfactory conclusion for the victim
4. The victim asks a colleague to meet the alleged perpetrator in the same way as noted above in 3. The person to whom the case is reported must keep notes of the meetings and those involved.

Whilst the victim may select the most appropriate informal route, in the interests of impartiality, this will not be the case should formal procedures be invoked. The victim will however be consulted in recognition of the need to handle the situation sensitively.

In many cases, the issues can be resolved by the use of informal methods. Frequently, the perpetrator is unaware of their impact. Nevertheless this is not always the case and formal procedures need to be invoked.

6.3 FORMAL PROCEDURE FOR HANDLING COMPLAINTS:

Warwick SU have identified that in the following situations it may become necessary to invoke formal investigations:

- The victim feels that the case is so severe or they are so intimidated that they can not go through the informal routes.
- Following either mediation or separate meetings, no resolution is forthcoming and further investigation involving witnesses is needed
- The case involves a series of bullying behaviours impacting on a number of individuals

- The behaviour has resulted in the illness of a member / members of staff.
- Following mediation, the bullying behaviour is alleged to have continued

In the interests of fairness, it is important that any procedure is thorough and whilst everything will be done to ensure a speedy resolution to minimise the stress placed on all concerned, thoroughness will not be sacrificed.

The procedure is as follows and is based on Warwick SU's disciplinary procedure.

6.4 THE INVESTIGATION PROCESS:

- A full and impartial investigation should take place, all parties (including witnesses) should be interviewed and notes taken.
- All parties should have the opportunity to be accompanied at any interview by either a colleague or a Trade Union representative.
- This investigation does not form part of the disciplinary procedure.
- If a mediator has been used as part of the informal procedure, it is not appropriate that this person is the investigating manager.
- The investigating manager will normally be the line manager of the alleged perpetrator. In order to ensure impartiality for all parties, the Chief Executive and the Human Resources Manager will agree who should conduct the investigation. This will be communicated to both parties.
- The investigation will be conducted as soon as practically possible after the case has been reported and the decision to invoke formal procedures has been taken.
- Both parties shall be kept informed of timescales
- The interviews will set out the alleged behaviour and request explanations. It will be ascertained whether there is grounds for any malicious allegations at this time.
- The investigation may result in the suspension with pay of the alleged perpetrator; this is not a disciplinary sanction and may only be imposed if the circumstances are serious, or that the working environment for the victim and /or other members of staff would be impossible.
- Other options would be to move the alleged perpetrator to another department, reasonably change rotas to avoid both parties coming into contact or reasonably change duties so that both parties do not come into contact.
- The victim should not be moved or their hours changed unless they ask to do so

6.5 Action Following the Investigation:

- The evidence should be presented to the manager who would conduct any hearing for them to make a decision whether there is a case to be heard at a Disciplinary Hearing. (This would normally be the line manager of the investigating manager, but again, in the interests of impartiality this would be agreed by the Chief Executive and the Human Resources Manager)
- It may be identified that there is no case. In such circumstances, it is necessary to establish whether any allegations were malicious or not. If there is a case that malicious allegations were made, then the disciplinary procedure should be invoked.
- Both parties should be informed of the outcome.
- If a hearing is deemed appropriate, it will be necessary to determine whether there are grounds for gross misconduct or misconduct.
 - The manager should take account of the following when determining the seriousness of the case:
 - The severity of effect on the victim

- The period of time over which the behaviour was allegedly evident
 - The number of people affected
 - Previous incidents of bullying or harassment behaviour
- It should be discussed with the victim how their evidence will be presented (see below) and then both parties should be informed in writing of the outcome of the investigation.
 - The letter should set out the date, time and venue of the hearing, nature of the allegations, the right to be accompanied and the procedures that will be followed.
 - Both parties have the right to be accompanied by a colleague or a Trade Union representative
 - Either the Chair of the disciplinary hearing or the alleged perpetrator can call witnesses.
 - All parties must be informed of witnesses to be called and all parties must have received any written evidence prior to the hearing
 - The procedure for the hearing is the same as for the standard Warwick SU disciplinary hearings
 - The victim or witnesses would not be permitted to cross examine the alleged perpetrator, questions can be presented to the alleged perpetrator to answer.
 - The Chair of the hearing will be responsible for any cross examination

7. INTERVIEWING WITNESSES

Witnesses should be informed that their evidence will be submitted for consideration and that the member of staff concerned will have access to this information.

There may be occasions where evidence can be submitted anonymously. These cases will be determined by the Human Resources Manager taking the advice of the investigating manager, precedent and any representation from the witness. The only grounds for this are usually if there are concerns about the possible victimisation of the witness.

If the chair of the disciplinary hearing is satisfied that the victim or any witness is genuinely in fear of giving evidence in person or from their statement the following procedure shall be invoked:

- Every attempt will be made to reassure the witness / victim that no adverse effects will come to them should they give evidence
- Corroboration is desirable
- The chair of the disciplinary hearing should interview the witness or victim personally if they feel it is necessary to do so
- If the alleged perpetrator wishes to ask questions to the witness, the Chair can either ask for a list of questions to put to the victim / witness in preparation for the hearing. Or during the hearing, adjourn the hearing and put the questions to the witness or victim personally if this is possible and appropriate. This should be minuted.
- The hearing can then be in receipt of the answers prior to the hearing
- It is the Chair's responsibility to raise any inconsistencies between the witness and or victim's statements and that of the alleged perpetrator.

7. DISCIPLINARY HEARING SANCTIONS:

In cases where misconduct is found the following action may be appropriate:

- Further training for the perpetrator in identified areas

- A formal written or verbal apology by the perpetrator to the victim
- A formal written warning, or in cases where any further behaviour of a similar nature would not be conducive to continued employment, a final written warning
- Counselling or behaviour management training to help the bully / harasser recognise and alter their behaviour
- Transfer to another department on no less favourable hours or conditions
- Demotion
- Regular review meetings
- Other appropriate action

In cases where gross misconduct is found:

- Summary dismissal

The employee must be informed of their right of appeal as detailed in Warwick SU disciplinary procedures.

If the person found to have bullied or harassed remains in the workplace, every effort will be made to support them in making arrangements for them to continue to resume work and to help build working relationships if they wish to do so. If they decide they do not want to continue to work alongside the perpetrator every effort will be made to discuss this. These options will be discussed with the Human Resources Department, individual and the Line Manager.

8. APPEAL PROCEDURE:

- If an employee wishes to exercise their right of appeal they must do so within 14 days (2 working weeks) of the receipt of the warning or of notification of dismissal.
- Any appeal will be heard not later than 21 days after the appeal has been lodged except where it is mutually agreed that this time limit be waived.
- A Manager more senior to the Manager who conducted the hearing should hear the appeal (if possible).
- Appeals against dismissals will be heard by either a Senior Manager or a representative. The procedure for the hearing of an appeal will be as set out in the Warwick SU Disciplinary appeal procedures
- Where a Senior Manager has been dismissed, appeals will be heard by an Appeals panel appointed by the Board of Trustees, which will normally consist of either the President or Chair of the Board plus two other members of the Board.

9. ADDITIONAL SUPPORT

There are some cases where the victim does not wish to inform the organisation of the alleged bullying / harassment behaviour. In these cases it is practically impossible for Warwick SU to take any action. However, the following organisations can offer support. Indeed this support is also available if the victim decides to report the issue:

- Your Trade Union representative
- UK National Bullying Help Line 0845 2255 787
(www.nationalbullyinghelpline.co.uk)
- Your GP
- British Association for Counselling: 01455 883300 (Can give advice on local counsellors)

- Samaritans: 024 7667 8678/ 0845 790 9090 (24 hour helpline) - www.samaritans.org/coventry
- North Warwickshire Counselling Service 024 7632 0095 (24 hour helpline)
- Local Citizen's Advice Bureau
- ACAS Public Enquiry Point: Birmingham 0121 456 5856
- Commission for Racial Equality – 02078 287022
- Disability Discrimination Act Helpline – 0345 622633

In addition, the following tactics can help reduce the effects of the bullying behaviour or will help later on should the victim decide to report the issue:

- Keep records of when behaviour occurred, including times, dates and witnesses any letters, memos or emails
- Make the bully / harasser aware of the fact their behaviour has been witnessed
- If possible, speak to the bully / harasser straight away and let them know how their behaviour has made you feel. Ask them to stop. They may be unaware of how they are behaving
- If you do not feel able to confront them, write to them keeping a copy and any reply
- Be firm, stick to the facts, describe what happened, not why you think they behaved as they did
- Talk to colleagues to see if anyone else feels the same
- Avoid being alone with the bully

10. POLICY REVIEW

The Human Resources Department will record, confidentially, details of reported cases of bullying / harassment of staff or by staff and report statistical information to the Equal Opportunities Committee annually.

This policy will be reviewed accordingly and may include confidential staff surveys / focus groups to monitor how successful it is being in creating a workplace free of bullying and harassment.