

# Staff and Fellows Bullying and Harassment Policy

## 1. Commitment statement

- 1.1. The College is committed to creating and maintaining a safe, welcoming and inclusive community. There is no place for any form of bullying, harassment, discrimination, or sexual misconduct or victimisation in our community and each of us is responsible for the way we interact with and treat others. The College expects all members of the College community to treat each other with courtesy and consideration at all times.
- 1.2. As an academic community, the College must be a place in which we are able, within the law, to question and test received wisdom, express new ideas and explore controversial or unpopular topics and opinions. Nothing in this Policy should be interpreted as undermining or compromising the College's commitment to academic freedom of thought and expression, as stated in the University's Statement on Freedom of Speech, to which the College adheres. Maintaining a culture of courtesy and consideration at the College must not close off debate and topics that some may find disagreeable, distasteful or even offensive, and we are expected to be tolerant of the views and opinions of others in line with the principles of the University's Statement on Freedom of Speech.
- 1.3. Bullying, harassment, discrimination, sexual misconduct and victimisation are referenced collectively throughout this Policy as "inappropriate behaviour" and wherever this term is used, it refers to the definitions of these behaviours in section 5 (What constitutes inappropriate behaviour?). The negative actions included in section 6 (Code of Behaviour) also illustrate the different ways in which inappropriate behaviour may be demonstrated within our community.
- 1.4. Allegations of inappropriate behaviour, whether by a College employee or worker, a visitor to the College, a third party such as a commercial conference customer, supplier, or a member of the public, should always be taken seriously. Action should be taken to stop any inappropriate behaviour identified as quickly as possible, including the use of disciplinary processes where necessary and where such behaviour is found to have taken place.
- 1.5. Staff and Fellows should be able to informally disclose or formally report incidents without fear of repercussions and trust the processes that are in place to address their concerns. The College will not tolerate the victimisation of an individual for raising concerns in good faith or supporting someone to raise such concerns.

## 2. Who is this policy for?

- 2.1. This policy applies to all College staff and Fellows, including:
  - i. Non-academic employees
  - ii. Non-academic casual workers
  - iii. Fellows (including those Fellows who are employees or workers and Fellows who are neither employees, nor workers).

Employees and workers are referred to collectively as staff in this Policy. The term Fellows should be read as also encompassing By-Fellows.

Students who feel they have experienced inappropriate behaviour while undertaking paid work for the College should use the options for informal resolution set out in this Policy. If the student worker wishes to seek formal resolution they should raise the matter under the Complaints Procedure as set out in the Casual Workers handbook. The College will determine whether, in the circumstances, it is necessary for the complaint to alternatively be dealt with under the Student Complaints Procedure, as set out in the Student Handbook.

- 2.2. Alumni, volunteers, commercial clients, contractors and suppliers should act in line with the Code of Behaviour.
- 2.3. Please note that Fellows who are University employees, when undertaking work or services for the University, should refer to the University's policies and procedures on bullying, harassment and other inappropriate behaviour. An effort has been made to ensure the standards of behaviour required by this Policy are as consistent as possible with those required by the University's policy.
- 2.4. This Policy does not apply to students. Standards of behaviour expected from students are set out in the Rules of Behaviour, as specified in the University's Statutes and Ordinances.

### **3. Purpose**

- 3.1. This Policy aims to prevent inappropriate behaviour and resolve incidents of such behaviour if they occur. In support of this aim, this Policy:
  - sets out the standards of behaviour expected from staff and Fellows to ensure a common understanding of how everyone should behave towards one another
  - ensures that staff and Fellows are able to disclose inappropriate behaviour if it does occur and are supported in the process of resolving it
  - promotes the early resolution of inappropriate behaviour wherever possible and appropriate, to prevent the psychological, health, and work-related problems such behaviour can cause.
  - refers to what actions can be taken through the informal and formal resolution processes set out in the College's grievance and disciplinary policies, as set out in Statutes and Ordinances and relevant handbooks, if this Policy's principles are not observed.
- 3.2. This Policy supports the College in its duty to provide a safe environment in which to work under the Health and Safety at Work Act. Experiencing inappropriate behaviour often impacts an individual's physical and mental health and can also affect those who witness it.
- 3.3. This Policy replaces the Harassment and Bullying Policy for non-academic staff. It is not contractual and may be amended from time to time, as necessary, in light of any changes in legislation or operational requirements.

### **4. Roles and Responsibilities**

- 4.1. All staff and Fellows have a responsibility to act in line with the College's Code of Behaviour set out in section 6 of this Policy. All staff and Fellows also have a responsibility for completing any relevant training courses that are stipulated by the College as mandatory (see section 11 – Training and development opportunities).

**4.2.** All those responsible for leading, managing and supervising people are in a position of trust and have additional responsibilities in the application of the Code of Behaviour in their area, which include:

- Setting a positive personal model of behaviour;
- Ensuring standards in the Code are established, communicated and understood and that regular visitors to their area have access to the Code;
- Taking appropriate action at the earliest opportunity to manage non-compliance with the Code, and to encourage a culture of early conflict resolution;
- Ensuring their staff are aware of and able to undertake any relevant mandatory training courses (see section 11 - Training and development opportunities);
- Ensuring their staff are aware of and know how to report inappropriate behaviour through the relevant policies and procedures.

**4.3.** HR staff are responsible for providing advice to those alleging they have experienced inappropriate behaviour, those who are alleged to have behaved inappropriately and those supporting both informal and formal resolution processes.

**4.4.** All roles involved in providing direct guidance and supporting informal or formal resolution processes are responsible for ensuring that information is handled confidentially. Further information is set out in section 10.2 (Confidentiality).

## **5. What constitutes appropriate and inappropriate behaviour**

**5.1.** All staff and Fellows are expected to behave professionally and appropriately and have the right to expect professional and appropriate behaviour from others. Inappropriate behaviour for the purpose of this policy means bullying, harassment, discrimination, sexual misconduct, and victimisation.

**5.2.** When deciding the appropriateness of behaviour, factors that will be taken into consideration include the specific context, the motive or intent of the individual demonstrating the behaviour, the impact on the individual and whether that impact or effect is reasonable in the circumstances and the standards set out in the Code of Behaviour. The College adheres to the University's Statement on Freedom of Speech, which protects the right to express or describe views within the law that others may find offensive; this will be taken into consideration as part of the specific context or circumstances where relevant.

**5.3.** Inappropriate behaviour may:

- be perpetrated by an individual or a group
- be intentional or unintentional
- take place either on or off College property, via College IT systems, or online via email or MS Teams, the internet or social media
- range from overt and easy to recognise one-off instances, to numerous, small remarks and acts sending denigrating messages to the recipient, linked to an individual's characteristics or status.

Examples, drawn from sources such as the Advisory, Conciliation and Arbitration Service (Acas), are provided to illustrate how each of the individual types of inappropriate behaviour listed in 5.1. may be demonstrated.

- 5.4.** Although the terms are often used interchangeably, the terms “bullying” and “harassment” describe different types of behaviour. Acas defines bullying as unwanted behaviour from a person or group that is offensive, intimidating, malicious or insulting to the recipient. It may involve an abuse or misuse of power that makes a person feel undermined or humiliated or causes physical or emotional harm. Power does not always mean being in a position of authority but can include personal strength, status and the power to coerce through fear or intimidation. As such, it can also be perpetrated upwards to a manager or senior colleague. Bullying can take the form of physical, verbal and non-verbal conduct. Such behaviour is considered unacceptable in the workplace by the Health and Safety Executive.

Examples of bullying could include:

- Spreading a false rumour about a colleague
- Consistently giving heavier workloads to one particular individual in a team
- Unjustly cutting off or preventing a colleague from reasonably expressing their views in a meeting
- Regularly undermining the authority of a more senior colleague.

- 5.5.** Unlawful harassment under the Equality Act 2010 is unwanted conduct that is either related to the protected characteristics set out in section 5.5.1 or is conduct of a sexual nature as set out in section 5.5.2. The Act defines harassment as unwanted conduct that must have either the purpose or the effect (where it is reasonable for it to have that effect) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can be physical, verbal or non-verbal. It can be a single incident or repeated behaviour and can include imagery, graffiti, gestures, mimicry, jokes, pranks, and physical behaviour that affects the recipient. It can also include treating someone less favourably because they have previously submitted or refused to submit to unwanted conduct of a sexual nature or to unwanted conduct that is related to sex or gender reassignment.

- 5.5.1.** When harassment relates to protected characteristics, it refers to the following characteristics: age, disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Examples of harassment relating to protected characteristics could include:

- Using derogatory terms in connection with a team member's race or age
- Belittling a colleague because of their disability
- Disclosing a colleague's transgender status without their permission
- Creating a hostile environment for a team member because they hold a protected philosophical belief.

- 5.5.2.** Sexual harassment is a form of sexual misconduct, an umbrella term that describes all types of unwanted and unpermitted behaviour of a sexual nature including sexual abuse. The intention or reasonably perceived effect of this type of harassment is to violate the recipient's dignity or create an environment that is intimidating, hostile, degrading, humiliating or offensive for the recipient. It can happen to and be demonstrated by women, men and people of any gender or sexual orientation.

Sexual harassment includes serious sexual misconduct, such as sexual assault or rape. Other examples of sexual harassment and misconduct could include:

- Emailing, texting or messaging sexual content or making sexually offensive jokes to your team, unless relevant to course content or academic debate
- Unwanted flirting or making sexual remarks about a colleague's body, clothing or appearance
- Touching a colleague or student without their permission, such as hugging them.

**5.6.** Exposure to academic debate and discussion or speakers' views that may be experienced as offensive are unlikely to be considered either unlawful harassment under the Equality Act 2010 as defined in section 5.5, or bullying as defined in section 5.4, unless they are specifically intended to violate a person's dignity or to create an intimidating, hostile, degrading, humiliating, insulting, malicious or offensive environment for them. The College has a duty to allow those views to be expressed within the law as part of academic freedom and freedom of speech.

**5.7.** Unlawful discrimination under the Equality Act 2010 is when the recipient is treated unfairly because of any of the following characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. Discrimination can be direct (when someone is treated less favourably than another person in the same situation - but without the protected characteristic - is or would be treated) or indirect (where rules or arrangements apply to a group of employees or job applicants, but in practice are less fair to a certain protected characteristic).

Examples of discrimination could include:

- Not offering a promotion to an individual because of their sex
- Excluding a colleague from team social events because they are close friends with a LGBT person
- Drawing inferences about an applicant's religion because of their name and rejecting that individual for that reason
- Advertising a role and specifying a minimum number of years' experience.
- Unlawful victimisation under the Equality Act 2010 occurs when a person is subject to a detriment because they made a complaint of unlawful discrimination or provided evidence or information in connection with a complaint of unlawful discrimination, or because someone believes that they have done so or may do so.

**5.8.** Unlawful victimisation under the Equality Act 2010 occurs when a person is subject to a detriment because they made a complaint of unlawful discrimination or provided evidence or information in connection with a complaint of unlawful discrimination, or because someone believes that they have done so or may do so.

## **6. Code of behaviour**

**6.1.** In a community that aims to be open, welcoming and inclusive it is vital that our behaviour towards one another remains courteous and considerate. The following Code sets out the College's expectations around how we should and should not behave towards other members of our community. This Code is not exhaustive but models both the positive behaviour expected of us in our interactions with one another and the negative behaviours that may lead to informal or formal action being taken. The negative actions listed in the

Code below show how the inappropriate behaviours defined in section 5 may be demonstrated within our community. Understanding this can help each of us appreciate the impact of the way we behave.

### **The Code of Behaviour**

We are each individually responsible for our own actions and for recognising the impact of our behaviour on others. We should always strive to:

- Foster an open, inclusive and supportive environment for our community
- Recognise that our actions can impact others and show courtesy and consideration in our interactions with others, even if we disagree with their views
- Discuss views that others may find disagreeable or distasteful in a constructive and lawful way, in line with the University Statement on Freedom of Speech, to which the College adheres.
- Treat each other fairly and without bias
- Recognise and acknowledge the contribution of others to our work
- Honour the need for confidentiality when the nature of our activities requires it
- Maintain appropriate and professional relationships with all members of the College community
- Promote a culture where colleagues can speak out about inappropriate behaviour
- Support our colleagues experiencing inappropriate behaviour by intervening, speaking out and helping where we feel able.

In order to maintain a culture of courtesy and consideration, we must never bully, harass, discriminate, victimise or commit sexual misconduct, by avoiding such behaviour as:

- Talking down to, belittling, gratuitously interrupting or preventing others from speaking
- Directing inappropriate language, such as swearing, towards others or making degrading comments about individuals or groups of individuals
- Making inappropriate derogatory remarks about a colleague's performance in public, whether directly (such as in a meeting) or indirectly (for example, by needlessly copying people into an email)
- Humiliating others by shouting at them, either publicly or privately
- Maliciously ignoring individuals or groups of individuals, or inhibiting the ability of others to perform their roles by withholding information or excluding them from necessary meetings and discussion
- Imposing overbearing and intimidating levels of supervision or management
- Undermining the reputation of others through malicious rumours or false allegations or by breaching confidential conversations
- Making racist, sexist, homophobic, transphobic, disablist or ageist jokes, remarks or gestures, which may demean or discriminate independently of our intentions
- Mocking, mimicking or belittling someone because we perceive them as different to us, or using this difference as a reason to treat them unfairly
- Behaving in a controlling or coercive way, such as placing excessive pressure on others to subscribe to a particular political or religious belief
- Circulating or displaying any type of communication on any form of media that would otherwise constitute a form of inappropriate behaviour contrary to this Policy
- Making unwelcome and unpermitted sexual advances, suggestive behaviour or touching someone against their will or without their consent, even if it is perceived as harmless by the individual behaving this way

- Retaliating to allegations of inappropriate behaviour, including threatening those who have made the allegations, providing unfair or misleading references, or blocking access to career development opportunities.

## **7. What to do when you have experienced inappropriate behaviour**

**7.1.** Allegations should always be taken seriously, and action taken as quickly as possible to stop any inappropriate behaviour identified. This section summarises the mechanisms available to do this and explains the direct support available to individuals to address inappropriate behaviour. Specific information relating to the procedures for incidents of serious sexual misconduct, such as sexual assault, violence and rape, is included in section 7.9 (Raising complaints of serious sexual misconduct).

**7.2.** Both informal and formal options to resolve issues are available in the College's various grievance and disciplinary procedures.

- Informal approaches are intended to help resolve one-off or minor incidents of inappropriate behaviour, to stop such behaviour early and to prevent it escalating. They include:
  - a direct informal resolution process
  - an informal resolution process with support
  - mediation and facilitated conversations.

This type of collaborative approach has been found to be the most effective way of resolving conflict, tackling inappropriate behaviour and minimising any negative impact on the individuals involved.

- Formal grievances are normally more appropriate for serious instances or repeated patterns of inappropriate behaviour where previous informal attempts may have failed.

To explore the appropriate option to use, individuals should speak with their line manager (or in the case of Fellows who do not have a designated line manager, with the Senior Tutor or Vice-Master), with any Head of Department, or with a member of HR. The colleague approached may need to discuss the matter and collect further information about the alleged inappropriate behaviour disclosed to provide appropriate guidance. This may involve speaking informally but confidentially with other individuals involved in or witnessing the incident. Any such activity will be undertaken promptly for the purposes of identifying the most appropriate option to resolve the alleged behaviour and will not constitute a formal investigation. This will only be undertaken with the permission of the individual disclosing the incident (see section 7.8 for information on disclosing allegations of inappropriate behaviour but not raising them as a complaint).

Individuals can also discuss the matter and any guidance received on options for resolution with the Wellbeing Coordinator, a trade union representative and/or a colleague in confidence when considering how to proceed. Individuals discussing matters with a colleague in confidence should take care to limit the discussion to a single trusted colleague. Discussing alleged inappropriate behaviour with multiple colleagues risks breaching confidentiality and could expose the individual to a counter complaint by the person who is alleged to have been behaving inappropriately.

**7.3.** Individuals are encouraged to keep a record of the nature and frequency of the alleged inappropriate behaviour. This is to support them in raising their concerns and help the other party understand better the issues raised during the course of these discussions and the impact they have had.

**7.4.** If, through the course of raising an issue for resolution, it is identified that the nature of any complaint is instead a matter for the University, the College may refer the issue to the University to be addressed under its policies and procedures.

### **7.5. Informal resolution**

7.5.1. An individual wishing to resolve issues informally should use the informal resolution processes set out below. There is a direct informal resolution process and a supported informal resolution process.

7.5.2. A direct informal resolution process is where the individual experiencing the behaviour directly addresses the issue themselves. It is likely to be most effective when done in the early stages of experiencing the behaviour and in a constructive way, including specific examples of the unwanted behaviour, explaining why this made the individual feel uncomfortable or gave distress, and what the individual feels would resolve the issue.

7.5.3. Support to help the individual prepare what they want to say is also available from any of the following:

- A member of the HR team
- their line manager (or equivalent)
- the Wellbeing Coordinator
- a trade union representative.

7.5.4. The individual raising the concerns may wish to try informal resolution but, understandably, feel unable or reluctant to directly approach the other party on their own. In a supported informal resolution process, the individual may ask for support to achieve an informal resolution.

This approach can particularly help when addressing issues concerning a line manager or a more senior colleague and help can be requested from:

- their line manager or the Senior Tutor or Vice-Master as appropriate for Fellows
- a member of the HR team
- the Wellbeing Coordinator

As part of this process, the supporting person can meet directly with the individual reported to have demonstrated the inappropriate behaviour to discuss what has happened and how to resolve it, or they can be part of any meeting between both parties. Where they are standing in for the individual raising the concerns, they provide regular updates on progress back to the individual.

## **7.6. Mediation and facilitated conversations**

- 7.6.1. It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the issue. Mediation is a well-established, confidential process for resolving issues between individuals, involving two impartial mediators helping those involved find and agree their own solutions. Mediation is voluntary and either party can withdraw from the process at any time.
- 7.6.2. Mediation can be used at any time as a means of informal resolution, including before or after an informal or formal process. Provided both parties wish to participate, a request for mediation can be made to Human Resources for external mediation to be arranged.
- 7.6.3. The Human Resources team is also able to offer a shorter informal facilitated conversation between the two parties and staff and Fellows can request this if this is felt to be a more suitable option.
- 7.6.4. Both mediation and facilitated conversations are voluntary, confidential and either party can withdraw from the process at any time. No member of staff or Fellow is required to use mediation or facilitated conversations before utilising the option of a formal grievance.

## **7.7. Formal resolution**

- 7.7.1. There will be instances of inappropriate behaviour where an informal resolution process is not successful or is simply not appropriate due to the nature of the allegations. In these situations, the individual experiencing the inappropriate behaviour should raise a complaint using the formal process set out in the relevant grievance procedure as listed in section 13 (Associated policies and statements). On review of the formal complaint by the HR Team, a disciplinary process may be initiated instead as appropriate.
- 7.7.2. No member of staff or Fellow is required to use the informal route before utilising the option of a formal grievance.

## **7.8. Raising alleged inappropriate behaviour without making a complaint**

- 7.8.1. It is the aim of this Policy to ensure all staff and Fellows feel able to disclose alleged inappropriate behaviour so that it can be resolved. If an individual raises alleged inappropriate behaviour but does not want or feel able to proceed with either an informal resolution or a formal process, the colleague approached will:
- Discuss ideas for how the individual can respond to the behaviour if it happens again
  - Encourage the individual to talk to them again after any future repetition of the behaviour
  - Make the individual aware that they may have to take action if the nature of what is disclosed invokes the College's duty of care, particularly if the reported behaviour is impacting the individual's mental or physical wellbeing
  - Provide information on College support services.

- Check that the individual is aware of the informal and formal options available to resolve the alleged behaviour should they wish to reconsider at any point.

7.8.2. Should there be multiple informal disclosures that give rise to sufficient cause for concern, or the nature of what is disclosed invokes the College's duty of care, the College may choose to conduct an investigation into the alleged behaviour (see section 9.2 for further details).

## **7.9. Raising complaints of serious sexual misconduct**

7.9.1. If an individual has experienced serious sexual violence, such as sexual assault, violence or rape, it is important they feel supported. They also have a choice in what they do next and what is right for them. The College has dedicated guidelines about the reporting options and support available – both within and outside of the College. See Guidelines for Staff and Fellows: What to do if you have been affected by Sexual Misconduct.

7.9.2. Often a grievance process will not be appropriate in response to a complaint of serious sexual misconduct. When an individual has disclosed an incident of serious sexual misconduct and consented to that disclosure being treated as a complaint, careful consideration will be given to the most appropriate process for dealing with that complaint, whether through the relevant disciplinary or grievance policy.

## **8. What to do when you are the subject of concerns being raised**

- 8.1.** It can be a disconcerting and upsetting experience for an individual to be approached and told that their behaviour could be construed as inappropriate. If this is done through an informal process, the individual should be prepared to listen patiently and calmly and allow the member of staff or Fellow (or the person supporting them in the process) to express their concerns. If it is possible, the individual should also try to remedy the situation and allow a positive working relationship to be resumed. The individual should keep a note of what was discussed and, if appropriate, agreed.
- 8.2.** The individual who is the subject of the complaint should also be able to give an account of what happened as part of any informal and formal resolution processes. They can speak with any of the following for general guidance or to discuss any specific questions about the resolution process:
  - their line manager (or equivalent)
  - a member of the HR team
  - the Wellbeing Coordinator
  - a trade union representative.
- 8.3.** Individuals may also discuss the matter and any guidance or information received in connection with the resolution process with a colleague in confidence.
- 8.4.** The support services set out in section 10 are also available to provide support for individuals who are the subject of a complaint.

## 9. What happens if you have behaved inappropriately

- 9.1. While this Policy emphasises the value of an early, informal resolution process, there will be situations that can only be resolved through a formal grievance. Where a formal grievance is brought and upheld against an individual and the nature of the inappropriate behaviour warrants it, a separate procedure under the relevant disciplinary policy will be undertaken by the College. This may result in a formal warning being issued to the person demonstrating the inappropriate behaviour and training or other interventions may also be recommended. In the case of serious or sustained misconduct, the procedure may result in the termination of employment.
- 9.2. Additionally, where the College has become aware of multiple concerns or complaints of inappropriate behaviour, which may not have been formally reported but give rise to sufficient cause for concern, they may choose to conduct an investigation to understand the alleged behaviours in more detail and to determine if support and interventions are needed. Known as a College-instigated investigation, this is intended to ensure the effective resolution of concerns raised and the prevention of future inappropriate behaviours where identified by the investigation. Undertaking a College-instigated investigation should be done in consultation with the HR management team and will involve agreed terms of reference and interviews with staff and/or Fellows (and, if appropriate, students) to ascertain the key concerns and possible solutions. If the findings indicate, this may lead to a disciplinary process under the relevant procedure.

## 10. How we will support you

### 10.1. Support Services

- 10.1.1. The College is committed to providing support for staff and Fellows affected by these issues. Listed below are the support resources that are available to employees, casual workers and Fellows when they are considering raising an issue about inappropriate behaviour, actually disclosing an incident, or the subject of a complaint.
- 10.1.2. Employees and Fellows can contact the College Counsellor in confidence by emailing [counsellor@chu.cam.ac.uk](mailto:counsellor@chu.cam.ac.uk) to make an appointment.
- 10.1.3. Employees can contact the 24 hour advice and counselling helpline provided by SimplyHealth. (Employees with over 6 months of service are eligible to join SimplyHealth.)
- 10.1.4. Additional support can be accessed from the Wellbeing Coordinator on issues relating to bullying, harassment, discrimination and sexual misconduct.
- 10.1.5. College staff can access the University's Diversity Networks and may find it helpful to talk confidentially to a member of one of these Networks if the inappropriate behaviour is perceived to be discrimination due to a protected characteristic (see section 4). Links to external sources of support are also available on the University website [wellbeing pages](#)
- 10.1.6. Trade unions can also be a source of guidance for individuals experiencing inappropriate behaviour and can directly support members in the process of resolving

these issues. The College has a voluntary partnership agreement with the GMB in respect of non-academic staff.

## **10.2. Confidentiality**

10.2.1. Confidentiality – and trust in that confidentiality – is critical when dealing with allegations of inappropriate behaviour. Details of the complaint (including the names of the person making the complaint and the person accused) must only be disclosed on a 'need-to-know' basis (for example, under the College's duty of care or other legal obligations). Breach of confidentiality in either an informal or formal resolution process may give rise to disciplinary action under the relevant disciplinary procedure.

10.2.2. Information about a complaint by or about an individual may be placed on their personnel file, along with a record of the outcome and any notes or other documents compiled during the process. Notes and records will be treated as confidential and be kept no longer than necessary in accordance with the data protection principles set out in the relevant data protection legislation.

## **10.3. Victimisation**

10.3.1. The College will not tolerate any form of victimisation against an individual who has raised or supported an informal complaint, co-operated in a formal investigation, challenged inappropriate behaviour, or in each case is believed to have or is believed to be likely to take such steps. This includes behaviour targeting an individual's career progression, such as deliberately providing unbalanced or overly negative references or unreasonably blocking opportunities for that individual to participate in workshops and other development activities, where participation in these would be for legitimate work purposes.

10.3.2. If a formal complaint of victimisation is made about the behaviour of a member of staff or a Fellow it will be fully investigated and, if upheld, will be dealt with in accordance with the relevant disciplinary procedures.

## **10.4. Malicious or vexatious complaints**

10.4.1. A malicious complaint is one that is made with the intention to intimidate, to lower the reputation of, or otherwise injure or harm another, be that a colleague or a manager, through knowingly providing false or misleading information or withholding information about an incident or issue.

10.4.2. A vexatious complaint is either one that is made with the sole or main intention to harass, annoy or subdue somebody, or one that is unreasonable, without foundation, frivolous, repetitive, deliberately burdensome or unwarranted.

10.4.3. If it is found that an individual has made a complaint that is malicious or vexatious, the College may instigate a disciplinary process against them. Disciplinary action will not be taken, however, where a grievance is mistaken or otherwise ill-founded but not malicious or vexatious.

## 11. Training and Development

- 11.1. The College provides mandatory courses that need to be undertaken by all employees when they join the College and on a periodic basis afterwards. These include:

Course	Mandatory for
Bullying and harassment	All employees (academic and non-academic) Casual Workers Fellows who sit on the following Committees <ul style="list-style-type: none"><li>• Management Advisory Committee</li><li>• Panel of Disciplinary Committee</li><li>• Staff Grievance Committee</li></ul> Other Fellows and By-Fellows will not be required to complete the College training provided they confirm that they have completed the University's Bullying and Harassment training, or if they are a visiting Fellow whose Fellowship lasts for 1 academic year or less.
Equality and Diversity	All employees (academic and non-academic) Fellows who sit on Equality, Diversity and Inclusion Committee
Unconscious Bias	Selected employees, including  Porters Tutorial staff Heads of Department Recruiting Managers

- 11.2. Periodic training is provided for managers on their responsibilities under this policy and targeted training is also provided to address relevant identified skills gaps.

## 12. How to raise complaints not directly covered by this Policy

- 12.1. Staff or Fellows who have a complaint against a student should contact the Senior Tutor in the first instance, who will liaise with the Office of Student Conduct, Complaints and Appeals (OSCCA) to agree an appropriate course of action.
- 12.2. College staff who have a complaint against a third party (such as contractor) or a member of the public should speak with their Head of Department in the first instance. Fellows should speak with the Estates and Operations Director in the first instance. In order to address the complaint, it may be necessary to notify third parties and use their local complaints procedure or notify the police when complaints involve members of the public.
- 12.3. In circumstances where a student has concerns about the behaviour of a College employee or worker, these should be directed to their Head of Department in the first instance. If it is about a Head of Department, it should be directed to that Head of

Department's line manager. If a student has concerns about the behaviour of a Fellow they should direct their complaint to the Senior Tutor.

- 12.4.** All other individuals, who are not members of College staff or Fellows, who have a complaint against a member of staff will be advised to raise the complaint in writing with the relevant Head of Department (if known) or the Human Resources Manager in the first instance. If the complaint is against a Fellow the individual will be advised to direct their complaint to the Senior Tutor.

### **13. Associated policies and statements**

- 13.1.** Links to other related College policies, procedures, statements, and guidelines can be found below:

#### **13.2. Grievance Policies and Procedures**

- 13.2.1. Non-academic employees should refer to the Grievance Policy and Procedure as set out in the Staff Handbook.
- 13.2.2. Non-academic casual workers should refer to the Complaints Procedure as set out in the Casual Workers Handbook.
- 13.2.3. Fellows and By-Fellows should refer to Statute XXXV, Part VI.

#### **13.3. Disciplinary policies and procedures**

- 13.3.1. Non-academic employees should refer to the Disciplinary Policy and Procedure as set out in the Staff Handbook.
- 13.3.2. Non-academic casual workers should refer to the Disciplinary Procedure as set out in the Casual Workers Handbook.
- 13.3.3. Fellows and By-Fellows should refer to Statute XXXV, Part III.

#### **13.4. Other relevant policies, guidelines and statements**

- Staff Regulation 50 and College Regulation 18 APPROPRIATE RELATIONSHIPS BETWEEN STAFF AND STUDENTS
- Guidelines for staff or Fellows affected by sexual misconduct
- Equal Opportunities Policy
- Public Interest Disclosure Policy
- University's Statement on Freedom of Speech

### **14. Review**

- 14.1.** This Policy will be reviewed 12 months after the implementation date and then every 3 years.