



**Cardiff**  
Metropolitan  
University

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**Caerdydd**

**Human Resources**

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# **Harassment and Bullying Policy and Procedure**

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# CARDIFF METROPOLITAN UNIVERSITY

## HARASSMENT AND BULLYING POLICY AND PROCEDURE

### 1. Policy Statement

- 1.1 Cardiff Metropolitan University recognises that all individuals have the right to be treated with dignity and respect and that harassment and bullying are unacceptable in any form.
- 1.2 Cardiff Metropolitan University is committed to providing a working and learning environment free from any form of harassment and bullying. Harassment or bullying commonly but not exclusively targets the sex, race, disability, religion, belief, sexual orientation and/or age of the victim. All individuals will be treated with dignity and respect.
- 1.3 Cardiff Metropolitan University fully accepts that harassment and bullying can affect working, learning and social conditions for staff and students and may constitute unlawful discrimination. Any complaints of harassment and bullying will be treated extremely seriously and will be investigated promptly and confidentially where possible. In some instances allegations of harassment or bullying may be dealt with informally. In others, and where the allegation is proven, harassment or bullying by an employee or student will be treated as misconduct and there may be grounds for disciplinary action under the Disciplinary Procedures of Cardiff Metropolitan University. In some cases, it may amount to gross misconduct leading to summary dismissal or expulsion from Cardiff Metropolitan University.
- 1.4 All members of Cardiff Metropolitan University's community have a personal and legal responsibility not to behave in a manner that would be offensive to others and for ensuring others are treated with dignity and respect. Staff and students must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable and potentially, unlawful.  
  
All staff and students should take the time to ensure that they understand the content of this policy and what types of behaviour are acceptable.
- 1.5 Staff or students who are experiencing harassment and/or bullying will be supported by Cardiff Metropolitan University.
- 1.6 Cardiff Metropolitan University will publicise this policy widely and provide training for those specifically involved in advising in dealing with complaints of harassment and bullying.
- 1.7 This policy does not form part of any employee's contract of

employment and Cardiff Metropolitan University may amend it at any time or depart from it where it is considered to be appropriate or necessary to do so.

## **2. Aims of Policy**

- 2.1 The aims of the Policy are to:-
- 2.1.1 ensure that all staff and students are treated and treat others with dignity and respect, free from harassment and bullying;
  - 2.1.2 eliminate bullying and harassment on the grounds of, or related to, age, disability, gender, gender re-assignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation from Cardiff Metropolitan University;
  - 2.1.3 provide a sensitive, fair and effective means of resolving complaints;
  - 2.1.4 provide victims of harassment and bullying with guidance and support;
  - 2.1.5 provide a safe and supportive environment.

## **3. Scope of Policy**

- 3.1 This policy applies without exception to every individual working for or learning within Cardiff Metropolitan University at any of our premises, irrespective of their status, level or grade. This includes all employees, consultants, contractors, trainees, home workers, part-time or fixed term employees, casual and agency staff (collectively referred to as staff in this policy) and students and will be brought to the attention of all members of Cardiff Metropolitan University.
- 3.2 All staff and students have individual responsibilities to ensure that they comply with this policy and must co-operate with those persons who are responsible for carrying out their duties associated with the policy. Individual members of staff may in some cases be legally liable for harassment of colleagues, students or third parties, and may be ordered to pay compensation by a court or an employment tribunal.
- 3.3 This policy applies to staff and students who may be on secondment or placement with an external organisation. In this connection, Cardiff Metropolitan University will take all steps within its powers to ensure that such staff and students are not subjected to harassment and bullying, whilst working and learning externally to Cardiff Metropolitan University, and do not engage in such behaviour themselves.
- 3.4 This policy covers harassment or bullying which occurs both in the workplace or learning environment itself and settings outside such as

business trips, student trips, events or work-related social functions organised for or on behalf of Cardiff Metropolitan University and on or off its premises.

#### **4. What are Harassment and Bullying?**

4.1. Appendix 5 details the legislation that refers to discrimination and harassment at work. Harassment and bullying can occur in many forms, it may occur both upwards and downwards within a line management or student/staff relationship, it may also occur between work colleagues or peers.

#### **4.2 Harassment**

4.2.1 Harassment is any unwanted physical, verbal or non-verbal conduct or behaviour, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

4.2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

4.2.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender, gender re-assignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment may be unacceptable even if it does not fall within any of these categories.

4.2.4 A single incident of unwanted or offensive behaviour can amount to harassment.

4.2.5 Non-exhaustive examples of harassment are:

- (a) unnecessary or unwanted physical contact to which the individual has not consented or had the opportunity to object to, which the offender might perceive to be "horseplay" and which can include the invasion of personal space, touching or brushing against another's body as well as assault or coercing sexual relations. Physical conduct may range from touching, pinching, pushing or brushing past someone to grabbing, shoving, punching and other forms of physical contact or assault.
- (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that refusal might hinder it;

- (c) the manner in which staff and students speak to and about one another, written material and pictures (including that disseminated by interactive and digital technologies). This includes emails, text messages, film clips and photographs taken using cameras in mobile phones as well as content uploaded onto websites and, for example, social media. It can interfere with an individual's performance, or induce stress, anxiety, fear or sickness on the part of the harassed person.
- (d) offensive, intimidating or derogatory comments or gestures, which might be perceived to be harmless which may involve alluding to a person's private life or sexual behaviour or orientation by innuendo, jokes or remarks, involve suggestion, advances, propositions or pressure for sexual activity;
- (e) the sending, display or circulation of material which is pornographic or which some people may find offensive (including pictures, objects or written material, emails, text messages, video clips and images) sent by any means, including but not limited to mobile phones or posting on the internet or, for example, social media;
- (f) unwelcome repeated telephone calls, text messages, letters, emails or contact through for example social media;
- (g) indecent exposure or sexual assaults;
- (h) threats of academic or work failure or promise of success or other rewards in exchange for sexual favours;
- (i) continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- (j) unwanted conduct including abuse or insults about race, cultures, customs appearance or dress;
- (k) racist, sexist homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (l) outing or threatening to out someone as gay or lesbian;
- (m) mocking, mimicking or belittling a person's disability; or
- (n) shunning or ignoring someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

- 4.2.5 A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him/her.

## **4.2 Bullying**

- 4.3.1 Bullying is offensive, malicious, intimidating, or insulting behaviour which, through the abuse or misuse of power or position, makes the recipient feel vulnerable, upset, humiliated, undermined and/or threatened. Power includes both personal strength and the power of being in a position of authority, to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual’s self confidence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.
- 4.3.2 Physical conduct ranges from touching, pinching, pushing or brushing past someone to grabbing, shoving, punching and other forms of physical contact or assault. In addition to the manner in which staff and students speak to and about one another, written material and pictures (including that disseminated by interactive and digital technologies) can be caused to bully and/or harass. This includes emails, text messages, film clips and photographs taken using cameras in mobile phones as well as content uploaded onto websites and, for example, social media.
- 4.3.3 Non –exhaustive examples of bullying are:
- (a) setting arbitrary or unachievable workloads in an unreasonable manner;
  - (b) shouting at, public reprimand, ridicule, sarcasm, demeaning others, or humiliation;
  - (c) verbal and/or physical and/or psychological threats or intimidation;
  - (d) persistent criticism or overbearing or intimidating levels of supervision and/or making inappropriate and /or derogatory remarks about staff or student’s performance;
  - (e) unjustifiably excluding staff or students from meetings/ communication ;
  - (f) ostracism of any member of staff or student;
  - (g) abuse of authority or power by those in positions of seniority;
  - (h) deliberately excluding someone from meetings or

communications without good reason

4.3.3 Bullying does not include legitimate and constructive criticism of staff and students' performance or behaviour or reasonable requests made of staff and students, provided that they are carried out in a way that respects others.

## **5. The Legal Framework**

5.1 Appendix 5 is the body of legislation that refers to harassment and discrimination.

5.2 In some situations Cardiff Metropolitan University may, in addition to staff or students, be liable for the actions of the staff or students towards their colleagues and towards third parties.

## **6. Responsibilities of Staff and Students**

6.1 Harassment and bullying are not acceptable under any circumstances within Cardiff Metropolitan University. All staff and students have a responsibility to treat each other with dignity and respect and to ensure that they do not incite, perpetrate or condone any form of harassment and bullying within their place of work or study. Any such action which cannot be resolved on an informal basis or which continues following a request to stop, will be subject to formal investigation and may result in disciplinary action.

6.2 Any member of staff or student found to be responsible for inciting, perpetrating or condoning harassment and/or bullying may face disciplinary action, up to and including dismissal or expulsion .

6.3 In addition, the harasser and/or bully can be held personally liable if the person who has been harassed and/or bullied undertakes legal proceedings. In certain circumstances the harasser and/or bully may have committed a criminal act and be liable for prosecution.

6.4 The Vice-Chancellor's Board has overall responsibility for this policy. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change to the policy lies with the Vice-Chancellor.

## **7. The Responsibilities of Managers and Supervisors**

7.1 All managers and supervisors or those with a responsibility for staff and/or students must take reasonable steps for ensuring that harassment and bullying does not occur in their work and learning environment, whether or not it is brought formally to their attention. Managers and Supervisors will be given training on the relevant legal and operational framework and best practice.

7.2 They are responsible for the following:-

- 7.2.1 understanding the policy on harassment and bullying and providing information regarding the policy when required to do so;
- 7.2.2 advising and informing their staff and/or students of the policy on harassment and bullying and ensuring that they understand the standards of behaviour expected of them;
- 7.2.3 providing a working/learning environment which is free from visual harassment, e.g. pin-ups, graffiti, defaced posters etc;
- 7.2.4 being alert to physical and verbal harassment or bullying or conduct and behaviour which falls below the standards required in their work/learning environment and dealing with it immediately;
- 7.2.5 being supportive of individuals who state that they have been bullied or harassed, and take full account of their feelings and perception of the situation;
- 7.2.6 maintaining appropriate confidentiality relating to all aspects of cases of harassment at all times and not disclosing or discussing the case unnecessarily with any individual not involved in its investigation;
- 7.2.7 drawing all allegations of harassment and/or bullying to the attention of Human Resources or Student Services for their advice to apply the correct procedure in a timely manner;
- 7.2.8 following an allegation of harassment or bullying, to take steps to ensure that there is no further harassment or victimisation;
- 7.2.9 not participating in, encouraging or condoning gossip relating to cases of actual or alleged harassment, and taking appropriate steps to prevent or stop such gossip in their work/learning environment;
- 7.2.10 attending any training sessions which may be arranged to increase their awareness of the policy and related issues;
- 7.2.11 participating in or conducting an investigation, if required.

## **8. Counselling, Support and Advice**

- 8.1 A member of staff or student who considers that they have been harassed and/or bullied, received a complaint of alleged harassment or bullying or witnessed harassment and/or bullying may wish to seek counselling, support and/or advice before deciding how to proceed. In such circumstances, members of staff should contact either Human

Resources and/or their trade union representative and students should contact, Student Services and/or their student union representative.

## **9. Procedure for Dealing with Complaints of Harassment and Bullying**

9.1 Cardiff Metropolitan University is committed to resolving complaints of harassment and bullying as swiftly as possible. In this respect guidance is attached for all parties in Appendix 1, 2, 3 and 4.

## **10. Allegations of Harassment and Bullying – Informal Stage**

10.1 Wherever possible, every effort will be made to resolve the situation on an informal basis, in the first instance, within 10 working days.

10.2 Any member of staff or student who believes that they have been subjected to harassment and/or bullying should, if they feel able to do so, make it clear to the perpetrator that they object to the behaviour, and confirm that the behaviour is unwanted and is offensive to them.

10.3 It is accepted that in some cases, individuals may feel unable, uncomfortable or too embarrassed to confront the person concerned. In such circumstances the following options are available:

10.3.1 asking a colleague or trade union representative or student union representative to speak to the person on their behalf;

10.3.2 taking the issue up informally with their immediate manager/supervisor/mentor/tutor;

10.3.3 consulting Human Resources or Student Services for confidential advice.

## **11. Mediation**

11.1 Mediation is open to parties at the informal or formal stage.

11.2 This is a process by which an impartial person helps others to resolve their difficulties. It is voluntary and it can help to resolve problems.

11.3 Mediation is undertaken without any admission of wrongdoing by any party, and without preventing any opportunity to pursue formal action.

11.4 Mediation will seek to provide an informal, and speedy solution to workplace conflict, and it can be used at any point in the conflict cycle. What the process offers is a safe and confidential space for participants to find their own answers. It does this in a number of ways, by:

11.4.1 exploring the issues, feelings and concerns of all participants and rebuild relationships using joint problem-solving;

- 11.4.2 allowing those involved to understand and empathise with the feelings of those they are in conflict with;
  - 11.4.3 giving participants insights into their own behaviour and that of others and open up opportunities for change;
  - 11.4.4 helping participants develop the skills to resolve workplace difficulties for themselves in future;
  - 11.4.5 encouraging communication and help the people involved to find a solution that both sides feel is fair and offers a solution that favours them;
  - 11.4.6 using energy generated by conflict in a positive way to move things on.
- 11.5 If either party decides they would like to use mediation they should discuss the matter with a Human Resources Advisor.
- 11.6 If a student decides he/she would like to use mediation he/she should discuss the matter with the Director of Student and Registry Services
- 11.7 Mediation can only proceed with the agreement of all the parties involved,, including their agreement on the choice of mediator. The mediator may be internal or external to Cardiff Metropolitan University.
- 11.8 Mediation is independent of the management structures.

## **12. Dealing with Allegations of Harassment and Bullying - Formal Stage**

- 12.1 Mediation is open to parties at the informal or formal stage (see section 11 above). At the formal stage the investigator would not be the mediator.
- 12.2 If the issue(s) cannot be resolved informally then a member of staff should report these to their line manager, or their senior manager if the harasser is their line manager and in the case of a student to their Dean of School. Any such formal complaint should be set out in writing, and should set out full details of the conduct in question, including the name(s) of the harasser or bully, the nature of the harassment or bullying , the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 12.3 On receipt of a formal complaint in writing, and following advice from Human Resources or Student Services, the line manager in liaison with a member of VCB shall nominate an Investigating Officer as appropriate to investigate the complaint. At this stage, terms of reference and timescales will be agreed for the investigation.
- 12.4 No person who is directly connected to the alleged harasser and/or

bully should be involved in the conduct of the investigation process. It will be determined on a case by case basis whether:

- 12.4.1 there should be more than one Investigatory Officer;
  - 12.4.2 the Investigatory Officer(s) should be external to Cardiff Metropolitan University management.
- 12.5 Complaints of bullying and harassment will be dealt with confidentially and sensitively. The name of the complainant and the name of the alleged harasser and/or bully will not be divulged other than on a need to know basis. However, the alleged harasser and/or bully will normally be given full details of the nature of the complaint. The complainant will be informed that Cardiff Metropolitan University is obliged to disclose their identity to the alleged harasser or bully prior to the disclosure taking place.
- 12.6 Consideration will be given to whether the alleged harasser and/or bully should be redeployed temporarily or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigations.
- 12.7 As part of the investigation, the Investigating Officer will meet with the complainant to hear an account of the events leading to the complaint. The Investigating Officer will also meet with the alleged harasser and/or bully. It may also be necessary to interview any relevant witnesses. The Investigating Officer will be responsible for arranging for detailed notes of the interview to be taken and transcribed into a statement.
- 12.8 Where statements are taken, all parties may if they wish be accompanied by a work colleague, fellow student or trade union / student union representative.
- 12.9 A full written and dated record will be kept of all statements, meetings, interviews and findings relating to the investigation, both for internal use and for evidence in legal proceedings should this prove necessary at a later stage.
- 12.10 The investigation will comply with the terms of reference set out to ensure swift, objective and appropriate consideration of the circumstances and will focus on the facts of the complaint.
- 12.11 Following the investigation, the Investigating Officer will present findings, conclusions and recommendations to the member of VCB who commissioned the investigation regarding action, which may include disciplinary action under either the staff or student disciplinary procedure or staff development. Even where a complaint is not upheld (or where evidence is inconclusive) consideration will be given to how the ongoing working relationship between the complainant and the alleged harasser and/or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a

change in the duties or reporting lines of either party.

- 12.12 The member of VCB shall then determine the appropriate course of action based on recommendations and the evidence presented.
- 12.13 The complainant should in all cases be informed as to whether or not the complaint has been upheld and provided with a copy of the report. The report is disclosed on the basis that it remains confidential. In cases where it has been upheld, the actual nature of the outcome e.g. disciplinary action against the perpetrator, should, as is normal practice, remain as far as possible, confidential to that individual.
- 12.14 In all cases, sensitive consideration will be given regarding the workplace or learning environment implications related to any outcome. Support and guidance for all concerned will be given where appropriate by Human Resources or Student Services.
- 12.15 The report will remain confidential to the Investigating Officer, the member of VCB concerned, Human Resources and the complainant.
- 12.16 The outcome, but not the report of the investigation, will be disclosed to the alleged bully/harasser. If disciplinary action does ensue then it is at that point that any relevant evidence should be disclosed to the alleged bully/harasser as the basis for the allegations made against them as part of a disciplinary process and in line with the Disciplinary Procedures of Cardiff Metropolitan University.
- 12.17 As a general principle, the decision whether to progress a complaint is up to you. However, Cardiff Metropolitan University has a duty to protect all staff and students and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

### **13. Precautionary Suspension or Special Leave Arrangements**

- 13.1 Where an incident of harassment and/or bullying involves a member of staff, (either the person being harassed and/or bullied or alleged harasser and/or bully), special leave or precautionary suspension provisions may be applied where appropriate. This is not a disciplinary sanction. During this period employee(s) shall continue to receive their contractual remuneration and any non-remunerative benefits.

### **14. Victimisation**

- 14.1 Staff and students claiming harassment and/or bullying or who participate in any investigation conducted under this policy in good faith will be protected against any form of intimidation or victimisation as a result of their involvement. An allegation of victimisation will be considered under the relevant disciplinary procedure.

## **15. Malicious Complaints**

15.1 The procedures aim to promote fairness and consistency in dealing with complaints. Cardiff Metropolitan University does, however, have a duty to protect its employees and students from malicious complaints, and appropriate disciplinary action shall be taken when it can be demonstrated that a complaint is made in bad faith or that false information has been provided. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the Disciplinary Procedure of Cardiff Metropolitan University.

## **16. Appeals Process**

16.1 If the complainant is dissatisfied with the outcome of the investigation, they will have the right to request a review of all evidence presented, by an independent member of the Vice-Chancellor's Board. Such a request should be submitted in writing within 14 working days of receipt of findings setting out in full the grounds of appeal.

16.2 The person hearing the appeal will meet with the complainant to discuss the appeal. The complainant will have the right to be accompanied by a fellow student, a work colleague or trade union/student union representative.

16.3 A final decision will be provided in writing. This is the end of the procedure, and no further appeal will be available.

16.4 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between the complainant and the alleged harasser or bully. It may in certain circumstances be appropriate to arrange some form of mediation and /or counselling, or to change the duties, working location or reporting lines of one or both parties.

## **17. Confidentiality and Data Protection**

17.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person(s) making the complaint and the person(s) accused must only be disclosed on a "need to know" basis.

17.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

17.3 Breach of confidentiality may give rise to disciplinary action under the Disciplinary Procedure.

## **APPENDIX 1**

### **Guidance for Staff and Students Who Feel They Are Being Harassed or Bullied.**

1. If you consider that you are experiencing or have experienced harassment and/or bullying, you should not feel you are to blame and concern over what constitutes harassment and bullying should not deter you from discussing the situation with an appropriate person.
2. If you believe you are being harassed and/or bullied you should, wherever possible, keep a written record of incidents including the date and times and the behaviour which troubles you. You should also record name(s) of anyone who might have witnessed the incident(s). This information will be helpful if you decide to make a complaint.
3. If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance you should approach your line manager or their senior manager if the harasser and/or bully is your line manager, the Human Resources Unit or Student Services if you are a student confidentially, on an informal basis. They will be able to advise you on how your concerns should be dealt with.
4. If you consider that you have been subjected to harassment and/or bullying, and you feel able to, you should verbally make it clear to the individual concerned, that their behaviour is not welcome and that it offends you or makes you uncomfortable and you object to his/her behaviour.
5. If you find this too difficult or embarrassing or do not want to face the harasser and/or bully you might find it easier to write a letter, in which case you should keep a copy. Explain in the letter what it is about the behaviour that is upsetting you, and ask for it to stop.
6. If you feel unable to confront the person concerned or need to talk to someone, you should seek help or advice from a trusted friend, a sympathetic colleague, union representative, line manager or Human Resources or Student Services.
7. Act quickly to avoid your working or learning conditions becoming intolerable or your personal well-being being seriously affected. In some cases, it may be that the person against whom you have complained may be unaware that his/her behaviour is unwanted, inappropriate or offensive. In such cases, a misunderstanding can be cleared up promptly.
8. If informal methods have not succeeded in stopping the harassment and/or bullying you may decide to make a formal complaint in writing. This should follow the harassment and bullying procedures within Section 12. The formal complaint should set out as fully as possible the details of the unwanted conduct. This should include the name of the harasser and/or bully, the nature of the harassment and/or bullying, the date(s) and time(s) when the harassment and/or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment and/or bullying. The more detail provided here

the better the Investigating Officer will be able to understand the nature of the complaint and decide how the investigation should be conducted.

9. As a general principle, the decision to progress a complaint rests with the complainant. However Cardiff Metropolitan University has a duty to protect all its staff and students and may be obliged to pursue a complaint independently if, in all the circumstances, it is considered appropriate to do so.
10. All reasonable steps will be taken to ensure that all enquiries and complaints are dealt with sensitively and in confidence. Claims of harassment and/or bullying are potentially defamatory and could provide grounds for possible legal action. It is therefore essential that complainants as well as recipients of complaints observe strict confidentiality.

## **APPENDIX 2**

### **Guidance for Managers and Supervisors**

1. Managers and Supervisors shall respond sensitively to the complainant.
2. Managers and Supervisors shall respect and accept a complainant's decision to have the matter dealt with on an appropriately confidential basis (though it should be explained that an anonymous complaint can only be pursued in more general terms and may be less likely to effect the desired change in behaviour).
3. Managers and Supervisors shall advise the complainant (if appropriate) that the complaint is so serious that the matter should be dealt with formally, by way of the Harassment and Bullying Policy and Procedure. If the complainant is not able or willing to accept this advice, the matter will continue to be dealt with informally as far as is reasonably practical. However the complainant should be informed that Cardiff Metropolitan University has a duty to protect all its staff and students and may be obliged to pursue a complaint independently if, in all the circumstances, it is considered appropriate to do so.
4. Managers and Supervisors shall arrange, (if appropriate and agreed by both the complainant and alleged perpetrator), a meeting between the parties involved. At this meeting the person against whom the complaint has been made will be given details of the nature of the complaint and the opportunity to respond. If all parties accept that a problem exists, steps to remedy the situation and prevent it from recurring will be agreed and notified to both parties. If appropriate, consideration should be given to the use of mediation.
5. Managers and Supervisors shall provide advice and information on how to make a formal complaint if necessary, taking into account any guidance from Human Resources or Student Services.
6. Managers and Supervisors shall ensure that a person who brings a complaint in good faith suffers no intimidation or victimisation by doing so.
7. Managers and Supervisors shall maintain written records of meetings and shall maintain appropriate confidentiality at all times.

## **APPENDIX 3**

### **Guidance for the Investigating Officer**

#### **1. Action to be Taken Before Commencing Investigation**

- 1.1 Ensure terms of reference, timescales and issues of confidentiality with regards to information to be passed to the alleged harasser and/or bully, are confirmed with the complainant, a member of the Vice Chancellor's Board and Human Resources or Student Services.
- 1.2 The primary role of the Investigating Officer is to gather all facts related to the allegation and to enable the alleged harasser and/or bully the opportunity to respond. The Investigating Officer must remain objective and not make assumptions when drawing conclusions and making recommendations.

#### **2. Conducting Interviews**

- 2.1 All interviews with the complainant, alleged harasser and/or bully and witnesses must be conducted in the strictest of confidence and comply with the investigation's terms of reference. The Investigating Officer will be responsible for arranging for detailed notes of the interview to be taken and transcribed into a statement.
- 2.2 All witnesses identified by the complainant or alleged harasser and/or bully should be interviewed.
- 2.3 All parties, including witnesses, should receive formal notification of the terms of reference, timescales for the investigation and be advised of their rights to be accompanied.
- 2.4 All interviews must be directed in accordance with the terms of reference and should include the following kinds of questions:
  - 2.4.1 Explain what happened.
  - 2.4.2 Who was involved?
  - 2.4.3 When did the incident take place?
  - 2.4.4 Where did incident/s take place?
  - 2.4.5 Were there any witnesses?
- 2.5 The complainant and witnesses need to be informed that the alleged harasser may receive a copy of their statement. They also need to be made aware that their evidence may lead to them being required to attend a disciplinary hearing. All statements should be signed and dated by the witnesses. Statements can be used in any relevant proceedings.

#### **3. Support for the Investigation Officer**

- 3.1 Human Resources or Student Services will provide support and advice on procedures and precedent relating to dealing with complaints of

harassment and bullying.

#### **4. Production of an Investigation Report**

- 4.1 The report shall be factual and include all statements obtained during the investigation and should be submitted to the VCB member who commissioned the investigation.
- 4.2 A meeting will be arranged to enable the Investigating Officer to present the report to the VCB member, with Human Resources or Student Services in attendance.
- 4.3 The Investigating Officer should make findings as to whether or the not the complaint is upheld in whole or in part, taking into account the evidence obtained. Recommendations should then be provided which may include disciplinary action or how the on-going working relationship is to be managed as set out in the Policy. After the report has been considered by the VCB member, a copy will be provided to the complainant on a confidential basis.
- 4.4 The outcome, but not the report of the investigation, will be disclosed to the alleged bully/harasser. If disciplinary action does ensue then it is at that point that any relevant evidence should be disclosed to the alleged bully/harasser as the basis for the allegations made against them as part of a disciplinary process.

## **APPENDIX 4**

### **Guidance for Staff or Students who Receive a Complaint of Alleged Harassment and/or Bullying**

1. Members of staff or students who are perceived as alleged harassers and/or bullies have a right to be informed of the complaint and an opportunity to respond.
2. Differences of attitude and culture or misinterpretation of social signals mean that what is perceived as Harassment/Bullying by one person may not seem so to another. Even though your behaviour may seem harmless to you, it is the impact of your behaviour on the person concerned that is important regardless of your motive.
3. Listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable and appropriate to change your behaviour.
4. The first indication you may have that there is a problem may be when a colleague tells you that she/he is offended or upset by certain aspects of your behaviour and she/he will ask you to stop behaving towards him/her in a particular manner. All staff/students have the right to ask any of their colleagues to stop behaving in a manner which is insulting, discriminatory or offensive to them or which does not treat them with dignity and respect.
5. Alternatively you may first be made aware that there is a problem when approached by a line manager to resolve the issue or investigating officer informing you that a formal complaint has been made.
6. If you are accused of harassment and/or bullying you may wish to consult Human Resources or Student Services, your line manager or a union/student union representative. These resources are intended to help staff/students to deal with any allegations made against them.
7. If a problem is identified, the different stages of the policy allow for that problem to be dealt with either informally or formally depending on the circumstances of each case.
8. Whether you follow the informal or formal procedure, the aim is to stop any individual from harassing, bullying or discriminating against another and to prevent staff/students from having to endure this type of behaviour.
9. If it is established that allegations are malicious, appropriate disciplinary action shall be taken against the complainant.
10. If the allegations are upheld and it is determined that there has been a breach of this procedure then disciplinary action may be taken.

## **APPENDIX 5**

### **Relevant Legislation**

The University has obligations under the following acts:

1. Health and Safety at Work Act 1974
2. Employment Rights Act 1996
3. Protection from Harassment Act 1997
4. Human Rights Act 1999
5. Public Order Act 1997
6. Rehabilitation of Offenders Act 1974
7. Equality Act 2010