

# Dignity and Respect Policy and Procedure

## Document Control Information

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The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives. **This Policy has been subject to an Equality Impact Assessment this can be accessed on: [Policies and Reports - Glasgow Kelvin College](#)**

**Glasgow Kelvin College**  
**Dignity and Respect Policy and Procedure**

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# Dignity and Respect Policy and Procedure Policy

## 1. Introduction

Glasgow Kelvin College (“the College”) is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from all backgrounds and experiences can bring valuable insights to the workplace and learning environment to enhance College life. The College promotes, and is committed to providing, an environment where all employees and students are treated with dignity and respect, free of any form of harassment, victimisation or bullying.

The College’s commitment to equality, diversity and inclusion supports our vision and reflects its ethos and values, as expressed in our Strategic Plan, supported by our People Strategy. The College’s reports, Public Sector Equality Duty and Equality Outcomes provide information on our progress in meeting our obligations under The Equality Act 2010. The College is committed however to going beyond legal compliance as we aspire to achieve excellence in equality, diversity inclusion in all that we do.

The College aims to create an environment that is conducive to study and work in which students and staff can realise their full potential free from all forms of bullying, harassment and victimisation. The College values the contribution of all staff, students, partner organisations and members of its communities.

The College and its recognised Trades Unions (TU) understand the potential problem of bullying or harassment in the workplace. Bullying or harassment has serious consequences for students and employees and the College alike. It can cause personal distress, stress and anxiety, loss of confidence, low morale and illness. It can also lead to absence and interfere with work or academic performance.

The College is committed to compliance with relevant equality legislation, current Codes of Practice and relevant best practice guidance. This Policy builds on the statutory provisions to help the College promote equality, diversity and well-being for all.

The purpose of this document is to set out the College’s policy and procedures for dealing with issues of bullying, harassment and victimisation to ensure that all those involved with the College are treated fairly irrespective of any protected characteristic (see below).

Students and staff can use our [Report and Support](#) platform to report an incident(s) and request support from an advisor, who will be able to provide you with what options are available. This is confidential and does not instigate any kind of formal complaint or appeals process. Should you wish to make a formal complaint you will be given the information on how to do so from the advisor assigned to you.

## 2. Scope

This Policy covers:

- students, employees, visitors, service users, external contractors/suppliers, agency staff, members of the Board of Management, the recruitment and selection of applicants for jobs and anyone else engaged to carry out work at the College whether under a contract with the College or otherwise; and.
- harassment, bullying or victimisation in the workplace or learning environment and in any study or work-related setting outside the College such as business trips and work-related social events, student placements or trips.

The College is committed to the prevention of harassment, bullying or victimisation and to the appropriate management of such should it arise. Such behaviour is unacceptable and will not be tolerated. The College will treat acts of harassment by staff or students as misconduct that may lead to disciplinary action using the appropriate procedure and may lead to dismissal or expulsion.

To ensure the prevention and cessation of harassment, bullying or victimisation should it occur, the College will promote and raise awareness of policies and procedures which ensure that:

- all staff and students understand that harassment, bullying or victimisation is unacceptable;
- individuals are confident enough to bring complaints without fear of ridicule or reprisal; and
- incidents are dealt with quickly and positively as close to the point of origin as possible.

## 3. Principles

In this Policy and also in the Procedure, we use the following terms to describe the individuals involved:

**The Complainant** is the reporting Party – the individual(s) who is / are raising allegations of bullying, harassment, discrimination and / or victimisation against another individual or individuals for their behaviour against them. Other organisations may refer to individuals in this situation as the alleged victim or complainant.

**The Perpetrator** is the respondent – the individual(s) against whom allegations have been raised. Other organisations may refer to individuals in this situation as the alleged perpetrator.

**The Witness** - the individual(s) who has witnessed the behaviour of one individual towards another (or others) that may be described as bullying and harassment, discrimination and / or victimisation or other related evidence.

- All of those involved in the College must recognise their own responsibilities (be it as an employer, employee, student, contractor, agency worker, Board Member, representative of another organisation or any other person who has access to College premises) to be alert to the fact that bullying, harassment and victimisation is unacceptable behaviour which must be prevented and, if it does occur, is not allowed to continue unchecked.
- The College's Board of Management accepts that the College has a duty of care to protect members of its Board of Management and its staff from the potentially detrimental impact of vexatious or malicious allegations made by its staff, students or members of the public.
- Making a complaint about inappropriate behaviour can be daunting. Therefore, this policy aims to ensure that any such complaints and subsequent actions are dealt with sensitively and appropriately for all concerned.
- The College will treat complaints of harassment, bullying or victimisation sensitively and maintain confidentiality as far as reasonably possible. Everyone involved in the operation of the policy must observe the need for confidentiality. Details of the investigation of any allegations and the names of the persons involved will normally require limited disclosure. Information concerning a complaint made by or about an employee may be retained by the Human Resources Department for the sole purpose of monitoring, i.e. establishing a pattern of behaviour. Any information held will be processed in accordance with the College's Data Protection Policy.
- If an individual makes a complaint of harassment, bullying or victimisation steps will be taken to investigate the matter. The College will take reasonable precautions to ensure that while the matter is under investigation the reporting party, is not subjected to any further bullying, harassment or victimisation. This may involve one person being temporarily moved to a different part of the College. This will normally be the alleged perpetrator however depending on the circumstances and operational requirements it

may be the reporting party. The necessity to move one person will depend upon the specific circumstances of the case (including but not being limited to the severity of the allegation(s) that have been made). The College will ensure that the decision to do so is reasonable and proportionate given the circumstances.

- In cases where the alleged perpetrator makes a counter-accusation this will be dealt with Procedure in Section 6 but will form part of a separate set of interviews.
- Employees and students shall be protected from intimidation and/or victimisation for filing a complaint or assisting in an investigation. Retaliation against an employee for complaining about or assisting in an investigation of an allegation of bullying or harassment is a disciplinary offence and will be managed in accordance with the College's Disciplinary Policy and Procedure.
- The use of this procedure does not preclude any employee from exercising his/her right to take legal action under any of the Acts outlined below:
  - i. The Equality Act 2010
  - ii. Protection from Harassment Act 1997
  - iii. Health and Safety at Work Act 1974

#### **4. The Legislation**

The Equality Act prohibits three types of harassment. The legislation defines this as:

- a. harassment related to a 'relevant protected characteristic' (i.e. age, disability, gender reassignment, race, religion or belief, sex, sexual orientation);
- b. sexual harassment; and
- c. less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex or gender reassignment

In each case harassment occurs when a person engages in unwanted conduct which has the purpose or effect of violating another person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Pregnancy and maternity and marriage and civil partnership are not protected directly under the harassment provisions of The Equality Act. However, pregnancy and maternity harassment would amount to harassment related to sex. Harassment related to civil partnership would amount to harassment related to sexual orientation.

Unwanted conduct 'related to' a protected characteristic has a broad meaning under the Act. Someone can be harassed even if they are not the person who was the direct subject of the behaviour complained about. If the behaviour creates an offensive environment for him/her, this can still amount to harassment.

#### **4.1 Harassment**

Harassment may involve an inappropriate abuse of power. It may be against one or more people. A single incident may constitute harassment if it is sufficiently serious or it may involve repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms, such as ignoring someone. It often occurs without witnesses.

The College recognises that harassment can occur between parties at all levels such as staff and students can be harassed by colleagues or subordinates as well as by managers and supervisors and managers and supervisors can be harassed by staff or students. Customers, students, clients and contractors may be involved, either as perpetrators or recipients.

It may be intentional or not, it may be obvious or not but if the behaviour of one person humiliates, ridicules, causes discomfort to or embarrasses and/or generally undermines another person, it is likely to amount to harassment. It is the unwanted nature of the conduct which distinguishes harassment from friendly behaviour which is welcome and mutual.

Examples include:

- unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, sectarian songs and letters;
- socially inappropriate comments, attention, suggestions;
- physical contact ranging from touching to serious assault;



- verbal and written harassment;
- inappropriate use of e-mail or the internet (for further information see the College's ICT Acceptable Use Policy and Social Media Procedures);
- passive visual harassment through the display of posters, graffiti, obscene gestures, flags, bunting and emblems;
- isolation or non-co-operation at work;
- exclusion from College sponsored social activities;
- pressure to participate in political/religious groups and Trades Unions;
- intrusion by stalking;
- insensitive jokes and pranks;
- insulting words and behaviour, including non-verbal harassment such as staring or gestures;
- comments about appearance;
- intimidation for example (i.e. threat of dismissal, loss of promotion, a poor reference or threat of failure if the victim complains);
- spreading malicious rumours/making malicious allegations;
- online trolling and/ or cyber bullying; and
- abuse of authority, for example where there is an implied or expressed, threat by a staff member that they have the power to influence the academic career of a student or the career of another staff member who raises a complaint against them.

These examples (and the examples below) are not exhaustive examples of the behaviour, in terms of the legislation, which may constitute unacceptable harassment. The essence of harassment is that the conduct is unwanted, unreasonable and offensive to the recipient and each individual can determine what behaviour is acceptable to him/her and what he/she regards as offensive.

### **Harassment related to Sex**

Sexual harassment is the conduct directed towards an employee by another employee or a group of employees which is of a sexual nature or which is based on a person's sex or sexual orientation and which is regarded as unwanted or offensive by the recipient. Sexual harassment is defined as any unwanted conduct of a sexual nature that makes a person feel intimidated, degraded, humiliated or offended.

Examples of sexual harassment include:

- unwelcome physical contact
- lewd, suggestive or over-familiar behaviour;
- persistent unwelcome sexual advances or attention;
- propositions, suggestions or pressure for sexual activity at or outside work, where it has been made clear that this is not welcome;
- speculation about a person's private life;
- display or circulation of sexually explicit material in the workplace;
- conduct which is intimidatory or physically or verbally abusive (including non-verbal harassment, such as staring or gestures);
- derogatory or demeaning remarks based on gender; and
- suggestions that sexual favours may further an employees' or student's career or that refusal may hinder it.

### **Harassment related to Race**

Examples of racial harassment include:

- conduct that denigrates or ridicules a colleague or student because of his or her race, such as derogatory remarks, graffiti or jokes;
- the display or sending of offensive letters or publications;
- threatening behaviour;
- being "frozen out" of conversations;
- jostling or assault, or other non-accidental physical contact; and
- derogatory nicknames or racial name calling.

### **Harassment related to Disability**

Examples of disability harassment include:

- mimicking the effect of a disability or speech impairment;
- ostracising, "freezing out", ignoring and staring;
- making fun of a disability;
- use of inappropriate terms;
- inappropriate personal questions/comments about a disability; and
- belittling or patronising comments/nicknames.

### **Harassment related to Age**

Ageism can affect anybody regardless of their age. Examples of

harassment related to age include:

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

### **Harassment related to Gender Re-assignment**

The Equality Act makes it unlawful to harass a person because they are proposing to undergo, are undergoing or have undergone gender reassignment.

The Act defines gender reassignment as 'where a person has proposed, started or completed a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex'. A person does not have to be under medical supervision to be protected by the law. A transsexual person also has the protected characteristic of gender reassignment.

Examples include:

- suggestive remarks or sounds;
- unwanted comments on dress and appearance; and
- verbal threats.

### **Harassment related to Sexual Orientation**

Homophobia is a term used to describe an irrational hatred, disapproval or fear of homosexuality and gay and lesbian people. However any unwanted conduct related to a person's sexual orientation which violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment can amount to harassment. It may be directed against individuals or groups of people who are, or are thought to be lesbian, gay, bisexual or transgender,

Examples include:

- offensive jokes;
- ridicule;
- verbal threats;
- derogatory comments;

- intrusive questioning about a person's domestic circumstances;
- innuendo;
- gossip;
- physical attack;
- unfair allocation of work;
- exclusion from normal work place / class conversation or activities;  
and
- incitement of others to commit any such acts.

### **Harassment related to Religion or Belief or lack thereof**

Examples include:

- offensive jokes
- ridicule
- displaying offensive material

### **Harassment via the Medium of Email**

The College's ICT Acceptable Use Policy and Social Media Procedures prohibits the creation, transmission or receipt of material which is intentionally designed or likely to cause annoyance, inconvenience or anxiety. This includes online trolling, cyber-bullying, harassment in any form, or using College computing facilities to actively engage in procuring or transmitting material that constitutes sexual or other harassment. Copies of the College's policies are available on the Intranet or from Human Resources Department.

The above lists are not exhaustive.

### **Microaggressions**

Microaggressions are brief, everyday interactions that send denigrating messages to people, which are subtle and insidious, often leaving the victim confused, distressed and frustrated and the perpetrator oblivious of the offense they have caused. Microaggressions can be intentional or unintentional.

Microaggressions is not a legal term and such behaviour will not necessarily amount to harassment under the Equality Act (2010). This will depend on the facts of each case. As the definition of microaggressions suggests, the perpetrator of the microaggression may

not have any harassing intent. Therefore, whether their behaviour amounts to harassment is likely to depend on the effect it had on the victim. However, microaggressions that do not meet the Equality Act (2010) definition of harassment could lead to behaviour which does meet the definition through repetition or escalation of the behaviour.

Intent is not the same as impact, and a throw-away comment or joke can have a huge impact on another person. It is everyone's responsibility to think about the impact that their words might have on someone else.

Examples of microaggression include:

- Backhanded compliments
- Avoiding or turning one's back on certain people
- Being misgendered (especially after sharing one's pronouns)
- Asking someone "Where are you really from?".
- Referring to a professional woman as a 'girl'.
- Asking a black person if that is their 'natural' hair.
- Catcalling or sexual objectification.
- Assuming intellectual inferiority based on race.
- Endorsing religious stereotypes.
- Casual use of derogatory slurs.

Microaggressions can slip under the radar because they're subtle, staff and students may not know if they should be reported. For the College, the first step in addressing microaggressions is to be aware that they're happening. We need to be vigilant and create an awareness of implicit bias among staff and students.

## **4.2 Forms of Bullying**

Bullying is not specifically defined in law, but ACAS characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying is a form of harassment but does not need to be related to any protected characteristic.

Statements made online can make claims or allegations that are potentially damaging because they lower the person in the minds of those reading the content. Examples can include criticisms of a person's actions or character, or unsupportive statements regarding a business's services or ethos. The establishment of a fake social media profile in someone else's name, purporting to be written by and about that person, might be defamatory.

Where someone is subjected to a course of conduct that causes them distress or alarm this may give rise to a cause of action under the law of harassment, one which could result in a civil claim but also potentially a criminal one. Online acts such as trolling or cyber-bullying may fit into this category.

Bullying is most commonly associated with an abuse of power most typically by a line manager or supervisor over subordinate staff. However, other power relationships may equally lead to bullying by colleagues or a group of people who may target one individual.

The College recognises that appropriate and fair people management does not constitute bullying and harassment. Managers and supervisors who carry out appropriate and fair people management and follow the College's policies and procedures should not fear claims of harassment and bullying by other staff/students. The College also recognises that it is possible for staff/students to harass and bully their manager/supervisor as well as for a manager/supervisor to harass and bully their staff/students.

Whilst managers and supervisors may use other processes to deal with this situation they may make an allegation against a member of staff/student under this Policy. For the avoidance of doubt, where the term "student" "staff" or "staff member" is used this includes a manager or supervisor.

Examples of bullying include:

- overbearing supervision.
- inappropriate remarks about someone's performance.
- deliberately excluding someone from meetings or communications without good reason.
- shouting at or being sarcastic towards someone or demeaning them.

- threatening behaviour.

### **4.3 Victimization**

The Equality Act prohibits victimisation (as defined by the Act). It is victimisation for an employer to subject an employee to a detriment because they have done what the Act refers to as a 'protected act' or because the employer believes that they have done or may do a protected act in the future.

Protected acts are:

- bringing proceedings under the Act
- giving evidence or information in connection with these proceedings
- doing any other thing for the purpose or in connection with the Act
- making an allegation that another person has contravened the Act

Victimisation can include treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else or supported someone to make a complaint or given evidence in relation to a complaint. Victimization could include isolating someone because he or she has made a complaint or giving him or her less responsible work.

Provided an employee/student acts in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment. If a complaint of victimisation is substantiated after a thorough investigation under the appropriate procedure, the College will take appropriate disciplinary action to deal with any act of victimisation.

Making a complaint which is known to be untrue or giving evidence which is known to be untrue, may lead to disciplinary action being taken against the individual making the complaint.

It is unlawful to instruct someone to discriminate against, harass or victimise another person because of a protected characteristic or to instruct a person to help another person to do an unlawful act. Such an instruction would be unlawful even if it is not acted on.

## **5. Roles and Responsibilities**

### **5.1 Responsibility of the College as an Employer**

Responsibility for the application of this policy lies with all managers and supervisors.

The College has made the commitment to:

- provide training and guidance for all managers to ensure that they understand the position in law, their responsibilities and duties under this Policy;
- make recognised Trades Unions and the Student Association aware of the policy content and implementation procedures;
- ensure the policy is made known to all employees, students, agency workers and external contractors;
- investigate complaints of harassment, bullying or victimisation whether formal or informal quickly and with sensitivity;
- monitor complaints, disciplinary action and grievances related to harassment, bullying or victimisation, and report these on an annual basis to members of the Strategic Management Team and appropriate committees; and
- examine and regularly review policies, procedures and practices.

### **5.2 Responsibility of Employees/Students of the College**

Although the primary responsibility for providing an environment free from bullying and harassment rests with the College, individual employees at all levels and students have a responsibility to assist in the prevention of such acts and help protect themselves and the College from allegations of bullying or harassment by:

- co-operating with measures introduced by the College to ensure equal opportunity and non-discrimination (see the College's Equality, Diversity and Inclusion Policy);
- drawing the attention of management/staff and where appropriate Trade Unions/Student Association to suspected acts of harassment verbal or visual or other practices which do not adhere to this policy or the College's Equality, Diversity and Inclusion Policy;



- refraining from harassment, victimisation or intimidation of others on any grounds;
- not being involved in behaviour, verbal statements and/or physical actions which are unwelcome and/or undermine fellow employees/students or any other person;
- being supportive of individuals who have made allegations or complaints of harassment or who have provided information about incidents;
- encouraging those individuals to seek help from an appropriate source;
- refraining from participating in, encouraging or condoning gossip related to cases of bullying or harassment;
- taking appropriate steps to prevent or stop gossip in their area of work/learning; and
- attending training sessions or participating in activities arranged to increase awareness of the issues involved in harassment, bullying, or victimisation.

### **5.3 Role of Managers/Supervisors**

Managers/supervisors have a duty to implement this Policy and to make every effort to ensure that harassment does not occur, particularly in the areas for which they are responsible. Managers/supervisors should explain the policy of the College to their staff/students and take steps to promote awareness of the procedure for dealing with complaints.

Managers/supervisors need to be alert to unacceptable behaviour, take appropriate action and ensure that staff/students know how to raise concerns relating to bullying or harassment.

Within the College it is necessary for managers/supervisors to be able to manage/supervise their staff/students. This will involve:

- issuing reasonable instructions and expecting them to be carried out;
- setting and publicising expected standards of performance;
- managing/supervising staff /students fairly and in line with all policies and procedures of the College;
- taking action to ensure that the working/studying environment free from harassment and bullying is maintained;
- helping resolve issues informally wherever possible or in line with the formal processes where required.

Managers/supervisors will be expected to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment. However, the possible abuse of these procedures may constitute bullying or harassment.

It is important to differentiate between firm, fair management and harassing behaviour. It is in the interests of the College that managers/supervisors should be able to carry out their duties without the threat of ill-intentioned malicious or vexatious complaints. Legitimate, justifiable, appropriately conducted monitoring of an employee/student's behaviour or performance does not constitute bullying or harassment.

#### **5.4 Role of Director of Human Resources**

It is the role of the Director of Human Resources to:

- develop and implement appropriate policies and procedures to support the College's Dignity and Respect Policy and Procedure;
- offer advice and guidance to managers/supervisors on the application and implementation of the Policy and Procedure;
- monitor and report on the usage of the Report and Support platform; and
- record any instances of harassment involving staff for reporting purposes;
- progress any formal complaints in relation to staff as quickly as possible.

#### **5.5 Trades Union Representation**

The College encourages staff who are concerned about harassment, bullying or victimisation to speak to their Trades Union representative. The College will support the Trade Union activities on raising awareness and tackling the issue of harassment, bullying or victimisation amongst their members.

#### **5.6 Students Association**

The College encourages students who are concerned about harassment, bullying or victimisation to speak to the Students Association. The College will work in partnership with the Students Association to raise awareness and tackling the issue of harassment, bullying or victimisation

amongst their members.

## **5.7 Support and Counselling**

### **5.7.1 Staff**

At any stage before, during or after the procedure for dealing with harassment an employee may need support, informed advice and/or counselling. Incidents should be reported through the Colleges' [Report and Support](#) site, you may make a report anonymously or by making a named report. The College would encourage you to make a named report which will enable the College to provide support/direction and where required take appropriate action. Advice may be sought from:

- Human Resources – [hrstaff@glasgowkelvin.ac.uk](mailto:hrstaff@glasgowkelvin.ac.uk)
- [Employee Counselling Service](#)
- Trade Union Representatives – [unison@glasgowkelvin.ac.uk](mailto:unison@glasgowkelvin.ac.uk) and EIS/FELA
- Equality and Inclusion Lead
- [Equality Advisory and Support Service](#)
- [Health and Safety Executive](#)

The College affiliates to an Employee Counselling Service (ECS). The ECS is an independent and confidential service. Staff can arrange an appointment direct and further information about the service is available through the College website. In addition, leaflets and posters are displayed throughout each campus.

### **5.7.2 Students**

Students who feel that they have been bullied, harassed or victimised or have been accused of bullying, harassing or victimising others can seek support and advice from the following contacts and services:

- Students Association
- Course Tutor
- Equalities and Inclusion Lead
- Head of Student Support Services

Before taking personal action you may wish to seek advice or support from those outlined above. Incidents should be reported through the Colleges' [Report and Support](#) site, you may make a report anonymously

or by making a named report. The College would encourage you to make a named report which will enable the College to provide support/direction and where required take appropriate action. You may find further advice and information on bullying, harassment and victimisation on the [Equality and Human Rights Commission](#) website or contact the [Equality Advisory and Support Service](#).

## **6. Procedure for Dealing with Bullying or Harassment**

It is preferable for all concerned if complaints are dealt with within the Faculty/Department in the first instance and informally wherever appropriate. However informal solutions should not be used to discourage employees/students from recourse to formal procedures. A copy of the Dignity and Respect Policy and Procedure shall be issued to all staff/students during the induction process.

The College will treat complaints of bullying or harassment seriously and all complaints will be investigated when a member of staff or student or any other person complains of harassment whilst in the employment, studying or visiting the College. Individuals should report incidents to provide the College with the opportunity to deal with complaints and eradicate harassment.

Confidential advice is also available to individuals who themselves may not be the subject of bullying or harassment but are concerned about the bullying or harassment of others.

Any employee/student who believes that he/she has suffered any form of bullying or harassment is entitled to raise the matter through the following procedure.

The College will, as far as possible, respect a complainant's wish for confidentiality, but where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, the College has a legal responsibility to take appropriate action which might mean confidentiality cannot be preserved.

A high degree of discretion and sensitivity must be exercised by all those involved at any stage of dealing with a complaint, although this must not act as a barrier to the thorough investigation of complaints where that is required; nor should it be used to undermine the right of staff/students to be treated fairly.

### **6.1 Informal Procedure**

This stage of the procedure is appropriate where an employee/student would prefer to try to resolve matters without having to invoke the formal procedure.

The employee/student should make it clear to the harasser that their conduct is unwelcome and offensive. They should be polite but firm and explain what conduct was unacceptable and unwanted. This may be done verbally or in writing.

If the individual finds this too difficult or embarrassing they could ask a colleague, line manager/supervisor or nominated representative to speak to the perpetrator on their behalf. The individual may also seek advice from a nominated Dignity and Respect Adviser or from the Trade Union or Student Association.

The employee/student should keep a record of any incidents, which should include the following information:

- name of perpetrator (the person who is alleged to have committed an act of bullying, harassment or victimisation);
- nature of behaviour complained of;
- date(s) of and time(s) when bullying or harassment is alleged to have taken place;
- names of witnesses (if any); and
- any action already taken by the complainant to stop the conduct complained of.

To provide assistance a Record Log is contained in Appendix 1. This is helpful to support their case should evidence be required at a later date if the bullying or harassment continues or subsequently recurs.

If an employee/student raises the matter with a manager/supervisor, the manager/supervisor may, with the permission of the individual, advise the perpetrator informally of the individual's concerns.

Alternatively, the complaint may be raised with the Human Resources Department or with a more senior member of management within the College, so that an informal solution can be achieved. Such approaches may be particularly helpful, for example where the complaint is about an employee/student's direct manager/supervisor.

The general principle is that the decision to progress a complaint rests with the individual when they believe they are being bullied or harassed.

There may however be situations in which that principle has to be balanced against the manager's/supervisor's responsibility to ensure the general welfare of employees/students particularly where serious complaints are made which the complainant is unwilling to pursue or where two or more complaints may have been received about the same individual.

The College reserves the right to proceed with an investigation if such a situation arises. The reason for this decision will be fully explained to the employee/student.

Where the informal approach is unsuccessful or the individual has chosen to go directly to the formal procedure, the following section explains the appropriate process.

## **6.2 Formal procedure**

Formal procedure will be necessary where the informal route proves ineffective, for more serious and/or repeated instances of harassment or where an individual prefers to use the formal procedure. An employee/student who is considering following the formal procedure may obtain advice from their Trade Union representative or Student Association.

A formal complaint should be made as follows:

- Staff should follow the College's Grievance Procedure, a copy of which is available from the Intranet or Human Resources.
- Student should follow the Commendations and Complaints Procedure a copy of which is available from the Intranet or Advice, Guidance and Admissions.

If following investigation of a complaint if harassment it appears that the matter raised by an employee/student against another employee of the College may be a breach of the College's Code of Conduct then the matter shall be investigated and dealt with in accordance with the College's Disciplinary Procedure for staff or students.

## 6.2 Formal Complaints

Formal Complaints against a Vice Principal, Principal or a Board Member

If a complaint relating to harassment, bullying or victimisation is made against a Vice Principal, Principal or Board Member, the College's Grievance Procedure should be followed. The following exceptions to the procedure however will apply:

- any allegation should be made directly to the Director of Human Resources or Director of Corporate Services who will advise the Secretary to the Board the nature of the complaint;
- the Secretary to the Board will meet with the complainant and, if he/she believes there to be a substantive allegation, he/she will raise the matter at a quorate meeting of Finance and Resourcing (F and R) Committee of the Board, excluding the Principal, Staff Representatives, Student Representatives and co-opted members. An investigation of the circumstances will be carried out by an ad hoc committee of the F and R Committee, established for this purpose and appointed at that meeting. The ad hoc Committee will comprise of three (3) members including the Chair of the Finance and Resources Committee. Members of the Board who are representatives of staff or students shall not be included in such a committee.
- a Vice Principal shall not be included;
- the Chair of the Finance and Resources Committee may recommend to the Executive Committee administrative leave with pay in appropriate circumstances to permit investigation of an alleged offence. No inference shall be drawn from such a course of action; and
- the findings of the investigation shall be reported to a quorate meeting of HR Staffing Committee which shall decide whether the complaint should be upheld or not and if so, whether the matter should be formally advanced and dealt with in accordance with the College's Disciplinary Procedures. The Principal shall be advised appropriately.

### Board Member Complaint against an Employee

- if a Board Member wishes to make a complaint against an employee of the College, with exclusion of the Principal, related to harassment, bullying or victimisation, the Board Member should

raise the complaint with the Principal.

- the procedure for dealing with a complaint against a Board Member shall be the same as that outlined in relation to the Principal only the matter will be raised with the Executive Committee.

#### Complaint against Contractor/agency/partnership organisation

In cases where the harassment involves contractors or staff from other agencies the informal procedure referred to above should be applied. However, due to the nature of the relationship between the College and these individuals/organisations the following additional steps should be included in the informal stage.

- if the alleged harasser is a contractor or staff member from another agency/partnership organisation the Director of Human Resources will contact the appropriate senior person within the organisation/agency concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to College premises. Contractors shall be advised that the provisions of this Policy will apply to them in advance of a contract being awarded for services under which they are operating. Agency staff will be issued with the College's Equality, Diversity and Inclusion Policy and Dignity and Respect Policy when they take up their appointment. Also Partnership Organisations will be made aware that whilst on College premises or dealing with College staff/students, they will be expected to behave in an acceptable manner.
- should the matter not be resolved informally the Principal / Vice Principal will write to the appropriate senior person within the agency/organisation/partnership organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to College premises or contact with College staff.

#### Complaint raised by Contractor/agency/partnership organization /visitor against a College employee/student

- in cases where the harassment involves contractors or staff from other agencies raising a complaint against an employee/student of the College the stages as detailed under the informal procedure should be applied.
- should the matter not be resolved informally the formal stage would



require the person within the agency/organisation/partnership organisation concerned to raise their complaint through the College's Complaints Handling Procedure. A copy of the Procedure may be obtained from the College's Human Resources Department or Administration Department.

Complaints against Students raised by a College employee in cases where the harassment involves a student:

- attempts should be made to address the matter informally in the first instance if appropriate. The appropriate Head of Faculty will contact the student concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned will be subject to the provisions of the Student Code of Behaviour and may be refused entry to College premises pending the outcome of this process. Students shall be advised that the provisions of the Policy will apply to them during the induction process. A copy of the Policy and Procedure will be issued.
- should the matter not be resolved informally the complaint will be dealt with formally in accordance with the Student Code of Behaviour.

Complaints raised by Students against a College employee

In cases where the harassment is raised by a student, where appropriate the informal procedure referred to above should be applied.

- should the matter not be resolved informally the formal stage would require the student concerned to raise their complaint through the Commendations and Complaints Procedure. A copy of the Procedure may be obtained from the College's Human Resources Department or Administration Department.
- in cases where the harassment involves a complaint raised by a student against a contractor or staff from other agencies the matter will be dealt as outlined above.

The College, staff and students have recourse to other College policies and procedures to pursue matters further where appropriate including the:

- Disciplinary Policy and Procedure (staff);
- Grievance Policy and Procedure (staff); and
- Commendations and Complaints Procedure (students)

## 7. Information and Training

All new employees/students will be informed at induction training of the College's Equality, Diversity and Inclusion Policy, ICT Acceptable Use Policy, Dignity and Respect Policy, Social Media Procedures and any other relevant Policies, of the serious view taken by the College of in appropriate behaviour and of the procedures in place for dealing with allegations of harassment, bullying and victimisation.

Ongoing awareness and equality training will be provided throughout the College. This will include information on what constitutes harassment and for managers/supervisors, what their responsibilities are. Information and training about challenging and managing incidents relating to harassment, bullying and victimisation will be provided as part of the College's rolling training and development programme.

The Dignity and Respect Policy and Procedure will be communicated in the following ways:

- during staff and student induction processes;
- [MyKelvin](#);
- [Staff Intranet](#);
- [College website](#);
- Staff Newsletter; and
- staff/student noticeboards.

The staff newsletter will refer to the Policy and its aims on a regular basis. The Policy will be brought to the attention of contractors and agency staff. Outside contractors will be required to comply with the Policy as part of their contract. Managers/supervisors will receive specific training in identifying and managing harassment in the workplace and how to conduct investigations.

## 8. Review and Monitoring

The content, effectiveness and operation of this policy and procedure will be audited on an annual basis at the end of each academic session and reported

to Equality and Diversity Committee. Any changes in legislation or case law will require the policy and procedure to be updated in partnership with the Trades unions, Student Association and staff representatives.

The evaluation and assessment of impact of this policy will include information taken from the following sources:

- recorded incidents of harassment through discipline and grievance policies;
- reported incidents through the Report and Support platform;
- information gained from the use of Exit Interviews;
- feedback from the general staff through the Joint Forums;
- staff attitude surveys;
- student satisfaction surveys;
- recorded incidents of harassment raised through the Complaints Handling Procedure;
- quarterly statistics from the Employee Counselling Service; and
- information gained from return to work interviews after periods of sickness absence.

## **9. Supporting Policies**

- Equality, Diversity and Inclusion Policy
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Commendations and Complaints Procedure
- Public Interest Disclosure Policy
- ICT Acceptable Use Policy
- Social Media Procedures
- Complaints Handling Procedure
- Safeguarding, Children, Young People and Vulnerable Adults
- Menopause Policy

**Glasgow Kelvin College**

**Dignity and Respect Policy and Procedure**

**Official Record of Complaint**

Name of alleged harasser	Nature or behaviour complained of	Date(s) and Time(s) of alleged harassment	Names of witnesses (if any)	Any action taken to date to stop alleged harassment

### External Agencies

For advice on equal opportunities contact:

#### Equality Advisory Support Service

The Equality Advisory and Support Service (EASS) was commissioned by Government in 2012 to replace the EHRC Helpline. Contact the EASS if you need expert information, advice and support on harassment, discrimination and human rights issues and the applicable law, especially if you need more help than advice agencies and other local organisations can provide.

#### The contact details for the EASS are:

Phone: 0808 800 0082

Textphone: 0808 800 0084

Website: <http://www.equalityadvisoryservice.com/>

Post: FREEPOST Equality Advisory Support Service FPN4431

#### Opening hours:

09:00 to 20:00 Monday to Friday

10:00 to 14:00 Saturday

Closed on Sundays and Bank Holidays

**Local Citizens Advice Bureau (CAB)** can provide free and impartial advice. You can find your local CAB office in the phone book or online at [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

**ACAS** (Advisory, Conciliation and Arbitration Service) has produced a guidance leaflet on bullying and harassment. Employees can also obtain advice via their helpline.

Telephone: 08457 47 47 47

Minicom: 08456 06 16 00

For further support agencies please refer to the [Report and Support](#) platform.