

## 1. Bullying and Harassment

### Policy Introduction

SIRM is committed to equality of opportunity and will not tolerate harassment and/or bullying of one individual or group in SIRM by another. All members of SIRM have the right to work and study in an environment that encourages harmonious relationships. All individuals should be treated with dignity and respect so that they can fulfil their personal potential in a professional working and learning environment.

### Scope

This document outlines SIRM's position on bullying and harassment and provides a procedure to be followed when dealing with potential issues of bullying and harassment, which need to be handled in a sensitive and timely manner. This policy applies to all learners, staff, visitors, contractors and anyone acting or working on behalf of SIRM.

The purpose of the policy and procedure is to encourage a culture where harassment and/or bullying will not be tolerated and does not occur, and to outline the steps that can be taken to deal with any issues of harassment and/or bullying and prevent their recurrence.

The procedure aims to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances. The procedure as outlined covers both the informal and formal stages of the procedure.

### Responsibilities

- SIRM is responsible for monitoring the effective implementation of this policy and procedure
- Managers are responsible for positively encouraging respect for dignity, and for dealing with bullying or harassment in their area of responsibility
- Human Resources department is responsible for dealing with formal allegations between members of staff
- The Learner Support Officer is responsible for dealing with formal allegations involving learners (either as alleged harassers or complainants)
- SIRM's contact for a contractor or visitor is responsible for addressing any issues relating to harassment/bullying by, or of, them
- Each individual learner and member of staff is personally responsible for fostering a culture of respect and for avoiding behaviour that is offensive to other people

The failure of managers to investigate a complaint or to follow agreed procedures may be regarded by SIRM as a failure to take reasonable steps to prevent harassment or bullying. This not only undermines the spirit of this policy, but may potentially be unlawful.

### Definitions of Bullying, Harassment and Victimisation

- **Bullying** is persistent unacceptable, offensive, intimidating, malicious, insulting or humiliating behaviour. It can be the abuse or misuse of power which attempts to undermine, humiliate, denigrate or injure an individual.
- **Harassment** is 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. It is not the intention of the harasser, but the conduct itself and the impact on the recipient(s) that determine what constitutes bullying and harassment. Harassment also covers complaints of behaviour found offensive by an individual even

if it is not directed at them, and a complainant need not possess the relevant characteristic themselves. For example, a member of staff find comments they overhear being made to a disabled colleague offensive, even though they are not disabled themselves.

- **Harassment by association or perception**

An individual can be harassed on the grounds that he or she is related to, or associates with, someone with a relevant protected characteristic. Individuals may also be subject to harassment on the grounds of a mistaken perception that they have or do not have a protected characteristic. See Appendix 1 for examples of Bullying and Harassment.

- **Victimisation** occurs when a person is treated less favourably because they have asserted their rights under this policy. This also applies to those who have acted as witnesses or supporters of individuals complaining of bullying or harassment.

### **Third Parties**

SIRM recognises that its staff and learners come into contact with a variety of external organisations and bodies and that it is feasible that they may feel harassed/bullied by a third party during the course of their work or study. Third parties may include visitors, contractors or any other person not directly employed by SIRM. SIRM will not tolerate harassment/bullying by third parties and where such incidents are disclosed, will take appropriate action.

### **Unwarranted Complaints**

SIRM treats genuine complaints of harassment and bullying seriously; however the possibility of malicious, vexatious, spurious or frivolous complaints is recognised. Any complaints identified as such, via an investigation, will be treated seriously and SIRM may respond with the appropriate disciplinary procedures. Vexatious complaints themselves can be a form of harassment.

### **Criminal Offence**

Harassment/bullying may take the form of a criminal offence, such as physical assault or indecent exposure. In such an event, SIRM will involve the Police and will support the person who is being harassed/bullied to approach the Police. If an investigation is undertaken, SIRM will facilitate the Police enquiry wherever possible.

If a criminal investigation is underway the matter should be referred to the Registrar who will make a decision as to whether to pursue the complaint in parallel with the criminal investigation, or whether the complaint shall be held in abeyance until the criminal investigation is concluded.

### **Victimisation**

Those making complaints of harassment should not be subjected to any form of less favourable treatment as a result of making a complaint. This also applies to those who have been cleared of bullying and harassment following an investigation, and individuals giving evidence in support of a complaint.

### **If a Complaint is Made against You**

All staff and learners are expected to respond appropriately when an individual raises a problem with their behaviour. An apology or assurance that the behaviour will not be repeated may be all that is needed to deal with the situation.



complaint is made about your behaviour, this will be fully investigated. SIRM may decide to follow disciplinary proceedings as a result of an investigation.

## Key Principles

Complaints will be dealt with sensitively, discreetly and as quickly as possible. Care will be taken to respect the need for confidentiality at every stage of the informal and formal procedures and in the publication of monitoring reports. No sensitive personal information will be shared without consent, except where there is an unacceptable risk to the individual, others or SIRM.

## 2. Bullying and Harassment

### Procedure Introduction

Any member of SIRM community who feels that she/he is experiencing bullying or harassment should feel confident about coming forward to make a complaint. Prior to taking any action, an individual may wish to keep a diary of the instances of harassment or bullying to which they believe they have been subjected. It is important to note the date, time and place of the incident, exactly what was said or done, the context it was said or done, how it made the individual feel and what action was taken (if any). The names of any witnesses should be noted and relevant documents retained. No sensitive personal information will be shared without consent.

### Scope of the Procedure

The arrangements set out in this document apply to all members of SIRM Community and to all those who act on behalf of SIRM. SIRM expects and requires outside organisations such as agents, contractors and visitors to behave in accordance with the standards.

Any member of SIRM community who believes that he or she has suffered any form of harassment is entitled to raise the matter through the following procedure.

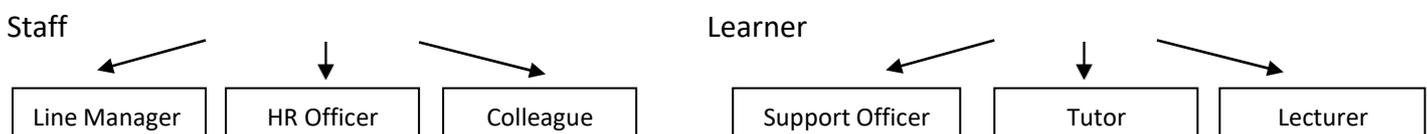
SIRM recognises that there are groups of workers who are not directly employed by SIRM and that some flexibility may be required in addressing such issues under this procedure. Therefore, for the purposes of this procedure only, and from hereon in, the term 'staff' shall include all employees, self-employed workers and contractors contracted working with SIRM.

These arrangements are separate from the staff and learner disciplinary procedures, which may be used following the results of the investigation under this procedure. Alternatively, in certain circumstances, where an incident is so serious and/or where there is sufficient undisputed evidence.

This procedure does not replace or detract from an individual's right to pursue a grievance through an Employment Tribunal or a Court of Law.

### Support for those Experiencing Bullying, Harassment or Victimisation

Where a member of staff or a learner feels that they have been bullied, harassed or victimised they can seek support from any of the following:



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During informal procedures confidentiality will be maintained unless otherwise agreed. However, there may be circumstances which arise, for example, danger of physical assault, which means that SIRM will need to disclose certain information to additional SIRM's personnel or to third parties. This will be discussed with the complainant. Where a third party (e.g. visitor or contractor) has caused concern they notify their named contact person. Informal complaints resolution should be sought, wherever practicable, before moving forward to the formal bullying and harassment complaints procedure.

## The Procedure

- **Reasonable Adjustments**

This procedure defines arrangements for communicating with staff and for the establishment of meetings. A staff member has the right to request reasonable adjustments to be made to these arrangements and SIRM will respond as appropriate where they have a specific need and to ensure they are not disadvantaged by the arrangements.

- **Terminology**

Although the terms 'harassment' and 'bullying' are not synonymous, the content and guidance in this document relates to both issues and the term 'harassment' is used from this point onwards to encompass both terms.

## Informal Complaints Resolution

The informal stage is appropriate where the complainant simply wants the behaviour to stop, where the harassment is not considered to be serious or, where it has not been repeated.

Complaints are often resolved at an informal level, which is the preferable route for most parties and most situations. An individual who believes that s/he is being harassed could consider the following options:

- approaching the alleged harasser directly making it clear to the person(s) harassing the individual that the behaviour in question is offensive, is not welcome and should be stopped
- approaching the alleged harasser with the support of a 'suitable intermediary' or Designated Adviser. This could include arranging an informal meeting with both parties to discuss the matter openly. In these circumstances, the alleged harasser would have to be informed in advance of the allegation to give them a fair opportunity to respond
- if it is too difficult or embarrassing to do this personally, individuals may request that a 'suitable intermediary' or Designated Adviser approach the alleged harasser on their behalf
- for SIRM staff, a 'suitable intermediary' may be the individual's line manager or a work colleague
- for SIRM learners, a 'suitable intermediary' may be a lecturer, a personal tutor or learner support officer
- for other SIRM users or visitors, a 'suitable intermediary' may be their named contact person
- Designated Advisers are available to provide complainants with informed advice and assistance in strictest confidence and to assist with the informal resolution of the problem. A Designated Adviser may be contacted at any stage of informal or formal procedures. The Designated Adviser will provide support to assist with the informal resolution of the problem. The Designated Adviser can also provide support and assistance to the complainant during formal procedures but shall not be required to provide evidence to the investigation

The individual will be advised that:

- formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure and

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- a written record of the action taken will be made to assist with any formal proceedings, which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate any future proceedings at the formal stage

All reported incidents of harassment will be monitored and in the event of any patterns emerging, SIRM may wish to initiate its formal investigation and take remedial action where this proves to be necessary. Additionally, there may be situations where the seriousness of a complaint warrants formal proceedings.

## Formal Complaints Resolution

The formal procedure is appropriate if the harassment is considered to be serious, if the complainant wishes to use the formal procedure or if the harassment has reoccurred after informal procedures have been used.

A senior member of staff, as appropriate, (the Manager), shall be given responsibility for conducting proceedings at the formal stage.

The Manager(s) carrying out investigations at the formal stage should not be connected in any way with the allegation that has been made.

Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.

Every effort must be made to adhere to the timescales outlined in this document. However, if any of these time limits are not possible then both parties will be informed of the revised timescale.

## Formal Complaints between Members of Staff

- A member of staff wishing to invoke the formal procedure should submit his or her complaint in writing to, the Human Resources stating that it is a formal complaint and giving details of the incident(s). Whilst it is preferable that a complaint should be made in writing an alternative can be agreed and this will not preclude the investigation of a complaint made verbally.
- Upon receipt of a complaint the Human Resources shall appoint a member of SIRM Management (Investigating Manager), as appropriate, who is not immediately involved in the case and does not have line management or academic responsibility for any involved party to investigate the complaint and who shall be responsible thereafter for conducting proceedings at the formal stage.
- The Investigating Manager will acknowledge receipt of the complaint and arrange to meet the complainant as soon as possible and within 5 working days of receipt of the original complaint. The
- SIRM will aim to meet the timescales set out in this procedure, as far as reasonably practicable. If there are any special circumstances which dictate longer timescales, this will be communicated to both parties.
- SIRM reserves the right, in more serious cases, to suspend the alleged harasser until a conclusion / resolution is reached. Any suspension will comply with the parameters laid down in the appropriate disciplinary procedure.

## Formal Complaints Involving Learners

- A complaint involving a learner, either as an alleged harasser or complainant, should be made in writing to the Director of Studies, stating that it is a formal complaint and giving details of the incident(s). Whilst it is preferable that a complaint should be made in writing an alternative can be agreed and this will not preclude the investigation of a complaint made verbally.

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- Where a learner reports a complaint to a different person of their choice, such as Lecturer, the learner should be asked for their consent for the written complaint to be passed to the Director of Studies under the formal procedure
- Upon receipt of a complaint the Director of Studies shall appoint a member of SIRM Management (Investigating Manager), as appropriate, who is not immediately involved in the case and does not have line management or academic responsibility for any involved party to investigate the complaint and who shall be responsible thereafter for conducting proceedings at the formal stage
- The Director of Studies will assess the risk to all parties involved while the investigation is being conducted. This may involve a learner being suspended from lectures for a temporary period until the investigation has been completed and a decision on possible action taken
- The complaint will be formally acknowledged and the Investigating Manager will arrange to meet the complainant as soon as possible and within 5 working days of receipt of the original complaint
- SIRM will aim to meet the timescales set out in this procedure, as far as reasonably practicable. If there are any special circumstances which dictate longer timescales, this will be communicated to both parties.

## Procedures for Investigation

The investigation will be completed as soon as reasonably practical but will not normally take longer than 20 working days. Information on the role of the Investigating Manager is outlined in Appendix 2. The Investigating Manager will normally follow the process laid out below:

- Interview the complainant
- Interview the alleged harasser
- Interview any witnesses
- Consider the evidential material provided
- Repeat any of the above stages as required.
- Compile a report of the investigation (compiled within 10 working days of the end of the investigation).

The report should include a summary of the investigation procedure, including details of investigation meetings, a list of written evidence, an analysis of the claims being made, a conclusion and recommendations. Recommendations by the Investigating Manager may include actions to mitigate issues for the future, for example training to be undertaken by groups of staff.

The Investigating Manager will submit the report to the relevant Director who will decide how to proceed. It may include the following:

For Staff:

- A further attempt should be made to resolve the matter informally
- Mediation
- The Staff Disciplinary Procedure should be invoked (in this case the investigation under this procedure will be carried forward as the formal disciplinary investigation). This may also be the case if a complaint is considered unwarranted
- Additional training is made available to individuals or groups

For Learners:

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- A further attempt should be made to resolve the matter informally
- Mediation
- Alternative action such as changing academic arrangements should be considered;
- Relevant Learner Disciplinary Procedure should be invoked (in this case the investigation under this procedure will be carried forward as the formal disciplinary investigation). This may also be the case if a complaint is considered unwarranted
- Additional training is made available to individuals or groups

The relevant Director will communicate in writing to both the complainant and alleged harasser whether SIRM has found that harassment has or has not taken place. This will normally be within five working days and will include a full copy of the investigation report.

## Initial Meeting with the Complainant

The Investigating Manager will meet the complainant to:

- clarify and formally record the nature of the complaint and that it is being handled under the formal procedure
- ensure that the complainant is aware of the next stage of the procedure
- advise that the complainant has the right to be accompanied and/or represented at the investigatory meeting by a work colleague, fellow learner or Designated Adviser as appropriate

A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

## Initial Meeting with the Harasser

The Investigating Manager will meet with the alleged harasser and:

- outline the nature of the complaint
- confirm that it is being handled under the formal procedure
- ensure that the individual is aware of the next stage of the procedure
- advise that the alleged harasser has the right to be accompanied and/or represented at the next stage of the procedure by a work colleague

A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

## Investigative Meetings

- Whilst the Investigating Manager will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. The meetings should be arranged as quickly as possible. The objective should be to meet the timescales set out in this policy. If there are any special circumstances which dictate longer timescales, they should be made known to both parties.
- A copy of the Anti-Bullying and Harassment Policy and related information must be provided to all who are to be interviewed in relation to the complaint.
- All interviews should be conducted in an objective manner, taking care to identify and clarify the facts relating to the specific complaint, identifying evidence and witnesses.
- The Investigating Manager should meet separately with the complainant, alleged harasser and any

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witnesses. The complainant and alleged harasser should not be brought into contact with each other during the investigation meetings.

- Where witnesses are reluctant or cannot be interviewed in person, they may be invited to produce a signed statement of events although the Investigating Manager may assign limited weight to such a statement. Character witnesses are not appropriate.
- The purpose of these meetings is to establish the facts. All those giving information to the Investigating Manager do so privately and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

## Report

The Investigating Manager will produce a written report for submission to the relevant Director within ten working days of concluding all interviews. Where a complaint involves more than one alleged harasser, a separate report should be made for each alleged harasser.

The report should include a summary of the investigation procedure, including details of investigation meetings, a list of written evidence, an analysis of the claims being made, a conclusion and recommendations.

The Investigating Manager will submit the report to the relevant Director who will decide how to proceed.

## Requests for Formal Review

Any member of staff or learner who complains of, or is accused of, harassment has the right to request a Formal Review following an investigation - except where the recommended outcome of the formal investigation is to invoke the relevant disciplinary procedure. In this case the right of appeal within the relevant disciplinary procedure applies.

The request for Formal Review must be made in writing and must contain an indication of the grounds for its submission. A learner or member of staff may, for example, choose to request a Formal Review because new evidence has come to light or because they think the Bullying and Harassment Procedure has not been used correctly.

Requests for Formal Review must be submitted to SIRM Director within ten working days of notification of the outcome following investigation. This person is responsible for selecting the Formal Review Panel.

Formal Reviews will be considered by a Formal Review Panel. Members of the Formal Review Panel should not be connected to the complainant or alleged harasser and should have no line management or academic responsibility for either party. In the case of formal review requests made by learners, the Formal Review Panel will normally include a representative nominated by the Learners' Union.

The Formal Review process will be completed as soon as reasonably practical but will not normally take longer than 20 working days. It will usually follow the process laid out below:

- SIRM Director selects Formal Review Panel.
- Formal Review Panel considers the evidence of reports made available to the Investigating Manager and relevant Director, and additional evidence made available where appropriate.
- Formal Review Panel comes to a decision and communicates in writing to the complainant and alleged harasser. The communication should indicate whether the Formal Review Panel has found The School of Information Risk Management is the trading name of Numerica Risk Management & Consulting Ltd.

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that harassment has or has not taken place and whether the action indicated by the relevant Director following investigation is supported. Where the original action is not supported, the Formal Review Panel will indicate a revised course of action. This decision is also sent to SIRM Director

The decision of the Formal Review Panel will be final.

## APPENDIX 1

### Examples of Bullying and Harassment

Behaviour that is considered bullying by one person may not seem so to another. The examples given below are illustrative.

#### Bullying

Bullying may include shouting, threatening, abusing, intimidating, insulting, ridiculing, destructively criticising, overloading/under loading with work, ostracising or ignoring, humiliating and undermining a person so that their confidence is undermined.

#### Harassment

Harassment based on personal attributes may include:

- **Sexual Harassment**, for example; unwanted touching, unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, and other forms of assault. There are professional and ethical reasons for staff and learners to maintain appropriate professional relationships.
- **Racial Harassment**, for example; derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault.
- **Disability Harassment**, for example; not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focussing on a person because of their disability.
- **Ageist Harassment**, for example; denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.
- **Sexual Orientation Harassment**, for example; homophobic jokes or remarks, displaying or circulating homophobic or anti-gay materials, threats to disclose sexual orientation or disclosing sexual orientation without permission, ridiculing civil partnerships.
- **Religion or Belief Harassment**, for example; not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.
- **Gender Reassignment Harassment**, for example; ridiculing dress and personal appearance, offensive jokes and remarks.

The above list of examples is not exclusive or exhaustive. Harassment and bullying can occur on the basis of any personal attribute that makes the individual different from the majority, or from the person who harasses him/her.

This may manifest itself in:

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief) or his/her family and friends

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- ridiculing or demeaning someone; name calling, teasing or making offensive remarks
- using offensive names when addressing another person
- indirect bullying by manipulating a third party to tease or torment someone
- exclusion from social groups and activities
- physical violence such as hitting, pushing or spitting
- Cyber-bullying, which is defined as the use of technology by an individual or group in a way that is intended to upset others. Examples include using social media websites, mobile phones, text messaging, 'sexting', photographs, video and e-mail. Misusing technology (internet or mobiles) to hurt or humiliate another person
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security or academic achievement without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- belittling another person's abilities and achievements
- ridiculing another person's appearance, way of speaking, accent or personal mannerisms
- interfering with another person's property, by stealing, hiding or damaging it

## APPENDIX 2

### The Role of the Investigating Manager

The role of the Investigating Manager is to conduct interviews, identify all the relevant facts and produce a report which summarises the issues and events relating to a complaint. The report should make recommendations for the relevant Director to consider when making a decision on the outcome of a complaint.

Recommendations may include:

- A further attempt should be made to resolve the matter informally
- Mediation
- The relevant Disciplinary Procedure should be invoked. This may also be the case if a complaint is considered unwarranted
- Alternative action such as changing academic arrangements (for learners) or redeployment (for staff);
- Actions to mitigate issues for the future, such as training for individuals or groups.

It is not within the Investigating Manager's remit to make specific recommendations concerning disciplinary action.

Throughout the course of the investigation both the complainant and the alleged harasser must be kept informed of progress. With their agreement, correspondence concerning interview times and other administrative arrangements may be copied to the representative involved in supporting a complainant.

All those involved in the investigation must, as far as is practicable, protect the confidentiality of both the complainant and the alleged harasser. The Investigating Managers should not discuss the complaint with staff or learners who are not directly involved in either the investigative or resolution process and all

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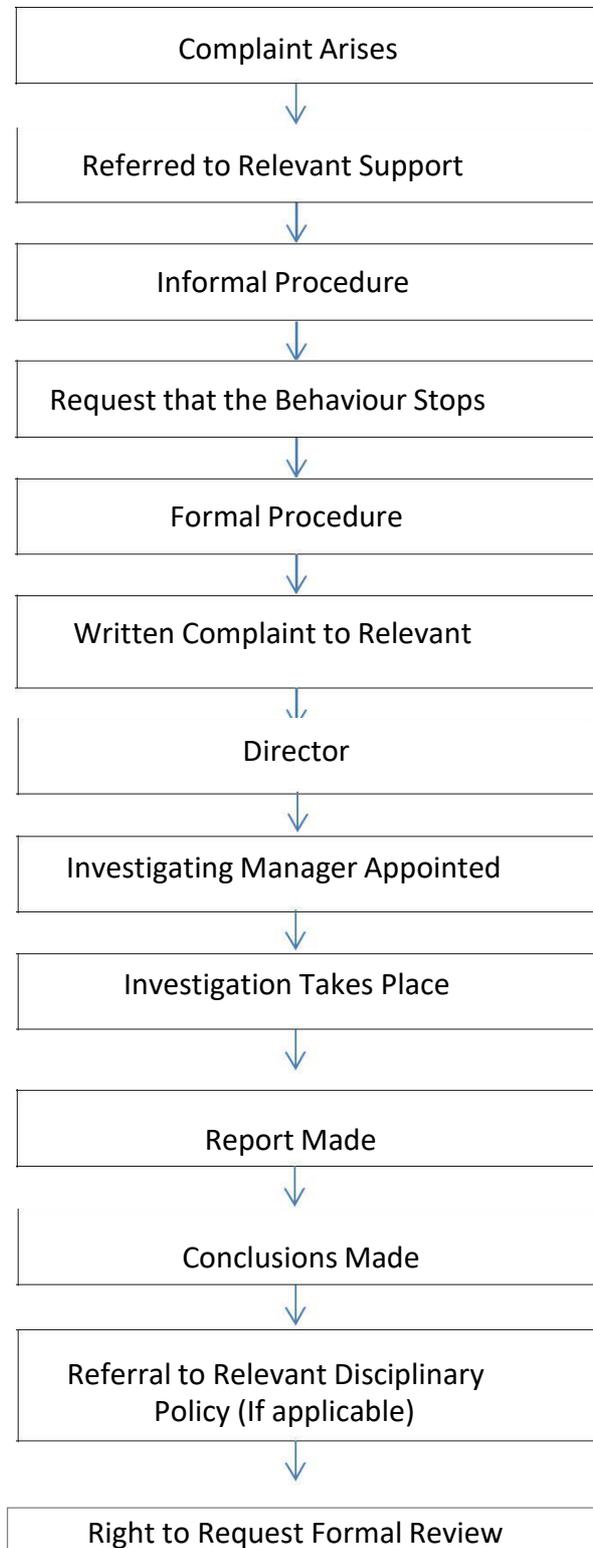
information concerning complaints and investigations must be kept in a secure place.

The relevant Director will ensure that the Investigating Manager is appropriately trained and impartial. The Investigating Manager should, as far as reasonably practicable, have experience of conducting investigations and in the application of SIRM policy. The Investigating Manager must also be mindful of equalities issues, such as unconscious bias, and should have undertaken relevant Equality and Diversity training in order to ensure fairness in the process.



## APPENDIX 3

### Bullying and Harassment Procedure Flowchart



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## APPENDIX 4

### Where to Address Formal Complaints

