

GIRTON COLLEGE POLICY ON DIGNITY AT WORK FOR EMPLOYEES AND OTHER WORKERS

1. Introduction

- 1.1 This policy replaces the College's former 'Dealing with Bullying and Harassment Policy: Advice and Instructions for Employees'. It applies to interactions between College employees (and other workers) and with students and visitors to the College.
- 1.2 There is a need for a procedure to deal with less positive relationships in general and in particular inappropriate behaviour, including bullying or harassment, which may affect the well-being of individuals within the College. This policy document also provides a procedure for the action to be taken if anyone feels that they are not being treated with respect, courtesy and consideration.

2. Policy Statement

- 2.1 The College is committed to a policy of equal opportunity. No member of staff, visitor or student will be treated less favourably than any other on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 2.2 The College recognises that to work and study effectively people need a climate in which they are respected and valued for their contribution to work and study, irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 2.3 Girton College is committed to protecting the dignity of staff, students, visitors to the College, and all members of the College community in their work and their interactions with others. The College expects all members of the College community to treat each other with respect, courtesy and consideration at all times. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All forms of harassment including bullying are inappropriate and prejudice dignity at work. Harassment may include, in certain circumstances, off-duty conduct. All forms of victimisation are also inappropriate.
- 2.4 The College recognises its duty of care to staff, students and all other members of the College community. (All staff, and especially those who have responsibility for other members of staff, share this duty of care.) The College will seek to ensure that all of its members are aware of the need to maintain dignity at work. Inappropriate behaviour can result in stress and stress-related illness.

- 2.5 Appropriate behaviour is fostered by a workplace culture which encourages positive, supportive and open interactions. Such behaviour, normal to the vast majority of members of the College community, will help to promote good working relationships and a positive working atmosphere. The College will seek to promote a working and learning environment in which harassment and bullying are unacceptable and do not occur. In addition:
- a) Anyone making a complaint about harassment or bullying has a right to receive support and advice.
 - b) Once a complaint has been made it will be dealt with as quickly as possible, in accordance with the procedures set out in Section 8 and summarised in Section 12.
 - c) Complaints about harassment or bullying may be resolved informally, but may provide grounds of disciplinary action against individuals, up to and including dismissal or expulsion from the College.
 - d) Confidentiality is very important in all matters relating to complaints about harassment or bullying and will be observed strictly according to the principles laid down in Section 7.
 - e) In some circumstances eg if a complaint is not resolved within the College, or the College is obliged to defend proceedings in a court or tribunal, the College may be obliged to disclose to such court or tribunal information received in confidence.
 - f) Any employee accused of harassment or bullying has a right to receive support and advice from a work colleague or a trade union representative. A person accused of harassment or bullying has a right to be given a clear account of the allegation so that they may state their case.
 - g) Any victimisation of a complainant or of a person who is suspected of being or intending to be a complainant, or an alleged perpetrator, either before or at the time of a complaint, or at any time thereafter, is unacceptable, and a perpetrator of victimisation may be subject to disciplinary action up to and including dismissal.
 - h) The College seeks to maintain a proper balance between the right to complain about harassment and bullying and the right to be free of malicious or vexatious complaints. If a complaint is found to be malicious or vexatious this may provide grounds for disciplinary action against individuals, up to and including dismissal or expulsion from the College.
 - i) All members of staff have an obligation to cultivate a climate in which harassment and bullying are unacceptable and do not take place.

3. Definitions

- 3.1 'Harassment' is any unwanted behaviour that violates dignity or creates an intimidating, humiliating or offensive environment. Harassment can take many forms and occur for a variety of reasons. It may be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation or any personal characteristic of an individual. It may be directed at one person or many people. Often it takes place when there are no witnesses, but not always. It can be persistent behaviour over a period of time, but a one-off act may also amount to harassment. It is not the intention of the perpetrator that is key in deciding if harassment has occurred but whether the behaviour is disadvantageous or unwelcome to the person(s) subjected to it or who witness it. Individuals are able to complain of behaviour that they find offensive even if it is not directed at them, and they need not possess the relevant characteristics themselves. They might complain, for example, because of a perception that they possess the relevant characteristics or because of their association with someone who does.
- 3.2 'Bullying' is not legally defined. However, bullying is a form of psychological harassment; it is intimidation which serves to undermine the self-esteem, confidence, competence, effectiveness and integrity of the bully's target. Bullying behaviour may include continual, undeserved criticism, belittling remarks, imposition of unreasonable deadlines, unreasonable demands for perfection, arbitrary and inconsistent demands, shouting, swearing and offensive language, constant interruption in discussion, and the display of overbearing or intrusive behaviour. Bullying behaviour may also be manifested by electronic means of communication such as email. Bullying is behaviour which may take place between those of different status or those of the same status. Bullying where reinforced by power within a relationship is particularly reprehensible. Behaviour which makes the recipient feel threatened, humiliated or patronised and which undermines his or her self-confidence or self-esteem is unacceptable, whatever the context. The defining features of bullying are that the behaviour is unacceptable to the recipient, is unwanted by the recipient and would be regarded as bullying by reasonable people.
- 3.3 'Victimisation' occurs under discrimination legislation when someone suffers unfavourable treatment because they have:-
- brought harassment or discrimination proceedings against an alleged perpetrator or other person;
 - given evidence or information in connection with such proceedings against an alleged perpetrator or other person;

- otherwise done anything by reference to harassment or discrimination in relation to the alleged perpetrator or other person;
- alleged that the alleged perpetrator or other person has committed an act of discrimination, harassment, inducement, aiding or abetting, victimisation

or because the victim intends to do any of these things or because it is suspected that the victim has done or intends to do any of these things.

4. Cyber Bullying

- 4.1 Bullying, harassment and victimisation can occur through social networking sites. For example through blogs or posting photographs or offensive or threatening comments about colleagues.
- 4.2 Bullying can occur through the use of online 'friendship circles' and there can be peer group pressure to become someone's 'friend' online. Employees may feel uncomfortable accepting invitations, particularly from senior members of staff.

See the College *Policy on Use of Social Networking* for further information.

5. Guidance to employees and workers who feel that they are being bullied, harassed or victimised

- 5.1 Remember that it is important not to allow the behaviour to continue to a point where it becomes intolerable. Do not feel that it is your fault or that you have to tolerate it.
- 5.2 Before deciding what to do, you will find it helpful to seek confidential help and advice. You may seek the advice of your Head of Department or the College Officer responsible for your department or your trade union representative, if you are a member, or any of the people listed in Section 6. Discussing the problem with someone will give you the opportunity to analyse how you feel about it, what effect it is having on you and what you believe is needed to resolve the problem. Any discussion will be confidential and no further action involving you will be taken without informing you. Remember to protect your own confidentiality and that of others involved in the situation.
- 5.3 You should always keep a record of the incidents which are causing you distress. In the event that you make a formal complaint it will be important to provide enough detail to allow an investigation to be initiated. For example include dates and times, details of anyone else who is present, the behaviour which is causing you concern and the name(s) of anyone behaving in such a way. UNISON also recommend that

individuals feeling harassed or bullied should keep a diary or journal of events as, in addition to it being a helpful record, it can help the person deal with what is happening to them.

- 5.4 If you can avoid confrontation you have a better chance of solving the problem. If you are unhappy with somebody's behaviour towards you and feel able to tell him or her how you feel and what you would like to see changed, either face to face or by letter, this may resolve the situation and restore good working relationships. If you want to communicate this message by letter, you will find a suggested form of words attached as Appendix A. Even if you are able to resolve the situation by approaching the person concerned, you may wish to inform your Head of Department or the Personnel Officer in case there are further difficulties in the future.
- 5.5 If you are a Fellow of the College you may also seek advice from the Vice-Mistress and make a formal complaint to the Mistress in accordance with the College's Grievance Procedure.
- 5.6 If the behaviour which is causing you distress includes messages or offensive materials received by computer and you can identify the source of the messages, you should follow the advice given above. If it is not possible to identify the source of a computer message, the Computer Officer may be able to assist you.
- 5.7 You may be accompanied at all stages by a colleague or trade union representative.
- 5.8 If there is a formal investigation and you are not satisfied with the outcome, you may use the College's Grievance Procedure.
- 5.9 If you make a complaint which is found to be malicious or vexatious, this may lead to disciplinary procedures against you, which could result in a disciplinary warning or dismissal.
- 5.10 You must respect confidentiality at all times and you can expect all other parties involved to do the same. You should ask any witnesses or colleague advisers to maintain confidentiality.

6. Guidance to employees and workers who are accused of bullying, harassment or victimisation

- 6.1 If you are accused of harassment or bullying you should:-
 - listen carefully to what is said to you with regard to the accusation. You may find that you have unintentionally caused offence, or you may believe that your words or actions have been misinterpreted or misjudged. In any of these cases you will need to keep calm in order to try to reach an understanding with the other person;
 - be honest. If you come to realise that you have harassed or bullied another person be ready to change the behaviour causing offence and be prepared to seek advice;

- be prepared to participate in any attempts to resolve the matter informally;
- say if you feel that the accusation is unfounded but be prepared to listen and to seek advice;
- be prepared to help restore reasonable working relations between yourself and the person who made the complaint, whether or not it is made informally or formally and whether or not any disciplinary action is taken;
- observe confidentiality.

You may wish to :-

- seek confidential advice from the Personnel Officer. Any discussion will be confidential but you should be aware of the limits of confidentiality (see Section 7);
- report the matter to your trade union representative if you are a member;
- be accompanied at any meeting, informal or formal, by a colleague or trade union representative.

7. Sources of support/advice

- 7.1 Various sources of support are available within the College for anyone experiencing or observing a problem over harassment or bullying, whether they feel they are the subject of such behaviour or are accused of it or they are a witness to it.
- 7.2 The line manager or head of department is a source of support in the event that an employee feels that he/she is being bullied or harassed at work. The Personnel Officer is also available and is able to advise on procedural arrangements for informal and formal complaints and to advise on other sources of support. An employee who is a member of a trade union may also wish to consult with their union steward or representative. A list of internal sources of support is attached as Appendix 'B'.
- 7.3 In addition to the sources of support available within the College, Appendix 'C' provides information on external agencies who might, depending upon the nature of the harassment or bullying, might be appropriate to contact for support or advice.

8. Confidentiality

- 8.1 Normally confidentiality will be maintained and will only be extended after consultation with the person(s) concerned. The principles of the Data Protection legislation and the College's Record Retention Schedule will be followed.
- 8.2 There are, however, limits as to how far confidentiality can be maintained. Where possible the wishes of the people involved (the complainant and the person(s) complained against) will be respected but in any event their views will normally be taken into

account in deciding whether or not to disclose information to another person.

- 8.3 In order for the procedures outlined in this policy to work efficiently, there is generally a need for information to be disclosed, particularly in the event that a formal complaint is made and the matter proceeds to a disciplinary hearing following an investigation. It will also need to be disclosed in the event of any subsequent appeal. A Head of Department or line manager may be notified, as well as the Personnel Officer and any appropriate senior officers of the College. In the event that a complaint involves a student of the College, the Senior Tutor will be notified at an early stage of the proceedings. As a guiding principle, none of those involved should disclose information regarding a complaint about non-criminal harassment (ie where there is unlikely to be any danger to health and safety) without the consent of the person concerned. Witnesses, representatives or friends must also maintain strict confidentiality.
- 8.4 Where criminal offences or serious health and safety risks are involved it is clearly not possible to guarantee this level of confidentiality. In some cases the College may be obliged to notify the police and/or the HSE. (The police may be informed without the complainant being named, but there can be no future certainty that the name will not emerge and this will have to happen if the case is to be pursued.) A complainant should, where the police/HSE (as appropriate) agree, be kept informed about every step taken by the person given responsibility for reporting an incident to the police or other relevant authority, should receive a full explanation as to why a step was being taken and be fully supported whilst and after it was being done.

9. Complaints

- 9.1 It is important not to allow the behaviour to continue to a point where it becomes intolerable. By taking action early it is often possible to minimise the harmful effects of harassment or bullying.
- 9.2 If any member of staff feels uncomfortable as a result of the behaviour of another member of the College community, frequently the best resolution is by means of an open and honest discussion. The complainant may seek support on a confidential basis in formulating what s/he wants to say (see Section 6). Even if the Head of Department has been notified support from others within the College may still be helpful. It may, for example, be helpful for the complainant to have support from a friend or adviser in speaking to the person or ask the friend/adviser to speak to the person or in formulating a letter. Because there is a possibility of counter-accusation or recrimination it is probably wise to alert an adviser or friend to

the problem before an approach is made the person concerned even if the complainant feels able to take action on their own.

- 9.3 Keep a record of the incident(s) which are causing the problem including those which occur after you or a friend/adviser have spoken or written to the person concerned. As well as noting specific details of incidents such as dates, times and who else, if anyone, is present also include a note of the ways in which the incidents cause you to change the pattern of your work or social life. If you feel unable to tackle the person concerned, this does not constitute consent to the harassment or bullying nor will it prejudice any complaint you might bring. However, if you delay unreasonably in bringing a complaint or in otherwise dealing with the matter or the behaviour, it may be held that it is not reasonable to assume that you are suffering or have suffered any detriment in relation to the behaviour.
- 9.4 If an informal discussion takes place, the complainant may be accompanied by a colleague (including a trade union representative). If a successful resolution is achieved, a confidential record should be maintained by the Head of Department, in conjunction with the Personnel Officer, and the on-going situation should be monitored. In some situations this course of action may not be possible. However if the complainant is confident enough and/or the person complained against had no intention of giving offence, a resolution of this kind should make it possible to restore good working relationships. If an individual states that they do not want action, or any further action, taken then they should be asked to confirm this in writing. Action of some kind may, however, need to be taken to protect them or others although every effort will be made to maintain confidentiality.
- 9.5 If difficulties cannot be resolved informally, a formal complaint may be made. Such a complaint may be through the College's Grievance Procedure, the Complaints Procedure or the College's Disciplinary Procedure as appropriate. Any complaints made about harassment, bullying or other inappropriate behaviour will be investigated thoroughly and without delay, according to the College's policy and procedures.
- 9.6 If a complaint is judged to be vexatious or malicious, disciplinary action will be taken against the complainant. However disciplinary action will not be taken if a complaint made in good faith is judged to be unfounded.
- 9.7 Any necessary action, including disciplinary action, will be taken towards a member of staff who is demonstrated to have subjected any member of the College community to such treatment. Ideally, except where there is evidence of wilful misconduct, the outcome of disciplinary action should be to solve the problem and prevent a recurrence of the behaviour rather than punishing it. In extreme cases, where there is no prospect of a solution or the behaviour was seriously in breach

of this policy, dismissal may be the only possible course of action.

10. Criminal Offences

- 10.1 Some types of harassment may also be criminal offences. Harassment complaints made within the College will continue to be dealt with by the procedures outlined in this document although there are important exceptions which are described below.
- 10.2 The College has a responsibility to make reports where criminal offences or a threat to anyone's health and safety are concerned. Unfortunately there may be times when individuals suffer a **physical assault**. This may have racial or other elements or it may involve sexual assault including **rape**. If you are injured in any way, and/or if you suffer rape, you must seek medical help and advice immediately. It is also very important to inform the police. You do not need to do any of this on your own and you may receive advice and help from specialist organisations such as the Cambridge Rape Crisis Centre (01223 245888). Failure to report an attack immediately after it occurs does not prevent you from lodging a complaint at a later date. However it is advisable to report the incident as soon as you can. If you felt unable to do so, or could not do so at the time, you should not let the incident pass but should report it as soon as you feel able to do so. You should also report any sexual or physical assault to your Head of Department or a senior officer of the College.
- 10.3 Some assaults will trigger a duty on the College to make a report to the Health & Safety Executive (HSE).
- 10.4 Those forms of harassment which are criminal offences and which are not minor should be reported to the police. Internal investigations and disciplinary action may still take place within the College, whether or not the police decide to proceed. However in some cases there may have to be delay whilst police investigations are carried out.
- 10.5 In its handling of the matter the College will always try to consider the legitimate concerns of the complainant about involving the police. In reporting the matter to the police, care will always be taken to offer as much support and advice to the complainant and, as appropriate, to the accused, as is reasonably possible.

11. Guidance for Heads of Department and others

- 11.1 While the procedure is designed to enable the concerns of members of the College to be addressed, the onus should not be on the individual to make a complaint. In order to fulfil the College's duty of care it is essential that potential episodes of this nature are not ignored. If the College becomes aware of the

existence of behaviour which could be seen as bullying or harassment (eg if it is known to a member of staff in a position of authority), it is important that action is taken. The Personnel Officer can provide further advice on this.

11.2 In the event that a formal investigation is required, the guidelines set out by the College in its 'Guidelines on dealing with Disciplinary/Capability Issues' and its Disciplinary Policy and Procedure must be applied. The Head of Department may be involved in this. The Head of Department must also ensure that there is confidentiality within the department. It is also important to observe data protection principles, for example in retaining records, and the Personnel Officer can offer advice on this.

11.3 If the complainant agrees to a suggestion that an informal meeting is held this may be with the support of the Head of Department or the Personnel Officer. The steps the manager or officer may take to improve relationships may include:-

- giving individuals the opportunity to raise any concerns, while being as un-intrusive as possible;
- discussing the behaviour with the individual concerned and its likely impact on others;
- facilitating the development of restoration of good working relationships;
- taking steps to reduce the likelihood of interpersonal friction (without victimising anyone).

The discussion can be relatively unstructured. As a minimum it would involve giving both parties the opportunity to express their points of view. This might be achieved by each party having a separate discussion with the Head of Department/Personnel Officer/ first and then bringing all parties together to discuss the difficulties being experienced and the changes needed in order for the parties to work together amicably and without stress. The Head of Department/Personnel Officer/ should not try to judge which party is right or wrong but treat both parties with respect and acknowledge the distress that either or both parties might feel. (NB such arrangements may not always effect a resolution as they may leave the real problem unaddressed.)

12. Principles

12.1 At any stage of the procedure, those involved in attempting a resolution or in investigating a complaint must act in accordance with good practice and certain principles:-

Natural justice: any person complained against has the right to know the nature and sufficient details of the complaint, and to respond to the complaint.

Representation: both complainant and person complained against have the right to be accompanied and supported by a colleague or a trade union representation.

Confidentiality: in order to safeguard individuals, confidentiality must be very strictly respected and information limited to those who have a need to know (and limited to no more than they need to know) for the purposes of the operation of these procedures and for the maintenance of good order. The College reserves a right to seek advice from or involve an appropriate authority outside the College if it believes that it is under an obligation to do so.

Records: notes taken at meetings should ideally be agreed by all present. The College and all those involved in this process must observe the principles of data protection. The Personnel Officer should be consulted about the filing and retention of all notes and documents (in conjunction with the College's Record Retention Schedule).

Timescales: a complainant should make a complaint in a timely fashion, and once a complaint is made it must be investigated promptly. While it is important that an investigation is thorough, a long drawn out investigation can be stressful for both parties. Normally a complaint should be made at the very earliest opportunity after the incident or the most recent occurrence of ongoing behaviour complained against. There may be cases in which a complaint is unavoidably delayed. Bullying or harassment can have a serious effect on people and a complainant may not feel able to make a complaint without initial support. It is recognised, nevertheless, that a complaint made after a significant time lapse may put a strain on the person complained against and it may make an informal resolution impossible. A delay is therefore not to be recommended and any delay that has to occur should be kept as short as possible.

13. Summary of Procedure

| Stage in Procedure | Action for or on behalf of complainant | Action for on behalf of alleged perpetrator |
|---|--|--|
| Problem arises for complainant. | Take action early. Seek advice and support. Alert another person to the problem. (See Appendix 'B'.) Keep a record of events. | |
| Approach made to alleged perpetrator | Speak or write to person concerned, either personally or through another person. | Seek advice and support. Listen carefully to complaint. |
| Attempt made at informal resolution. | Co-operate in informal resolution procedures. Maintain confidentiality. | |
| | May wish to inform the Head of Department, Personnel Officer or other appropriate person. | |
| | Incident closed. | |
| Problem not resolved | Make a complaint to Head of Department or other appropriate person. | Must be informed of a formal complaint and an investigation. |
| | Police may be informed if there is a possibility that a criminal offence has been committed. | |
| Investigation initiated within five working days and completed as soon as possible. | Co-operate in investigation with appropriate support and maintaining confidentiality. | Co-operate in investigation with appropriate support and maintaining confidentiality. |
| | Both parties informed of outcome without delay ie whether or not to proceed to a formal disciplinary hearing. | |
| If no need to proceed to a formal hearing. | Restore reasonable working relations. | Restore reasonable working relations. |
| If proceeds to a formal disciplinary hearing and the complaint is upheld. | Restore reasonable working relations as necessary. | Possible disciplinary action. Right to appeal. Restore reasonable working relations if employment continues. |
| Complaint not upheld | Restore reasonable working relations. | |
| Complaint held to be vexatious or malicious. | Possible disciplinary action. | |

Personnel Officer
January 2013

USING THE RIGHT WORDS

These are a format and some words which it may be helpful to use in a letter or a speech if you are feeling bullied or harassed:-

1. Describe the behaviour very precisely, where and when it happened. If you are vague the person causing the problem may be able to pretend that he or she does not understand what you are talking about.
2. Tell the person how you feel about what has happened.
3. Describe the effect it is having on you (you may find you are avoiding the person or working less effectively so that your work performance is affected).
4. Say precisely what you want to happen.

Including the steps outlined above you could write or say:-

**On the [date/day] at [time] you [describe the behaviour precisely].
Your behaviour made me feel [describe your feelings and reactions].**

**I wish you to stop [the behaviour]. You are harassing/bullying me
and I have made a written record of the details. If this behaviour
towards me is repeated I may make a formal complaint.**

*This form of words (adapted from *Eliminating Sexual Harassment*, Herbert 1994, p. 102) is one which should be recognized by everyone as a signal that a complainant is objecting to harassment or bullying and is seeking an informal resolution of the problem.*

SOURCES OF SUPPORT WITHIN THE COLLEGE

The Head of Department or the Personnel Officer are likely to be the most immediate sources of help within College, if you have a complaint about harassment or bullying or if you are accused of harassment or bullying
You may also seek advice and help from any of the following:-

The Mistress
The Vice-Mistress
The Senior Tutor

UNISON Steward
Academic Staff AUT representative
Secretary to the Council
The Chaplain

A collection of books on a wide range of related topics is available in the Counselling section of the College Library.

SOURCES OF SUPPORT OUTSIDE THE COLLEGE

There are two College Counsellors, with special responsibility for Girton College, who offer a confidential counselling service for staff, normally at the Surgery, 1 Huntingdon Road, Cambridge.

Up to ten sessions may be offered per person at the College's expense, in order to provide short-term support in dealing with any problems which might be affecting your work and to help identify what further long-term support might be needed, if any.

Appointments may be made at the surgery (Tel: 364127). When telephoning, identify yourself as a member of staff (and not a student) and try to seek an appointment outside of working hours. If this is not possible, ask your Head of Department for time off to attend a medical appointment (there is no need to say it is with a counsellor).

Other sources of external support include:-

The Samaritans
01223 364455

Cambridge Rape Crisis Centre
01223 245888
<http://www.cambridgerapecrisis.co.uk/>

The Police
01223 358966
Equality and Human Rights Commission
<http://www.equalityhumanrights.com/>

National Bullying Helpline
0845 2255787
<http://www.nationalbullyinghelpline.co.uk/employers.htm>

Other useful contact details:-

Addenbrooke's Accident and Emergency (A & E)
01223 217118

CamDoc (out of hours GP service)
01223 464242

NHS Direct (24 hour Medical helpline for advice and information)
0845 4647
<http://www.nhs.direct.nhs.uk>