

**L5873**

**UNIVERSITY OF WALES SWANSEA**

**DIGNITY AT WORK AND STUDY**

**COMBATING HARASSMENT**

**A CODE OF PRACTICE FOR MEMBERS OF STAFF AND STUDENTS**

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## INTRODUCTION

The University's code of practice on dignity at work and study is set out below. It applies to both students and staff. It contains a general policy statement and highlights the roles and responsibilities of all who work and study at the University. It gives examples of the different forms of harassment and outlines the policy to be implemented when dealing with harassment.

The aim of this code of practice is to promote the dignity of all students and staff at the University by eliminating all forms of offensive behaviour, and to establish a working and learning environment free from harassment and aggression. Members of the University are to be treated with dignity and respect, to be protected from harassment and intimidation at work and study and be protected from victimisation or retaliation if they have, in good faith, brought a complaint of harassment.

The purpose of this code of practice is to assist in developing and encouraging a working and learning environment and culture in which harassment is known to be unacceptable and where individuals have the confidence to deal with harassment without fear of ridicule or reprisals. This policy aims to ensure that if harassment or bullying does occur, adequate procedures are readily available to deal with the problem and prevent it recurring.

Working within an educational environment there are occasions where academic staff will need to discuss with students, material that is deeply offensive. In this instance the University recognises that there are legitimate educational needs to display and discuss such material.

It should be noted that harassment on the grounds of sex, race, disability, age, sexual orientation and religion and belief are unlawful.

Acts of harassment are now covered by both criminal and civil liability. The Criminal Justice Act 1994 created a new criminal offence of "intentional harassment". The protection from Harassment Act 1997 includes a right to damages for the victim.

All employees and students of the University of Wales Swansea have a personal and legal responsibility not to behave in a manner that could be offensive to others.

Lack of dignity can seriously worsen working, learning and social conditions for both staff and students. For the individual it can cause demotivation, loss of self-confidence and self-esteem, stress related ill health, poor work quality and reduced output. For the University it can cause increased absenteeism, increased staff turnover, poor working relationships, decline in productivity and results, and damage to the University's reputation.

## **GENERAL POLICY STATEMENT**

Everyone should be treated with dignity and respect at work and study. In accordance with the Equal Opportunities Code of Practice, the Race Equality Policy, the Sexual Orientation Policy, the Age policy, and the RAE Code of Practice, the University of Wales Swansea is committed to providing a working and learning environment which will enable staff and students to fulfil their personal potential. The University accepts that such an environment cannot be created or sustained if individually or collectively staff and students are subject to harassment of any kind.

Harassment in any form will not be tolerated. Incidents of harassment will be regarded extremely seriously and can be grounds for disciplinary action which may include dismissal or expulsion. However, recipients of harassment should remember that sometimes distress is caused inadvertently and the person responsible may be unaware of the effect of his or her behaviour. In such cases, disciplinary action against the perpetrator may not necessarily be appropriate.

The University is committed to investigating allegations fully, fairly, quickly sympathetically and confidentially. The University will protect a complainant's wish for confidentiality, though where a founded complaint identifies a criminal act or illegal discrimination, the University has a legal responsibility to take appropriate action.

The University recognises that it has a duty to protect its employees and students from frivolous or malicious complaints and as such, appropriate disciplinary action may be taken when it can be demonstrated that a complaint is made on a deliberately frivolous or malicious basis.

The University is committed to making progress in all areas of equal opportunity, which will promote a climate to eliminate harassment and give dignity for all.

For the purpose of this policy, "Direct Discrimination" is where someone is treated less favourably than others because of their actual or perceived religion, sexual orientation, race, ethnic or national origin, disability, gender or age.

For the purpose of this policy, "Indirect Discrimination" occurs when a provision, criterion or practice which is applied generally, puts persons of a particular "religion or belief", a particular "race or ethnic origin or national origin" a particular "sexual orientation", "gender", "disability" or "age" at a disadvantage compared with other persons and cannot be shown to be a proper means of achieving a legitimate aim.

## **ROLES AND RESPONSIBILITIES**

The Council of the University of Wales Swansea is responsible for ensuring that the institution complies with all equal opportunity legislation requirements and has produced the Equal Opportunities Code of Practice and the Race Equality Policy Statement in conformity with these requirements. This policy is designed to address specific incidents arising from breaches of these policies.

Council is responsible for ensuring that the Dignity at Work and Study Policy is implemented, monitored, evaluated and reviewed. Council will receive and consider regular reports in order to monitor the effectiveness of the policy.

The Vice Chancellor is responsible for ensuring that the policy and any related procedures and arrangements, are implemented and the appropriate members of the University are provided with the opportunity to attend training. The Vice Chancellor is responsible for ensuring that all staff and students are aware of their responsibilities and accountabilities under the policy and are adequately supported in order for them to appropriately fulfil these responsibilities.

Heads of Department will be responsible for ensuring that staff and students within their departments are aware of their responsibilities in promoting dignity at work and study. They will ensure that through their own actions, remarks or behaviour that they do not conduct themselves in a manner which others may perceive as harassment. They will ensure that the University's policy is implemented within their area of responsibility.

All students and members of staff must ensure they conduct themselves in such a manner so as not to harass anyone whilst working/studying, and they will be personally liable for any behaviour that causes harassment to another.

## EXAMPLES OF HARASSMENT

### **Harassment**

The standard definition for harassment is unwanted conduct on the grounds of (race, gender, sexual orientation etc.) which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating hostile, degrading, humiliating or offensive environment for them. There is the proviso that conduct is regarded as harassing only if, having regard to all the circumstances – including the claimant's perception – it should reasonably be regarded as having that effect.

*The following are some examples of specific types of harassment, but it should be noted that this policy applies to all forms of harassment.*

#### **i) Bullying**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying can take many forms and may involve actions or words which patronise, threaten or demean. Bullying can be verbal or written and carried out by a variety of methods including the use of telephones and e-mail. (In addition to this policy, the University's Computing Regulations Section 4, highlights action that may be taken if any ICT facilities are used in an inappropriate manner. These actions may include suspension of the right to use the facility, disciplinary proceedings and or criminal or civil proceedings.) Bullying can happen in public or private and can be carried out by an individual or group of individuals. It frequently involves someone in a position of authority bullying someone in a lesser position but bullying of people in a more senior position by people in a lesser position and between people in an equal position does occur. All forms of bullying are equally unacceptable. Examples of bullying could be:

- abuse of power or authority
- verbal and or physical intimidation e.g. threats, derisory remarks
- persistent unjustified criticism
- public humiliation
- the setting of impossible deadlines or intolerable workload burdens
- having responsibilities or decision-making powers withdrawn without good reason or explanation
- unwarranted exclusions

Vigorous speech and comment, academic debate and legitimate management of the performance of staff or students can be distinguished from bullying behaviour. However care should be taken to ensure that neither staff nor students are made to feel intimidated. An assertive management style would in itself not constitute bullying but

where assertiveness gives way to aggression it is likely to become destructive rather than constructive and may constitute harassment.

## **ii) Sexual harassment**

Sexual harassment may be homosexual or heterosexual. It may be defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that creates an intimidating, hostile, degrading, humiliating or offensive environment. It may include:

- physical contact
- invasion of personal space
- suggestive remarks or sounds
- unwanted comments on dress and appearance
- jokes of a sexual nature
- display of sexually offensive material
- inappropriate downloading of pornographic or sexually exploitative and degrading material by computer
- verbal threats

It is important to remember that sexual harassment can occur of women by men, men by women, and also between members of the same sex.

## **iii) Racial harassment**

Racial harassment is any behaviour, deliberate or otherwise pertaining to race, colour, nationality - including citizenship, or ethnic or national origins, which is directed at an individual or group and which is found to be offensive or objectionable to recipients and which creates an intimidating, hostile or offensive environment. Such behaviour may include:

- derogatory name calling
- insults and racist jokes
- display of racially offensive material and abusive language
- exclusion from normal workplace conversation or activities
- unfair allocation of work
- verbal threats
- physical attack
- incitement of others to commit any such acts

## **iv) Harassment on grounds of Sexual Orientation**

This act of harassment is any behaviour deliberate or otherwise, pertaining to sexual orientation. Homophobia is a term used to describe hatred and rejection of gays, lesbians and homosexuality. It may be directed against individuals or groups of people who are, or are thought to be lesbian, gay, bisexual or transgendered and is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Examples may include:

- offensive jokes
- ridicule
- verbal threats

- derogatory comments
- intrusive questioning about a persons domestic circumstances
- innuendo
- gossip
- physical attack
- unfair allocation of work
- exclusion from normal work place conversation or activities
- incitement of others to commit any such acts

#### **v) Harassment on grounds of Religion**

Religious Harassment is any behaviour deliberate or otherwise, pertaining to religion, religious belief or other similar philosophical belief and it is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples can include:

- offensive jokes
- ridicule
- display of offensive material

#### **vi) Political Harassment, or Harassment on the grounds of Trade Union membership**

Political harassment, or harassment on the grounds of trade union membership can include:

- offensive jokes
- ridicule
- display of offensive material

#### **vii) Harassment on the grounds of Disability**

Harassment may be based on the fact that a person has a physical or mental impairment, learning difficulty or disfigurement. This can include:

- offensive or patronising language
- offensive or patronising action or behaviour
- jokes or inappropriate comments
- questions which cause offence to the individual or group of individuals concerned
- display of offensive material

#### **viii) Harassment of the grounds of Age**

Ageism can affect anybody regardless of how old they are. Harassment on the grounds of age may include:

- assumptions regarding the individual's inability to learn
- offensive remarks
- exclusion on the basis of age

## **IMPLEMENTATION OF POLICY**

Any member of staff who suffers from harassment from a member of the University will have the support of both senior members of the University, harassment advisors and the trade unions in putting a stop to the harassment. Any student who suffers from harassment from a member of staff of the University will have the support of both senior members of the University, harassment advisors and the Students Union in putting a stop to the harassment.

Acts of harassment that occur off campus may also fall within this procedure.

The University of Wales Swansea will see that appropriate members of the University will receive training in dealing with harassment, and that they will be available to any member of staff or student, to offer advice and information in confidence as required. These people will be known as harassment advisors. A list of the Universities harassment advisors can be found at Appendix I. All advisers will be trained to deal with harassment appropriately however, some advisers will have particular strengths in certain types of harassment. Where this is the case it will be indicated.

For students the University will also provide access to trained counsellors as additional support for both the accused and/or the complainant. Appendix IV gives contact details for this service.

Complaints of harassment will be considered with all possible speed and the authorised representatives of the University of Wales Swansea will take appropriate action as quickly as possible, usually within two weeks of the complaint being received.

The University of Wales Swansea will treat as confidential, all records concerning allegations or complaints of harassment. Any discussions will be confidential within the confines of the Universities legal obligations.

Any member of staff or student making a complaint of harassment will be protected from intimidation, victimisation or discrimination for raising such a complaint. Retaliating against someone who complains about harassment is a serious disciplinary offence, which in some instances may amount to dismissal or expulsion.

**INFORMATION FOR MEMBERS OF STAFF**  
**WHAT SHOULD I DO IF I FEEL I AM BEING HARASSED?**

All staff have the right to ask any member of the University, both students and staff, to stop behaving in a manner which is insulting or offensive to them. It is understandable however that not everyone will feel confident enough to do this and also that there are some circumstances where this is inappropriate. Staff can therefore take action by using the procedure the University has developed for dealing with these problems.

- In the first instance you should make it clear to the person causing the offence that their behaviour is unacceptable to you. If you feel unable to do this, you may want to ask a colleague or friend who works for the University to go with you or instead of you to speak to this person.
- Alternatively, you could contact one of the University's harassment advisors all of whom would be willing to discuss incidents, however large or small they seem. At this stage, they will listen sympathetically to your problem and not make any judgement. Once the problem has been identified, the harassment adviser will be able to outline any appropriate actions. Any discussions will be confidential and further action would not be taken without your express permission.(The exception to this is where a criminal act takes place. See page 4 for information)
- You may decide that the harassment adviser will accompany you to see the alleged harasser, or go in your place if preferred.
- The different stages of the procedure allow for problems to be dealt with either formally or informally, depending on the circumstances of each case.
- Whatever stage of the procedure is used, the aim is to stop any individual from harassing or bullying another and to prevent staff from having to endure this type of behaviour.
- If following the initial action as outlined above the harassment continues or the complaint is of a more serious nature from the outset, a formal complaint can be made. Your harassment adviser can advise you of the necessary action which is usually a written complaint to your Head of Department.
- The flowcharts at appendices II a and II b are designed to give a step by step quick reference guide to the options/procedures that can be followed if harassment occurs.
- It should be noted that during any stage of the process, further action will not be taken without your express permission provided that in the interests of natural justice complaints have been dealt with fairly.
- You should keep a record of incidents in order to recall what has happened and complete and return an harassment monitoring form which can be found in the appendices at the rear of this policy.

**INFORMATION FOR STUDENTS**  
**WHAT SHOULD I DO IF I FEEL I AM BEING HARASSED?**

All students have the right to ask any member of the University, both students and staff, to stop behaving in a manner that is insulting or offensive to them. It is understandable however that not everyone will feel confident enough to do this and also that there are some circumstances where this is inappropriate. Students can therefore take action by using the procedure the University has developed for dealing with these problems.

- In the first instance you should make it clear to the person causing the offence that their behaviour is unacceptable to you. If you feel unable to do this, you may want to ask a colleague or friend who is a member of the University to go with you or instead of you to speak to this person.
- Alternatively, you could contact one of the University's harassment advisors all of whom would be willing to discuss incidents, however large or small they seem. At this stage, they will listen sympathetically to your problem and not make any judgement.  
Once the problem has been identified, the harassment adviser will be able to outline any appropriate actions. Any discussion will be confidential and further action would not normally be taken without your express permission. (The exception to this is where a criminal act takes place. See page 4 for information).
- You may decide that the harassment adviser will accompany you to see the alleged harasser, or go in your place if preferred.
- The different stages of the procedure allow for problems to be dealt with either formally or informally, depending on the circumstances of each case.
- Whatever stage of the procedure is used, the aim is to stop any individual from harassing or bullying another and to prevent students from having to endure this type of behaviour.
- If following the initial action as outlined above the harassment continues or the complaint is of a more serious nature from the outset, a formal complaint can be made. Your harassment adviser can advise you of the necessary action which is usually a written complaint to your Head of Department.
- The flowcharts at appendices II c and II d are designed to give a step by step quick reference guide to the options/procedures that can be followed if harassment occurs.
- It should be noted that during any stage of the process, further action will not be taken without your express permission provided that in the interest of natural justice complaints have been dealt with fairly.
- You should keep a record of all incidents in order to recall what has happened and complete and return an harassment monitoring form which can be found in the appendices at the rear of this policy.

## **INFORMATION FOR STAFF AND STUDENTS WHO ARE ACCUSED OF HARASSING ANOTHER MEMBER OF THE UNIVERSITY**

- All students and staff have a personal and legal responsibility not to behave in a manner that could be offensive to others. If behaviour of this nature does occur, all staff and students are encouraged to make this known by raising a complaint.
- How will you know if you are accused of harassment?

You may find that someone tells you that they are offended or upset by certain aspects of your behaviour and they will ask you to stop behaving towards them in a particular manner. All staff and students have been informed that they have a right to ask any of their colleagues to stop behaving in a manner which is insulting or offensive to them.

Not every one will feel confident to do this and also there are some circumstances where this is inappropriate.

You may find that you are being approached by a colleague or friend or harassment adviser on behalf of the individual, you may be approached by the individual and their colleague or friend or harassment adviser.

This can often be as stressful for the individual who is accused of harassment as for the individual making the complaint. If a problem is identified, the different stages of the procedure allow for problems to be dealt with either informally or formally depending on the circumstances of each case.

All harassment advisers can advise you of sources of support such as a trade union representative if you are a member or Students Union representative, University counsellors etc. Using these support networks will not be interpreted as an indication of guilt or any admission on your part – they are intended to help you deal with any allegations made against you.

- As an alleged harasser, you will have the opportunity to be represented where this is relevant at the appropriate stage of the procedure and to be given a clear account of the allegation so that you may state your case and respond.
- The University recognises that it has a duty to protect its employees and students from malicious or frivolous complaints and as such, appropriate action may be taken when it can be demonstrated that a complaint is made on a deliberately frivolous or malicious basis.
- You will be advised of the procedure to be followed if a formal complaint is to be made.

## **HARASSMENT OF MEMBERS OF STAFF**

### **1. ACTION TO BE TAKEN BY INDIVIDUAL**

#### **INFORMAL PROCEDURE**

- In the first instance, the member of staff being harassed should make it clear as soon as possible to the person causing offence that the behaviour is unacceptable. This may be sufficient to stop it.
  
- If the member of staff feels unable to speak to the person causing offence, he/she should follow one of the following steps:
  - i) ask a sympathetic colleague/friend (who should be a member of staff of the University of Wales Swansea) or a Trade Union representative to go with him/her to speak to the person concerned or to go in his/her place. Alternatively he/she could ask their immediate supervisor or Head of Department.
  
  - ii) contact one of the harassment advisers mentioned in Appendix I, all of whom will be willing to discuss incidents, however large or small they seem. Any discussion will be confidential and further action would not be taken without the express permission of the complainant.

NB: If a member of staff thinks he/she is being harassed, he/she should keep a record of the incident(s), in order to recall what has been happening.

- If the harassment continues, or is of a more serious nature than can be dealt with by means of the above, the member of staff is advised to seek a confidential interview with one of the persons mentioned in Appendix I. The member of staff may be accompanied at such an interview by a colleague/friend (who should be a member of staff of the University of Wales Swansea) or a Trade Union representative, if desired. The purpose of the interview will be to discuss the nature of the problem, suggest solutions and/or give advice how to proceed if the complaint is to be taken up more formally.

## **HARASSMENT OF MEMBERS OF STAFF**

### ACTION TO BE TAKEN BY INDIVIDUAL

#### FORMAL PROCEDURE

If the problem cannot be resolved by any of the above means, then a formal complaint may be made. This should be made in writing to the Head of Department. If the complaint is regarding the Head of Department, then the formal complaint should be made in writing directly to the Director of Human Resources. In the event that the Head of Department wishes to make a formal complaint, they should write directly to the Vice Chancellor. The written complaint should be a factual account of the incident/s stating:

- The nature of the allegation
- What has occurred
- Who was involved
- When events took place
- If there were any witnesses to the event/s

Harassment advisers will be able to help you with this process, should assistance be required.

All complaints will be handled with the utmost confidentiality.

## 2. ACTION TO BE TAKEN BY THE UNIVERSITY OF WALES SWANSEA

### INFORMAL COMPLAINT – MEMBER OF STAFF

•A Head of Department or adviser referred to in Appendix I, who is approached informally by a complainant will:

- (i) sensitively respond to the complainant
- (ii) provide advice and information about the procedure should a formal complaint prove necessary
- (iii) take up the matter informally with the person against whom the complaint has been made only if requested to do so. If this method is followed, then the complainant should be asked for permission to give his/her name to the person against whom the complaint has been made. Anonymous complaints can only be pursued in general terms and are less likely to bring about the desired change in behaviour.

The person against whom the complaint has been made will be advised of the nature of the complaint and will be given the opportunity to respond. At any meeting the person complained against may be accompanied by a friend/colleague (who is a member of staff of the University of Wales Swansea) or a Trade Union representative or if the person complained against is a student, he/she may be accompanied by another student of UWS or a representative of the Students Union. He/She will also be advised of the procedure to be followed if a formal complaint were to be made. Where this meeting leads to an acknowledgement that a problem exists, the steps to rectify the problem and prevent the situation recurring should be agreed and notified to the complainant.

### FORMAL COMPLAINTS

• A Head of Department who receives a formal complaint from a member of staff should:

- (a) notify the Director of Human Resources who will arrange for the complainant to be interviewed by a person who has been specifically trained to that function. Where the complaint is about sexual harassment, the interview will normally be carried out by a person of the same sex as the complainant to minimise any embarrassment that the latter may feel. The complainant may be accompanied by a colleague/friend (who is a member of staff of the University of Wales Swansea) or a Trade Union representative.

- (b) If the report of the interview indicates that the matter should be pursued, the Director of Human Resources will advise the Head of the Department of the person against whom the complaint has been made, in order that a full investigation of the complaint may be made in conjunction with the Personnel Department.
  
- (c) The Head of Department will carry out whatever investigation they see as appropriate (in conjunction with advice from the Personnel Department where necessary). This may be followed by a disciplinary hearing at the appropriate stage and under the appropriate procedure. This should ensure prompt and fair action and ensure that both parties are given an impartial hearing. In the case of a complaint by a member of staff against another member of staff, the staff disciplinary procedures will apply. In the case of a complaint by a member of staff against a student, the student disciplinary procedures will apply. The person accused of harassment may be accompanied at any disciplinary hearing by a colleague/friend (who is a member of staff of the University of Wales Swansea) or a Trade Union representative, or if the complaint is against a student, he/she may be accompanied by another student of UWS or a representative of the Students Union.

If at the end of the hearing, it is decided to take no action, a written statement of the reasons will be given to the complainant by the Head of Department or the Personnel Department as appropriate.

## **HARASSMENT OF STUDENTS**

### **1. ACTION TO BE TAKEN BY INDIVIDUAL**

#### **INFORMAL PROCEDURES**

- In the first instance, the student being harassed should make it clear as soon as possible to the person causing offence, that the behaviour is unacceptable. This may be sufficient to stop it.
  
- If the student feels unable to speak to the person causing offence, he/she should follow one of the following steps:
  - i) ask a sympathetic colleague/friend (who should be a member of the University of Wales Swansea) or a Students' Union representative, to go with him/her to speak to the person concerned or to go in his/her place. Alternatively he/she could ask their immediate supervisor or Head of Department.
  
  - ii) Contact one of the people mentioned in Appendix I, all of whom will be willing to discuss incidents, however large or small they seem. Any discussion will be confidential and further action would not be taken without the express permission of the complainant

NB: If a student thinks he/she is being harassed, he/she should keep a record of the incident(s) in order to recall what has been happening.

- If the harassment continues, or is of a more serious nature than can be dealt with by means of the above, the student is advised to seek a confidential interview with one of the persons mentioned in Appendix 1. The student may be accompanied at such an interview by a colleague/friend (who should be a member of the University of Wales Swansea, or a Students' Union representative). The purpose of the interview will be to discuss the nature of the problem, suggest solutions and/or give advice on how to proceed if the complaint is to be taken up more formally.

## **HARASSMENT OF STUDENTS**

### **ACTION TO BE TAKEN BY INDIVIDUALS**

#### **FORMAL PROCEDURE**

If the problem cannot be resolved by any of the above means, then a formal complaint may be made. This should be made in writing to the Head of Department. If the complaint is regarding the Head of Department, then the formal complaint should be made in writing to the Pro-Vice Chancellor (Academic Affairs). The written complaint should be a factual account of the incident/s stating:

- The nature of the allegation
- What has occurred
- Who was involved
- When events took place
- If there were any witnesses to the event/s

Harassment advisers will be able to help you with this process, should assistance be required.

Where a complaint is of a more serious nature a student may decide to make a formal complaint immediately.

All complaints will be handled with the utmost confidentiality.

## 2. ACTION TO BE TAKEN BY THE UNIVERSITY OF WALES SWANSEA

### INFORMAL COMPLAINT -STUDENTS

- A Head of Department (unless it is the Head of Department being complained about), or adviser referred to in Appendix 1, who is approached informally by a complainant will:
  - (i) sensitively respond to the complainant
  - (ii) provide advice and information about the procedure should a formal complaint prove necessary
  - (ii) take up the matter informally with the person against whom the complaint has been made only if requested to do so. If this method is followed, then the complainant should be asked for permission to give his/her name to the person against whom the complaint has been made. Anonymous complaints can only be pursued in general terms and are less likely to bring about the desired change in behaviour.

The person against whom the complaint has been made will be advised of the nature of the complaint and will be given the opportunity to respond. At any meeting the person complained against may be accompanied by a friend/colleague (who is a member of the University of Wales Swansea) or a Students' Union representative, or if the person complained against is a member of staff by a friend/colleague who is a member of staff of UWS or a Trade Union representative. He/she will also be advised of the procedure to be followed if a formal complaint were to be made. Where this meeting leads to an acknowledgement that a problem exists, the steps to rectify the problem and prevent the situation recurring should be agreed and notified to the complainant.

### FORMAL COMPLAINTS - STUDENTS

- A Head of Department (unless it is the Head of Department being complained about) who receives a formal complaint should:
  - (i) Notify the Academic Registrar who will arrange for the complainant to be interviewed by a person who has been specifically trained to that function. Where the complaint is about sexual harassment, the interview will normally be carried out by a person of the same sex as the complainant to minimise any embarrassment that the latter may feel. The complainant may be accompanied by a colleague/friend (who is a member of the University of Wales Swansea) or a Students' Union representative.

- (ii) If the report of the interview indicates that the matter should be pursued, the Academic Registrar will advise the Head of the Department (or in the case of the Head of Department being the person against whom the complaint is made, a senior member of the department) of the person against whom the complaint has been made in order that a full investigation of the complaint may be made in accordance with University of Wales Swansea Disciplinary procedures.
- (iii) All parties will attend a disciplinary hearing at the appropriate stage under the appropriate procedure. This should ensure prompt and fair action and ensure that both parties are given an impartial hearing. In the case of a complaint by a student against another student, the student disciplinary procedures will apply. In the case of a complaint by a student against a member of staff, the staff disciplinary procedures will apply. Both parties may be accompanied at any disciplinary hearing by a colleague/friend (who is a member of the University of Wales Swansea) or a Students' Union representative. or if the complaint by a student is against a member of staff, by a colleague/friend (who is a member of staff) of UWS or a Trade Union representative.

If at the end of the hearing, it is decided to take no action, a written statement of the reasons will be given to the complainant by the Student Disciplinary Committee.

## **PROCEDURES FOR PERSONS WHO ARE NOT STUDENTS OR STAFF OF THE UNIVERSITY**

As far as is reasonably practical, complaints by persons who are not staff or students of the University against staff or students, will be dealt with under the appropriate procedures depending on whether the alleged harasser is a member of staff or student.

### **THIRD PARTY HARASSMENT**

Third party harassment can occur if a member of the University complains of harassment by a person who is not a member of staff or student of the University. They could for example, be customers, visitors, or relatives of staff or students etc. Whilst individuals who are not students or employees of the University are not subject to discipline under the University's internal processes, the matter will be referred as appropriate and other mechanisms such as "The Protection From Harassment Act 1997" may be more appropriate. All complaints of this nature should in the first instance be directed towards one of the University's harassment advisers who will then advise and support accordingly.

**NOTHING IN THIS CODE WILL PREVENT MEMBERS OF STAFF OR STUDENTS EXERCISING THEIR LEGAL RIGHTS.**

### **MONITORING**

In line with the Universities Equal Opportunities Code of Practice and the Race Equality Policy Statement, the University confirms its commitment to a comprehensive policy of equal opportunity where individuals are treated on the basis of their relevant merits and abilities and are given equal opportunities within the University. By monitoring information related to all harassment complaints, we will be able to identify if we are offering equality of treatment to all. By analysing the data we will be able to identify where we are falling short of this ideal and then concentrate on finding solutions and making changes. All information gathered will be in an anonymised format. The forms to be used for monitoring purposes can be found at the appendices. Any information provided will be released to other bodies such as the Universities Equal Opportunities Committee and the Higher Education Statistical Agency only in an anonymised statistical format.

**Any one who feels that they have been subjected to any form of harassment or has witnessed a form of harassment occurring, is urged to complete and return the appropriate reporting/ monitoring form which can be found at the appendices. Whilst there is no formal requirement to complete this form, where it is completed and returned, the information will be used for monitoring only and will help us create an accurate picture of harassment within the University and allow action to be taken to address the problem.**

## **APPEALS PROCEDURE**

In circumstances where complainants or alleged harassers wish to complain about the way in which these procedures have been carried out, they should do so by writing to the Director of Human Resources promptly.

## APPENDIX I

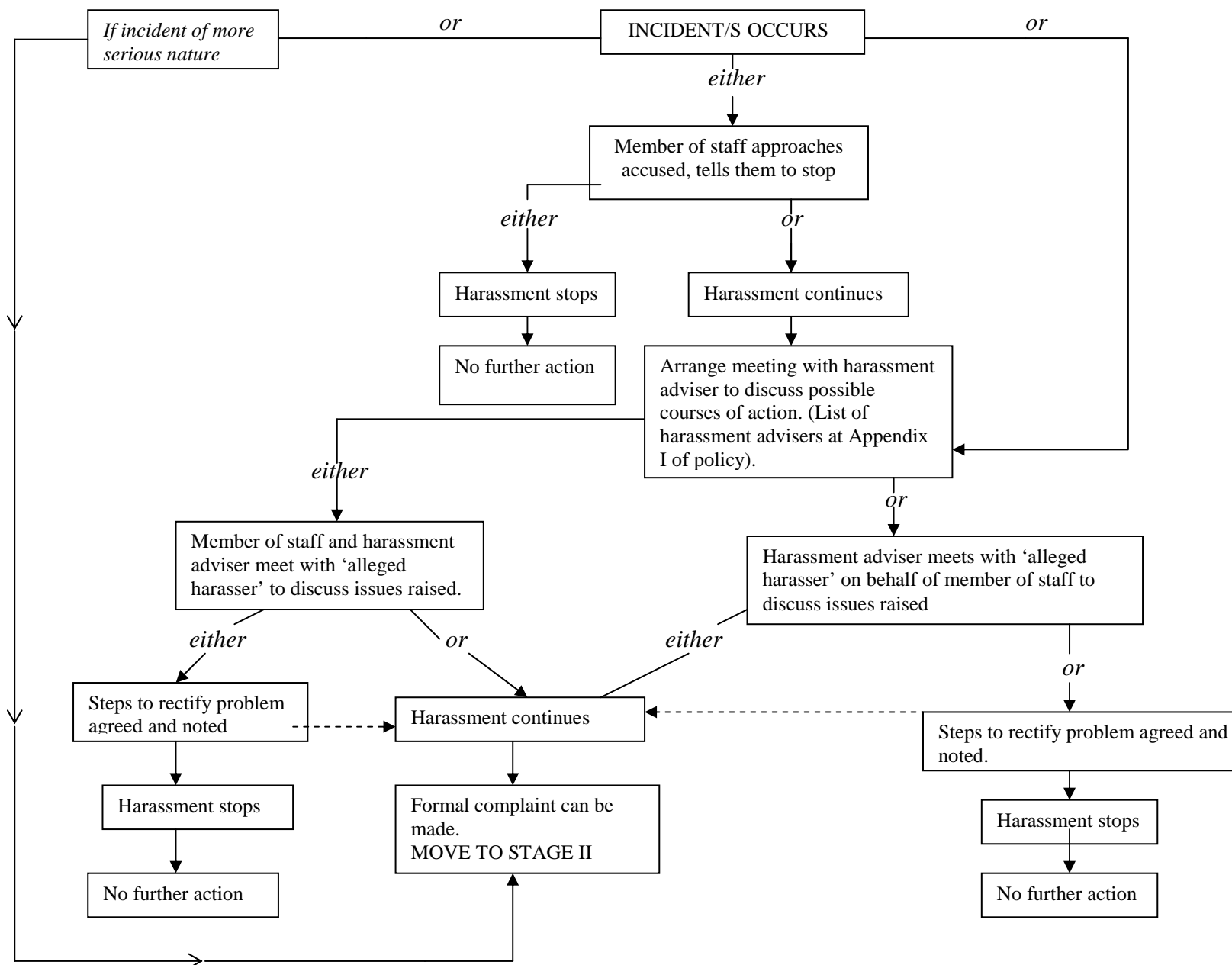
### HARASSMENT ADVISERS

Please note that you may approach **any** of the harassment advisers listed and you are not restricted to advisers in your own schools or departments.

<b>NAME</b>	<b>SCHOOL/DEPARTMENT</b>	<b>ROLE</b>	<b>PHONE NO</b>
Jed Chandler	Academic Registry	Postgraduate Training Officer	5876
Sarah Morgan	Accommodation	Housing Assistant	4344
Syed Hussin	Estates	Porter	3124
Avril Rolph	Library & Information Services	Deputy Sub Librarian	3389
Sean Barr	Library & Information Services	Assistant Librarian	5029
Jackie Lyndon	Academic Registry	Secretarial Assistant	2473
Lisa Arnold	Human Resources	HR Officer	3271
Jason Williams	Human Resources	Senior HR Officer	3191
Sally Davies	Human Resources	HR Officer	3474
Julie Jones	Human Resources	HR Officer	3060
Clare Thomas	Human Resources	HR Assistant	2366
Eiri Thomas	Human Resources	HR Officer	3048
Samantha Rees	Marketing	Clerical Assistant	5730
Andrew Morgan	Staff Development Unit	Staff Development Officer	5962
Rosie Plummer	Staff Development Unit	Career Development Officer	3479
Tom Cheesman	School of Arts	Lecturer	4030
David Martin	School of Arts	Lecturer	5979
Chris C-C Shei	School of Arts	Lecturer	2067
Giovanna Donzelli	School of Arts	Lettrice	2245
Ian Evans	School of Engineering	Technical Manager	5754
Melanie Jones	School of Health Science	Research Officer	2117
Tony Aldridge	School of Human Sciences	Technical Manager	5282
Iwan Griffiths	School of Human Sciences	Lecturer	3311
Karen Davies	School of Law	Tutor	2276
David Payne	School of Physical Sciences	Technician	8018
Julian Kivell	School of Physical Sciences	Technician	4457
Jane Elliott	DACE	Senior Lecturer	5931
Krijn Peters	Centre for Development Studies	Lecturer	5183
Suki Collins	Human Resources	HR Officer	2141
Sara Walters	Human Resources	HR Officer	2367
Alison Owen	Catering	Department Manager	5340
Julie Miller	Finance	Payroll & Pensions Manager	5503
Stephen Storey	Library & Information Services	Deputy Librarian	2765
Simon Wright	Student Services	Director	5356
Alan Kerfoot	Human Resources	Equality Trainer	5351
Paul Brain	Biological Sciences	Professor	5444
Eddie Owens	Classics & Ancient History	Senior Lecturer	4066
Eleanor Fisher	Centre for Development Studies	Lecturer	4351
Steve Williams	Library & Information Services	Deputy Director	5167
Alayne Street Perrott	Geography	Professor	5910

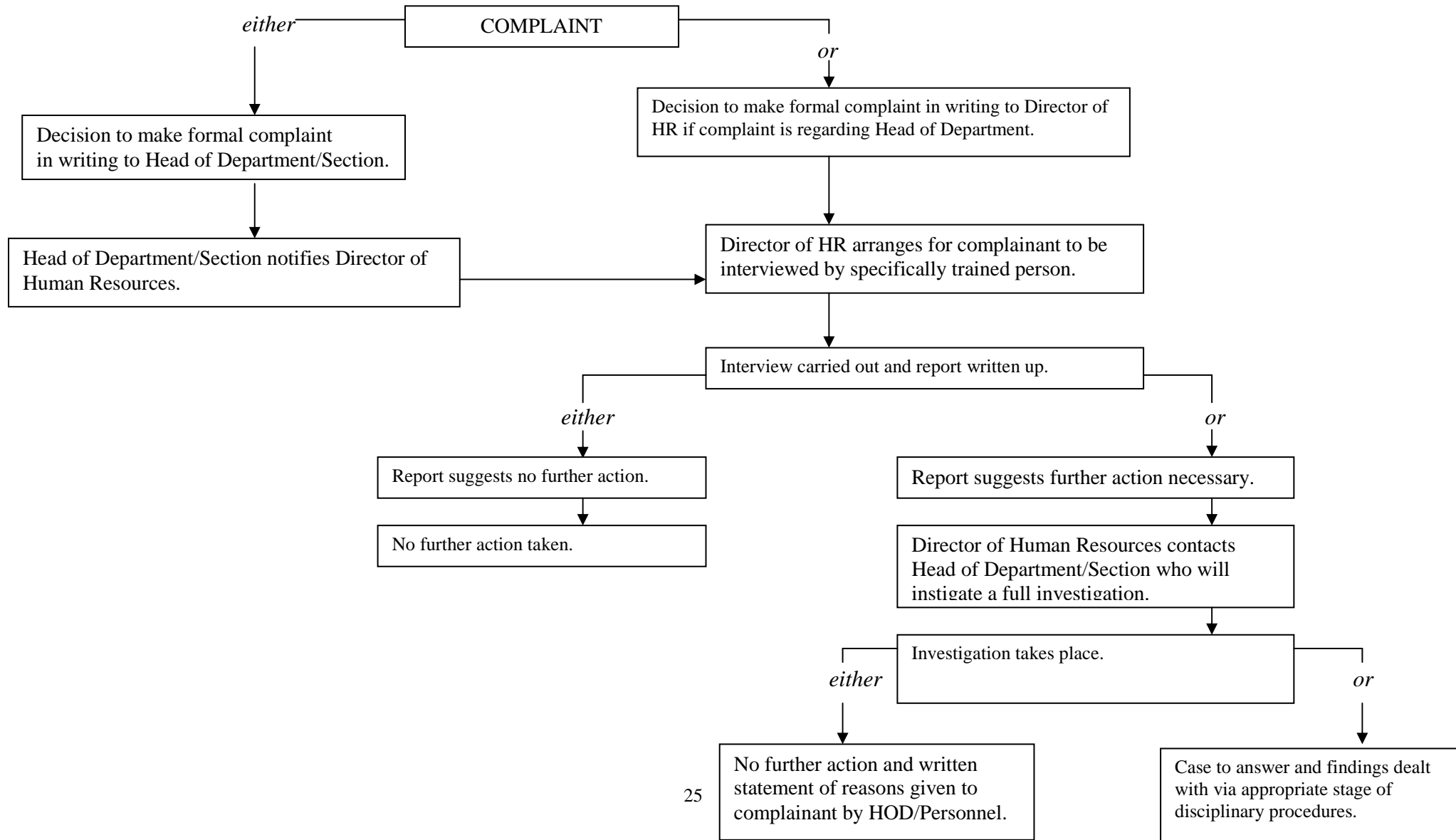
## PROCEDURE FLOWCHART FOR MEMBERS OF STAFF

### STAGE I – INFORMAL



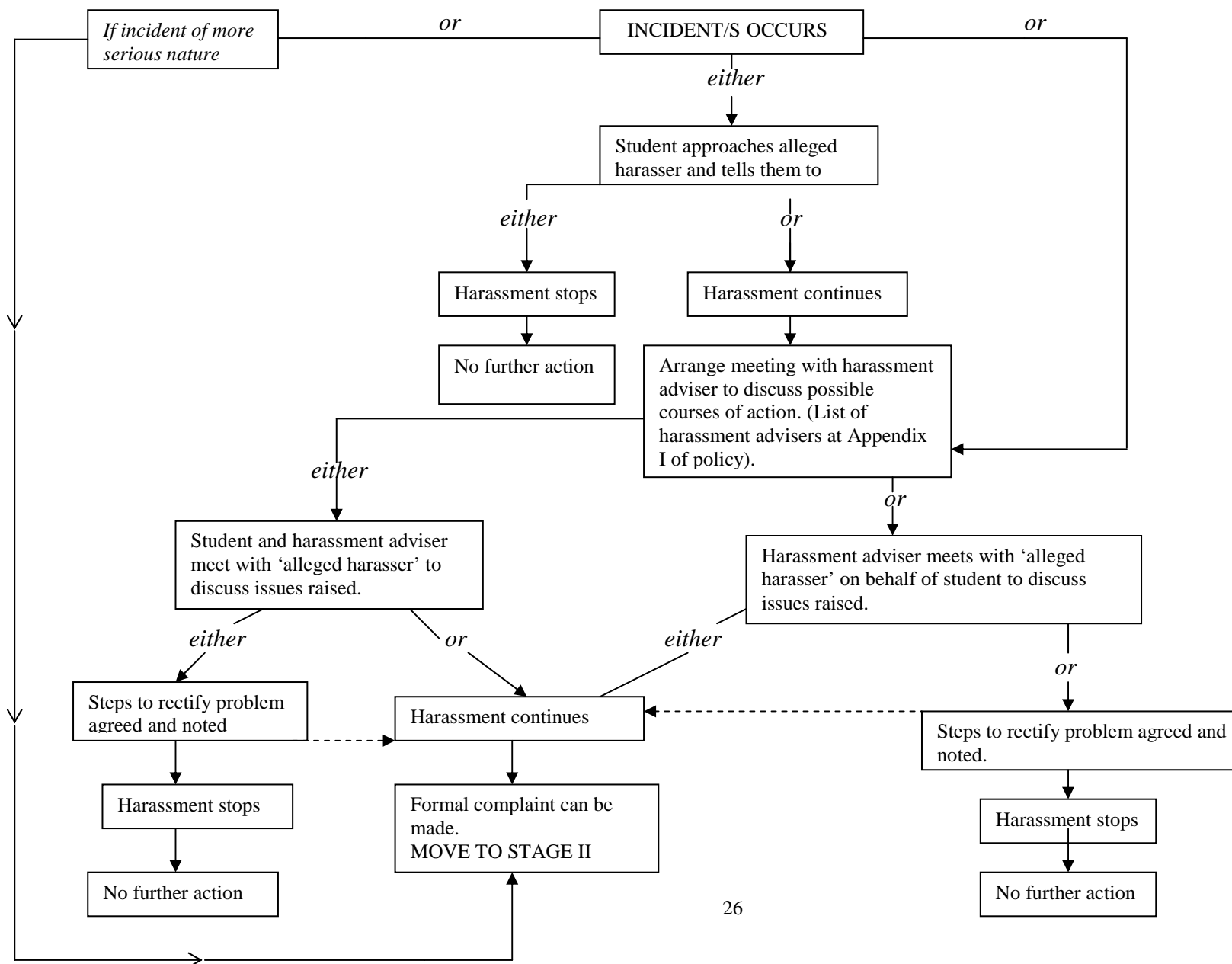
## PROCEDURE FLOWCHART FOR MEMBERS OF STAFF

### STAGE II – FORMAL

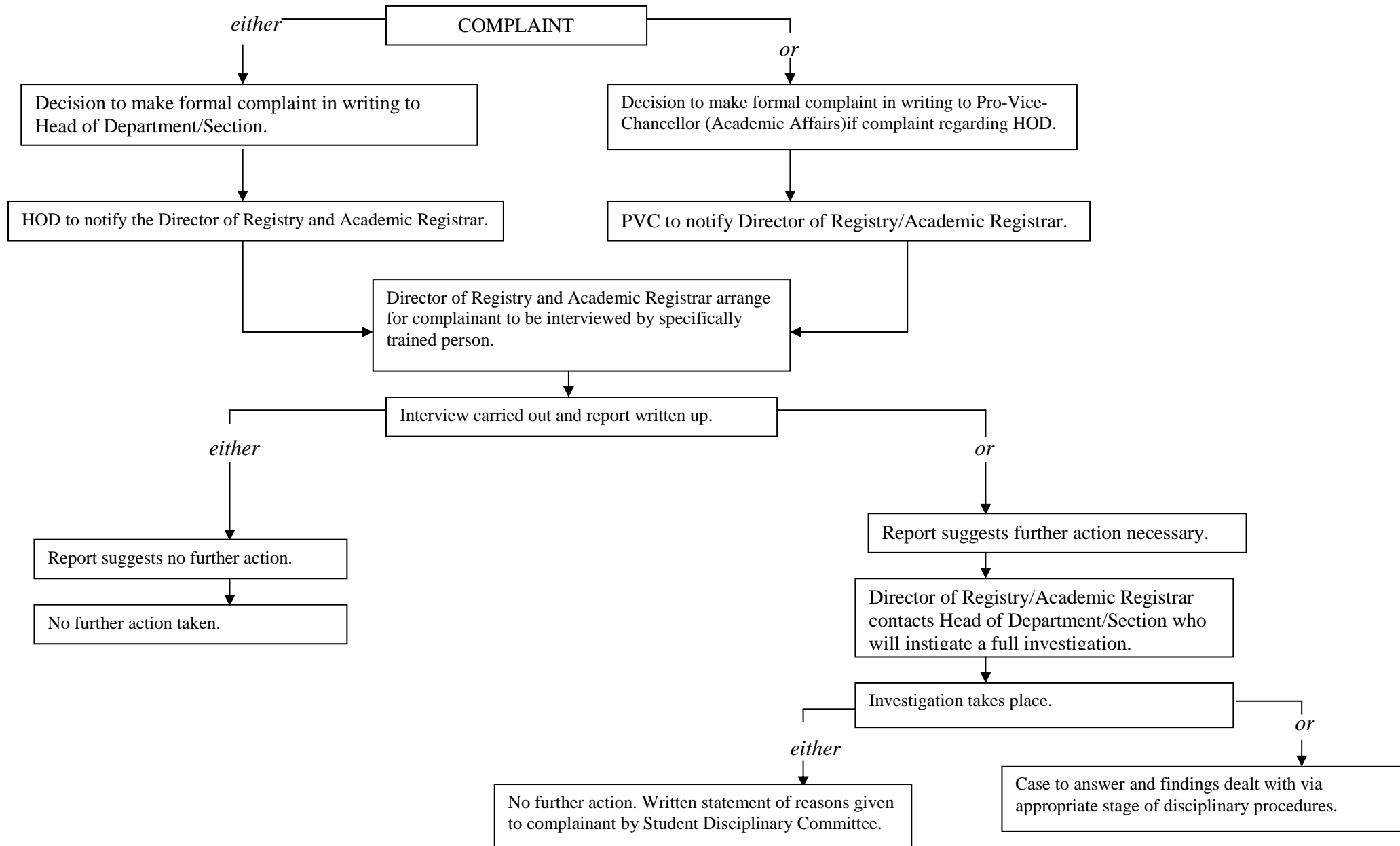


## PROCEDURE FLOWCHART FOR STUDENTS

### STAGE I – INFORMAL



**PROCEDURE FLOWCHART FOR STUDENTS**  
**STAGE II – FORMAL**





## APPENDIX III

### REPORTING/MONITORING FORM

This form is designed to provide data on the number of harassment incidents that occur within the University of Wales Swansea. It is important that all forms of harassment are reported as this will enable us to identify if any particular groups are more at risk of harassment than others. This information will also help us monitor if our policies and procedures are working effectively or if they are of detriment to any minority groups.

Please complete this form if you feel that you have been a victim of harassment, or if you have been a witness to what you feel has been an incident. The information gathered from the form will not be able to identify you as an individual and all given information will be treated with strict confidentiality. Whilst reports of this nature are not likely to bring about any material changes to specific cases, they are important to help construct a realistic picture of the extent to which harassment occurs in the organisation. Should you wish to take the incident further please contact any one of the harassment advisers listed at Appendix I who will advise accordingly.

Please ensure that the completed form is sealed in an envelope marked Private and Confidential and is sent to The Equal Opportunities Officer, Personnel Department, Singleton Abbey, Singleton Park, Swansea.

**1. When did harassment occur?**

Month \_\_\_\_\_ Year \_\_\_\_\_

- 2. Are you**
- a complainant
  - a witness to harassment
  - an harassment adviser

- 3. Are you**
- Male  Female
  - Student  Staff  3<sup>rd</sup> party

**4. Are you**

- A White:**
- White British
    - English  Scottish  Welsh  Other – please specify
    - .....
  - White Irish
  - White other – please specify
  - .....

**B Mixed background:**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed back ground – please specify
- .....

**C Asian:**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian back ground – please specify  
.....

**D Black:**

- Caribbean
- African
- Other back ground – Please specify  
.....

**E Chinese, or other ethnic group**

- Chinese
- Any other back ground – please specify  
.....

5. What is your Nationality? .....

6. Is the alleged harasser  Male  Female  
 Student  Staff  3<sup>rd</sup> party

7. In your opinion is the alleged harasser

**A White:**  White British  
 English  Scottish  Welsh  Other – please specify  
.....  
 White Irish  
 White other – please specify  
.....

**B Mixed background:**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed back ground – please specify  
.....

**C Asian:**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian back ground – please specify  
.....

**D Black:**

- Caribbean
- African
- Other back ground – Please specify  
.....

**E Chinese or Other ethnic group**

- Chinese
- Any other back ground – please specify  
.....

**8. In your opinion what is the Nationality of the alleged harasser?**

.....

**9. Is the context of harassment?**

- |  |  |
|--|--|
| <input type="checkbox"/> Social              | <input type="checkbox"/> Teaching/Studying               |
| <input type="checkbox"/> Work (non teaching) | <input type="checkbox"/> Other – please specify<br>..... |

**10. What form of harassment is being reported? (Tick more than 1 if appropriate)**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Bullying       | <input type="checkbox"/> Unwanted conduct             | <input type="checkbox"/> Victimisation |
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Other – please specify ..... |  |

**11. What are the grounds for harassment?**

- |                                     |                                    |  |
|-------------------------------------|------------------------------------|--|
| <input type="checkbox"/> Sex        | <input type="checkbox"/> Race      | <input type="checkbox"/> Sexual Orientation              |
| <input type="checkbox"/> Religion   | <input type="checkbox"/> Political | <input type="checkbox"/> Trade Union Membership          |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Age       | <input type="checkbox"/> Other – please specify<br>..... |

**12. Have you taken any action as a result of the harassment?**

- Yes – continue with Q 13.
- No – Go to Q15.

**13. Did you take this action after one or several incidents?**

- One
- Several

**14. What action did you take?**

- Informal – approached alleged harasser yourself
- Informal – sought help and advice of harassment adviser/other
- Formal action taken against alleged harasser
- Legal action taken against harasser

**15. a) Is the harassment still occurring?**

- Harassment has stopped
- Harassment continues
- Not known

**b) Were sanctions taken against the alleged harasser? Please specify if known.**

.....  
.....  
.....

**Thank you for completing this monitoring form. Whilst there is no formal requirement to complete this form, where it is completed and returned, the information will be used for monitoring only and will help us create an accurate picture of harassment within the University and allow action to be taken to address the problem.**

**Please ensure that the completed form is sealed in an envelope marked Private and Confidential and is sent to The Equal Opportunities Officer, Personnel Department, Singleton Abbey, Singleton Park, Swansea.**

## **APPENDIX IV**

### **COUNSELLING SERVICES**

Whether you feel that you are being harassed or are facing accusations of harassment, the following counselling facilities are available to you free of charge.

#### **STUDENT FACILITIES**

The Student Counselling and Support Services provide personal counselling to any student who has problems. The counselling is provided mainly through one to one contact. The counsellors are professionally qualified and work to the British Association for Counselling and Psychotherapy Code of Practice. Appointments can be made between 9.a.m and 5.p.m on weekdays.

They can be contacted on 01792 295592 or 01792 295942(FAX) or e-mail [student.counselling@swan.ac.uk](mailto:student.counselling@swan.ac.uk). The Student Services website contains further useful counselling information.

#### **STAFF FACILITIES**

Staff Counselling Service. The University Staff Counselling Service is managed by members of the Swansea Psychoanalytic Psychotherapy Network and is available to any member staff who has problems. The service is confidential and all counsellors are nationally registered and accredited. For initial contact ring the Staff Counselling Service number on 01792 644668. There may be an answer phone but the service aims to reply within 24 hours, excluding weekends, bank holidays and breaks. The Referral Counsellor will take basic information, times and days you are available, and a short summary of the problem. Individuals will then be given the name and number of a counsellor whom they can contact. The counsellor will be off campus. The University will pay for the first six sessions if required. In certain cases this may be extended either by arrangement with Occupational Health, or by private arrangement with the counsellor.

(October 2006)