



Bullying and Harassment Policy and Procedure

October 2021

History of Changes

| Version | Description of Change | Authored by | Date |
|---------|------------------------|-------------|--------------|
| 1.1 | No Changes | D Kerr | March 2015 |
| 1.2 | Date and title changes | D Kerr | October 2021 |
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Bullying and Harassment Policy

1 Introduction

Borders College recognises its responsibility to provide an environment free from bullying and harassment and upholds the rights of employees and students to be treated with dignity and respect. Positive behaviour can help to foster an inclusive environment where everyone feels valued. Bullying and harassment is harmful, it causes distress and can lead to illness and poor performance.

2 Scope

No form of bullying or harassment will be condoned at work or outside work if it has a bearing on the working relationship and this will extend to staff, students and visitors to the College. This would include harassment on the grounds of any protected characteristic. Where allegations of bullying or harassment are made these will be investigated following the appropriate associated policy.

3 Key Principles

The aim of this policy is to protect employees and students from bullying and harassment and to enable them, if necessary, to make a complaint, confident that it will be taken seriously and dealt with in confidence.

Should any member of staff wish to discuss their concerns with an external party prior to taking any action, a confidential service is offered by the Occupational Health Service. Appointments can be made direct by telephoning (01896) 825982. This service is free to staff members. Students should approach the Student Welfare Officer, unless this is the alleged harasser, in which case they should approach their Course Tutor.

All Managers have a duty to establish and maintain an environment free from bullying and harassment. Any Manager who receives a complaint of or is witness to such behaviour must deal with the situation sensitively, listen to the complainant and investigate the complaint or incident, ensuring that the problem is resolved as quickly as possible. Anyone who receives a complaint of bullying or harassment must respect confidentiality and should encourage the person being bullied to consider using the complaints procedure. Under no circumstances must any such complaint be ignored.

Depending on the severity of the complaint, the alleged action could be regarded as gross misconduct and disciplinary action, including dismissal, may be taken against those failing to fulfil their responsibilities under this policy. In the case of students, disciplinary action could involve expulsion.

When appropriate, individuals will be encouraged to resolve the situation informally. Some incidents, however, by virtue of their serious nature will need to be dealt with immediately under the formal procedure.

4 Responsibilities

- 4.1 The Executive is responsible for overseeing compliance with the principles of this policy.
- 4.2 The Head of HR is responsible for the implementation of this policy.
- 4.3 Line Managers are responsible for ensuring compliance with this policy.
- 4.4 All staff are responsible for adhering to this policy.

5 Related Documents

- 5.1 Employee Disciplinary Policy and Procedures
- 5.2 Professional Conduct between Staff and Students
- 5.3 Student Disciplinary Policy and Procedure
- 5.4 Support for Staff Involved in an Investigation Policy

6 Review

This policy will be reviewed every three years or more regularly if required.

7 Procedure

Informal Procedure

- individuals who feel they have been bullied or harassed should keep a written record of any incidents, including the date, time, nature of incident, names of those involved and those of any witnesses.
- the HR/Student Services Department will give confidential support and advice.
- whenever possible, any complaint of bullying or harassment should be made in the first instance to the immediate line manager or Course Tutor, in the case of students. In circumstances where the subject of the complaint is the line manager or Course Tutor, the complaint should be made to the HR department or the CLM, in the case of students.

- if possible, the alleged harasser should be told by the alleged victim of harassment that the behaviour is offensive and unwanted and must stop. A colleague or representative of the personnel department, or fellow student, can act as a witness when this statement is made. Alternatively, an appropriate line manager can speak to the alleged bully or alleged harasser. If the victim is unable to do this verbally, then a written request may be appropriate.

Formal Procedure

- where informal methods fail, or the alleged victim chooses not to use them or considers that the problem is sufficiently serious, a formal complaint should be made in writing to the Senior Manager, HR Department, CLM in the case of students and, where possible, state:
 - the name of the alleged harasser
 - the nature of the alleged harassment
 - dates and times when the alleged harassment occurred
 - names of witnesses to any incidents of alleged harassment
 - any action already taken by the complainant to stop the alleged harassment
- a manager will be appointed to investigate the complaint and will interview the person making the complaint, the subject of the complaint and any relevant witnesses. All individuals in the investigation will be expected to respect the need for confidentiality. All parties to these proceedings will be advised of their right to be accompanied by a work colleague or trade union representative of their choice and the student welfare officer, or fellow student, in the case of students.
- the investigation will be concluded within ten working days of the complaint being received. If it is not possible to complete the investigation within the specified time the complainant will be given an explanation for the delay and given a date when it is expected to be completed.
- where required, action will be taken to separate the alleged harasser from the complainant, which could involve suspension in the case of students and suspension with pay until the situation has been resolved in the case of a staff member.
- the investigating manager will keep a detailed written record of the investigation and its findings. The complainant and the person against whom the allegation has been made will be told of the findings by the investigating manager who will confirm the position in writing.
- if the complainant is dissatisfied with the outcome, or with the way in which the complaint was handled, an appeal may be made to the Principal within seven days of receiving the investigating manager's decision. Where possible, the Principal will respond within ten working days, arranging a time and place to hear the appeal and advising the individual of their right to be accompanied.

- if disciplinary action is justified, a disciplinary hearing will be arranged in accordance with the appropriate College Employee Disciplinary Policy and Procedure/ Student Disciplinary Policy and Procedure within ten working days of either the decision of the investigating manager or, if an appeal was lodged, the decision of the Principal. Any disciplinary action taken will reflect the severity of the offence and may include dismissal.
- the appropriate line manager, or course tutor in the case of students, will ensure that any employee or student who makes a complaint of bullying or harassment is not victimised and all staff member parties are support in line with the Support for Staff Involved in an Investigation Policy.
- any complaints found to be false and malicious will result in disciplinary action being taken against the complainant.

Examples of Unacceptable Behaviour

- Derogatory remarks and lewd comments about appearance
- Insensitive jokes or pranks
- Abusive insulting, threatening words or behaviour
- Unnecessary body contact and/or requests for sexual favours
- Displaying abusive writing and pictures
- Ignoring or excluding an individual
- Setting unrealistic deadlines
- Public criticism
- Substituting responsible tasks with menial or trivial ones
- Withholding necessary information
- Constantly undervaluing effort

This list is not exhaustive. The actions above must be viewed in terms of the distress they cause the individual.

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