



## **Policy on Bullying and Harassment**

### **Part 1: Policy**

#### **1.1 Ensuring dignity and respect in the learning environment**

1.1.1 This policy is intended to assist in developing and encouraging a learning environment and organisational culture in which bullying and harassment are unacceptable. The policy explains what bullying and harassment are and what steps individuals can take if they encounter such behaviour.

1.1.2 The scope of the policy includes all members, tutors, employees, volunteers and associates of the Joseph Cowen Lifelong Learning programme.

#### **1.2 What constitutes unacceptable behaviour?**

1.2.1 Definitions.

There are many definitions of bullying and harassment. The Advisory, Conciliation and Arbitration Service (ACAS) has the following:

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment can be defined in general terms as unwanted conduct affecting the dignity of men and women. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Some behaviour can cause offence when there is no malicious intent. The impact of behaviour on the person affected by it is more relevant than the motive behind it. It is relevant to ask the question: Would a reasonable person think that the behaviour amounted to bullying or harassment? In most cases people know, or should know, that remarks or actions are causing offence, and that causing such offence is unacceptable.

One minor incident does not constitute bullying or harassment. However, a series of incidents might do so, particularly where someone has expressed a dislike of such behaviour or has asked for it to stop.

### 1.2.2 Examples

The following list provides a range of examples but is not exhaustive.

- Unwanted physical contact of any sort
- Derogatory remarks concerning performance, personal attributes, opinions or beliefs
- Sexual innuendo
- Unwelcome advances, attention, invitations or propositions
- Suggestive and unwelcome comments or attitudes, insulting behaviour, obscene or offensive gestures, staring or leering
- Offensive or derogatory comments relating to someone's gender, sexual orientation, ethnic or national origin, age, socio-economic background, disability, religious or political beliefs, family circumstances or appearance
- Persistently ignoring, patronising or excluding
- Setting unrealistic or excessive workloads
- 'Cyber-bullying' i.e. by email. Care and sensitivity should be practised with regard to the choice of context and language

## 1.3 Rights and responsibilities

1.3.1 All members, tutors, staff, volunteers and associates of Joseph Cowen Lifelong Learning Centre (see para 1.2) have the right to learn and work in an environment that is free from bullying and harassment.

1.3.2 Everyone has a responsibility to respect the feelings and sensibilities of others in the study/work environment, and to behave in a way that does not cause offence. Sometimes, individuals may be genuinely unaware that their behaviour is causing offence, but it is the duty of everyone to be sensitive to the impact that their conduct may have on others.

1.3.3 Differences in culture, religious and political beliefs, attitudes and experiences, or the misinterpretation of social signals, can mean that what is perceived by the person experiencing the behaviour as bullying and harassment, may not be perceived in the same way by others. It is important to be sensitive to the feelings and reactions of others and adjust behaviour as necessary.

1.3.4 Anyone who sees bullying or harassment happening has a responsibility to take appropriate action.

1.3.5 Trustees of JCLLC-CIO will undertake to respond sensitively and supportively to anyone making an allegation of bullying or harassment

## **Part 2: Procedure**

### **2.1 Introduction and general principles**

The following is a framework for dealing with complaints. Anyone who experiences bullying or harassment will have the support of Joseph Cowen Lifelong Learning Centre in putting a stop to it.

#### 2.1.1 Timescales

Incidents of bullying or harassment should be reported as soon as possible, as memories may fade, and the situation may be easier to deal with as soon as it occurs.

Complaints, either formal or informal, will be dealt with as quickly as is practically possible.

#### 2.1.2 Confidentiality

As a general principle, confidentiality of both parties will be maintained, unless there are unacceptable risks to the complainant, or to others.

If a complainant wishes to remain anonymous, it may not be possible to take action, though it may be possible to address such complaints through indirect methods, e.g. training, awareness-raising, publicising the policy. There is a need to balance individual confidentiality against the nature of the risk.

#### 2.1.3 Statements

If several people are experiencing bullying or harassment from the same source, individual statements should be made. Similarly, if a complaint is made against several people, individual responses should be obtained.

In any investigation, complainants and subjects of a complaint may be accompanied by a representative, friend or colleague.

### **2.2 Procedure for making a complaint**

The onus is on everyone to put a stop to objectionable behaviour as quickly as possible. This may mean choosing an informal route to begin with.

If possible a record should be kept by the complainant of all incidents, including what happened, where, when and whether anyone else was there. Such a record will be particularly useful if it becomes necessary to take more formal action.

### 2.2.1 Informal complaints

The person experiencing bullying or harassment may;

- talk to the person who is allegedly bullying or harassing (consider taking a friend or representative), tell them about their behaviour and ask for it to stop. This should be done as soon as possible. In some cases, the person may be unaware that their behaviour is inappropriate or objectionable, or it may be that their words or actions have been misinterpreted. In such cases, the misunderstanding needs to be cleared up quickly. Even where the behaviour was intentional, a swift and clear indication that it was objectionable may be sufficient to stop it.
- write to the person (keeping a copy), being specific about what is offensive, and ask for the behaviour to stop.
- report the behaviour to a Trustee of JCLLC and ask them to intervene informally.

### 2.2.2 Formal complaints

If the problem is not resolved by informal action, or if informal action is inappropriate, a formal written complaint should be made, in writing, to the Chair of Joseph Cowen Lifelong Learning Centre or to another Trustee. The complaint should contain a description of the incident(s), including date, time, place, witnesses if any, and any previous action taken.

### 2.2.3 Actions of third parties

Someone who is experiencing bullying or harassment but is unwilling or unable to take appropriate action may talk to a fellow member or colleague about it. This person should respect the confidentiality of both parties and provide support. A third party cannot take action on another person's behalf unless explicitly asked to do so.

If however anyone witnesses bullying or harassment they can complain about it on their own account. This would also apply to perceived harassment of a more general nature, such as public disparagement of a group.

## **2.3 Response of JCLLC**

### 2.3.1 Informal complaints

If a Trustee of JCLLC is asked to take informal action, the following steps will be taken:

- The Trustee will contact the person against whom the complaint has been made, explaining the nature of the complaint and who has

made it. The person will be given the opportunity to respond. Any written complaint or written response will be made available to both parties. If he/she acknowledges that the alleged behaviour has taken place, the situation will be monitored to ensure no reoccurrence. He/she will be given a copy of this policy and advised of the procedure that would be followed if a formal complaint were to be made, or if there were to be a reoccurrence of the behaviour.

- If, after separate discussions with the parties involved, it is clear that there are differing views and perceptions of the situation, the Trustee may arrange to meet both parties together. Where this meeting does not lead to clarification or reconciliation, and the matter remains unresolved, the Trustee may consult any witnesses to clarify the situation. Where the Trustee decides that there is substance to the complaint, the person who is being complained against will be asked to ensure no future reoccurrence, and the situation will be monitored.
- The Trustee will provide a record of action taken.
- If the person complained against is a Trustee, the Chair or a fellow Trustee will undertake the informal investigation.

### 2.3.2 Formal complaints

The Chair of JCLLC, or his/her nominee, will investigate all formal complaints of bullying and harassment to decide whether to take further action. Such investigation may include asking the complainant and anyone with knowledge of the circumstances of the alleged offence to attend for interview or to submit a signed statement. Interviewees may be accompanied by a supporter. The Trustee who is undertaking the investigation will inform fellow Trustees that a complaint is being investigated.

JCLLC gives the following undertakings:

- To the complainant – to take the matter seriously, to investigate the allegation thoroughly and, if it is substantiated, to take swift and effective action to prevent a reoccurrence.
- To the person against whom the complaint is made – to investigate impartially, to ensure that the person has the opportunity to be represented, and to give a clear account of the allegation so that a case can be stated and witnesses can be called and interviewed.

2.3.3 Outcomes of a formal complaint. Possible outcomes of a formal complaint include:

- Commitment from the person complained against that the behaviour will stop or that an action will not be repeated.
- Misunderstandings clarified and resolved
- Sanctions imposed.

2.3.4 Sanctions as a result of a formal complaint.

If a formal complaint is upheld, the sanctions that can be imposed include:

- Permanent exclusion from membership of JCLLC and Explore
- For staff, a formal warning or, in the most serious cases or reoccurrence, termination of employment.
- For Trustees, formal warning or, in the most serious cases or reoccurrence, removal of appointment.
- For Trustees, formal warning or, in the most serious cases or reoccurrence, removal of appointment.
- For associates, termination of association.

2.3.5 Appeal

If the person complained against wishes to lodge an appeal, a different Trustee(s) will undertake the appeal process.

## **2.4 Malicious allegations**

Not every allegation of bullying or harassment is well-founded. Malicious allegations (I.e. a complaint with no basis and made with the intention of causing harm) may give grounds for sanctions against the complainant, but this will **not** include ill-founded allegations which were made in good faith.

## **2.5 Records**

- If an informal complaint is found to have no substance, no records will be kept, unless at the request of the individual complained against, in which case the record will be kept for one year.
- If an informal complaint is upheld, or if it is not possible to decide whether there is substance to the complaint, a record will be kept for one year.
- A record of formal action will be kept at the discretion of the Trustees.

## **2.6 Victimisation**

Victimisation or retaliation as a result of action being taken under this procedure is unacceptable and may lead to sanction.

## **2.7 Legal rights**

This document does not prevent JCLLC and Explore members, tutors and staff from exercising their legal rights.