

S T R A N M I L L I S U N I V E R S I T Y C O L L E G E
A College of Queen's University Belfast

DIGNITY AT WORK AND STUDY POLICY AND PROCEDURE

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1. Policy Purpose and Scope

1.1 The Dignity at Work and study Policy, and supporting Procedure, applies to all students and employees, including agency workers of Stranmillis University College (the College) as well as applying to behaviour by visitors towards College students or staff or vice versa. It applies to all employees including temporary, part-time or those on secondments into the College.

The policy applies to all of the following:

- those on the business premises during or outside working hours
- during College-related activities outside the business premises
- during College -related social events (e.g. Christmas parties), whether on the business premises or outside them
- on the internet or other telecommunication devices, such as social media, during or outside working hours

The purpose of this policy is to assist in the development and promotion of a working and learning environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of ridicule or reprisal.

Stranmillis University College is committed to equality of opportunity for all of its staff and students and to promoting a good and harmonious work and study environment as outlined in our Equal Opportunity policy.

Any incident of harassment or bullying will be regarded seriously and can be grounds for disciplinary action including dismissal or expulsion.

This policy aims to ensure that adequate procedures are available to deal with the problem and prevent it from happening again. The College undertakes to promptly respond to complaints and to treat them with due respect, appropriate confidentiality and fairness.

The principles of equity, reasonableness and natural justice will dictate the operation of this policy at all times.

The policy also applies to Stranmillis University College students' conduct towards other students and staff off the University College's premises, including online and during all University College-related activities.

Social media should not be used by students and staff in a way that breaches the Dignity at Work and Study Policy (please refer to the Social Media policy).

If a student or member of staff suffers harassment, bullying or other unacceptable treatment while working outside the University College it is likely that in such circumstances, the policies and procedures of the external organisation will apply and will be the framework within which such behaviour will be addressed.

- 1.2 The University College will take reasonably practicable steps to protect our employees from such third-party harassment and bullying.

This policy applies to all consultants, contractors or any third party such as customers, suppliers or visitors.

2. Definitions

2.1 Meaning of Harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

2.1.2 Harassment can occur where someone perceives another person to have protected equality grounds, for example a perception that someone is transgender even if they are not.

2.2 Examples of Harassment

2.2.1 Harassment can occur in many forms, and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (i.e., revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

2.3 Protected Characteristic Meaning

2.3.1 The protected equality grounds in NI are; Disability, Sex, Pregnancy or maternity, Gender reassignment, Marital or Civil partnership status, Religious or similar philosophical belief, political opinion, Racial group, Sexual Orientation and Age.

2.4 Meaning of Sexual Harassment

- 2.4.1 Sexual harassment is unwanted conduct of a sexual nature which has the purpose, or the effect, of violating someone's dignity, or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment, even if the conduct was not directed at them.
- 2.4.2 If someone is treated less favourably than others for having submitted to, or rejected, sexual harassment in the past, this also constitutes sexual harassment.
- 2.4.3 Sexual harassment is unlawful and may constitute a criminal offence.

2.5 Examples of Sexual Harassment

- 2.5.1 Sexual harassment can take many forms, from lewd and offensive comments (often described as 'jokes or 'banter' by the harasser), inappropriate touching to sexual harassment via digital means such as text, email or online. Examples (non-exhaustive list) include:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Physical violence, including sexual assault.

Verbal conduct

- Derogatory or unwelcome comments on a worker's appearance, private life, etc.
- Sexual comments, stories, jokes and questions of a sexual nature;
- Sexual advances;
- Repeated and unwanted social invitations for dates or physical intimacy;
- Insults based on the sex of the worker;
- The use of job-related threats or rewards to solicit sexual favours;
- Intrusive questions about a person's private or sex life;
- Discussing their own sex life within the place of work or study.

Non-verbal conduct

- Display of sexually explicit or suggestive material such as calendars, PC desktop wallpaper;
- Digital abuse (such as sexually explicit text messages or emails) or sexual comments on social media;
- Sharing of pornographic material;
- Sexually suggestive gestures;
- Wolf-whistling;
- Leering.

2.6 Meaning of Bullying

- 2.6.1 There is no legal definition of bullying in the workplace. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.
- 2.6.2 Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.
- 2.6.3 If the bullying relates to a person's protected equality grounds, it may also constitute harassment and, therefore, will be unlawful (see para 2.1).

2.7 Examples of Bullying

- 2.7.1 While this is not an exhaustive list, bullying may include:
 - physical, verbal or psychological threats;
 - excessive levels of supervision; and
 - inappropriate and derogatory remarks about a person's performance.
- 2.7.2 It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

2.8 Meaning of Victimisation

- 2.8.1 Victimisation is when someone who reports harassment is treated unfairly by the University College or by another student or employee as a result of having reported the harassment. Victimisation is also discrimination contrary to the equality laws and this policy. We will treat it as misconduct which may warrant dismissal from employment, or other employment-related penalties as is appropriate.

3. Rights and Responsibilities

3.0 Rights

3.1.1 The College must ensure that individuals' rights are upheld and that an environment free from harassment, bullying, and victimisation can be achieved and we will continually make good faith efforts to implement this policy.

3.1.2 Individuals have the right to:

- be treated with respect and dignity;
- work and/or study in an environment free from harassment, bullying, intimidation and victimisation;
- expect the appropriate level of confidentiality to be extended;
- fair and equitable treatment, irrespective of status;
- request education about this policy;
- be accompanied to any meeting, relating to circumstances of alleged harassment or bullying, by a Dignity at Work Adviser (see Appendix 2), work colleague, Trade Union representative, or fellow student (such as the Student President or a member of the Students' Union Executive).

3.1.3 If a person believes that they are being harassed, bullied or victimised, they have the right to:

- seek support and assistance;
- decide the level of action they wish to take if they believe they are being harassed or bullied i.e. informal action, formal action or no action;
- make a formal complaint; (please see page 11 onwards for Dignity at Work procedure (staff))
- be protected from victimisation, due to raising a complaint.

3.1.4 If a person has a formal complaint made against them, they have the right to:

- an initial assumption of innocence pending the outcome of an investigation;
- be clear about the nature of the complaint;
- receive a copy of the written complaint together with any relevant documentation and material;
- to be accompanied to any meetings related to the investigation of the complaint;
- a fair hearing undertaken in a timely manner.

3.2 Responsibilities

- 3.2.1 The College's Governing Body and Principal have overall responsibility for the effective operation of this policy. However, overall day to day responsibility for the management of this policy lies with the Principal and Senior Leadership Team.
- 3.2.2 Members of the College community have the following responsibilities:

Staff and Students

All members of staff and students have responsibility for:

- familiarising themselves with the Dignity at Work and Study Policy and Procedure;
- contributing towards a positive working and learning culture and environment in the University College;
- respecting the dignity of all members of the University College community;
- contributing towards preserving individuals' confidentiality by not participating in rumours or gossip;
- challenging instances of harassment and bullying, where they feel able to do so;
- co-operating, as necessary, with investigations into complaints of harassment or bullying;
- identifying issues and raising any concerns.

If a member of staff or student believes they are being harassed or bullied and wish to have the situation resolved, they are responsible for:

- seeking help and support as soon as possible;
- providing the evidence to support the complaint, where evidence is available;
- giving the College the opportunity to resolve the issue and making reasonable efforts to make the recommended solution work;
- accepting that if they decide to take no action, it may not be possible for the problem to be resolved.

Managers:

In addition to the responsibilities that apply to them as employees, those who manage staff also have a responsibility to:

- support the College culture of respecting the dignity of the individual, and to act as a role model;
- discuss and raise awareness of the Dignity at Work and Study Policy and Procedure, ensuring that staff who they line manage are reminded about the policy on an annual basis;
- provide guidance to staff on acceptable and unacceptable behaviour at work (as per Staff Code of Conduct);

- challenge instances of harassment and bullying that occur within their own area of management responsibility (including potentially frivolous, vexatious or malicious complaints) and take disciplinary action where appropriate;
- enable complainants to take action without fear of repercussions or victimisation;
- fully play their role, as outlined above, in ensuring that the workplace is free from harassment and bullying.

Those in managerial or supervisory roles should ensure that all complaints of harassment and bullying are dealt with promptly, seriously and confidentially and in accordance with this policy.

Those in managerial or supervisory roles have a responsibility to promote a culture free from unacceptable behaviour, and to react to any allegations of harassment/bullying as quickly as possible. In the same way, those responsible for student welfare must react to such allegations appropriately.

Human Resources

- provide support to managers in the effective use of this policy;
- support a culture of dignity and respect across the University College;
- source and arrange training triennially;
- review and update the policy triennially;
- ensure the policy is communicated effectively.

Responsibility of Governing Body

- Ensure the policy is adequately resourced and reviewed in accordance with the agreed policy schedule;
- Adapt the procedure should the Chair of the Governing Body need to deal with any complaints about the Principal or members of the Senior Management Team.

4. Confidentiality and Record Keeping

- 4.1 Complaints may include allegations of a highly sensitive nature and the release of such information could be damaging to the reputation of both complainant and/or alleged harasser. It is vital that employees who may wish to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally an employee who is accused of harassment is entitled to the same protection of their reputation, particularly should a complaint prove to be unfounded.
- 4.2 Staff involved in any way with a complaint shall be personally responsible not to disclose any details of the complaint to any person who does not have a proper interest in this matter. Failure to ensure this high level of confidentiality may lead to appropriate disciplinary action.
- 4.3 Written records must be kept during the complaint process for future reference. Records should be treated as confidential and kept in accordance with the Data Protection Act 1998.

5. Communication and Training for Staff and Students

- 5.1 Training will be provided to all staff on this policy. Additional training will be provided to those who have specific roles under this policy, such as those who may be required to investigate complaints, staff who are required to provide advice. Equality Advisers – see Appendix 2.
- 5.2 Students will be provided with training under this policy as part of their induction.
- 5.3 The Student Support Service and Human Resources Department will work with the Student Executive and/or trade unions to produce user friendly summary and web information to accompany this policy and other initiatives to raise awareness.

6. Dignity at Work and Study Procedure(s)

- 6.1 The procedure at appendix 1a will be used by the University College when dealing with an employee complaint either through the informal or formal process. A separate procedure for dealing with student complaints can be found at appendix 1 b.
- 6.2 The procedure outlines how the College will manage investigation, appeals and offering guidance on how to deal with frivolous, vexatious and, malicious complaints.

7. Links to Other University College Policies/useful information

7.1 There are a number of related policies and procedures. These include:

- Staff Code of Conduct;
- Social Media Guidelines;
- Disciplinary Procedure;
- Equal Opportunity Policy;
- LRA Eliminating Sexual Harassment from the Modern Workplace Guide;
- Inspire – Employee Assistance Programme (see signpost EAP on the College Intranet);
- College Values;
- Personal Relationship Policy.

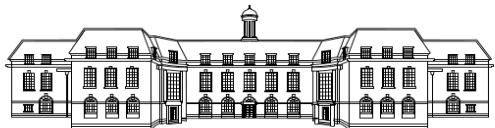
8. Review of Policy and Procedure

8.1 The policy and procedure will be reviewed every three years, or sooner if required, to ensure its effectiveness and to make necessary adjustments based on changing laws, regulations and organisational needs.

Approved by Governing Body Date: March 2025

Review Date: March 2028

Appendix 1a



STRANMILLIS UNIVERSITY COLLEGE
A College of Queen's University Belfast

DIGNITY AT WORK PROCEDURE (STAFF)

1.0 **What to do if you are being bullied or harassed**

1.1 **Informal Procedure**

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider speaking to an Equality Adviser (Appendix 2) or you could ask your manager, a colleague, or HR for support.

You may or may not want the Equality Adviser or Manager to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our Employee Assistance Programme (EAP).

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action.

1.2 **Mediation**

If an informal, direct approach to resolving the issue has not worked or the individual does not feel able to pursue this alone, mediation may help to create open discussion and help the parties to communicate and develop an agreement for working together in the future.

Mediation is a confidential and non-adversarial way of resolving issues and re-establishing working relationships that may have deteriorated or even broken down, by bringing in an impartial third party, the mediator. Mediation is entirely voluntary and can only proceed where both parties agree to it.

Staff can request access to an independent mediator via the Human Resources Department, who will advise whether mediation is appropriate or recommend a move to the formal stage of the Procedure might be more appropriate.

2.0 **Formal Procedures**

2.1 **Initiating the Formal Procedure**

If informal attempts have been unsuccessful, or if the behaviour is considered to be too serious to be dealt with informally, an individual has the right to make a formal complaint under this policy. A formal complaint must be submitted in writing via email to the Head of Human Resources if the complainant is a member of staff. The written complaint must specify the name(s) of the alleged harasser(s), clearly identify what the complaint is about, providing details of specific incidents including dates, and names of witnesses if there are any.

If the complaint is about the Principal or a Governor, the individual should raise the matter with the Governing Body in writing via the Secretary of the Governing Body. Governors are expected to adhere to their Code of Conduct. Any complaints about the Chair of Governors should be referred to the Permanent Secretary of the Sponsor Department, currently the Department for the Economy, via the Secretary to the Governing Body.

It may be necessary to make a reasonable adjustment for a disabled person or for someone who is not fluent in English or sufficiently literate to put a complaint in writing. Assistance with writing the complaint can be provided by an Equality Adviser or by requesting assistance via the Human Resources Department.

A Line Manager who witnesses behaviour by a member of staff which is unacceptable may initiate an investigation under this procedure.

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,
- last of a series of such acts was within 3 months.

However, the University College may investigate a complaint which is out of time if it is considered just and equitable to do so, and it is believed to be in the interests of the complainant and / or the University College.

The complainant and alleged harasser will have the right to be accompanied and/or represented by their trade union representative or work colleague/ companion as appropriate. The University College does not permit companions who do not fall within the above categories for example a professional support body, partner or legal representative are not permitted to attend.

2.2 Investigation under the Formal Procedure

2.2.1 Investigation of the Complaint

An Investigating Officer will be selected to investigate the complaint by the Principal or his nominee in consultation with the Human Resources Department. If considered appropriate, the College reserves the right to establish an Investigating Panel. Those investigating the complaint must be trained in handling such matters, must not be the alleged harasser/bully, must follow these procedures rigorously, should be chosen (when achievable) with due sensitivity to the alleged victim's social identity, and should treat the matter in a confidential manner. In relation to complaints from or about staff, a member of the Human Resources Team will act in a note taking and advisory capacity.

The University College will endeavour to ensure that all investigations are undertaken without unreasonable delay.

1. Investigation Meeting with the Complainant

The Investigation Officer will meet the complainant to:

- Advise the complainant that they have the right to be accompanied by a trade union representative or work colleague;
- Clarify and formally record the nature of the allegation of harassment/bullying and that it is being handled under the formal procedure;
- Ensure that the complainant is aware of the next stage of the procedure;
- Advise on contact between the complainant and alleged harasser.

Avoiding Contact

The issue of avoiding contact between the complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the allegation of harassment/bullying. The Investigation Officer will take the appropriate action concerning the avoidance of contact following discussion with the complainant, including the possibility of an individual being transferred to another work location, if appropriate. Both parties should also be advised that there should be no communication between them, directly or indirectly, in relation to the allegation of harassment/bullying.

Where a case of serious harassment/bullying has been alleged, consideration will be given to precautionary suspension of the alleged harasser to enable investigation to proceed. The precautionary suspension will be in line with the College Disciplinary Procedure. As per this Procedure, an individual who is going to be suspended must be formally invited to a meeting and advised of this. The individual will have the right to be accompanied at this meeting by a trade union representative or work colleague, as appropriate.

2. Informing the Alleged Harasser

The Investigation Officer will inform the alleged harasser in writing:

- The nature of the allegation of harassment/bullying/provided a copy of the written complaint;
- Confirm that it is being investigated under the formal procedure;
- Ensure that the individual is aware of the next stages of the procedure;
- That they have the right to be accompanied by a trade union representative or work colleague;
- That an Investigation meeting will be held, normally within 10 working days of the written allegation of harassment/bullying being received. Where in exceptional circumstances this is not possible, and in consultation with the complainant and alleged harasser, the procedure will be completed as soon as possible.

3. The Investigation

Whilst the Investigating Officer will seek to conclude the investigation as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 10 working days of the date the allegation of harassment/bullying was received. Where in exceptional circumstances this is not possible, and in consultation with the complainant and alleged harasser, the procedure will be completed as soon as possible.

The purpose of these meetings is to establish the facts. All those giving information to the Investigating Officer do so individually and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

4. Meeting with the alleged harasser

The Investigating Officer will meet the alleged harasser and hear what they have to say about the incident(s) and any other related matter. The alleged harasser will have the right to be accompanied by their trade union representative or work colleague as appropriate. This will not be the same person who accompanies or represents the complainant.

5. Meeting with anyone who can assist with the investigation

The Investigating Officer will meet anyone who can assist with the investigation. This may include supervisors or colleagues such as those who may have observed the complainant's demeanour immediately before and after the alleged incident(s) or any colleague with whom the complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

The Investigating Officer may meet with the managers/supervisors of both the complainant and alleged harasser to establish if there has been any history or previous conflict between them and/or with other parties.

The Investigating Officer may then wish to have further meetings to clarify or gain additional information.

6. Outcome and Reporting the Facts

Following the investigation and having made a decision on the most appropriate course of action, the outcome will be communicated in writing to both the complainant and the alleged harasser. A copy of the final report will also be made available to the complainant.

Examples of action might include:

- no action;
- providing guidance to the complainant and/or the alleged harasser or bully;
- personal development for either or both of the parties (e.g. team building, anger management);
- counselling or any other measures considered appropriate for one or both parties;
- mediation;
- consideration of transfer;
- disciplinary action;
- redeployment or a change in reporting arrangements.

Should the panel find that there has been behaviour considered to be unacceptable under this Procedure which warrants disciplinary action, the matter will be dealt by a panel constituted in accordance with the College Staff Disciplinary Procedures. This panel will not include anyone who has been previously involved. The investigation conducted under the Dignity at Work and Study Procedure will replace the investigation stage of the Disciplinary Procedure.

The alleged harasser and complainant shall be notified of the outcome of the Dignity at Work and Study Investigation as soon as reasonably practicable, of the recommendation(s) in response to the complaint, the reasons for the decision and the proposed action to deal with matters emerging from investigating the complaint.

7. Appeal

If the complainant is not satisfied with the outcome of the formal Dignity at Work and Study investigation, they have the right to appeal. They must inform HR, in writing, within 10 working days of having received the decision that they wish to appeal the decision. They have the right to be accompanied by a trade union representative or work colleague to any appeal meeting held.

HR will organise an Appeal Panel and this panel/officer must invite the complainant to attend a further meeting. Ideally this should take place within 10 working days of the appeal notification being received. It is acknowledged that this timeframe is not always possible.

The complainant must take all reasonable steps to attend the arranged meeting and they may be accompanied by a colleague or trade union representative.

The Appeal Panel will write to the complainant to confirm the outcome of the appeal, which will be final.

2.3 Frivolous, Vexatious or Malicious Complaints

This procedure exists to provide a fair means of resolving genuine complaints. Complaints of harassment or bullying are treated seriously by the College.

The University College will not accept complaints (of misconduct or otherwise) which are deemed to be frivolous (i.e. a complaint which has no reasonable chance of success) or vexatious (i.e. where there can be no additional remedy in addition to one that the employee has already been offered, or where the complaint is found to be mischievous). If a complaint submitted by a member of staff is found to be frivolous or vexatious, this may be grounds for possible disciplinary action.

2.4 Anonymous Reports

Reports made anonymously will also be investigated whenever possible. However, it should be noted that, without full information and the opportunity to follow up with the complainant and independent witnesses, there may be insufficient information to proceed with an investigation.

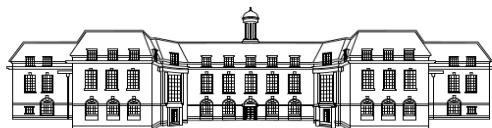
2.5 Counselling Advice

Counselling may be offered to the complainant or alleged harassers against whom a complaint has been made but has been deemed to be unfounded.

The University College has commissioned the provision of a free independent confidential and professional counselling service for staff and students through Inspire (tel: 0808 800 0002).

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.

Appendix 1b



STRANMILLIS UNIVERSITY COLLEGE
A College of Queen's University Belfast

DIGNITY AT WORK PROCEDURE (STUDENTS)

1.0 **What to do if you are being bullied or harassed**

1.1 **Informal Procedure**

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider speaking to an Equality Adviser (Appendix 2) or the Director of Student and Learning Services for support.

You may or may not want the Equality Adviser or the Director of Student and Learning Services to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

If the alleged misconduct is of such a serious nature that it may amount to a criminal offence, we will enquire whether you have reported, or have considered reporting, the matter to the police and we will support you if you have done, or wish to do, that. Should you not wish to report the matter to the police we will have to consider whether we should do so ourselves. We will give great weight to your wishes and we will normally respect them, but in coming to a decision we must also consider and weigh the risks of not reporting the matter, such as the risks to your own safety and that of others, such as your colleagues. Reporting the matter to the police does not necessarily mean that we cannot proceed to conduct our own investigation, but, obviously, we cannot prejudice the police's criminal investigation. Therefore, we will liaise with the police about this and decide whether it would be reasonable to proceed with our investigation or to suspend it pending the outcome of their enquiries. We may also take independent legal advice

If you are experiencing bullying or harassment by a third party, for example a member of staff in a placement school, we encourage you to report this to the Director of Student and Learning Services without delay so that they can advise and support you on the best course of action.

1.2 **Mediation**

If an informal, direct approach to resolving the issue has not worked or the individual does not feel able to pursue this alone, mediation may help to create open discussion and help the parties to communicate and develop an agreement for working together in the future.

Mediation is a confidential and non-adversarial way of resolving issues and re-establishing working relationships that may have deteriorated or even broken down, by bringing in an impartial third party, the mediator. Mediation is entirely voluntary and can only proceed where both parties agree to it.

Staff can request access to an independent mediator via the Director of Student and Learning Services, who will advise whether mediation is appropriate or recommend a move to the formal stage of the Procedure might be more appropriate.

2.0 **Formal Procedures**

2.1 **Initiating the Formal Procedure**

If informal attempts have been unsuccessful, or if the behaviour is considered to be too serious to be dealt with informally, an individual has the right to make a formal complaint under this policy. A formal complaint must be submitted in writing via email to the Director of Student and Learning Services if the complainant is a student. The written complaint must specify the name(s) of the alleged harasser(s), clearly identify what the complaint is about, providing details of specific incidents including dates, and names of witnesses if there are any.

If the complaint is about a member of staff the Director of Student and Learning Services will work with the Head of Human Resources to address the matter, and appropriate escalation may be required.

It may be necessary to make a reasonable adjustment for a disabled person or for someone who is not fluent in English or sufficiently literate to put a complaint in writing. Assistance with writing the complaint can be provided by an Equality Adviser or by requesting assistance via the Director of Student and Learning Services.

Anyone who witnesses behaviour by a student which is unacceptable may initiate an investigation under this procedure.

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,
- last of a series of such acts was within 3 months.

However, the University College may investigate a complaint which is out of time if it is considered just and equitable to do so, and it is believed to be in the interests of the complainant and / or the University College.

The complainant and alleged harasser will have the right to be accompanied and/or represented by the Student President of the Stranmillis University College Students' Union, a fellow student studying at Stranmillis University College, a member of staff at Stranmillis University College or one of the recognised College Chaplains, as appropriate.

2.2 Investigation under the Formal Procedure

2.2.1 Investigation of the Complaint

An Investigating Officer will be selected to investigate the complaint by the Director of Student and learning Services or his/her nominee. If considered appropriate, the College reserves the right to establish an Investigating Panel. Those investigating the complaint must be trained in handling such matters, must not be the alleged harasser/bully, must follow these procedures rigorously, should be chosen (when achievable) with due sensitivity to the alleged victim's social identity, and should treat the matter in a confidential manner. In relation to complaints from a student about a member of staff or from a member of staff about a student, a member of the Human Resources Team will act in a note taking and advisory capacity.

The University College will endeavour to ensure that all investigations are undertaken without unreasonable delay.

8. Investigation Meeting with the Complainant

The Investigation Officer will meet the complainant to:

- Advise the complainant that they have the right to be accompanied by the Student President of the Stranmillis University College Students' Union, a fellow student studying at Stranmillis University College, a member of staff at Stranmillis University College or one of the recognised College Chaplains;
- Clarify and formally record the nature of the allegation of harassment/bullying and that it is being handled under the formal procedure;
- Ensure that the complainant is aware of the next stage of the procedure;
- Advise on contact between the complainant and alleged harasser.

Avoiding Contact

The issue of avoiding contact between the complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser of the allegation of harassment/bullying. The Investigation Officer will take the appropriate action concerning the avoidance of contact following discussion with the complainant, including the possibility of an individual being relocated, if appropriate. Both parties should also be advised that there should be no communication between them, directly or indirectly, in relation to the allegation of harassment/bullying.

Where a case of serious harassment/bullying has been alleged, consideration will be given to precautionary suspension of the alleged harasser to enable investigation to proceed. The precautionary suspension will be in line with the College Disciplinary Procedure for non-academic offences. As per this Procedure, an individual who is going to be suspended must be formally invited to a meeting and advised of this. The individual will have the right to be accompanied at this meeting by the Student President of the Stranmillis University College Students' Union, a fellow student studying at Stranmillis University College, a member of staff at Stranmillis University College or one of the recognised College Chaplains, as appropriate.

9. Informing the Alleged Harasser

The Investigation Officer will inform the alleged harasser in writing:

- The nature of the allegation of harassment/bullying/provided a copy of the written complaint;
- Confirm that it is being investigated under the formal procedure;
- Ensure that the individual is aware of the next stages of the procedure;
- That they have the right to be accompanied by the Student President of the Stranmillis University College Students' Union, a fellow student studying at Stranmillis University College, a member of staff at Stranmillis University College or one of the recognised College Chaplains, as appropriate;
- That an Investigation meeting will be held, normally within 10 working days of the written allegation of harassment/bullying being received. Where in exceptional circumstances this is not possible, and in consultation with the complainant and alleged harasser, the procedure will be completed as soon as possible.

10. The Investigation

Whilst the Investigating Officer will seek to conclude the investigation as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within 10 working days of the date the allegation of harassment/bullying was received. Where in exceptional circumstances this is not possible, and in consultation with the complainant and alleged harasser, the procedure will be completed as soon as possible.

The purpose of these meetings is to establish the facts. All those giving information to the Investigating Officer do so individually and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

11. Meeting with the alleged harasser

The Investigating Officer will meet the alleged harasser and hear what they have to say about the incident(s) and any other related matter. The alleged harasser will have the right to be accompanied by the Student President of the Stranmillis University College Students' Union, a fellow student studying at Stranmillis University College, a member of staff at Stranmillis University College or one of the recognised College Chaplains, as appropriate. This will not be the same person who accompanies or represents the complainant.

12. Meeting with anyone who can assist with the investigation

The Investigating Officer will meet anyone who can assist with the investigation. This may include staff or students such as those who may have observed the complainant's demeanour immediately before and after the alleged incident(s) or any colleague with whom the complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

The Investigating Officer may then wish to have further meetings to clarify or gain additional information.

13. Outcome and Reporting the Facts

Following the investigation and having made a decision on the most appropriate course of action, the outcome will be communicated in writing to both the complainant and the alleged harasser. A copy of the final report will also be made available to the complainant.

Examples of action might include:

- no action;
- providing guidance to the complainant and/or the alleged harasser or bully;
- personal development for either or both of the parties (e.g., team building, anger management);
- counselling or any other measures considered appropriate for one or both parties;
- mediation;
- consideration of transfer;
- disciplinary action.

Should the panel find that there has been behaviour considered to be unacceptable under this Procedure which warrants disciplinary action, the matter will be dealt by a panel constituted in accordance with the College Student Disciplinary Procedures. This panel will not include anyone who has been previously involved. The investigation conducted under the Dignity at Work and Study Procedure will replace the investigation stage of the Disciplinary Procedure.

The alleged harasser and complainant shall be notified of the outcome of the Dignity at Work and Study Investigation as soon as reasonably practicable, of the recommendation(s) in response to the complaint, the reasons for the decision and the proposed action to deal with matters emerging from investigating the complaint.

14. Appeal

If the complainant is not satisfied with the outcome of the formal Dignity at Work and Study investigation, they have the right to appeal. They must inform the Director of Student and Learning Services, in writing, within 10 working days of having received the decision, that they wish to appeal the decision. They have the right to be accompanied by a trade union representative or work colleague to any appeal meeting held.

The Director of Student and Learning Services will organise an Appeal Panel and this panel/officer must invite the complainant to attend a further meeting. Ideally this should take place within 10 working days of the appeal notification being received. It is acknowledged that this timeframe is not always possible.

The complainant must take all reasonable steps to attend the arranged meeting and they may be accompanied by a colleague or trade union representative.

The Appeal Panel will write to the complainant to confirm the outcome of the appeal, which will be final.

2.3 Frivolous, Vexatious or Malicious Complaints

This procedure exists to provide a fair means of resolving genuine complaints. Complaints of harassment or bullying are treated seriously by the College.

The University College will not accept complaints (of misconduct or otherwise) which are deemed to be frivolous (i.e., a complaint which has no reasonable chance of success) or vexatious (i.e., where there can be no additional remedy in addition to one already been offered, or where the complaint is found to be mischievous). If a complaint submitted by a member of staff is found to be frivolous or vexatious, this may be grounds for possible disciplinary action.

2.4 Anonymous Reports

Reports made anonymously will also be investigated whenever possible. However, it should be noted that, without full information and the opportunity to follow up with the complainant and independent witnesses, there may be insufficient information to proceed with an investigation.

2.5 Counselling Advice

Counselling may be offered to the complainant or alleged harassers against whom a complaint has been made but has been deemed to be unfounded.

The University College has commissioned the provision of a free independent confidential and professional counselling service for staff and students through Inspire (tel: 0800 389 5362) or via email at stranmillisstudents@inspirewellbeing.org.

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.

Appendix 2

Equality Adviser Fact Sheet

The Human Resources Department will take responsibility for the recruitment and training of the volunteer Dignity at Work Advisers. A list of the current Equality Advisers and their contact details are available on the HR section of the College intranet and throughout the University College.

Role of the Equality Adviser

The primary role of the Equality Adviser is to provide advice at an early stage in proceedings. If required the Dignity at Work Adviser may attempt to apply a remedy before the complaint reaches formal procedures. This may include mediating between all parties where there is mutual agreement.

Equality Advisers operate entirely without formal investigatory or disciplinary procedures and have no power to sanction those who are accused of harassment or bullying. Instead, they are concerned with the resolution of complaints, normally acting under instruction from the complainant.

Equality Advisers are available primarily to:

- provide expert advice and support to those who feel that they have been subjected to harassment and bullying
- explore the various options and forms of intervention which are available with the complainant
- help the complainant reach a decision as to the most effective course of action to pursue
- take appropriate actions to effect a remedy outside formal procedures
- be a listening ear

How will Equality Advisers deal with those bringing forward issues and enquiries?

The range of complaints and enquiries which an Equality Adviser is likely to deal with will be extremely varied. Therefore, it is impossible to lay down hard and fast rules as to how to handle all situations. However, Equality Advisers will follow the guidelines below.

During any meeting with the complainant, it is important to:

Ensure Confidentiality

From the start, the complainant should know that under normal circumstances, whatever is being discussed will be treated in strictest confidence. An exception to this rule may be where information is divulged which suggests that either the person or others' well-being will be at risk unless certain actions are taken (see above).

Give Control
The Equality Adviser will emphasise that the complainant has primary control of events and that, in normal circumstances, no further action will be taken without their express consent.
Listen
The Equality Adviser will not normally offer advice until the experiences have been recounted in full. It may be necessary to ask for clarification along the way but assurance should be given that any notes will not be used to build up a record of the case but are merely an aide memoire. When the complainant has presented all the information it is often useful to try to recap in order to outline a chronological summary of events.
Protect
The complainant will be reassured that, by having made this initial approach, they have already helped to protect themselves from further issue because at the very least someone else now knows about their concern. Also, the complainant will be reassured that if they decide that the alleged bully or harasser should be made aware of the nature of the complaint then they will be protected from victimisation.
Be Non-judgmental
Complainants may feel on trial and feel somehow responsible or guilty. The Equality Adviser is not passing judgment nor are they acting as an investigative officer. Instead, the Equality Adviser's role is to listen to the concern, to offer advice as to how to best move forward and then to help take positive steps towards a resolution. It must be borne in mind that there will always be various perspectives on each case and an emotional engagement with any one perspective is not likely to facilitate a successful resolution. The Equality Adviser will therefore remain objective and listen to the facts
Empower
The Equality Adviser will not say outright what should or should not be done but instead should present the various alternatives and talk through the likely consequences. These may range from the Equality Adviser, or a colleague, making an informal approach to the alleged harasser or bully, to more formal actions involving a Line Manager, Human Resources, and external agencies should they wish. The way in which an interview with an alleged harasser or bully could be handled in order to protect the safety and/or identity of the complainant will be explained.
Support
Having already approached a third party (i.e., the Equality Adviser) it is unlikely that the complainant will now want to be told how they should deal with the problem individually, although this may be what the person explicitly says they want. If this is so then possible scenarios and how the complainant can deal with situations more effectively in the future can be explored.
Look Forward
Before the complainant leaves the initial meeting, a time and date for the next meeting will be arranged and a list of actions to take place before that meeting should be agreed. The complainant will be informed that, if they need to talk in the meantime, then this will be made possible.

Record
A record of the meeting will be kept by the Equality Adviser, in case there is a subsequent and related action which makes the content of the initial meeting significant (see below).
Next Steps
Following the meeting with the complainant, if the Equality Adviser is unsure as to how best to proceed then it may be useful to call a meeting of one or more of the Equality Advisory Team to discuss the case, with the understanding that rules of confidentiality apply to the team as a whole. The permission of the complainant should be sought before talking to others, however discretely.
Reporting and Record Keeping
The Equality Advisers will be required to prepare an annual report to the Head of Human Resources which will be shared with the Senior Management Team and the Governing Body detailing the number of cases which have come forward, the types of incidents involved and the outcomes of the cases. The individual case forms held by Advisers will not be made available to management. However, should a case be formally investigated then any relevant materials held by an Equality Adviser may be discoverable.

Useful Contacts



Staff

<https://www.inspirewellbeing.org/workplaces>

T: 0808 800 0002

email: workandstudy@inspirewellbeing.org

Students

www.inspiresupporthub.org/students

T: 0800 389 5362

Email: stranmillisstudents@inspirewellbeing.org



<http://www.lifelinehelpline.info/page/contacting-lifeline>

<http://www.samaritans.org/branches/belfast>



T: 116 123 (free to call) or 028 9066 4422 (local call rates)



<https://www.womensaidni.org/24-hour-domestic-sexual-violence-helpline/>

Email: 24hrsupport@dvhelpline.org



<http://www.nationalbullyinghelpline.co.uk/employees.htm>

T: 0845 225 5787 or 077 3470 1221



T: 0808 800 2222

<http://www.bullying.co.uk/general-advice/bullying-at-university/>

Equality Commission

FOR NORTHERN IRELAND

<http://www.equalityni.org/Home>

T: 028 9050 0600

email: information@equalityni.org

Labour Relations
A G E N C Y

Improving Employment Relations in Northern Ireland

T: 028 9032 1442