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**SWANSEA UNIVERSITY**



**Swansea University**  
**Prifysgol Abertawe**

**DIGNITY AT WORK AND STUDY**

**COMBATING HARASSMENT**

**A CODE OF PRACTICE FOR COMPLAINTS AGAINST MEMBERS OF  
STAFF**

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## INTRODUCTION

The University's code of practice on dignity at work and study is set out below. It applies to complaints against members of staff. There is a separate code of practice for complaints against students. The following code of practice gives examples of the different forms of harassment and outlines the policy to be implemented when dealing with harassment.

Complaints under this code may be made by (i) other members of staff, (ii) by students or (iii) by third parties. 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 may 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.

Acts of harassment are now covered by both criminal and civil liability. The Equality Act 2010 refers to harassment as unwanted conduct that is related to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. These are referred to as the "protected characteristics", and from this point onwards will be referred to as "protected characteristics" throughout the policy

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

Swansea University adopts a zero-tolerance approach in relation to all types of discrimination (primary or secondary, direct or indirect) against employees, workers, and students, for example on the grounds of:

- Physical or mental considerations or characteristics (including age, health and disability)
- Gender, sex, sexual orientation, gender reassignment and identities (cisgender, trans, non-binary, LGB)

- Marriage and civil partnership status, pregnancy, maternity, paternity/partner, adoption or surrogacy leave
- Race, ethnicity, nationality.
- Socio-economic status, class, background
- Religion, faith, belief, political and other views held or voiced (as consistent with U.K. legislation)
- Membership (or non-membership) of, or activity (or non-activity) for, bodies (such as trades unions, professional bodies, political parties etc.) except where stipulated by the job specifications.

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 Sexual Orientation Policy, the Age Policy & Retirement, the REF Code of Practice and the Strategic Equality Plan. Swansea University 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. 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, empathetically and confidentially. Investigations will be carried out in a timely manner depending on the complexities of the case. 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 ensure dignity for all.

## **ROLES AND RESPONSIBILITIES**

The Council of Swansea University is responsible for ensuring that the institution complies with all equality legislation requirements and has produced a number of equality policies and schemes. This code of practice 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. The Registrar and Human Resources Director will ensure that members of the University with specific responsibilities are provided with training. The Vice Chancellor is responsible for ensuring that all staff 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 School and Directors will be responsible for ensuring that their staff are aware of their responsibilities in promoting dignity at work and study. They will ensure that through their own actions, remarks or behaviour 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.

All parties utilising this policy are expected to engage in a timely manner at all stages within.

## EXAMPLES OF HARASSMENT

### Harassment

The Equality Act 2010 defines harassment as unwanted conduct related to a relevant “protected characteristic” which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The Equality Act 2010 also includes the mechanism for individuals to complain of behaviour that they find offensive, even if it is not directed at themselves.

Examples of such behaviour could include but are not limited to:

- Physical attack
- Verbal and or physical intimidation
- Public humiliation
- Persistent unjustified criticism
- Deliberate unfair allocation of work
- Exclusion from normal workplace conversation or activities
- Derogatory name calling
- Display of offensive material
- Incitement of others to commit acts
- Offensive jokes
- Innuendo
- Unwanted comments on appearance/dress
- Patronising language
- Microaggressions

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

### 1) 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 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.

Specific examples of bullying could include the abuse of power or authority, and the setting of impossible deadlines or intolerable workload burdens.

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. Similarly a heavy workload or demanding deadline may not in itself constitute bullying.

The table below summarises the key differences between managers who use appropriate and inappropriate methods to get results:

<b>Appropriate methods</b>	<b>Inappropriate methods</b>
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites
Truthful	Distorts and fabricates
Delegates	Dumps
Builds team spirit	Creates fear, divides

## **2) 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. Specific examples of sexual harassment could include the invasion of personal space and inappropriate downloading of pornographic or sexually exploitative and degrading material by computer.

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. It can also refer to unwanted conduct that is related to the sex of another person.

### **3) 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.

### **4) 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 or bi 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. A specific example of homophobic harassment may include intrusive questioning about a person's domestic circumstances or using homophobic language to refer to something or someone as inferior. Phrases such as 'those trainers are gay' for example may be used to insult someone but without referring to actual or perceived sexual orientation. This language is often dismissed as 'harmless banter' and not thought to be particularly hurtful, especially where the intent is not to comment on someone's actual or perceived sexual orientation. However, regardless of the lack of any deliberate intent, these terms liken being gay to something that's bad, wrong or inferior.

**Biphobic bullying** is bullying based on prejudice or negative attitudes about bi people. For example, a [bi](#) person might be called 'greedy' for being attracted to more than one gender, asked probing and unkind questions such as 'can't you make your mind up?'.

### **5) Harassment on grounds of Religion or belief**

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.

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

Political harassment, or harassment on the grounds of trade union membership can specifically include a trade union member feeling harassed as a result of undertaking their trade union activities.

### **7) 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.

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

Ageism can affect anybody regardless of how old they are.

## 9) Harassment on the grounds of gender reassignment

A person is protected by the Equality Act 2010 if they are proposing to undergo, is undergoing or has undergone a process (or part) for the purpose of reassigning their sex by changing physiological or other attributes of sex.

**Transphobic bullying** is bullying based on prejudice or negative attitudes about trans people. For example, a [trans](#) person might be asked probing or unkind questions about their body or appearance; or have a peer intentionally use their old name (commonly referred to as 'deadnaming') or incorrect [pronouns](#).

## 10) Harassment via the medium of email

E-mail can easily be abused in the workplace by management and workers alike. The University Computing Regulations state that "the University staff and student e-mail lists are intended for University topics only. All messages sent to the list should show tolerance and respect to all potential recipients. It should be noted that offensive remarks and material could constitute harassment under this code of practice. Examples can include:

- E-mails written in an insensitive or inappropriate manner
- E-mails where an inappropriately familiar tone is used
- A bombardment of emails containing demands and deadlines
- Employees hiding behind their e-mails and writing things in them that they would not say to another's face
- E-mails of a sexual nature with lewd comments, pictures and jokes
- E-mails that also copy other individuals into the conversation with the intent of humiliation.

When using e-mail it is advisable to adopt these simple points of good practice:

- Be polite – adhere to the same standards of behaviour as you would when writing a letter. For example, swear-words must not be used, even if you might use such words in conversation with the person to whom you are sending the email.
- Use humour with care-not everyone will appreciate it and without voice inflection and body language, mail messages can be easily misinterpreted.
- Always consider that it is very difficult to convey tone of voice, irony or sarcasm via e-mail and that it is therefore much easier to offend people.
- Always consider whether e-mail is the most appropriate medium for the message you wish to deliver. Some communications are best dealt with in person or over the telephone; especially to those of a sensitive or potentially confrontational nature.
- Never write anything that you would not say to the recipients face
- Do not use capital letters out of context. Words that are all in capitals are considered to be shouted, and as such may be regarded as being rude.

## 11) Microaggressions

Microaggressions can be defined as subtle comments and behaviours that indicate to someone that the person speaking thinks they don't belong, such as asking someone who has an ethnic minority background and who has lived in the UK all of their life where they are really from (The Chartered Institute of Personnel and Development).

Other examples of microaggressions can include

- 1) Saying "Your English is really good" to someone who is Black or Asian British or to people perceived as speaking English as an additional language.
- 2) Leaving someone out of a conversation/meeting because you don't know how to pronounce their name.
- 3) In class, a lecturer tends to call on male students more frequently than female ones.
- 4) The use of the word 'gay' casually when describing someone as weak.
- 5) Placing less/no value on non-Christian holidays or traditions.

The Equality Act 2010 protects individuals from direct and indirect discrimination, harassment, and victimisation because of a protected characteristic. Microaggressions at work and study, which result in a staff member feeling their work and study environment is hostile because of their protected characteristics, can amount to harassment and bullying.

## **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.

Swansea University 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 <https://staff.swansea.ac.uk/professional-services/human-resources/equal-opportunities/dignity/>. All advisers are trained to deal with harassment appropriately.

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

Complaints of harassment will be considered with all possible speed and the authorised representatives of Swansea University will take appropriate action as quickly as possible, depending on the complexity of the case.

Swansea University will treat as confidential, all records concerning allegations or complaints of harassment. Any discussions will be confidential within the confines of the University's 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.

## **WHAT SHOULD I DO IF I FEEL I AM BEING HARASSED?**

All staff and students have the right to ask any member of the University 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. Individuals 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 empathetically 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 for consideration. 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). A list of current harassment advisors can be found at <https://staff.swansea.ac.uk/professional-services/human-resources/equal-opportunities/dignity/>

You may decide that the harassment adviser will accompany you to see the alleged harasser, or go in your place if preferred.

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. The exact procedure to be followed is set out on the following pages which are a 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.

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

All 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 others to stop behaving in a manner which is insulting or offensive to them.

Not everyone 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 advisor 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.

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 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.

## **Staff Complaint Against Another Member Of Staff**

### **INFORMAL PROCEDURE**

There is a strong expectation that the informal stages will be used in the vast majority of cases. Only rarely, and in the most serious of cases, may the informal process be avoided.

All parties involved are expected to engage in a timely manner at all stages of the process.

There are 4 steps to the informal procedure:

#### **Step 1**

The complainant should raise the concern with the alleged harasser making it clear that their behaviour is unacceptable to them, if possible and appropriate to do so. A significant number of cases can be resolved at this stage.

If the complainant feels unable to speak to the person causing offence, they could ask a sympathetic colleague/friend (who is a member of Swansea University) or a Trade Union representative, to go with them to speak to the person concerned .

If the complainant feels unable to carry out step 1 or if the complaint is not resolved they should contact a harassment adviser (in accordance with Stage 2 below)

### **Step 2**

The complainant can speak to an Harassment Adviser ( a list of whom can be found at: <https://staff.swansea.ac.uk/professional-services/human-resources/equal-opportunities/dignity/>). The Harassment Adviser will have received training and they include amongst others Trade Union representatives and Human Resources Officers. The Harassment Adviser will discuss the various options available to the complainant for consideration. These options include listening, sending a brief statement outlining the complaint to the alleged harasser, speaking to or meeting with the alleged harasser or taking no further action.

### **Step 3**

The Harassment Adviser together with the complainant may then implement the option or options decided upon under Step 2. For example, the Harassment Adviser may listen sympathetically, send an email outlining the complaint or may meet with the alleged harasser to try and resolve the matter. Any explanation, apology or other response ( verbally, by email or in writing) offered by the alleged harasser should be passed back to the complainant by the harassment adviser.

### **Step 4**

At any stage in this procedure, the University or the member of staff may request that this matter be dealt with via referral to the University's internal mediation policy. Mediation is voluntary and will take place only if both parties agree. The Harassment Adviser may suggest such a process and will make a referral to the University Mediation Co-ordinator. Requests must be communicated in writing. Individuals will not be required to provide any details of the issues at this stage, only their own contact details. Internal mediation should be considered by the complainant before passing to the formal stage

END OF INFORMAL PROCEDURE

## **FORMAL PROCEDURE**

If the matter cannot be resolved informally as above, the formal procedure may be embarked upon. Steps 5, 6 and 7 constitute the formal procedure. An Harassment Adviser may inform the complainant about the formal procedure but will not take part in the process itself.

All parties involved are expected to engage in a timely manner at all stages of the process, proposed timescales will be discussed on a case by case basis.

### **Step 5 The Grievance Procedure**

The complainant may lodge a formal complaint under the University's disciplinary and grievance procedure. The complaint must:

- be put in writing
- contain sufficient details of the allegation/s and of the name of the alleged harasser
- indicate the remedy sought
- be copied to the Director of Human Resource
- be copied to the Head of School or Department (unless they are the alleged harasser)
- be made using the standard grievance form.

### **Step 6 Mediation**

At any stage in the grievance procedure, the University (via the Director of Human Resources) or the member of staff may request that this matter be dealt with under the University's Mediation Policy.

Mediation is voluntary and will take place only if all parties agree. However, the University hopes that staff will be amenable to any suggestion made by the University to refer grievances to mediation and hope that staff will cooperate with all efforts to resolve a complaint.

Mediation may involve external or internal mediators but external mediation will only be available with the express permission of the Registrar or the Director of Human Resources.

If both parties agree to mediation, the grievance procedure will be put on hold whilst the mediation takes place.

If the grievance is resolved through mediation, the mediator will assist the parties to draft a written agreement that will be signed by both parties as acceptance of its terms.

In the event that no mutually acceptable solution is reached through the mediation process, with the permission of the complainant, the grievance procedure will be reconvened.

### **Step 7 Referral to the Disciplinary Procedure**

During or following any findings or outcomes of the grievance procedure matters may arise that may require consideration through the disciplinary procedure. They should be referred to the Director of Human Resources who may, if appropriate, refer them to the appropriate person for consideration under the University's Disciplinary Procedure.

Advice can be sought on any stages of the grievance procedure from a Trade Union Representative or a Human Resources Officer. The complainant can of course seek advice from outside the University such as the Citizen's Advice Bureau, the Swansea Bay Regional Equality Council, or from their own legal representation.

## **Students Complaint About A Member Of Staff**

### **INFORMAL PROCEDURE**

There is a strong expectation that the informal stages will be used in the vast majority of cases and only rarely, and in the most serious of cases, may the informal process be avoided.

All parties involved are expected to engage in a timely manner at all stages of the process.

There are 3 steps to the informal procedure.

#### **Step 1**

In the first instance, the student being harassed should make it clear as soon as possible to the person causing offense, that their behaviour is unacceptable to them, if possible and appropriate to do so. A significant number of concerns can be resolved at this stage.

If the complainant feels unable to speak to the person causing offense, they could ask a sympathetic colleague/friend (who is a member of Swansea University) or a Students' Union representative, to go with them to speak to the person concerned or to go in his/her place.

Where the complainant does not consider that it is appropriate or possible for them to raise their concern with the alleged harasser, or their complaint remains unresolved thereafter, they should contact a harassment adviser (in accordance with Stage 2 below)

### **Step 2**

The complainant can speak to an Harassment Adviser (a list of which can be found at: <https://staff.swansea.ac.uk/professional-services/human-resources/equal-opportunities/dignity/>). The Harassment Adviser will have received training and they include amongst others School and Department representatives and Human Resources Officers. The Harassment Adviser will discuss the various options available to the complainant. These options include listening, sending a brief statement outlining the complaint to the alleged harasser, speaking to or meeting with the alleged harasser or taking no further action.

### **Step 3**

The Harassment Adviser together with the complainant will then implement the option or options decided upon under Step 2. For example, the Harassment Adviser may listen sympathetically, send an email outlining the complaint or may meet with the alleged harasser to try to resolve the matter. Any explanation, apology or other response (verbally, by email or in writing) offered by the alleged harasser should be passed back to the complainant by the harassment adviser

If the complaint is not resolved the formal procedure may be followed.

END OF INFORMAL PROCEDURE

## **Student Complaint about a member of staff**

### **FORMAL PROCEDURE**

If the matter cannot be resolved informally, the formal procedure can be embarked upon. The procedure involves steps 4 to 6.

All parties involved are expected to engage in a timely manner at all stages of the process, proposed timescales will be discussed on a case by case basis.

### **Step 4**

The student should:

- notify the Academic Registrar in writing with the details listed below

- notify the Pro-Vice Chancellor (Student Experience) if the complaint is about the Academic Registrar

The written complaint should be a factual account of the incident/s stating:

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

### **Step 5**

The Academic Registrar will refer the complaint to the appropriate Head of School/Department to investigate. The Head of School/Department or their nominee will report in writing on the outcome of his/her investigation to the Academic Registrar.

### **Step 6**

If there are adverse findings in the written report, disciplinary action may be taken against the member of staff in accordance with the appropriate rules and regulations of the Staff Disciplinary Procedures.

## **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 a member of staff, will be dealt with under the appropriate procedures depending on whether the alleged harasser is a member of staff or student.

### **THIRD PARTY HARASSMENT**

The Equality Act 2010 extends protection against third party harassment to the “protected characteristics” as outlined on page 3.

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 Strategic Equality Plan, 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. All incidents can be reported to [equalopportunities@swansea.ac.uk](mailto:equalopportunities@swansea.ac.uk) . 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.

### **APPEALS PROCEDURE**

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

## **APPENDIX I**

### **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**

Wellbeing 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 [wellbeing@swan.ac.uk](mailto:wellbeing@swan.ac.uk). The Student Services website contains further useful information about counselling and support.

An additional support service is the New Pathways Sexual Assault Referral Centre (SARC) based at Hendrefoilan. Staff at New Pathways are specifically trained to support individuals in reporting sexual assault matters to the Police, taking the case to court and providing specific counselling facilities.

The web address is <http://www.newpathways.co.uk/>

#### **STAFF FACILITIES**

Swansea University provides a Counselling Service for all colleagues via Breathe, who are contracted to provide these confidential services. Sessions are with professionally trained and experienced counsellors and therapists. Every counsellor and therapist adheres to a professional code of ethics and practice, and each is nationally registered and accredited.

All colleagues are able to have up to six 50 minute sessions, and individuals can now make a direct self-referral for these services.

When booking, you will have a choice of having a face-to-face, video call or phone call. Face-to-face sessions will be held locally within the Swansea area but there are also options for sessions in Bridgend and Cardiff (subject to ongoing Government COVID advice).

The Counselling service is not appropriate for the clinical management of mental health disorders and cannot substitute for General Practice input.

Details of how to book a session with Breathe and frequently asked questions can be found on the [University's wellbeing webpages](#).

*Updated June 2022*

## APPENDIX II

### COMPLAINT AGAINST A MEMBER OF STAFF

