



# Ruskin College Oxford

## **HARASSMENT POLICY & PROCEDURE**

**Joint Agreement between Ruskin College,  
University & College Union (UCU) and UNISON**

**Created: May 2016**

**Approved: JNC, Governing Executive**

**Last Reviewed: November 2016**

**Responsibility for Review: JNC, Governing Executive**

**Date of Next Review: March 2020**

# **HARASSMENT POLICY AND PROCEDURE**

## **1.0 Policy**

- 1.1 Ruskin College recognises its responsibility and commitment for ensuring that the right of employees to dignity, respect, courtesy and consideration is observed within the workplace. It recognises that this right extends to and includes activities associated with work. As such this policy and procedure sets out the means by which employees can raise concerns and have them handled in the most effective way. Any individual raising a claim of harassment will be protected from victimisation.
- 1.2 This Policy and Procedure applies to all staff and workers, both Academic and Support Staff, of the College.
- 1.3 The Policy will operate in accordance with the legislative frameworks, such as they apply, these include but are not limited to the Equality Act 2010, Employment Rights 1996, Protection of Freedoms Act 2012, Protection from Harassment Act 1997 and Maternity Parental Leave Regulations 1999.

## **2.0 Application of the Policy**

- 2.1 This policy will apply where an employee wishes to have unwanted and unwarranted behaviour and/or conduct addressed within the workplace. Where it is possible, every step should be taken to address the matter informally, however, in some circumstances the matter may be considered sufficiently serious to merit resolution under the formal stages. In all events, due care should be given to maintaining confidentiality of the individual concerned at all stages of the process and the associated documentation compiled and used as part of the process.
- 2.2 The Harassment Policy and Procedures may have direct links to the Grievance Policy and Procedure and the Disciplinary Policy and Procedure to the extent that they provide the means to address the matters complained of. In those cases the timescales attached to those policies will apply, with due care taken to assess any impact and ensure that employees do not suffer a detriment as a result of raising a claim and nor do those affected by the claim.
- 2.3 Counselling will be made available to employees through the college Employee Assistance Programme, where they have experienced or are experiencing harassment.
- 2.4 If an employee has raised a claim of harassment, or has supported a colleague in raising a claim; he/she shall not suffer any detriment in the workplace, nor be subject to victimisation as a result.

## **3.0 Definition**

- 3.1 Harassment and bullying may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. Harassment may arise out of the inappropriate use of email or social media. It can often occur without witnesses. Examples include:

- unwanted physical contact
- unwanted verbal remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities
- coercion for sexual favours
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- failure to safeguard confidential information
- shouting and bawling
- setting impossible deadlines
- persistent unwarranted criticism
- singling out an individual for practical jokes
- personal insults
- inappropriate tagging on Facebook and other social forms of media
- unreasonable work related instructions
- preventing/blocking individual progression intentionally by withholding promotion or training opportunities

#### 4.0 **Informal**

4.1 In some circumstances, informal approaches can be used in the first instance or where the harasser is not aware that their behaviour and or conduct are unacceptable. However this will not be appropriate in all cases as the member of staff may not feel able to make an informal approach, for example where other attempts to stop the harassment have failed, or if the harassment is too serious.

4.2 In some cases an informal approach may be enough to make the harassment stop, especially where it is unintended. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

4.3 Informal approaches can include setting out the nature of harassment in letter, email or face to face if the employee feels able to approach the harasser.

4.4 Where the employee feels able to raise the matter directly with the harasser, they are encouraged to do so under the informal stage. In the event that this is deemed difficult, the employee may seek the support and guidance of a work colleague, union representative or approach Human Resources. The employee will be asked whether the issue (s) can be addressed informally, and whether mediation would benefit the parties concerned.

4.5 Where an informal resolution has not been possible, the disciplinary route may be pursued by College. It may be necessary to suspend the individual accused of

harassment whilst the case is under investigation, however this will be a last resort and where the harassment is sufficiently serious to warrant its use. Only in exceptional circumstances should the person making the complaint be moved, and only when they request such a move. In rare circumstances, there may be cases where someone makes an unfounded allegation of harassment for malicious reasons. These cases should be investigated and dealt with under the appropriate policy and procedure.

## 5.0 **Formal**

5.1 Where the employee feels the matter remains unsolved after trying to address it informally or in the event the matter complained of is deemed too serious to be resolved informally, the employee should write setting out the nature of the harassment in as much detail as is possible to their Line Manager or Human Resources. The employee is advised to seek support as necessary from a work colleague or union representative.

5.2 The line manager will undertake to investigate the matter complained of within 10 days, following which the line manager will make a recommendation that the matter should be addressed under the:

5.2.1 Disciplinary Policy and Procedure

5.2.2 Grievance Policy and Procedure

5.2.3 Informal Action - This can include Counselling; Training & Development; Raising Awareness; Mediation.

5.3 The Line Manager will arrange to investigate the matter raised by the employee, which may include meeting with both the employee who has been or is being harassed, and the employee/individual about whom the claim of harassment has been made. The investigation should be undertaken ideally within 10 days and the results documented in a detailed report, its recommendation and conclusion as set out above.

5.4 All parties both the employee with the claim and the employee against whom the claim is made will be entitled to have a colleague or union representative present at all meetings.

5.5 Where the Line Manager concludes that the formal route is appropriate the procedures and timescales shall be as set out within the respective documents, with due care given to their appropriateness in light of the nature of the claim of harassment.

5.6 Any investigation which has taken place under the Harassment Policy and Procedure will form the basis of the Disciplinary and/or Grievance Policy and Procedure and will not therefore require further investigation under the respective policies and procedures save for further/additional information which subsequently may have come to light which has a bearing on the issue.

## 6.0 **Reviewed and Monitoring**

6.1 The College will review annually any claims of harassment to ensure that the College provides an environment which is free from harassment and bullying and is conducive to effective working.

## **Appendix 1**

### **1.0 Advice to Managers**

- 1.1 Managers have a duty to be vigilant, to be aware of what actions may cause offence and not to contribute, collude, or ignore the impact of unacceptable conduct and/or behaviour on individual employees for whom they have management responsibility.
- 1.2 Managers have a duty to uphold and communicate this policy and procedure, to ensure that all staff members are aware of it and conduct themselves in a manner which respects the rights of all to dignity, courtesy and proper consideration in the workplace.
- 1.3 What is considered to amount to harassment and what may cause offence is different for everyone; as a result, managers should approach the management and investigation with this in mind.
- 1.4 Care should be taken to follow up and action the concerns in a timely manner
- 1.5 It should be noted that where possible and appropriate that mediation should be considered.
- 1.6 Managers should attend training and development when available, in order to keep up to date on the application of the College's policies and procedures.

### **2.0 Advice to Employees**

- 2.1 Where employees have experienced or are experiencing harassment and/or bullying they should keep a record to assist them in raising the matter. They should:-
  - record the incident, what happened, when, where, how and by whom along with the date and time?
  - keep evidence/details of when you have complained
  - identify any possible witnesses
  - keep copies of relevant documents e.g. letter, emails, Facebook screen shots etc.
  - keep a record of medical help or support sought.
- 2.2 Support may be sought from a colleague, union representative and/or Human Resources.