

Bullying and Harassment Policy

Staff and Students

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**Diversity & Equality**

Due regard has been taken in the development of this document, and the final version complies with the Diversity & Equality of Opportunities Policy.

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# PART 1: Policy Principles and Support Provision

# Our Commitment to Dignity at Work and Study

* 1. The University of Liverpool is committed to providing a positive, professional and safe environment in which work is carried out against a background of respect for the experiences, abilities and skills of all individuals.
	2. This policy sets out the University’s commitment to tackling all forms of bullying, harassment and victimisation within the University, and creating a culture of respect. It outlines what support is available to members of our community who have experienced or witnessed such behaviour, and sets out how they can raise such concerns, including through both informal and formal means.
	3. All members of the University of Liverpool community have the right to be treated with dignity, respect and courtesy, in an environment free from any form of bullying, harassment, victimisation or discrimination. For the purpose of this policy, such conduct will be referred to collectively as ‘**unacceptable behaviour**’ – see also section 5.
	4. All individuals have a right to make a complaint if they believe that they are being subjected to unacceptable behaviour as described above whilst working at, studying at, or visiting the University, without fear of intimidation, victimisation or other adverse consequences. No member of the University community is expected to tolerate what they genuinely and reasonably believe to be unacceptable behaviour.
	5. Bullying, harassment, victimisation and discrimination are unacceptable on moral and, in some cases, legal grounds. The University is committed to meeting its moral and legal responsibilities in full.

* 1. The University has **zero tolerance** of unacceptable behaviour as described above. This means that, where an allegation of unacceptable behaviour is considered to be founded following a reasonable investigation, appropriate action will be taken against any individuals responsible for such behaviour. This action may include disciplinary sanctions as set out in the applicable [staff](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/disciplinary/) and [student](https://www.liverpool.ac.uk/student-administration/policies-procedures/conduct-discipline/#disciplinaryprocedures) policies, with the potential to result in dismissal for staff members or termination of studies for students in serious cases.

# Scope of the Policy

* 1. The principles set out within this policy relating to standards of behaviour are intended to apply to all members of the University of Liverpool community, including employees, students, honorary staff, casual staff, apprentices, agency workers, University Council members and alumni. They are also intended to apply as far as practicable to third parties engaged with the University, such as: contractors, visitors and volunteers. For students, this policy should be read in conjunction with the [Student Conduct Policy](https://www.liverpool.ac.uk/student-administration/policies-procedures/conduct-discipline/), which also sets out standards of behaviour that apply to students.
	2. The policy covers conduct which takes place between parties whilst engaged in University business whether on or off campus, within or outside of normal working hours. It covers conduct and interactions that take place in person, remotely, and via electronic and social media platforms.
	3. Incidents which are generally not covered by this policy are:
1. Incidents between individuals which are not related to University business such that it would be unreasonable to expect the University to arbitrate in the matter (for students, this clause should be read in conjunction with the [Student Conduct Policy](https://www.liverpool.ac.uk/student-administration/policies-procedures/conduct-discipline/), which contains specific provisions relating to student behaviour on and off-campus, including outside of term-time).
2. Incidents that occur at a partner organisation where conduct is governed by other local policies (e.g., XJTLU, Birkenhead 6th Form College, Carmel College, NHS Trusts).
3. Incidents relating to members of staff of the Liverpool Guild of Students. Such cases should be referred to the Guild directly.
	1. If it is not clear whether an incident does or does not come under this policy, clarification can be sought from the [Advice Service at the Liverpool Guild of Students](https://www.liverpoolguild.org/advice), School Student Support Offices (or their equivalent) or the [Student Conduct, Complaints and Compliance Team](https://www.liverpool.ac.uk/student-administration-and-support-division/contact-us/) (students) or the relevant [Human Resources Business Partner](https://www.liverpool.ac.uk/intranet/hr/contacts/hrbusinesspartners/) (staff). The University retains the right to investigate incidents when it is considered necessary and appropriate to do so.

# Roles and Responsibilities

**Staff and students**

* 1. All members of the University community have a responsibility to help create and maintain an environment free from bullying and harassment.
	2. Staff and students will:
* behave in accordance with this policy,
* not engage in unacceptable behaviour as described above,
* not instruct or cause someone else to carry out unacceptable behaviour on their behalf,
* where appropriate, challenge and/or report any unacceptable behaviour that they witness,
* take reasonable and appropriate steps (according to the particular circumstances) to seek to address and resolve issues where they believe they are personally experiencing unacceptable behaviour, at an early stage – see ‘Part 2 - Reporting Procedures and Approaches to Resolution’,
* respond positively where reasonable concerns relating to their own behaviour and conduct are raised in good faith,
* not knowingly make false allegations against others.

**The University**

* 1. The University will:
* take appropriate steps to ensure that staff, students and others are made aware of this Policy,
* treat all complaints of unacceptable behaviour seriously and in a sensitive and objective manner with due respect for the rights of all parties involved,
* deal with complaints in a confidential manner as far as possible, disclosing information only to the parties necessarily involved in the case and ordinarily only with the agreement of the person making the complaint (see Confidentiality – section 4),
* not draw conclusions until appropriate enquiries/investigations have been completed. The aim will be to resolve the issue to the satisfaction of all parties as quickly and, where appropriate, as informally as possible,
* actively encourage a direct, early and informal resolution between parties in the first instance, where possible and appropriate,
* provide suitable provision for support and assistance to all staff and studentsinvolved,
* use the relevant procedures where appropriate to take action against those found responsible for unacceptable behaviour, or those whose allegations are found to have been made in bad faith,
* offer training or other intervention where appropriate to staff and students who have been found to be responsible for using unacceptable behaviour; the aim being to foster a healthy working and learning environment.

**Managers**

* 1. Managers will:
* lead by example in promoting the development of a culture where everyone is treated with courtesy and respect and where it is understood that unacceptable behaviour will not be tolerated,
* ensure that, within their area of responsibility, staff are made aware of this Policy,
* take effective, sensitive and rapid action when a complaint of harassment, bullying or victimisation is made to them,
* make every attempt to assist if asked to act as an investigator or to chair any panels associated with this policy, and be supportive if a member of their team is asked to do so.

# Confidentiality

* 1. Issues concerning unacceptable behaviour that are raised with the University will ordinarily be treated in confidence in the initial stages, and no information will be disclosed to a third party (including the person who the allegations are about) without the agreement of the person making the allegations.
	2. However, it should be recognised that where an anonymous complaint is made, or where a complaint is not raised anonymously but the person reporting it does not wish the person the allegations are about to know their identity, this will limit the extent to which the procedure can be progressed – it is not usually possible to address and/or resolve an issue without open communication with the person alleged to be responsible. Therefore, where an individual is considering making a complaint, they should bear in mind that it will be necessary for the person causing offence to be provided with details of the allegations in specific terms (usually a copy of the complaint), so that they can understand the allegations and have both a fair opportunity to respond, and the opportunity to modify their behaviour where appropriate.
	3. Subject to the provisions of 4.2, investigations will be handled confidentially, and details will only be disclosed to those necessarily involved in the case. It should be noted that there may be incidences where third parties, such as witnesses, will need to be involved, and be informed about the nature of the allegations, in order for them to be able to contribute to proceedings and provide evidence. Where it is necessary to share details, this should be done in a proportionate way with due regard to data protection principles, and information shared should be limited to the specific details that need to be shared for the specific purpose. For example, it may be that only a part of the written complaint, or some of the evidence gathered, needs to be shared with a specific witness, rather than the whole complaint.
	4. All parties involved in a complaint are expected to maintain confidentiality within the process, only divulging information to their respective representatives, those involved in the investigation of the complaint, and those involved in providing support to the respective parties. Where information is shared, this must only be with the minimum number of people possible for the purpose, and must be done in strict confidence, with no onward discussion permitted.
	5. There may be rare occasions when a legal duty of care means that the University is unable to maintain confidentiality, for example where there appears to be a safety risk to the individual or others. The University reserves the right to act where the situation is of such a serious nature that the University’s duty of care or responsibilities under relevant legislation are invoked, and in these circumstances it might not be possible to preserve anonymity and/or confidentiality. In these circumstances the complainant will ordinarily be informed in advance. Where circumstances give rise to safeguarding concerns, the University’s Policy Regarding Safeguarding of Children, Young People and Vulnerable Adults will be followed, which can be accessed [here](https://www.liverpool.ac.uk/legal/policies/).

# Definition of Key Terms and Examples of Unacceptable Behaviour

* 1. The University recognises that there may be areas of overlap between conduct that might be considered to be bullying, harassment, victimisation or discrimination, and that different definitions and interpretations of those terms may arise in how people as individuals understand them. The University also recognises that certain terms may have a legal definition that applies for the purpose of specific pieces of legislation, and that definitions in such contexts may be more specific than in common parlance (for example, Victimisation). The University further recognises that different categories of behaviour can be identified within these broad headings (eg, sexual harassment; racial harassment, anti-Semitism).Where definitions are set out in this policy, these are intended as working definitions and to provide guidance, but are not intended to be applied in a rigid manner in a way that detracts from the spirit of the policy and the overarching principle that the University does not tolerate any form of ‘unacceptable behaviour’, as set out in 1.3.
	2. The University recognises the importance of acknowledging different types of unacceptable behaviour, and has adopted the following working definitions to provide guidance:

**Bullying**

* 1. For the purpose of this policy, the University defines Bullying as:

*Offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, resulting in the recipient being upset, undermined, humiliated, excluded, frightened or injured.*

* 1. Examples of bullying behaviour include:
* Physical or verbal abuse including threatening or intimidating behaviour,
* Abusive comments made in person, in writing or via electronic means,
* Spreading rumours, gossip and hearsay to undermine an individual,
* Unjustified persistent negative comments or criticism, such as about a person’s capability, professionalism, appearance, personal life, either directly or to others,
* Picking on one person for criticism when there is a common problem,
* Shouting at or humiliating a person in front of others,
* Selective application of policies and procedures to a person’s detriment,
* Setting unreasonable and unattainable targets,
* Ostracism from a group, team or activity,
* Manipulating a person into doubting their own mental stability (sometimes referred to as ‘gaslighting’).

This list is not intended to be exhaustive and bullying can take other forms.

**Harassment**

* 1. Harassment that is related to a ‘protected characteristic’ (see 5.5.1, below) is against the law. For the purpose of this policy, the University has adopted the definition of harassment contained within [Section 26 of the Equality Act](https://www.legislation.gov.uk/ukpga/2010/15/section/26). Drawing from this, we therefore take harassment to mean the following:

*Unwanted conduct related to a relevant protected characteristic or of a sexual nature, which has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, or where a person is treated less favourably due to rejecting or submitting to unwanted sexual behaviour or behaviour related to gender reassignment or sex.*

* + 1. The relevant ‘protected characteristics’ are: Age, Disability, Gender re-assignment, Race, Religious belief and non-belief, Sex (including Pregnancy and Maternity), and Sexual Orientation (including Marriage & Civil Partnership).
		2. Harassment can take several forms. Examples include:

Verbal Conduct

* Offensive or personal comments such as unwanted comments on appearance,
* Inappropriate humour and innuendo,
* Unwelcome advances,
* Spreading malicious gossip,
* Intrusive questioning about a person’s marital status, sexual orientation, ethnic origin, religion, culture or disability without reason,
* Intrusion by pestering or unwanted telephone calls, emails or texts at home or at work without reason.

Non-verbal Conduct

* Distribution of offensive or threatening materials,
* Publication of untrue statements,
* Offensive graffiti or damage to someone’s property,
* The circulation of offensive or sensitive photographs or information,
* Hacking, disrupting or impersonating a person’s online and social media platforms,
* Hand or facial gestures including threatening and sexually suggestive gestures,
* Whistling in a suggestive or otherwise inappropriate manner.

Physical Conduct

* + Touching someone intentionally and inappropriately without their consent,
	+ Brushing up against another person intentionally and inappropriately without their consent,
	+ Standing so close to someone that they feel uncomfortable,
	+ Blocking a person’s way, following someone, or staring.

The above list is not intended to be exhaustive and harassment can take other forms.

* + 1. The University recognises that specific categories of harassment can be identified depending on the nature of the conduct, such as **Sexual harassment** (where the conduct is of a sexual nature); **Racial harassment** (conduct relating to race); **Antisemitic harassment** (conduct directed towards Jews or related to Judaism or Jewish heritage).
		2. Additionally, the University recognises the terms Harassment ‘by perception’ and Harassment ‘by association’. Harassment ‘by perception’ occurs where a person is subjected to unacceptable behaviour because they are perceived to have a protected characteristic. Harassment ‘by association’ occurs where a person is subjected to unacceptable behaviour because of their association with a person who has a protected characteristic.
		3. For the avoidance of doubt, harassment behaviour which ‘has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment’ (per 5.5) is unacceptable under this policy, even where it does not relate to a protected characteristic and is not of a sexual nature.

**Victimisation**

* 1. There is a specific legal definition of Victimisation within the Equality Act, which specifies that victimisation occurs where an individual suffers detriment because it is believed they have made (or are going to make) a complaint of harassment or discrimination, or it is believed they have given (or are going to give) evidence in connection with someone else’s complaint, or other relevant protected activities.
	2. For the purposes of this policy, the University also recognises a broader definition to encompass unjustified unfavourable treatment on other grounds, as follows:

*Unjustifiably singling a person out and treating them unfavourably based on a characteristic of the person or something they are legitimately entitled to do.*

* 1. Victimisation may therefore occur when a person is subjected to unfavourable treatment *because of* a complaint they have made (per the Equality Act definition, see 5.6), or *because of* a characteristic they have (for example, because they speak with a certain accent; because they support a certain sports team, etc);

**Discrimination**

* 1. Certain forms of unacceptable behaviour can amount to unlawful discrimination. **Unlawful discrimination, as defined within the Equality Act, takes place when an individual is (or a group of people are) treated less favourably than others, or is otherwise disadvantaged, based on a ‘protected characteristic’.**
		1. **In legal terms, direct discrimination occurs where someone is treated less favourably because of one of the protected characteristics compared to someone who does not have that characteristic; this can include association with or a perception of a particular characteristic.**
		2. **In legal terms, indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice which is applied neutrally to all but that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.**

**Intent and Reasonableness**

* 1. The University recognises that individual perceptions of behaviour may differ, which may be due to differences in attitude, values, experience or culture, and what one person may consider acceptable behaviour may be unacceptable to another. This may mean that actions or behaviours from one person that are not intended or foreseen to offend may in fact cause unintended distress to another.
	2. The University accepts that each individual has the right to determine, within the bounds of reasonableness, what is and is not acceptable to them.
	3. The University will apply a test of reasonableness in determining whether conduct amounts to ‘unacceptable behaviour’ under this policy, e.g. whether the distress caused was reasonably foreseeable as a consequence of the behaviour, on a balance of probabilities.
	4. For some matters, it may not be clear in advance that the behaviour would be unwelcome to, or could offend, a particular person, e.g. certain banter, flirting or asking someone for a private drink after work. In these cases, first time conduct which unintentionally causes offence will not normally be considered ‘unacceptable behaviour’ under this policy, but it would become so if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them. A single incident can amount to harassment if it is sufficiently serious.
	5. Conduct which a reasonable person would realise is likely to offend is likely to be deemed ‘unacceptable behaviour’ under this policy without the recipient having to make it clear in advance that behaviour of this type is not acceptable to them e.g. sexual touching without consent.

**General points**

* 1. It should not be assumed that the person alleged to have carried out bullying or other unacceptable behaviour will necessarily be in a position of authority over the recipient. Situations can also occur whereby an individual or group bully someone who is in a position of seniority within the management structure.
	2. Where unwanted conduct, related to a protected characteristic or otherwise, is directed at someone else or no one in particular, but a ‘witness’ finds the conduct offensive, the University accepts that this could provide legitimate grounds for complaint under this policy by the witness.
	3. Where an individual instructs or causes someone else to carry out unacceptable behaviour on their behalf, the actions of all parties concerned may be reviewed under this policy.

# Criminal Conduct

* 1. Some forms of unacceptable behaviour may be considered a civil offence or a criminal offence (or both). Examples may include: assault, sexual assault, damage to property. Where such behaviour has an aggravating factor of race, religion, disability, sexual orientation or transgendered status it may be considered a Hate Crime. Where the conduct might be considered a criminal offence, the University may in some circumstances share information with the police at an appropriate time, ordinarily after discussion with the person who has reported the allegation. Where circumstances give rise to safeguarding concerns, the University’s Policy Regarding Safeguarding of Children, Young People and Vulnerable Adults will be followed, which can be accessed [here](https://www.liverpool.ac.uk/legal/policies/).

# Freedom of Speech and Academic Freedom

* 1. Members of the University community shall be free, within the law, to express views, opinion and hypotheses in the course of their activity.
	2. Freedom of Speech can never be used as justification for making statements/comments which discriminate against or harass, or incite violence or hatred against other people or groups, particularly by reference to protected characteristics.
	3. The [Policy and Code of Practice Regarding Freedom of Speech](https://www.liverpool.ac.uk/policy-centre/governance/policyandcodeofpracticeregardingfreedomofspeech/) sets out the rights and responsibilities of members of the University community in this regard.
	4. Academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges. Academic staff have the right to do so without the fear of being subject to unacceptable behaviour, and without risk of being subject to complaints of unacceptable behaviour, so long as this privilege is exercised responsibly, in accordance with the law, and there is a legitimate academic basis for their actions.

# Reasonable Management Actions

* 1. Members of staff acting in management or supervisory roles on behalf of the University have the right, and responsibility, to give reasonable management instructions to staff, students, customers and visitors (as applicable) within their area of responsibility. Students and staff are expected to follow these instructions without unreasonable refusal.
	2. University Managers have the responsibility to:
* Issue reasonable instructions to staff within their area and expect them to be carried out,
* Set and inform staff of expected standards of performance and behaviour, using Professional Development Review and other relevant management procedures,
* Make relevant management decisions in relation to the implementation of University policies and procedures including those relating to staffing, leave, absence, training, finance, health and safety, planning and operational delivery,
* Take appropriate action in the event of misconduct.
	1. Academic Leads and Student Facing Professional Services Staff have the responsibility to:
* Issue reasonable instructions to students within their area of responsibility and expect them to be carried out,
* Set and inform students of expected standards of behaviour, performance and conditions of use, and using appropriate mechanisms, such as supervision meetings, to achieve this,
* Discipline students for misconduct in accordance with Student Conduct Procedures,
* Implement relevant student policies relating to absence management, conduct, extenuating circumstances, or assessment.
	1. Staff members are expected to carry out these duties in a fair and consistent manner. Carrying out these functions does not constitute unacceptable behaviour. Abuse of this authority may, however, constitute unacceptable behaviour.

#  Malicious Complaints

* 1. Complaints of unacceptable behaviour are taken seriously by the University. Where someone is found to have made false allegations with vexatious or malicious intent, or to have submitted false information, or otherwise acted in bad faith, this may lead to disciplinary action being taken, up to and including dismissal for staff members or expulsion for students.

#  Support and Advice

* 1. It is recognised that experiencing, or being accused of, unacceptable behaviour, can be extremely distressing. The University offers a wide range of support options for staff and students who feel they have been subject to, or who have been accused of, unacceptable behaviour, including practical and procedural advice, and emotional and wellbeing support.
	2. Support and advice *for staff members* is available from: local management; Human Resources (HR Business Partners and/or the Equality & Diversity Team); the University Employee Assistance Programme (including provision for free and confidential counselling support); Conflict Resolution Advisers; Trade Unions representatives (members only).
	3. Support options *for students* include: teams within Student Services including: Advice and Guidance; Counselling Service; the Mental Health Advisory Service; the Advice Service at the Liverpool Guild of Students; the Equality & Diversity Team (part of the Human Resources Department); Halls Wardens/Managers; Student Experience Teams.
	4. For both staff and students, the [Report & Support online form](https://reportandsupport.liverpool.ac.uk/) can be used as a first port of call, to raise an issue and access support (see also 11.3).

Further details of support options for both staff and students can be found in Appendix 2.

# PART 2: Reporting Procedures & Approaches to Resolution

#  Reporting an Allegation, and Resolution Options & Principles

* 1. The University provides both informal and formal mechanisms for the resolution of issues around unacceptable behaviour under both staff and student procedures.
	2. Different procedures apply to students and staff.: Please note, this policy itself will not be used to resolve *formal* complaints, which will be handled in accordance with the relevant separate procedures; the [Staff Grievance Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/grievance/) for staff, and the [Student Complaints Policy and Procedure](https://www.liverpool.ac.uk/student-administration/policies-procedures/complaints/) for students.
	3. Ahead of raising a complaint informally or formally with the University, students and staff members are able to seek advice and support from a range of different sources – See section 10 and Appendix 2. In particular, students and staff members are able to access objective and impartial advice on a confidential basis by completing the [Report & Support online form](https://reportandsupport.liverpool.ac.uk/). Students and staff members should note that the completion of a Report & Support form does not initiate a complaint process (further details of how this can be done are provided below in 11.4 and 11.5). Where a student or staff member completes the Report & Support online form, they will be contacted by a Student Services Wellbeing Advisor (students) or a Conflict Resolution Advisor (staff members), who will be able to provide information on the options available, the support that can be accessed and on University procedures.
	4. **Complaints about unacceptable behaviour made against students**: informal and formal complaints relating to unacceptable behaviour *made by students, staff or third parties against students* should follow the procedures set out in the [Student Conduct Policy](https://www.liverpool.ac.uk/student-administration/policies-procedures/conduct-discipline/). A reporting form for such issues is available [here](https://www.liverpool.ac.uk/media/livacuk/student-administration/sas/studentadministration/studentconductcomplaintsandcomplianceteam/studentconductconcerns_reportingform.pdf).
	5. **Complaints about unacceptable behaviour made against staff**: informal resolution options pertaining to complaints of unacceptable behaviour *made* *by staff members against other staff members* are set out in sections 12 and 13, while formal procedures are handled via the University’s [Staff Grievance Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/grievance/) (see also section 14).
	6. Complaints relating to unacceptable behaviour *made by students against staff members* should initially be considered under the [Student Complaints Policy and Procedure](https://www.liverpool.ac.uk/student-administration/policies-procedures/complaints/). Where it becomes apparent after initial fact finding that the complaint could result in action under the staff disciplinary procedure, the relevant manager should seek advice from HR and the Student Conduct Complaints and Compliance team. Wherever possible, students and staff involved in such complaints should not be required to provide their account to multiple investigations.
	7. Where a student is also a member of staff it should be determined whether the behaviour took place whilst the individual was in the role of staff member or student and the appropriate procedure should be applied. If the student procedures are used, the outcome may be shared with HR to determine whether action is also required in relation to the individual’s staff role.
	8. Where a complaint is made against a member of the University community who is not a staff member or student, or where a complaint is made against a staff member by a third party who is not a staff member or student, neither the staff nor the student procedures will directly apply, but a suitably adapted process will take place as appropriate in the circumstances. In such cases, there will be wide discretion to determine the appropriate course of action and process to follow, according to the circumstances.
	9. Once a complaint has been concluded, the University recognises the importance of clear communication of the outcome both to the complainant(s) and the person/people about whom the complaint was made. The University will therefore, where possible, write to those concerned stating the outcome of the complaint and any resolutions or actions to be taken as a result. The University’s intention is to be as transparent as is appropriate in all the circumstances, but it is also recognised that this must be balanced against the need to have due regard for confidentiality and matters of data protection.

#  Resolution Procedures for Staff

N.B. The following provisions relate to complaints made by staff members against other staff members. Informal and formal complaints relating to unacceptable behaviour made by staff members against students should follow the procedures set out in the [Student Complaints Policy and Procedure](https://www.liverpool.ac.uk/student-administration/policies-procedures/complaints/), using the [Student Conduct Concerns Reporting Form](https://www.liverpool.ac.uk/media/livacuk/student-administration/sas/studentadministration/studentconductcomplaintsandcomplianceteam/studentconductconcerns_reportingform.pdf).

* 1. The University provides both informal and formal mechanisms for the resolution of issues around unacceptable behaviour, but recognises that it is sometimes preferable for matters to be addressed and resolved via informal means where possible, rather than via formal procedures which can become adversarial in nature. The University recognises that informal resolution can be more conducive to relationships being maintained during and after the resolution process, but equally recognises that there may be matters which it would not be appropriate to attempt to resolve informally, such as in respect of a serious assault, and the views of the reporting party will be sought in this regard. NB, the term ‘informal’ is commonly used in employment policies to describe steps that are taken outside of ‘formal’ stages of procedures, and which can sometimes facilitate a swifter and less adversarial resolution (see sections 13 and 14 for further details). The term should not be misunderstood as indicating a lesser standard of resolution in any way.
	2. In accordance with 12.1, it will generally be expected that efforts should be made to resolve issues by the parties concerned through direct, informal discussion at an early stage where possible, and/or through other informal means (see section 13), unless this is not appropriate in the circumstances.
	3. Where it is not appropriate to seek to resolve issues through direct discussion between the parties, or it does not prove possible to resolve matters in this way, formal complaints can be made in accordance with the procedure set out in the **Formal Grievance** section (section 3) of the [Staff Grievance Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/grievance/).
	4. In general, where a person feels they are experiencing unacceptable behaviour, they are encouraged to keep a note of the details and dates of any incidents which have caused them distress, including such details as:
		+ Name of the person causing offence,
		+ Dates, times, and location of incident(s),
		+ Description of the incident(s),
		+ Names of any witnesses,
		+ Other evidence (such as emails, text messages, screen grabs, tweets etc),
		+ Description of the impact the behaviour has had,
		+ Indication of any action taken to resolve the issues (including dates, etc), and the outcome/response from the person being complained against.
	5. Where a complaint is made, it is recommended that advice be taken from the applicable line manager should either party wish to contact the other party(ies) directly. Depending on the circumstances it may be appropriate for contact to be routed through the line manager or another appropriate intermediary.
	6. Individuals are able to access objective and impartial advice on a confidential basis in relation to unacceptable behaviour and support options through a University Conflict Resolution Advisor, by completing the [Report & Support online form](https://reportandsupport.liverpool.ac.uk/). Staff members should note that the completion of a Report & Support form does not initiate a complaint process, but Conflict Resolution Advisors are able to provide advice to staff members, including those who feel they have experienced unacceptable behaviour, are accused of unacceptable behaviour, or have witnessed unacceptable behaviour. Advisors can provide information on the options available, the support that can be accessed and on University procedures (further advice on support options can be found in Appendix 2).

The completion of a Report & Support form does not initiate a complaint process; should a staff member wish to make a complaint, they will be required to follow the procedures as outlined below. Staff members are also able to report incidents anonymously via the Report & Support form, but should note that the University cannot investigate anonymous reports, and it will not be possible to offer support to the person submitting the report where their identify is not provided.

#  Informal Conflict Resolution Options

**Individual Resolution**

* 1. When an individual believes they may be experiencing, or may have witnessed, unacceptable behaviour, they are encouraged to take steps to resolve the matter individually and at an early stage, where possible. Staff members are encouraged to:
* Reflect on the situation and consider whether an objective observer would consider the behaviour to be unacceptable behaviour. It might be helpful to confide in a friend or colleague (although care should be taken not to disclose confidential information – see Part 1, section 4: ‘Confidentiality’), or one of the services listed in Appendix 2. Discussing the situation may provide an objective viewpoint as to whether the conduct is unreasonable, and what the next steps may be.
* Think about what outcome is sought. Does the complainant want an apology; for the behaviour to stop; to be included in group activity? Having a clear outcome will help determine what action might best resolve the situation.
* If the issue is related to the complainant’s work, they should ensure they have clarity over what is expected of them, such as through having a clear role description.
* Individuals are encouraged to raise their concerns with the person directly where it is safe and appropriate to do so, explaining why their behaviour is upsetting, and asking them to stop it. Informal discussion may be an effective means of resolving behaviour which is unintentional, by alerting the person to the impact of their behaviour, enabling them the opportunity to modify their behaviour, and thereby often averting the need to invoke formal proceedings. It may be appropriate for the complainant to inform the person that if the behaviour does not stop, they will consider raising a formal complaint. It is, however, recognised that there are instances where it is not appropriate or individuals will not feel able to raise matters with the person responsible. In particular, individuals are not expected to take actions that they reasonably believe may place them in a dangerous situation, and should instead seek advice from the appropriate sources (see Section 10 and Appendix 2).

**Managerial Resolution (via informal means)**

* 1. Where it has not been possible, or it is not appropriate, to resolve the matter through individual resolution, the individual should raise the matter with their line manager, and this should be done in writing wherever possible to ensure the record accurately reflects the individual’s own views. Where an individual has good reason to raise the matter with someone other than their line manager (such as because the concern relates to the line manager, or because the line manager and the person whose behaviour they are wishing to raise concerns over are close friends), they should raise the matter with the next manager up in the structure. Equally, where the manager feels they have too close a relationship to particular individuals involved in the matter, they may contact their Head of Department (or other relevant manager) to discuss whether it would be appropriate for an alternative manager to take the matter forward (N.B. managers are generally expected to handle cases in their area with professionalism and impartiality, and matters should only be passed to an alternative manager where there are exceptional reasons).
	2. Managers will be expected to discuss the matter with the individual, to understand the issue, what resolution is sought, and to explore what options may exist to resolve the issue. Managers are able to seek advice from their area HR Business Partner in this regard.
	3. Managers and individuals might arrive at a suitable way forward through discussion, and are encouraged to do so. In some cases, some form of generalised, ‘team’ intervention might be appropriate, for example: arranging a training workshop for the team on bullying and harassment, unconscious bias, or other subjects depending on the case, or arranging for bullying and harassment issues, or this Policy, to be discussed at a team meeting to ensure that all members of staff in the team are aware of the principles.
	4. In other circumstances, it might be considered that a structured managerial intervention (outside of use of formal procedures) might be appropriate, and managers should discuss options with their area HR Business Partner. Examples may include;
		1. **Facilitated Conversation**

For the purpose of this policy, the University defines a ‘facilitated conversation’ as being where a third party, usually the relevant line manager, brings the parties together and facilitates dialogue between them to seek to resolve the matter, with the aim to do so in a mutually agreeable way where possible. This can provide a ‘safe-space’ for individuals to express their concerns, and for a candid conversation to take place to explore different perspectives and options to resolve the issue.

Such interactions are a core part of line management, in respect of managing employee disputes within teams. Where a manager considers this an appropriate intervention, individuals would generally be expected to participate, but where an individual does not believe this would be an appropriate option, they should express their reservations to the manager, and may contact their area HR Business Partner if the concerns remain.

As facilitated conversations are intended as an informal intervention, individuals would not ordinarily be permitted to be accompanied at such meetings.

* + 1. **Mediation**

The University describes ‘Mediation’ as an informal process whereby an independent, impartial person helps two or more individuals or groups reach a resolution to an issue that is acceptable to all, through a process of dialogue. Importantly, all parties must also voluntarily agree to take part to have a realistic prospect of succeeding. Mediation cannot be enforced as a compulsory process. The Mediator might be a manager from another team or department, a member of staff from Human Resources, or occasionally an external person (use of an external mediator would incur a charge which would need to be borne by the department).

After an initial briefing, the mediation process will typically start with the appointed mediator meeting each party separately, with a view to subsequently bringing them together to seek to resolve the matter in a mutually agreeable way. All discussions within the mediation process will remain confidential, unless otherwise agreed by the parties.

The mediator will not make judgments or determine outcomes, but will ask questions designed to help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their differences.

The overriding aim of workplace mediation is to maintain and/or restore the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation can take place at any time during a dispute. Ideally, this would happen at an early stage to avoid recourse to formal procedures, but a formal process once started can be put in abeyance while mediation takes place, where it is deemed appropriate to do so by all parties. Mediation can also be used after a formal dispute has been resolved to help to rebuild relationships.

As Mediation is intended as an informal intervention, individuals would not ordinarily be permitted to be accompanied at meetings.

Whether or not mediation is a viable option will depend on the circumstances and an assessment by the appointed mediator. Where this is considered to be viable, all parties must also voluntarily agree to take part.

#  Formal Complaint Process (Grievance)

* 1. Where it has not been possible to resolve the matter informally between the parties, or where it is not appropriate to seek to resolve the complaint using informal means, the individual is entitled to raise a formal complaint in accordance with the procedure set out in the **Formal Grievance** section (section 3) of the [Staff Grievance Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/grievance/). This process may involve a formal investigation being undertaken, which may be followed by a formal Grievance hearing at which the matter will be considered by an independent chair and a determination reached on the case. In some cases, depending on the circumstances, the matter may proceed directly to a Grievance hearing.
	2. In any formal complaint, it is generally important for the person making the complaint to provide the following information where possible:
		+ Name of the person being complained against,
		+ Dates, times, and location of incident(s),
		+ Description of the incident(s),
		+ Names of any witnesses,
		+ Other evidence (such as emails, text messages, screen grabs, tweets etc),
		+ Describe the impact the behaviour has had,
		+ Indicate any action taken to resolve the issues (including dates, etc), and the outcome/response from the alleged perpetrator.
	3. Where an individual is considering making a complaint, they should bear in mind that it will be necessary for the responding party/ies to be provided with details of the complaint in specific terms (usually a copy of the complaint), so that they can understand the complaint and have both a fair opportunity to respond, and the opportunity to modify their behaviour where appropriate.
	4. In exceptional cases it may be necessary to separate those involved in complaints procedures during any period of investigation. In such circumstances consideration may be given, if possible, to one of the parties to a complaint being temporarily transferred or redeployed, asked to work from a different location or, in exceptional circumstances, suspended from work or study. These steps are taken to protect the interests of both parties and do not constitute disciplinary action. The decision as to which individual will be moved in order to affect the separation will be taken with due consideration of the nature of the complaint, the preferences of the individuals concerned, and other objective criteria such as needs of the services performed by staff, and the impact on students. Any arrangements made will be confirmed in writing to the employee(s) concerned and will be kept under regular review.
	5. Where an allegation of unacceptable behaviour is considered to be founded following reasonable investigation, appropriate action will be taken against any individuals responsible for this behaviour. This action may include disciplinary action, with the potential to result in formal disciplinary warnings and dismissal in serious cases.
	6. Where a complaint is not upheld, the parties will be supported to resume work and repair the working relationship.
	7. The Grievance Procedure provides for a right of appeal.
	8. At any stage during a formal process, the parties are able to explore an informal resolution if desired.

# Appendix 1: Related Policies and Procedures

General policies

* [Policy and Code of Practice Regarding Freedom of Speech](https://www.liverpool.ac.uk/policy-centre/governance/policyandcodeofpracticeregardingfreedomofspeech/)
* [Data Protection Policy](https://www.liverpool.ac.uk/legal/data_protection/policy/)
* [Diversity and Equality of Opportunity Policy](https://www.liverpool.ac.uk/hr/diversityandequality/policies/)
* [Equality Framework](https://www.liverpool.ac.uk/hr/diversityandequality/policies/)
* [Policy on the Safeguarding of Children, Young People and Vulnerable Adults](https://www.liverpool.ac.uk/legal/policies/)
* [Personal Relationships Policy *(between staff and students)*](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/relationships/)
* [Social Media Compliance Policy](https://www.liverpool.ac.uk/media/livacuk/computingservices/regulations/social-media-policy.pdf)

Student only policies

* [Student Complaints Policy and Procedure](https://www.liverpool.ac.uk/student-administration/policies-procedures/complaints/)
* [Student Conduct Policy](https://www.liverpool.ac.uk/student-administration/policies-procedures/conduct-discipline/)
* [Policy and Procedure to Determine a Student’s Fitness to Continue in Study](https://www.liverpool.ac.uk/media/livacuk/student-administration/sas/studentadministration/Policy%2Cand%2CProcedures%2Cto%2CDetermine%2Cand%2CSupport%2Ca%2CStudents%2CFitness%2Cto%2CContinue%2Cin%2CStudy%2CAPPROVED%2C2017.pdf)
* [Fitness to Practise Procedure](https://www.liverpool.ac.uk/student-administration/policies-procedures/fitness-to-practise/)
* [Student Charter](https://www.liverpool.ac.uk/media/livacuk/student-administration/student-administration-centre/documents/Student_Charter_final_June_15.pdf)

Staff only policies

* [Staff Grievance Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/grievance/)
* [Staff Disciplinary Procedure](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/disciplinary/)
* [Whistleblowing Policy](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/whistleblowing/)
* [Code of Ethics](https://www.liverpool.ac.uk/intranet/hr/my-hr/information/policies/working/ethics/)

# Appendix 2: Support and Advice

* 1. If you have experienced, or have been accused of, unacceptable behaviour, you can access support and/or guidance on how you might resolve the situation from the following services. The following is separated out into support and advice options for students (14.10) and support and advice options for staff (14.11):
	2. Support & Advice **for Students**
		1. **Report and Support**
			1. Report & Support offers an [online form](https://reportandsupport.liverpool.ac.uk/) for students to report instances of bullying, harassment, discrimination and sexual misconduct. It enables reports to be made anonymously or with contact details. Where a student uses the reporting tool, they will be contacted by a Wellbeing Advisor in Student Services Students should note that the completion of a Report & Support form does not initiate a complaint process; should a student wish to make a complaint, they will be required to follow the procedures as outlined within the normal Policy on Student Conduct and Discipline and Student Complaints Policy and Procedure.
			2. If students do not wish to be named but would still like to highlight an incident of bullying and harassment they can provide anonymous information via this platform. They will be asked for details of the person/people involved, dates, times, location of incidents, description of incidents etc. They can give as much or as little information as they want to. Although the University cannot investigate anonymous reports, the information is still useful because it can alert us to an issue that we may be able to address. Anonymous reports are also stored for data purposes. It can be utilised by students and it is a significant tool in the promotion of safe and inclusive University communities.
		2. **Student Services**
			1. Student Services provides confidential information, advice and support to students studying at the University. The Advice and Guidance Team provide initial advice on welfare issues including bullying and harassment. Other specialist advice services within Student Services include the Disability Advice & Guidance Team, the International Advice and Guidance Team and Money Advice and Guidance Team, Student Conduct, Complaints and Compliance Team.

Tel: 0151 795 1000

Email: advice@liverpool.ac.uk

Web: <https://www.liverpool.ac.uk/studentsupport/advice/>

* + 1. **Student Counselling Service**
			1. The Counselling Service provides confidential counselling and support to help students with personal and emotional problems affecting their studies and general wellbeing. Students can access Single Session therapy or if there are more complex needs long term therapy.

Tel: 0151 794 3304

Email: counserv@liverpool.ac.uk

Web: <https://www.liverpool.ac.uk/studentsupport/counselling/>

**Mental Health Advisory Service**

* + - 1. The Mental Health Advisory Service support students who experiencing existing or emerging mental health difficulties.

Tel: 0151 795 1000

Email: mentalhealthadvisoryservice@liverpool.ac.uk

Web: <https://www.liverpool.ac.uk/studentsupport/mentalhealthadvisoryservice/>

* + 1. **Guild Advice Centre**
			1. Liverpool Guild of Students Advice Centre offers confidential, independent advice to all students on welfare, housing and academic issues.

Tel: 0151 794 6868.

Email: guildadvice@liv.ac.uk

Web: [www.liverpoolguild.org/advice](http://www.liverpoolguild.org/advice)

* + 1. **Diversity & Equality Team (part of the Human Resources Department)**
			1. The Diversity and Equality Team can provide advice on any bullying and harassment situation, in addition to specific advice relating to equality based harassment and other forms of discrimination.

Tel: 0151 794 8453

Email: equality@liv.ac.uk

Web: [www.liverpool.ac.uk/hr/diversityandequality/](http://www.liverpool.ac.uk/hr/diversityandequality/)

* + 1. **Student Experience Team**
			1. Student Experience Teams manages all matters relating to student administration and support within the school including pastoral care and welfare of students, and issues affecting induction, learning and teaching support, extensions, mitigating circumstances and student retention. In Faculty of Humanities & Social Sciences issues of bullying and harassment can be raised with the Learning & Teaching Support Officers in the SE Team.
			2. Alternative names for this service include Student Support Centre, Student Support Team, Student Wellbeing Service, and Pastoral Support.
			3. In the research institutes in the Faculty of Health and Life Sciences a dedicated Student Experience Team may not exist. Some institutes have a Pastoral Support Group/Team which may provide a similar function.
			4. Contact your local Student Experience Team via the contact details in your programme handbook or department website.
	1. Support & Advice **for Staff**
		1. **Conflict Resolution Advisors (via** [**Report & Support**](https://reportandsupport.liverpool.ac.uk/)**)**
			1. If you have been the victim of bullying and harassment, been accused of bullying and harassment, or witnessed bullying and harassment, you can seek confidential advice from one of the voluntary Conflict Resolution Advisors.
			2. The role of the Conflict Resolution Advisors are:
* To provide objective and impartial advice and information to University staff on the University’s Bullying & Harassment Policy and procedures.
* To guide individuals through the informal part of the process and provide information on support available and possible routes of action, depending on their individual circumstances.
* To provide information on the process of formal complaint options.
	+ - 1. The role of the advisors is not to investigate incidents of bullying and harassment, nor do they act as an advocate. Staff and students wishing to make an informal or formal complaint must do so in accordance with the relevant complaint procedure outlined in this Policy.
			2. To contact a Conflict Resolution Advisor, complete the [online form](https://reportandsupport.liverpool.ac.uk/).
		1. **Local Management**
			1. Local managers have responsibility for pastoral care of staff within their management, as well as a duty to uphold the principles within this Policy, and can be approached for advice and support.
		2. **Area HR Business Partner**
			1. The Area HR Business Partners provide advice, guidance and support to managers and staff within their respective area on all employment issues including matters of bullying, harassment.

Contacts: [www.liverpool.ac.uk/intranet/hr/contacts/](http://www.liverpool.ac.uk/intranet/hr/contacts/)

* + 1. **Diversity & Equality Team (part of the Human Resources Department)**
			1. The Diversity and Equality Team can provide advice on any bullying and harassment situation, in addition to specific advice relating to equality-based harassment and other forms of discrimination.

Tel: 0151 794 8453

Email: equality@liv.ac.uk

Web: [www.liverpool.ac.uk/hr/diversityandequality/](http://www.liverpool.ac.uk/hr/diversityandequality/)

* + 1. **Employee Assistance Programme (Validium)**
			1. The Employee Assistance Programme (EAP) is a confidential counselling and information service available to assist staff with personal or work-related problems that may be affecting their health, wellbeing or performance. The EAP can provide advice on Bullying and Harassment in the Workplace, legal queries, telephone and face-to-face counselling.

Tel: 0800 3 58 48 58

Web: [staff.liverpool.ac.uk/our-workplace-and-community/employee-assistance-programme/](https://staff.liverpool.ac.uk/our-workplace-and-community/employee-assistance-programme/)

* + 1. **Trade Union representative**
			1. The Trade Unions provide advice, guidance and support to staff on employment rights including all forms of bullying, harassment and victimisation relating to employment. The University recognises three trade unions, UCU, Unite, and UNISON. Contact details are available from: [Trade Unions - Human Resources Intranet - University of Liverpool](https://www.liverpool.ac.uk/intranet/hr/my-hr/tradeunions/).
	1. **Further support**

In addition to the above, staff and students may wish to note the following internal services and external agencies.

* + - 1. **Campus Support Team**
			2. The Campus Support Service operates to ensure a safe and secure crime-free environment within the University community. They provide advice and support if you are a victim or witness of a crime, 24/7 chaperone service on campus, public disturbances on campus.

Tel: 0151 794 2222

Tel: 0151 794 3252 (Chaperone Service)

Web: [www.liverpool.ac.uk/facilities-management/services/campus-support/home/](http://www.liverpool.ac.uk/facilities-management/services/campus-support/home/)

* + 1. **University Police Officer**
			1. The University has a dedicated Police Officer who patrols on the main campus. This officer is available to offer advice and support regarding any potential crime-related issues on University premises or for general advice on personal safety and the security of equipment.

Tel: 0151 794 3252 (via the Campus Support control room)

* + 1. **External Agencies**
		2. N.B., the external agencies signposted below might be able to provide support to individuals, but it should be noted that these are entirely separate to the University of Liverpool, and the University is not able to provide any warranties as to the availability or quality of service provided;
* Equality & Human Rights Commission [www.equalityhumanrights.com/en](http://www.equalityhumanrights.com/en)
* Anti-Bullying Alliance [www.anti-bullyingalliance.org.uk/](http://www.anti-bullyingalliance.org.uk/)
* Samaritans [www.samaritans.org/branches/samaritans-liverpool-and-merseyside](http://www.samaritans.org/branches/samaritans-liverpool-and-merseyside)
* ACAS [www.acas.org.uk/index.aspx?articleid=1864](http://www.acas.org.uk/index.aspx?articleid=1864)
* Citizens Advice [www.citizensadvice.org.uk/work/problems-at-work/](http://www.citizensadvice.org.uk/work/problems-at-work/)