

Dignity and Respect for Students and Staff of the University of Bath: Policy and Procedure for Dealing with Complaints

POLICY

1. Introduction

- 1.1 The University of Bath (“the University”) is committed to providing an environment where all employees and students are treated with dignity and respect, free of unlawful discrimination, victimisation, bullying or any form of harassment.
- 1.2 The following policy statement and guidelines on its implementation are designed to ensure that staff and students of the University are confident, if they bring a complaint in good faith, that the matter will be dealt with according to the agreed procedures and that they will not be subsequently victimised or disadvantaged in any way.
- 1.3 This policy and procedure applies to all staff, students and third parties (e.g. contractors to the University).
- 1.4 Throughout this policy and procedure the individual who feels that they have been harassed, bullied or victimised is referred to as the “complainant” and the person (staff or student) against whom these allegations have been made is referred to as the “respondent”.

2. The Law

- 2.1 The University has a clear responsibility in law to ensure that all forms of harassment, bullying and victimisation are dealt with effectively.

3. Policy Statement

- 3.1 The University aims to provide a working and learning environment which will be stimulating and supportive and free of harassment, bullying and victimisation, by any person whether University employee, student or an external third party. All employees and students have a right to be treated, and have an obligation to treat others, with dignity and respect. Bullying and harassment can seriously worsen working, studying and social conditions for staff and students at the University.
- 3.2 All staff and students have a personal responsibility to:
 - treat all co-workers/students with dignity and respect, and not to behave in a manner that could be offensive to others;
 - be pro-active in developing and maintaining effective working / study relationships with co-workers / students, taking appropriate action where there are difficulties in these working / study relationships.

Staff and students are able to access support to assist them in improving their working / study relationships through the University's Mediation Service - <http://www.bath.ac.uk/equalities/activities/mediation/>

Where a working or study relationship between two staff or staff and student or two students starts to become problematic it is the responsibility of both to take steps to improve that working relationship with input and support from their manager or other appropriate staff – for example the University's Mediation Service.

- 3.3 All managers and supervisors have a responsibility to:
- manage staff fairly and in line with all University HR policies and procedures;
 - supervise students with equity in line with University student policies and procedures;
 - take action to ensure that a working/studying environment free from harassment and bullying is maintained;
 - help resolve issues informally wherever possible or in line with the formal processes where required;
 - provide support for staff where appropriate directly or signpost them to support from the Employee Assistance Programme (EAP); for students support can be found through the [Academic Representation Centre](#) or the University's Mediation Service;
 - communicate this policy to their staff/students.

The University recognises that appropriate and fair people management does not constitute bullying and harassment and that its managers and supervisors who carry out appropriate and fair people management that follows the University's policies and procedures should not feel in fear of claims of harassment and bullying by their staff/students. It also recognises that it is possible for staff/students to harass and bully their manager/supervisor as well as for managers/supervisors 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 their staff/student under this policy. Therefore where the term "student" "staff" or "staff member" is used in the procedure set out under section 6 onwards this may include a manager or supervisor.

- 3.4 The University is determined to eradicate any harassment, bullying and victimisation, by any person whether University employee, student or an external third party and any incidents will be regarded extremely seriously and may be grounds for disciplinary action including dismissal or expulsion or termination of contract for third parties (e.g. contractors).
- 3.5 The University recognises that informal channels, including mediation, awareness raising, training and counselling can be the most effective means of preventing or stopping harassment, bullying or victimisation.
- 3.6 The University recognises that there will be some allegations of harassment, bullying and victimisation which are so serious that they require handling directly under the formal procedure. Where a formal complaint is lodged, the formal procedures under section 6 of this policy will be followed. If, following

an investigation, the investigation panel conclude that there is a disciplinary case to be answered in respect of harassment and bullying by the respondent then it will be heard under the University's Disciplinary Policy & Procedure (for staff) or the Students Disciplinary Procedure (for students).

3.7 At the same time the University recognises that a formal bullying and harassment complaint and its investigation can have a highly damaging effect on working relationships and should not be entered into without careful consideration. The University acknowledges that, however sensitively handled, formal investigations can make working relationships between the staff involved more difficult where they have to work together again. The University will therefore ensure that there is confidential support and advice available for staff considering such a complaint, that confidential investigations are carried out sensitively and that support is available for both the complainant and those accused of bullying and harassment throughout any investigation and other formal processes.

3.8 **Third Parties** - If the employee tells their line manager that they have been bullied, harassed or victimised at work by an external third party who is not a member of the University (e.g. a sub-contractor, client or customer), the manager must consider and take practical steps to prevent any further bullying, harassment or victimisation from taking place. The manager will consider what specific action they may be able to take, depending upon the nature of the complainant's role, their contact with the respondent and any other relevant factors. This action may include the termination of any contract with the third party if one exists. The University's contracts for services with its contractors will normally include the requirement to meet the University's standards around Dignity & Respect. It should be noted that the University may be potentially liable for any subsequent acts of harassment carried out by a third party.

4. Confidentiality

4.1 All information concerning allegations of harassment, bullying or victimisation must be treated in the strictest confidence in order to protect those involved and breaches of confidentiality will give rise to action being taken. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation or Students' Union or trade union or other representatives or advisers supporting any of the parties) should maintain the confidentiality of the process. Failure to do so may be treated as an act of misconduct under the University's Staff or Student Disciplinary policies.

5. Definitions of harassment, bullying and victimisation

5.1 Harassment

5.1.1 When defining harassment the intentions of the respondent are irrelevant. The key is that the actions or comments are perceived as demeaning, unwarranted and unacceptable to the complainant and would be regarded as harassment by any reasonable person.

- 5.1.2 Harassment is defined in the Equality Act (2010) 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 protected characteristics are age, gender, religion and belief, sexual orientation, trans status, ethnicity, disability, marriage/ civil partnership and pregnancy/ maternity.
- 5.1.3 The complainant need not possess the relevant characteristic themselves and harassment can be because of perception or association. Harassment applies to all protected characteristics except for pregnancy/ maternity where any unfavourable treatment may be considered discrimination and marriage and civil partnership.
- 5.1.4 Examples of behaviour which is likely to constitute harassment of someone because of their protected characteristic are given below. The list is not exhaustive and other forms of harassment will be viewed equally seriously:
- Behaviour of a racist, sexist, homophobic, ageist nature or similar behaviour towards an individual with a disability or undergoing gender reassignment, or trans people;
 - Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, physical abuse etc.;
 - The invasion of personal space;
 - Displaying offensive material (on paper or electronically);
 - Spreading malicious rumours or insulting someone;
 - Preventing other people from progressing by deliberately blocking educational or training and development opportunities or promotion;
 - Intentional isolation or exclusion;
 - Persistent, unwelcome contact, that may include text messages, emails, phone calls, gifts, letters, calling at an individual’s home or place of work or study;
 - Stalking
 - Offensive sexual behaviour such as suggestive looks, leering and remarks, offensive flirtations, unwanted physical contact; unwanted sexual advances or demands for sex and compromising invitations;
 - Offers of favoured treatment in return for sex (or threats of disadvantage if refused);
 - Making public that someone is gay, lesbian, bisexual or transgendered (outing) when they would prefer to keep this information private;
 - Drawing unwelcome attention to, or abusing, someone’s religion/ belief

5.2 **Bullying**

- 5.2.1 Bullying is a form of harassment but does not need to be related to any protected characteristic. As with other forms of harassment, there is no requirement to demonstrate an intent to bully.
- 5.2.2 Bullying can be described as threatening, abusive, intimidating or insulting behaviour that may be an abuse of power, position or knowledge. What one individual may perceive as bullying behaviour may occasionally be viewed as no more than firm management or strong personality and therefore may

sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, de-motivated or frightened is unacceptable. Some examples of bullying are given below:

- Overbearing supervision, shouting, verbal, written or electronically transmitted abuse;
- Abuse of power or behaviour that causes fear or distress for others;
- Academic bullying, for example, asserting a position of intellectual superiority in an aggressive, abusive or offensive manner including via electronic media;
- The undermining of an individual through unfair work allocation and/or constant criticism;
- Making unfounded or inappropriate threats and/or comments about job or course/programme security;
- Inconsistent management style where some individuals are favoured more than others;
- Unfair allocation of work responsibility;
- Public ridicule, sarcasm or humiliation.

5.3 Bullying and harassment

5.3.1 Bullying or harassment may be an action or behaviour by an individual against an individual (perhaps by someone in a position of authority such as a line manager or educator/supervisor) or groups of people. It may be obvious or it may be subtle. Whatever form it takes, it is unwarranted and unwelcome to the individual.

5.3.2 Any difficulty in defining what constitutes harassment or bullying should not deter staff or students from complaining of behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The University will respect the sensitivity of complaints about harassment and bullying and their consequences as well as the need for confidentiality. However, if a formal complaint is made, the person whose behaviour is complained of will be given full details of the complaint.

5.3.3 Line managers should set clear, reasonable, job performance standards for their staff which are effectively communicated and should manage staff equitably. Under these circumstances legitimate, justifiable, appropriately conducted monitoring of an employee's behaviour or job performance does not constitute harassment or bullying.

5.3.4 Academic supervisors/tutors/lecturers should provide reasonable and proper review of a student's work and/or performance which will not constitute harassment or bullying. The University's Quality Assurance Code of Practice provides a framework for the effective delivery of feedback and assessment within learning and teaching practices.

5.4 Victimisation

5.4.1 Victimisation can be described as subjecting a member of staff, student or another person to unfavourable treatment because in good faith they have

- taken out court proceedings under the Equality Act, other similar legislation or they have indicated their intention to do so; or
- given evidence or information in connection with the proceedings; or
- done any other thing for the purposes or in connection with the Act; or
- participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation (these need not relate to the Equality Act or a protected characteristic);
- made an allegation that a person has harassed or unlawfully discriminated against them; or
- made a relevant pay disclosure.

5.4.2 The University will protect staff and students from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Victimisation is a form of misconduct which may itself result in disciplinary action.

5.5 Harassment, bullying and victimisation by electronic methods

5.5.1 The increase of electronic communication within the university and beyond increases the likelihood of bullying, harassment and victimisation by electronic means. Here are examples of this:-

- sending emails (with or without attachments) which breach the terms of this policy;
- inappropriate copying of emails to parties not relevant to the discussion, as a way of intimidating or inappropriately gaining leverage over another person;
- using, displaying or saving offensive materials (e.g. offensive screensavers, photographs, etc. as described earlier in this policy) which are then accessed, or seen by, another person or group of people;
- downloading, displaying or printing offensive material from an Internet source in the presence of another person or group of people.

5.5.2 This is outlined in more detail in the University's IT Acceptable Use Policy.

5.6 Malicious complaints

5.6.1 All complaints of harassment, bullying and / or victimisation will be considered within the context of the right of each individual to be treated with dignity and fairness. Staff that have bona fide complaints are encouraged to raise them without fear of recrimination, in the knowledge that the University takes the issue of harassment, bullying and victimisation extremely seriously. However, a formal complaint of bullying and harassment should never be made on a vexatious or malicious basis and the possible making of a complaint should never be used as a threat against an individual.

5.6.2 Where following investigation it is concluded that complaints were made or threatened to be made on a malicious and / or vexatious basis, the complainant's conduct will be investigated under the University's Disciplinary Policy and Procedure (for staff or students) and may lead to disciplinary action up to and including summary dismissal / expulsion of the complainant.

PROCEDURE

Throughout this section the student or member of staff who feels that they have been harassed, bullied or victimised is referred to as the “complainant” and the person against whom these allegations have been made is referred to as the “respondent”. The complainant should raise their complaint within three months of the date of the last alleged act.

6. Procedure for dealing with complaints under this policy

6.1 Informal resolution

- 6.1.1 These processes will be most appropriate and effective where the harassment or bullying is of a less serious nature, where there is a reasonable prospect of resolution and/or where the behaviour is unintentional on the part of the respondent, but should always be considered.
- 6.1.2 Many people are unaware that their behaviour in some circumstances is unacceptable and, if this is clearly pointed out to them, the problem can often be resolved.
- 6.1.3 If at all possible a complainant who is aware of behaviour that may come under this policy should make the respondent aware that they find that behaviour or action inappropriate or unacceptable. The complainant may wish to make the person aware of their actions in person or through a third party (e.g. their manager if they are not the respondent or relevant member of staff or Students’ Union) to prevent any further occurrences. If the complainant feels unable to approach the perpetrator they can seek guidance from a source of help (see 6.3 below) in confidence.
- 6.1.4 There are a range of different interventions that may be taken at an informal level to resolve matters. It is generally advised that agreed interventions taken are documented. These interventions may include:
- The line manager (or next-in-line manager if the issue raised involves the line manager) meeting confidentially with the complainant and respondent either separately or together so that there is an understanding of behaviour, its effect and a confirmed outcome on what changes in behaviour are necessary,
 - The line manager (or next-in-line manager if the matter involves the line manager) assisting the respondent to raise the issues directly with complainant where they feel confident to do so. This may involve organising support for the complainant and / or respondent e.g. through the Employee Assistance Programme.
 - Mediation through the Mediation Service – see 6.2 below.
 - Utilisation of a source of help – see 6.3 below.
 - This is not an exhaustive list and other options may be possible
- 6.1.5 If after taking forward action under the informal resolution processes, the behaviour continues or escalates the complainant can refer their complaint to the formal investigative process stage of this procedure (see section 6.4).

Timeliness is important and all those involved in informal resolution must act as quickly as is reasonably possible.

- 6.1.6 In cases where the respondent / person whose behaviour is being complained about is not a member of the University, (for example, a sub-contractor, client or customer), the matter will normally be dealt with by the Head of Department/Service involved with advice from the Human Resources department. If exceptionally that is not possible, the Director of Human Resources or the University Secretary should be consulted.

6.2. Mediation

- 6.2.1 The use of mediation is a voluntary process and may be considered at any point during the informal stage of the procedure or indeed outside of the Dignity and Respect Policy processes. Details about this service can be obtained directly from the Equality & Diversity Manager on ext. 3098 or through Student Services, the Students' Union Advice and Representation Centre (<http://www.bathstudent.com/welfare/contact/>) or a Human Resource Manager (see <http://www.bath.ac.uk/hr/about/hrcontact.html>). Staff may refer themselves directly or be referred to mediation through their manager / Head of Department or through Human Resources (normally HR Manager or Advisor).
- 6.2.2 The normal expectation is that the mediation would be completed within 30 working days of the initial meeting with the parties (although this time limit may be extended by agreement).
- 6.2.3 Mediation is a completely confidential process. Where staff have been referred to mediation via their line manager / Head of Department or Human Resources, the only communication will be a confidential confirmation that mediation has been completed and whether resolution has or has not been achieved. This will be sent to the line manager / Head of Department (where they are not the respondent or their manager if they are the respondent) and Human Resources.
- 6.2.4 Where a resolution is agreed between the parties, the mutually agreed outcome will be confirmed in writing to the parties. This will not be provided to any other individual unless it is specifically agreed by the parties that a copy of this should be given on a confidential basis to the line manager / Head of Department (where they are not the respondent or their manager if they are the respondent) and Human Resources (for staff cases) or another appropriate individual that they have determined (for student cases).
- 6.2.5 For further information please see the mediation service website: <http://www.bath.ac.uk/equalities/activities/mediation/>
- 6.2.6 All those participating in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove fruitful, or is taking an unacceptably long time to achieve resolution, any one of the parties may withdraw from the process.

6.3. Sources of help and advice

6.3.1 Staff and students / complainants who feel they have been subjected to behaviour that they feel is inappropriate under this policy may contact the following for further advice and assistance:

- Their immediate supervisor/manager (for staff)
- A member of the Human Resources Department (for staff) – normally via the relevant HR manager or Advisor see <http://www.bath.ac.uk/hr/about/hrcontact.html>
- A Trades Union representative (for staff) – see <http://www.bath.ac.uk/unison/> or <http://www.bath.ac.uk/ucu/> or <http://www.bath.ac.uk/amicus/>
- Students' Union Advice and Representation Centre (for students) see <http://www.bathstudent.com/welfare/contact/>
- Student Services (for students)
- The Equalities & Diversity Manager – ext 3098

6.4. Formal procedure

6.4.1 If the informal resolution processes under 6.1 to 6.3 above do not result in the unwanted behaviour ceasing or indeed the behaviour becomes worse or if the alleged harassment or bullying behaviour is perceived as too serious to be dealt with informally then the formal investigation procedure should be considered.

6.4.2 Formal complaints in relation to behaviour by staff and / or students will be dealt with under the Staff and Student Complaints Investigation Procedure set out in section 6.5 below.

6.5. Staff and Student Complaints Investigation Procedure

6.5.1 The complainant should make a written complaint to the Director of Human Resources (for staff cases) or Head of Student Services (for student cases) with a copy sent (if a member of staff is involved) to the relevant HR Manager (see <http://www.bath.ac.uk/hr/about/hrcontact.html>).

6.5.2 In the letter the complainant should set out as clearly and briefly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect that this behaviour has on them. The complaint should include dates of, and the identity of any witnesses to, any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties including whether they had entered into mediation and if appropriate should briefly state the outcome / resolution that they are seeking.

6.5.3 If on reviewing the complainant's letter, the Director of Human Resources or the Head of Student Services (as appropriate) identifies that no informal process has taken place to-date and that the issue is one that may potentially be resolved informally they may organise for themselves or a delegated member of their team to meet with the complainant (with their representative or a fellow employee) to discuss this. This step is to ensure that the

complainant is fully aware of all possible options before an allegation is referred to an investigative panel.

- 6.5.4 **Investigative Panel** - An investigative panel consisting of at least 2 people will be appointed to investigate the complaint. The investigative panel will normally consist of a senior member of staff acting as the chair supported for staff cases by an HR Manager or other HR Advisor. For student cases the senior member of staff will be supported by a nominated person with direct experience of working with students. As a general rule, the panel members should not have had previous involvement with the issues in the case. Both the complainant and the respondent will be given the opportunity to identify if they have any concerns about the members of the investigative panel. Should the complainant or respondent express any reasonable concerns over the appointments, such concerns will be dealt with fairly and sympathetically.
- 6.5.5 The role of the investigative panel will be to gather all the relevant facts in relation to the allegations made and document and consider these, including taking witness statements from the relevant witnesses. The investigative panel may meet with the complainant to clarify the allegations that they are investigating.
- 6.5.6 The chair of the investigative panel will write to the respondent informing them of the allegation(s), requesting their attendance at an investigatory meeting and confirming their right to representation. This letter will also point out the seriousness of the allegation, how the respondent can respond to the allegation and sources of support and representation.
- 6.5.7 **Investigation** - The investigation of the complaint will take place as quickly as possible, and should normally be completed within one month of being initiated. It is recognised that the earlier that a matter is dealt with the greater will be the chances of a successful resolution. However, it is recognised that a thorough investigation is important and the situation may be extremely complex, so that it may not be possible to reach an outcome as quickly as all the parties wish. The complainant and the respondent and their representatives are required do all that they can to enable the investigation to be completed as promptly as possible.
- 6.5.8 **Representation** - Both the complainant and the respondent have the right to be represented or accompanied by a trade union representative or fellow employee (for staff) or by a student colleague of their choice from within the University (for students) at any formal meeting held under this formal procedure (within section 6) and also under the appeal procedure (within section 7). If the complaint involves a student the representative/ companion may also be a member of the Students' Union, tutor or equivalent. The representative / companion must maintain confidentiality at all times.
- 6.5.9 **Suspension** – If the investigative panel conclude that it is necessary in order to enable a proper investigation to be undertaken and / or to prevent any further allegations, they may recommend to the Director of Human Resources (in respect of staff) or the Vice-Chancellor via the University Secretary (in respect of students) to place the respondent on suspension or temporary redeployment. Alternatively, they may recommend, in discussion with the

complainant, to place the complainant on suspension or temporary redeployment in order to avoid further distress. The respondent will be considered first for this action. Suspension is a precautionary measure only, pending the outcome of the investigation under this policy and is not a punishment in itself. If an employee is suspended their contract of employment will continue in full force and effect and they will be paid at their normal basic pay rate and receive any usual benefits. They will not be allowed onto University premises while suspended without the prior consent of their line manager (or more senior manager if the line manager is the complainant or respondent) or a member of the investigative panel except for a meeting with their trade union representative, in which case the line manager must be informed in advance. When suspended they are required to be available to attend meetings and respond to requests under this procedure. They must continue to report sickness in the normal way as set out in the Sickness Absence Policy and Procedure and request annual or other leave as required under University rules. If a student is suspended arrangements will need to be made for them to continue with their studies and assessments, as far as is possible with due regard to other considerations relating to the allegation being investigated.

6.5.10 Investigation Report - The investigative panel will arrive at reasonable conclusions based on all the evidence that they have heard and will produce a report of their investigation (the “investigation report”). The investigation report will advise, on the basis of the evidence compiled, whether in respect of the allegations of harassment and / or bullying:

- a) the case does not warrant referral to a formal disciplinary hearing; or
- b) the case warrants referral to a formal disciplinary hearing.

In either case, the panel may additionally make recommendations for action outside the disciplinary process.

6.5.11 No Referral to disciplinary hearing - If the investigative panel conclude that there is no case to answer in respect of harassment, bullying or victimisation, the chair of the investigative panel will write to the complainant and the respondent confirming this. The complainant has a right to appeal against this decision, which is set out in section 7 below.

6.5.12 Referral to disciplinary hearing - If the investigative panel conclude that the case requires referral to a disciplinary hearing in respect of the respondent’s conduct, the hearing will be set up as quickly as possible in line with the University’s Disciplinary Policy and Procedure (for staff cases) or the Student Disciplinary Policy & Procedure (for student cases). In this situation the investigation report including witness statements and interviews will form the management case for a staff disciplinary hearing. At the disciplinary hearing the investigative panel will attend to present the management case and the complainant may be requested to attend the disciplinary hearing as a witness (where they may be accompanied or represented in line with 6.5.8 above).

6.5.13 Capability / Performance Issues - In some cases the investigative panel may identify capability/performance issues in the respondent or the complainant. In these situations it will be appropriate to take forward the issues with the respondent under the University’s Capability Policy and

Procedure, in the case of staff, or the Fitness to Study Policy or as otherwise appropriate, in the case of a student.

6.5.14 Working Arrangements - Where following investigation and completion of actions, the parties to the complaint remain University employees or students and work closely together and / or within the same work area, it may be necessary for them to be separated. Wherever possible it will be the respondent who is moved if a complaint is upheld against them. Even if the complaint is not upheld, it may be appropriate to separate the complainant and the respondent, on either a temporary or permanent basis where practical, in the interests of good ongoing work / study relationships.

6.5.15 Victimisation - Where it is suspected that a complainant, respondent or witness has been victimised as a result of the allegation of harassment or bullying this may be investigated as a further potential act of misconduct under this policy & procedure.

6.5.16 Vexatious or Malicious Allegations - If the investigative panel conclude that the complaint is unfounded they will also consider whether they conclude that it is vexatious and / or malicious. If they conclude that it is vexatious and / or malicious the complainant will be requested to attend a formal disciplinary hearing under the University's Disciplinary Policy and Procedure (for staff cases) or the Student Disciplinary Policy & Procedure (for student cases) at which disciplinary action may be taken against the complainant. If the investigative panel conclude that the complaint was unfounded but was made by the complainant in good faith, this will be confirmed in writing and no further action will be taken.

6.6 Disciplinary action

6.6.1 If misconduct is found following full consideration by a disciplinary hearing, allegations of harassment and bullying may result in disciplinary action being taken against the perpetrator (the respondent), up to and including summary dismissal for staff where gross misconduct is found or expulsion for students.

6.6.2 Where disciplinary action is taken against a member of staff they have a right to appeal against this in line with the University's Disciplinary Policy and Procedure (for staff cases) or the Student Disciplinary Policy & Procedure (for student cases).

6.6.3 When formal disciplinary action is taken against the respondent, the complainant will be advised of the outcome on a confidential basis. In cases where the complaint is found to be vexatious or malicious the respondent will be informed in confidence.

7. Appeal against the Decision of the Investigative Panel

7.1 Where the complainant is in reasonable disagreement with the outcome of the investigation under paragraph 6.5.10 they may raise an appeal against this decision. This right of appeal must be exercised within 10 working days of the receipt of the letter confirming the decision of the investigative panel by writing to the Director of Human Resources for staff cases or the Head of

Student Services for student cases stating the grounds on which the appeal is made. This should include identifying the evidence on which they are basing their case.

- 7.2 **Appeal Panel** - The appeal will be heard by a panel of two appointed by the Director of Human Resources or the Head of Student Services. For staff cases the panel will normally include the Director or Deputy Director of HR or an HR Manager who has had no previous involvement in the case. The complainant and the investigative panel members (but not the respondent) will also attend the appeal hearing. The complainant has the right to be represented or accompanied at the appeal hearing by a work or student companion as set out in section 6.5.8 above. The respondent will be informed that the complainant has appealed against the decision of the investigative panel.
- 7.3 **Appeal Process** - During the appeal hearing, the panel will review the decision of the investigative panel against the grounds raised by the respondent. The normal process for the appeal hearing will involve the complainant presenting their case first followed by the investigative panel with opportunities for cross-questioning from both and the appeal panel.
- 7.4 **Appeal Outcome** - The decision of the panel from the appeal hearing will be communicated in writing, normally within 5 working days of the hearing unless otherwise agreed by the parties. The outcome letter will be copied to the respondent.
- 7.5 The decision of the appeal panel shall be final within the policies and procedures of the University.

8. **Documentation:**

- 8.1 The University and all those involved in this process must comply with the law relating to the keeping of personal data. This includes ensuring that personal data is kept accurate and up-to-date, held securely and confidentially, not passed on to unauthorised third parties, and not kept for longer than necessary. The notes from all formal meetings of all parties interviewed must be checked with the attendees to ensure the records of proceedings accurately reflect the content of the meetings and held confidentially.
- 8.2 A copy of the letter from the investigative panel confirming their decision from their investigation of the complaints involving staff will be held confidentially on the personal file of the complainant and respondent.
- 8.3 The confirmation of any disciplinary warning issued and / or any appeal outcome against a member of staff in relation to a complaint of harassment, bullying and / or victimisation will be held on the personal file of the staff member in line with the relevant paragraphs of the Disciplinary Policy and Procedure.
- 8.4 At the end of the investigation the investigative panel will submit the papers to the Director of Human Resources (for staff cases) or the Head of Student

Services (for student cases) for safe and confidential storage for a period that they will determine in line with legislative and regulatory requirements.

9. Process Overview

- 9.1 A flowchart summarising the stages of this procedure is attached at Appendix B.

10. Review of policy and procedure

- 10.1 The effectiveness of this policy and procedure will be monitored, and a formal review undertaken after a period of approximately 3 years from this revision. The results of the review will be reported to the Equalities and Diversity Committee.
- 10.2 This policy and procedures have been consulted on with all recognised trades' unions and with the Students' Union.

University of Bath
Updated November 2011

Role of Mediators

Mediators have been trained to:

- (a) offer a 'listening ear' and remain positive under pressure;
- (b) be non-judgmental;
- (c) maintain confidentiality
- (d) stay impartial when providing mediation
- (e) facilitate mediation session(s) between parties where appropriate
- (f) ensure that the different viewpoints are addressed

Accessing the service

Requests to access the Mediation Service should be made either directly to the Mediation Service Manager (MSM) ext. 3098 or via Student Services, the Students' Union Advice and Representation Centre or a Human Resource Manager (see <http://www.bath.ac.uk/hr/about/hrcontact.html>). , The MSM is responsible for allocating cases to mediators and for the administrative arrangements for the mediation.

Information can be found on the web page at:

<http://www.bath.ac.uk/universitysecretary/equalities/policies/mediation.html> or from the **Equalities and Diversity Manager** on equalsdiv@bath.ac.uk

Dignity and Respect Policy & Procedure

