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How to use the guidance document

The guidance document contains a number of different Sections. If you believe you are being harassed or bullied you may want to turn straight to Section 3 'Action to take if you are being harassed' and Section 10 'Advice on seeking an informal resolution'. A summary of procedures is contained in Section 5 (paragraph 5.5) and you may also find it helpful to read this straight away if you have a harassment or bullying problem. However everyone should read the whole of the guidance document and keep it for future reference.

Introduction

The advice and instructions included in this document aim to ensure that all staff of the College are conscious of their obligation to contribute to a working and learning environment free from all forms of harassment and unlawful discrimination, including bullying, and racial, sexual and disability harassment. Any complaints made about harassment or bullying will be investigated thoroughly and without delay, according to the procedures laid down in Section 5 of this document.

The College is committed to providing an environment conducive to learning and free from discrimination. The College recognises therefore that harassment may include, in certain circumstances, off-duty conduct which makes the individual unsuitable for his or her type of work, or brings into question their working relationship with other employees, or with students, or brings the College's name into disrepute. All forms of harassment including bullying are unacceptable and prejudice dignity at work.

1. Harassment: the College's Policy

The following principles are fundamental to the College's policy and practice in dealing with harassment and bullying:

College is committed to a policy of equal opportunity for recruitment, appointment and promotion. No member of staff, visitor or student will be treated less favourably than any other on grounds of gender, religion, marital status, sexual orientation, race, colour or disability.

Racial, sexual and disability harassment and bullying of one member or employee of the College community by another is wholly unacceptable behaviour. The College will take any incidents seriously and will act appropriately.

The College will seek to ensure that all its members are aware of the need to maintain dignity at work and of the fact that harassment and bullying are unacceptable and undermine dignity, self-confidence and self-esteem.

All members and employees of the College, without exception, have a positive duty to comply with the policy, to prevent harassment and bullying and to ensure that their colleagues are treated with respect and dignity.

The College will seek to promote a working and learning environment in which harassment and bullying are unacceptable and do not occur.

The College reminds members and employees that racial, sexual and disability harassment may constitute unlawful discrimination or be a criminal offence.

In addition:

Anyone making a complaint about harassment or bullying has a right to receive support and advice.

All advisers will receive appropriate training so that they are able to offer advice, support and guidance to complainants.

Once a complaint has been made it will be dealt with as quickly as possible, in accordance with the procedures laid down in Section 5.

Complaints about harassment or bullying may be resolved informally, but may provide grounds for disciplinary action against individuals, up to and including dismissal or expulsion from the College.

Training in investigative skills will be available to all those with responsibility for investigating complaints about harassment and bullying.

Confidentiality is very important in all matters relating to complaints about harassment or bullying and will be observed strictly according to the principles laid down in Section 8.

In some circumstances e.g. if a complaint is not resolved within the College, or the College is obliged to defend proceedings in a court or tribunal, the College may be obliged to disclose to such court or tribunal information received in confidence.

Anyone accused of harassment or bullying has a right to receive support and advice from an adviser, a friend or other representative, including a trade union representative. A person accused of harassment or bullying has a right to be given a clear account of the allegation so that they may state their case.

Any victimisation of a complainant or of a person who is suspected of being or intending to be a complainant, or an alleged perpetrator, either before or at the time of a complaint, or at any time thereafter, is unacceptable, and a perpetrator of victimisation may be subject to disciplinary action up to and including immediate suspension or dismissal (see Section 9.1).

The College seeks to maintain a proper balance between the right to complain about harassment and bullying and the right to be free of malicious or vexatious complaints. If a complaint is found to be malicious or vexatious this may provide grounds for disciplinary action against individuals, up to and including dismissal or expulsion from the College.

All members of staff have an obligation to cultivate a climate in which harassment and bullying are unacceptable and do not take place.

2. Definitions

All forms of harassment may be defined in terms of what is acceptable behaviour. In all cases harassment may consist of behaviour taking place over a period of time or a single incident. The following statements are the College's agreed definitions of harassment.

Bullying

Bullying is a form of psychological harassment; it is intimidation which serves to undermine the self-esteem, confidence, competence, effectiveness and integrity of the bully's target.

Bullying behaviour may include continual, undeserved criticism, belittling remarks, imposition of unreasonable deadlines, unreasonable demands for perfection, arbitrary and inconsistent demands, shouting, swearing and offensive language, constant interruption in discussion, and the display of overbearing or intrusive behaviour. Bullying behaviour may also be manifested by electronic means of communication such as email.

Bullying is behaviour which may take place between those of different status or those of the same status. Bullying when reinforced by power within a relationship is particularly reprehensible.

Behaviour which makes the recipient feel threatened, humiliated or patronised and which undermines his or her self-confidence or self-esteem is unacceptable, whatever the context.

The defining features of bullying are that the behaviour is unacceptable to the recipient, is unwanted by the recipient, and would be regarded as bullying by reasonable people.

Racial harassment

Racial harassment has two elements:

An unwanted hostile or offensive act or expression or a series or combination of such acts or expressions against a person, based on colour, race, nationality, or ethnic or national origins. It also includes inducing or attempting to induce, or aiding and abetting another to commit such an act or expression. Such behaviour includes derogatory name-calling, insults and racist jokes, racist graffiti, verbal abuse ranging from belittling or suggestive remarks to threats, physical attack, and ridicule of an individual for cultural differences. Racial abuse, racist jokes, and other unacceptable behaviour may also be transmitted by electronic means, such as email, or by downloading racist material onto computers in public areas, or which are otherwise accessible to members of the College community.

The effect of such acts or expressions on the recipient is to create an intimidating, hostile, or offensive environment for employment, for study, or for social life or some other form of detriment of which any reasonable person could justifiably complain.

Racial harassment can occur even if offence is not intended. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another. The defining features, however, are that the behaviour is:

based on colour, race, nationality, or ethnic or national origin

offensive or intimidating to the recipient

unwanted by the recipient

and has

created working conditions or an environment or some other form of detriment of which a reasonable person could justifiably complain.

Sexual harassment

Sexual harassment has two elements:

It always involves unwanted attention or treatment or a series or combination of such acts or treatment which is based on sexual or marital status or which has a sexual element. It includes harassment on grounds of sexual orientation. Sexual harassment may occur between men and women or between members of the same sex. It can be physical, ranging from suggestive looks to indecent assault or rape, or verbal, ranging from belittling or suggestive remarks and compromising invitations, to aggressively foul language or unwanted demands for sex, or displays of sexually suggestive or degrading pictures in the work place. It also includes inducement or attempting to induce or aiding and abetting another to commit an act of sexual harassment. Various forms of sexual harassment may also be transmitted by electronic means, such as

email, or by downloading and display of offensive materials onto computers in public areas, or which are otherwise accessible to members of the College community.

The effect of such behaviour on the recipient is to create an intimidating, hostile, or offensive environment for employment, for study, or for social life, or some other form of detriment, of which any reasonable person could justifiably complain.

Any behaviour that makes the recipient feel viewed as a sexual object, or which treats the recipient less favourably on the grounds of his or her sex, marital status or sexual orientation is liable to cause offence, even if offence is not intended. An aggravating feature in some cases of sexual harassment may be the abuse of a position of authority or trust. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as sexual harassment by one person may not seem so to another. The defining features, however, are that the behaviour is

based on sex or marital status or sexual orientation

offensive or intimidating to the recipient

unwanted by the recipient

and has

created working conditions or an environment or some other form of detriment of which a reasonable person could justifiably complain.

Disability harassment

Harassment of a disabled person has the same defining features as sexual or racial harassment, i.e., that the behaviour is

offensive or intimidating

unwanted

and has

created working conditions or an environment or other form of detriment of which a reasonable person could justifiably complain.

The difference is that the treatment is based on or relates to a person having or having had a disability, i.e., a physical or mental impairment which has or had a substantial or long term adverse effect on his or her ability to carry out normal day to day activities.

3. Action to take if you are being harassed

Any member of staff who is being harassed or bullied should follow the advice given below.

It is important not to allow the behaviour to continue to a point where it becomes intolerable. By taking action early it is often possible to minimise the harmful effects of harassment or bullying on the individual. If you think that you are being subjected to harassment in any form, do not feel that it is your fault or that you have to tolerate it.

If you consider that you are being harassed, or if you are receiving unwanted behaviour which you think is bullying, sexual, or racial harassment, this is what you can do:

You may seek confidential advice from an adviser in College (see Section 6) or from any of the sources listed in Section 12. It would be advisable to do this before taking any other steps. Any discussion will be confidential, and further action involving you will not be taken without your permission, but you should be aware of the limits of confidentiality (see Section 8). If you do not give permission for further action to be taken you may be asked to confirm this in writing.

You may not wish to speak to the person causing the offence about their behaviour but, if you are able to do so, approach the person, explain that their behaviour is unacceptable to you, and ask them to stop. You may wish to have support from a friend or adviser in taking this action. The people listed in Section 12 will be able to give advice about whom it might be appropriate to ask.

You may find it helpful to practise what you wish to say, either on your own or with a friend or adviser. Alternatively, you may wish to write to the person concerned. To help you to do this some advice and suggested forms of words are given in Section 10. Alternatively you may wish to ask for someone else, e.g. a friend or adviser, to speak to the person on your behalf.

Because there is a possibility of counter-accusation or recrimination it is probably wise to alert an adviser or friend to the problem before you approach the person concerned, even if you feel able to take this action on your own.

Keep a record of the incident or incidents which are causing the problem. If you feel that you cannot make a direct approach to the person concerned, if the behaviour does not stop, if it resumes, or if you are still unhappy and believe you have cause for complaint, continue to keep a record of the details of any relevant incidents which distress you, including a note of the ways in which the incidents cause you to change the pattern of your work or social life. If you feel unable to tackle the person concerned, this does not constitute consent to the harassment or bullying nor will it prejudice any complaint you may bring. However, if you delay unreasonably in bringing a complaint or in otherwise dealing with the matter or the behaviour, it may be held that it is not reasonable to assume that you are suffering or have suffered any detriment in relation to the behaviour.

You may wish to report the harassment to your trade union representative.

You may seek the advice of your Head of Department or the College Officer responsible for your department or any of the people named in Section 12.

If you are unable to resolve the matter informally you should raise the matter with your Head of Department or College Officer. Even if the difficulty has been resolved informally, you may wish to report it to the Head of your department or College Officer so that he or she is aware of an incident which could cause future difficulties. If the problem is with your Head of Department you will need to contact the College Officer responsible for your department or the Secretary to the Council.

h) If you are a Fellow of the College you may seek advice from the Vice-Mistress, and make a

formal complaint to the Mistress as per grievance procedure (see General Regulations for College Staff).

If the behaviour which is causing you distress includes messages or offensive material received by computer, and you can clearly identify the source of the behaviour, you should

take the actions suggested in paragraphs (a) - (h). If it is not possible to identify the source of

a computer message, the Computer Officer may be able to assist you.

4. Advice if you are accused of harassment

If you are accused of harassment or bullying you should follow the advice given below.

You may seek confidential advice from an adviser in the College (see Section 6) or from any of the sources listed in Section 12. It would be advisable to do this before taking any other steps. Any discussion will be confidential but you should be aware of the limits to confidentiality (see Section 8).

Listen carefully to what is being said. You may find that you have unintentionally caused offence, or you may believe that your words or actions have been misinterpreted or misjudged. In any of these cases you will need to keep calm in order to try to reach an understanding with the person accusing you of harassment.

Be honest. If you come to realise that you have harassed or bullied another person be ready to change the behaviour causing offence.

Be prepared to participate in mediation if an attempt is being made to resolve the matter informally.

If you believe the accusation to be unfounded say so, but arrange to seek advice and support as soon as possible whether the situation is resolved informally or formally.

You may wish to report the accusation to your trade union representative.

You may seek the advice of your Head of Department or the College Officer responsible for your department or any of the people named in Section 12.

If you are a Fellow of the College you may seek advice from the Vice-Mistress, and make a formal complaint to the Mistress as per grievance procedure (see General Regulations for College Staff).

You may receive advice and support during the procedure for informal resolution (Section 5.1.) or formal complaint (Section 5.2.). You may wish to be accompanied at any interview or other stage in the procedure by a friend, a colleague or a staff representative and this wish will be respected.

If a complaint made against you is not upheld you may expect steps to be taken to restore reasonable working relations between yourself and the person who made the complaint (see Section 5.4.3).

If you are not satisfied with the outcome of an investigation of a complaint made against you, you have a right to appeal (see Section 5.3).

If a complaint made against you is not upheld and is found to be malicious or vexatious this may provide grounds for disciplinary action against the person making it (see Section 1(j)).

At all times you should observe the principles of confidentiality detailed throughout this advice and summarised in Section 8 and you can expect all other parties involved to do the same.

You should be aware at all times of the dangers of victimisation (see Section 1(i) and Section 9.1.).

5. Procedure

There are two stages in the procedure for dealing with complaints about harassment or bullying: informal resolution and formal complaint. The general principles involved in each process are outlined in Section 3, paragraphs (a) - (g).

Detailed information about each stage is given below.

5.1 Informal resolution

Informal resolution of harassment or bullying is a process through which the behaviour causing the problem is stopped, without danger of repetition or recrimination. It is therefore important to bear in mind the point made in Section 3 about taking action early, before the behaviour and its effects become intolerable. It is also important to remember that, in any episode of harassment or bullying, a single act can constitute harassment.

The initial steps are therefore to alert an adviser or friend to the problem and to decide how best to take action. The first point to remember is that you should keep a record of all the incidents which bother you, with dates, and how they have affected you.

Second, you may wish to keep the situation confidential. At this stage only you, an adviser or friend and the person causing the problem need know. The adviser will keep your confidence, although if you suffered a physical or sexual assault which is a criminal offence, you must read Section 7 straight away, and you should ensure that if you tell a friend about the problem, that friend maintains confidentiality.

It is important to let an adviser or friend know of the problem because of the possibility referred to in Section 3(c) of counter-accusation or recrimination, as well as because of your need for support. However, it should not be assumed that this is likely to happen. Many people when challenged about offensive or unwanted behaviour will stop. They may have caused offence unwittingly or, if the offence was intended, the act of making a challenge may be sufficient to bring about a change in behaviour. You may wish to speak to the person causing the problem face to face, to make a telephone call or, if you do not want personal contact, to write a letter. You can ask a friend or adviser to accompany you at a meeting or while you make a call, or have help with writing a letter. Forms of words which may help you to speak to the person, or in writing to them, are given in Section 10. There is also some advice on how to handle the encounter. In any case you may wish to practise or rehearse what you want to say and decide in advance how you want to behave (e.g. not to get drawn into an argument).

If the behaviour stops after the person causing the problem has been confronted, and if there are no recriminations as a result, then the incident can be considered closed and no further action is necessary. If the behaviour continues or there are adverse consequences such as recrimination or victimisation you will need to decide whether to challenge the person once more (again with the knowledge of an adviser or friend) or to make a complaint.

If you decide to speak or write to the person again, do continue to keep a record of all that is happening, including copies of letters, dates and notes of conversations. However, you should not have to continue to challenge offensive or problem behaviour. If it continues then you will be justified in making a complaint.

Formal complaint

Making a complaint about unacceptable behaviour moves the procedure for dealing with harassment or bullying from the informal stage to the formal stage. You should continue to keep a record of all events, you can continue to receive advice and support and you (and any friend or adviser) should maintain confidentiality, but clearly more people will have to be told about the behaviour and the effect it is having on you. The need to maintain confidentiality as set out in this guidance will be emphasised to those people.

A formal complaint about harassment or bullying should be made to the Mistress. If the complaint is about the Mistress it should be made to the Vice-Mistress.

5.2.1 The investigation

Once the complaint has been made the Mistress, or other person as set out in 5.2, as appropriate, will conduct an independent investigation in consultation with the

Harassment Officer in order to decide whether the complaint is justified. Separate guidance and training are available to all those who may have to undertake this role.

The person investigating the complaint must see you and initiate an investigation wherever possible within five working days. You may be accompanied by an adviser or friend at any such interview. If the Head of Department or College Officer is away then an appropriate person delegated by the Mistress must take the responsibility, if the absence will cause significant delay to this time limit. The alleged perpetrator must be told, within this time limit, that the complaint has been made and must be made fully aware of its nature and content. In exceptional circumstances, however, the identity of the complainant and of details which identify the complaint may be withheld. The alleged perpetrator must be advised that he or she is entitled to support from an adviser or friend or other representative during the investigation.

At this stage, provided no criminal offence has been committed, the limits of confidentiality will be the investigator, other relevant College officers who might be consulted by the investigator or complainant on a confidential basis, the complainant and his or her friend or adviser, the alleged perpetrator and friend or representative and any third party witnesses who might be identified by either side as having evidence about the complaint. All these people should maintain confidentiality in the matter.

The investigation, having been initiated within five working days, must be concluded as soon as possible. The complainant and the alleged perpetrator will be notified of the outcome without delay.

5.3 Appeals

If any of the parties involved is not satisfied with the outcome of an investigation he or she should have recourse to the Grievance Procedure as set out in the General Regulations for College Staff.

5.4. Subsequent action

5.4.1 The complaint is upheld

If the complaint is upheld, the investigator will need to take further steps. For a relatively minor offence it will be possible to deal with the matter by internal sanctions, which should wherever possible and appropriate include separating the perpetrator from the complainant. For a more serious offence it will be necessary to invoke disciplinary procedures.

If a complaint is made and upheld against the Mistress, the Secretary to the Council must be informed, in order to allow her or him to take appropriate action.

5.4.2 Ongoing support

Every safeguard must be made against the possibility of recrimination or victimisation, particularly in cases where a complaint is upheld. Although it is not always possible to identify when these activities are going on, the investigator has a

duty to monitor the longer-term situation as far as possible, both in respect of day-to-day relations within the institution and in the wider community. For example gossip and innuendo about a complainant cannot be permitted, neither should inappropriate references be written, nor negative informal signals be sent to colleagues, prospective employers, examiners, Appointment Committees and so on about the conduct or quality of the person (see also Section 9.2).

5.4.3 The complaint is not upheld

If a complaint is not upheld, the investigator will need to consider what steps might be needed to restore reasonable working relations between the parties involved. If the investigator has reason to believe that the complaint was vexatious or malicious, disciplinary procedures may be invoked against the complainant.

5.5. Procedure - Summary

Stage in procedure

Action for or on behalf of complainant

Action for or on behalf of alleged perpetrator

Problem arises for complainant

Take action early.

Seek advice and support.

Alert another person to the problem.

Keep a record of events.

Approach made to alleged perpetrator

Speak or write to person concerned, either personally or through another person.

Seek advice and support.

Listen carefully to complaint.

Attempt made at informal resolution.

Co-operate in informal resolution procedures.

Maintain confidentiality.

Problem resolved.

May wish to inform the Mistress

Incident closed.

Problem not resolved.

Make a complaint to Mistress or other appropriate person.

Must be informed by the Mistress of formal complaint.

Police may be informed if there is a possibility that a criminal offence has been committed.

Investigation initiated within five working days and completed as soon as possible.

Co-operate in investigation with appropriate support and maintaining confidentiality.

Both parties informed of outcome without delay.

Either party not satisfied with outcome.

May appeal.

May appeal.

Complaint upheld.

Possible disciplinary action.

Complaint not upheld.

Attempts to restore reasonable working relations.

Complaint held to be vexatious or malicious.

Possible disciplinary action.

6. Advisers

Anyone experiencing a problem over harassment or bullying may receive advice and support from a trained adviser.

Advisers should have received training and will be able to listen to your concerns, offer advice on making an informal approach, including the words to use, and guide you through the procedure for informal resolution of a problem. An adviser will also be able to give guidance on where else to seek support, and a friend or representative may accompany you at any interviews during formal complaint procedures. If the harassment or bullying is long-term and/or causing particular problems you may need professional advice and support and further information about where to obtain such advice.

Within the College such sources of help include two harassment officers.

If you suffer a physical or sexual assault, an adviser will be able to offer initial advice and support, but you should read Section 7 and follow the advice given there.

Advisers may well be able to provide all the support you need, but they are not professional counsellors and if you do need longer-term help, especially if your complaint cannot be resolved informally, you should seek it from one of the sources given above.

If you are accused of harassment or bullying you may contact an adviser, or any of the sources listed above or in Section 12.

7. Criminal offences

Some types of harassment are criminal offences. Any case of physical assault, including sexual assault, should be reported to the police. Rape is a particularly serious offence and should always be reported to the police.

7.1 Physical assault, including rape

Unfortunately there may be times when individuals suffer a physical assault. This may have a racial element or it may involve a sexual assault including rape. If you are injured in any way, or if you suffer rape, you must seek medical help and advice immediately. It is also very important to inform the police. You need not do any of this on your own and you may receive advice and help from specialist organisations such as the Rape Crisis Centre (Tel: Cambridge 358314). If you do not report an attack immediately after it occurs, this does not prevent you from lodging a complaint at a later date. It is advisable to report the incident as soon as you can. However if you felt unable to do so, or could not do so at the time, you should not let the incident pass but should report it as soon as you feel able to do so.

You should also report any sexual or physical assault to the Mistress, or to the Vice-Mistress, as appropriate. Again you need not do this alone, but it is important to do it, as early as possible. The College has a responsibility to take certain actions where criminal offences are concerned and these are explained in Section 7.3.

7.2 Other criminal offences

The Public Order Act 1986 and the Criminal Justice and Public Order Act 1994 render racial, sexual and other forms of harassment in the street and at work a criminal offence. Besides racial and sexual harassment the forms of harassment covered by the Acts include harassment on the grounds of sexual orientation or disability and harassment in the workplace. For a criminal offence to be committed it has to be shown that the action of the defendant was intentional and that someone was actually harassed. Under the 1986 Act a person is guilty of an offence if he or she:

‘(a)uses threatening, abusive or insulting words or behaviour, or disorderly behaviour,
or

displays any writing, sign or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby'.

The 1994 Act deals with the situation where there is intent to cause a person harassment in the way described above and this offence carries a greater penalty. Harassment complaints made within the College will continue to be dealt with by the procedures outlined above although there are important exceptions, described below.

7.3 Reporting criminal offences to the police

Those forms of harassment which are criminal offences and which are not minor should be reported to the police. This is more likely to refer to cases falling under the 1994 Act (and other serious criminal offences). A case falling under the 1986 Act may be a minor offence and may be more suitable for internal disciplinary action than for reporting to the police. On the other hand, for example, if after investigation it became clear that a perpetrator had intended to harass, the police should be informed. Internal disciplinary action would still take place, whether or not the police decided to proceed.

In this case, as in others such as rape where a criminal offence is concerned, the College, as an employer, will take appropriate disciplinary action if an employee is suspected of serious misconduct.

If any criminal offence, including rape, is made known to the College, it should be reported to the police. However, the College would give weight to the legitimate concerns of the complainant and in reporting the matter to the police care would always be taken to offer as much support and advice to the complainant as was necessary and, as made clear above, the College would conduct its own investigation into the allegation under standard disciplinary procedures.

8. Confidentiality

Normally confidentiality will only be extended after consultation with the complainant and information about a complaint will not be released without the complainant's consent.

This was explained in Section 5 where it was emphasised that complaints could be made and handled in confidence, but that there were limits to confidentiality. These limits are summarised for each step below:

Stage in procedure

Information restricted to

(i) Informal resolution

(non-criminal harassment)

Complainant and friend or other representative.

Alleged perpetrator.

Adviser(s).

Possibly The Mistress

(ii) Formal complaint

(non-criminal harassment)

As above.

The Mistress as Investigator.

Representative or friend of alleged perpetrator.

Other relevant advisers who might be consulted by the investigator or who have been consulted by the complainant or alleged perpetrator (see Section 3 (e) to (g) and Section 4).

Any third party witnesses.

Anyone else agreed to by the complainant (e.g. administrative support for investigator).

(iii) Formal complaint (criminal offence)

As above.

The police (the police may be informed without the complainant being named, but there can be no future certainty that the name will not emerge and this will have to happen if the case is to be pursued).

(iv) Complaint upheld

As in (ii) above.

If disciplinary procedures are involved information will need to be released to the relevant court or tribunal or Committee although the complainant could remain anonymous in some circumstances.

(v) Appeal

As in (ii) above.

Secretary to the Council/Vice-Mistress as appropriate.

As a guiding principle an adviser should never disclose information about a complaint about non-criminal harassment without the consent of the complainant. Witnesses, representatives or friends must also maintain strict confidentiality. An investigator

should consult the complainant before approaching any other College Officer (named in (ii) above) so that the complainant is kept fully informed of disclosure of any information.

Where criminal offences are involved it is clearly not possible to guarantee this level of confidentiality. However, a complainant should always be kept informed about every step taken by the person given responsibility for reporting an incident to the police, should receive a full explanation as to why a step was being taken and be fully supported whilst and after it was being done. If a complaint is not resolved within the College, the College may be obliged to disclose to a Court or Tribunal information received in confidence.

9 Harassment and discrimination

9.1. Victimisation

Broadly speaking victimisation is unfavourable treatment of a person ("the victim") because the victim has done, is suspected of doing, or intends to do any of the following:

brought harassment or discrimination proceedings against an alleged perpetrator or other person

given evidence or information in connection with such proceedings against an alleged perpetrator or other person

otherwise done anything by reference to harassment or discrimination in relation to the alleged perpetrator or other person

alleged that the alleged perpetrator or other person has committed an act of discrimination, harassment, inducement, aiding or abetting, victimisation

Unfavourable treatment of a complainant or an adviser or a witness in relation to an harassment complaint is likely to be victimisation. A perpetrator of victimisation is likely to be subject to disciplinary action up to and including dismissal or expulsion from the College.

9.2 Time limits

In Section 5 it was explained that investigations about harassment and bullying should be carried out as quickly as possible. It should be remembered that where racial and sexual harassment are concerned there are time limits on when a complainant can, if she or he so decides, bring a complaint to an Industrial Tribunal or Court. These must be presented to a tribunal no later than one day less than a period of three months from the date on which the complainant alleges the act was perpetrated. If a case is taken to a county court, proceedings must be instituted with the court before the end of the period of six months beginning when the act complained of was done.

10. Advice on seeking an informal resolution

10.1 Preparing an approach

You may find it helpful to read this Section if you have a complaint about harassment or bullying and wish to achieve an informal resolution of the problem.

There are several points which it is helpful to remember when challenging harassing or bullying behaviour:

You may

- speak to the person face to face

- telephone the person

- write a letter

You should decide where and when to meet the person

- privately

- with others around

- by yourself

- with an adviser or friend

You can work out in advance what you want to say and practise it

- focus on your own feelings about the behaviour

- describe the behaviour precisely, the effect it had on you and tell the person you want it to stop

- do not engage in a debate or argument - you have a right to be free of behaviour which is unacceptable to you even if no offence was intended.

10.2 Using the right words

These are a format and some words which it may be helpful to use in a letter or in speech:

Describe the behaviour very precisely, where and when it happened. If you are vague the person causing the problem may be able to pretend that he or she does not understand what you are talking about.

Tell the person how you feel about what has happened.

Describe the effect it is having on you (you may find you are avoiding the person, or working less effectively so that your work performance is affected).

Say precisely what you want to happen. Including the steps outlined in 1-3 above you could write to say:

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

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

This form of words is one which should be recognised by everyone as a signal that a complainant is objecting to harassment or bullying and is seeking an informal resolution of the problem.

11. Disciplinary procedures

If a complaint about harassment or bullying or victimisation is upheld it may lead to disciplinary procedures. Disciplinary procedures are outlined in employment contracts and in the document General Regulations for Staff. Disciplinary procedures may be involved even when a complaint about a criminal offence has been made to the police. The guiding principle, that complaints will be dealt with as quickly as possible, would be extended to the disciplinary procedures, if invoked.

12. Sources of help for all employees

The most immediate source of help, if you have a complaint about harassment or bullying or if you are accused of harassment or bullying, will be an adviser in College. You may also seek advice and help from the Mistress, or the Vice-Mistress.

The Mistress - Professor Marilyn Strathern

The Vice-Mistress - Dr Gillian Jondorf

Harassment Officers - Ms Frances Gandy

Dr Roland Randall

Senior Tutor-Mr Andrew Jefferies

College Staff Trade Union Representative - Ms Sue Bryant

Academic Staff AUT Representative – see the current University network directory

Secretary to the Council-Mrs Cherry Hopkins

Chaplain- Revd. Dr. Malcolm Guite

Nurses-Mrs Penny Whittle

Mrs Gill Sore

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

Outside College there are a number of organisations offering help and advice. A list of these is available on the Counselling Board in the College Library at Girton, in Supervision Room 3 at Wolfson Court, or from the University Counselling Service Web-site, URL <http://www.counselling.cam.ac.uk/>