



*Clare College
Cambridge*

January 2014

Bullying and Harassment Policy

The College believes that all members of the College community – students, employees and Fellows – have the right to study/work in an environment free from bullying behaviour and any form of harassment, be it on the grounds of race, religion or belief, disability, age, gender, gender reassignment, sexual orientation, pregnancy, marital status, civil partnership or appearance. We endeavour to ensure that the College environment is sympathetic to all its members and also to those who have business dealings with us, so that everybody is treated with dignity and respect. This policy applies equally to all members of the College, irrespective of status. In addition, we aim to protect all College members from harassment of any kind from other academics or members of the University, or from clients, customers and other business contacts. Therefore, this policy should be read in conjunction with the College's other policies on [Personal Relationships](#), [Equal Opportunities](#), and the [Harassment and Assault Statement](#).

Background information

Bullying and harassment violate anti-discrimination and employment laws, and may contravene criminal and/or civil law in some circumstances. This sort of behaviour can reduce the effectiveness of the College by creating a hostile or threatening environment. The damage, tension and conflict that harassment and bullying create not only result in low morale, but also lead to reduced concentration, divided teams and lower productivity. Subjecting individuals to fear, stress and anxiety affects their participation within the College community and also puts strain on their personal and family life, leading to illness, absence and staff turnover.

Examples of bullying and harassment

Bullying is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious, and that undermines the confidence and self-esteem of the recipient.

Harassment is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (eg related to the individual's relationships or dealings with others who share that personal characteristic). It may be persistent or an isolated incident and can take many forms, from relatively mild banter to actual physical violence.

Individuals may not always realise that their behaviour constitutes bullying or harassment.

The examples below are not exhaustive, but give a clear indication of the sorts of actions that constitute bullying or harassment. Serious examples may constitute gross misconduct that could lead to summary dismissal of an employee.

- **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behaviour or obscene gestures, physical threats and assault.
- **unwanted verbal conduct, whether spoken, written or published** - such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, slogans or songs, jokes, banter or abusive/offensive language which is either threatening or refers to a person's ethnicity, nationality, religion or beliefs, disability, age, gender, sexual orientation, gender reassignment, marital status or civil partnership.
- **unwanted non-verbal conduct** - such as racially or sexually based graffiti, or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures (including "pin-up" calendars) through any means.
- **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments, comments intended to undermine, belittle, embarrass or humiliate the recipient, persistent criticism or trivial fault-finding, and personal abuse, either in public or private, which humiliates or demeans the individual involved.
- **cyber (virtual) bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites, and sending intimidating or malicious emails.
- **coercion** - including threats of dismissal, low marks, loss of promotion etc for refusal of sexual favours (or promises made in return for sexual favours), pressure to participate in political or religious groups.
- **isolation or non-cooperation** - deliberate exclusion from conversations or social activities.

Such conduct is employment-related if, for example:

- submission to, or rejection of, the conduct is used as a basis for an employment decision.
- the conduct interferes with the affected person's work performance.
- the conduct creates an intimidating, hostile, humiliating or offensive working environment.

Bullying or harassment can be a single serious incident or persistent and repeated; sometimes it continues even after the person subjected to it has insisted that it stop.

All members of the College should note that any act(s) of bullying or harassment committed by them in the course of their study/employment will be dealt with under this policy. It covers situations occurring at any time on College premises, or externally whilst attending social functions or training courses etc in connection with the College.

Working environment for employees

The display of offensive material (including "pin-up" calendars) is not permitted.

Abusing fellow employees via social networking sites, such as Facebook or MySpace, is a disciplinary offence.

All employees of the College will be informed of the College policy towards bullying and harassment and all complaints of harassment will be treated very seriously.

Procedure for dealing with bullying or harassment

The sensitive nature of complaints about bullying or harassment is recognised and the College provides a choice of routes in order to encourage individuals to discuss their problems in confidence with someone they trust and feel comfortable talking to. Any individual who considers someone's behaviour to fall into the category of harassment may approach the College Harassment Officer at harrasmentofficer@clare.cam.ac.uk. In addition: students may approach any Tutor, their own Director of Studies, the Senior Tutor, the Dean, the Dean of Students, the Welfare or Women's or LGBT+ Officer of the JCR, or a member of the MCR Committee; and staff may approach the Head of Department, the HR Manager, the Steward, the Bursar, the Senior Tutor or the Master. Any discussion will be confidential, and further action will not be taken without the complainant's permission.

The College also has a Harassment Monitoring Group, comprising the Harassment Officer, two Tutors and the HR Manager. Its purposes are twofold:

a) to investigate complaints brought to it either directly by complainants or on behalf of complainants (but only with their explicit consent). The Group will treat all cases with the utmost confidentiality, investigate them promptly, and endeavour to resolve them. If the Group, which has no disciplinary powers, considers a case to merit such action, it will refer it to the appropriate College disciplinary body. Before doing so, the Group will ensure that the alleged offender has been informed of the nature of the complaint face-to-face and also in writing.

b) to determine and monitor the extent of the problem. Any member of the College who becomes aware of an incident of harassment should report it to the Group, even if the matter has been resolved. These reports should preserve the anonymity of those involved. The Monitoring Group will present a totally anonymised report to the College Council under unreserved business, annually.

Dealing with bullying and harassment at an informal stage

Anyone who feels they are being subjected to minor bullying or harassment should make it clear to the perpetrator that the behaviour is unacceptable and must stop. This may be done either face-to-face, or by a written request, or by asking one of the people designated above to approach the person on their behalf or to help take action. This last approach may be more effective if the perpetrator is a senior member of the College or University, or a client, customer or business contact. Written records should be kept of the date and content of any conversations.

Formal procedure

Where informal methods fail, or serious bullying or harassment occurs, a formal complaint should be made with the assistance of one of the people designated above. As well as recognising a complainant's feelings and the effect that the alleged behaviour may have had, it is important to establish the facts. It will be necessary to provide details of any allegations, eg

- what happened?

- where did it occur?
- who was involved?
- was this the first incident?
- when did it occur?
- were there any witnesses?
- has any action been taken to prevent further repetition of the behaviour?

This complaint may be made to one of the people designated above. Anyone making a complaint may be supported throughout the procedure and at any meetings by any of the people designated above or by one or more colleagues of their choice.

The person hearing the complaint will arrange a thorough investigation as quickly as possible. It will be made clear to everyone involved that it is important not to phrase questions implying that the bullying/harassment may in some way have been directly or indirectly invited, and also to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. All individuals involved in any investigation will be required to respect the need for confidentiality. Failure on the part of individuals to do so may be considered a disciplinary offence. Copies of statements made by witnesses will be made available to both the complainant and the alleged bully/harasser, but the names of the witnesses may be withheld if they request to remain anonymous, and particularly if they have a genuine belief or fear of reprisal. However, witness statements will not be considered if they are submitted anonymously.

Where the person in charge of dealing with a complaint believes that bullying or harassment may have taken place, and if the alleged bully/harasser is a member of the College, the appropriate disciplinary procedure will be invoked to ensure that any individuals accused of this behaviour have every opportunity to defend or explain their actions. Individuals will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying/harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.

The severity of the penalty imposed upon an individual believed to be guilty of bullying/harassment will be consistent with other disciplinary offences. Where the bully/harasser is given a warning but remains in the College, discussions will take place with the complainant, and, where necessary, any reasonable steps will be taken to alter working practices to minimise contact between the individuals involved.

An individual who receives a warning or is dismissed for bullying or harassment may appeal against the penalty in accordance with the College's disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate and it may be necessary to refer the case to the Police.

Where the complaint is made against a member of the University, client, customer or business contact, this will be investigated and such steps will be taken as are reasonably practicable to protect the individual.

No individual who brings a complaint of bullying or harassment should suffer victimisation for having brought the complaint. The complainant should not be moved except at their request or in exceptional circumstances. However if the complaint is untrue and has been brought in bad faith (e.g. spite) disciplinary action may be taken.

Following the investigation

Once the case has been resolved and time has been given to allow relationships to stabilise and return to normal, the person considering the complaint should maintain informal contact with the affected individuals. If further problems of bullying, harassment or victimisation are being encountered, or if the complainant continues to suffer stress or anxiety, further action will be taken to investigate or find a solution.

Grievance procedure

The College's Bullying and Harassment Policy is intended to give guidance and support taking into account the sensitivity and serious nature of such issues. However, if a complainant is not happy with the outcome of a complaint, or if, after time, the situation has either not improved or has deteriorated again, they may wish to use the College's grievance procedure instead.

Any queries or comments about this policy should be addressed to the Senior Tutor or the HR Manager.

Up-dated September 2015