

## King's College

### JUNIOR MEMBERS: HARASSMENT AND BULLYING POLICY

#### 1. Introduction

All current students, Fellows and members of staff belonging to the College are expected to treat others with respect. All are expected to take due care that their actions do not hurt or prejudice others. In addition, all are required to prevent or report cases where others are not treated with proper respect.

This applies, in particular, to harassment or bullying. The College encourages everyone to cultivate an awareness of how their actions affect others and to treat others considerately. The College will take seriously any complaint of harassment or bullying, investigating it properly and taking disciplinary action where necessary. Section 5 below explains how to seek help and section 6 explains how to make a complaint (for help with support and actions to take immediately in the event of a sexual assault, please see the [advice document](#)).

No student, Fellow or member of staff is expected to endure harassment or bullying. Please report your concerns so that the College can take the appropriate actions to protect you.

This document sets out procedures to deal with inappropriate behaviour (including bullying, harassment, victimisation, or discrimination) that may affect the well-being of King's College students (defined here as current matriculated members of King's College). The College is committed to addressing any concerns or complaints appropriately and fairly.

This guidance is intended primarily for:

- i. students who have complaints concerning the behaviour of other students at the College (and who consider that they have been harassed or bullied by another student or students at the College) where the complaint arises within the College teaching, learning, living or working environment; and
- ii. students who have complaints concerning the behaviour of a Senior Member or member of College staff (and who consider that they have been harassed or bullied by a Senior Member or a member of College staff) where the complaint arises within the College teaching, learning, living and working environment.

A Fellow or member of staff who experiences harassment or bullying should refer to the College policy and procedures in the Staff Handbook (under Harassment Policy). If a complaint by a student against a Senior Member or member of College staff is made or upheld, the investigation, penalty imposed upon the harasser, and appeals process will be consistent with that detailed in the relevant handbook (for employees or Fellows) as well as in the College Statutes and Ordinances.

#### 2. University Dignity@Study Policy

The University has its own complaints and review procedure. This concerns complaints, including allegations of harassment or bullying, which arise within the University teaching, learning and working environment. This policy is contained within the University Student Handbook which is available at:

<http://www.admin.cam.ac.uk/global/cgi/pdf/pack.cgi?p=studenthandbook>

If any student of King's College finds that they are experiencing harassment or bullying by someone within the wider University, they should nevertheless seek support from their College Tutor or any of the persons listed in Stage 1 of 5.

#### 3. Prohibited Forms of Conduct

Behaviour is defined as inappropriate if it is unwanted by the recipient, is perceived by the recipient as violating their dignity and / or creating an intimidating, hostile, degrading, humiliating or offensive environment and behaviour that can be reasonably considered as having that effect. Inappropriate behaviour may include a number of specific behaviours such as bullying and harassment.

Harassment includes any action that can reasonably be considered as denigrating or undermining someone. The crucial aspect here is how it is perceived, so everyone should consider carefully how their actions will be interpreted. The harassment or bullying might be on the grounds of sex (including gender reassignment), race, ethnic or national origin, religion or belief, age, disability, sexual orientation, partnership status or socio-economic background.

Bullying is a form of harassment that undermines or intimidates another. It includes unreasonable criticism or demands, physical or verbal abuse, offensive language, or abusive behaviour.

The prohibition on harassment and bullying applies to all activities connected with the College whether on College premises or not. All are required to act in a way that does not bring the College into disrepute. This includes communications, by written or electronic forms, and so includes harassment online and cyber-bullying. All are also expected to act to prevent harassment and bullying from others and should report any matters of concern.

#### 4. Criminal Offences

Some types of harassment may be criminal offences (for example, see <http://www.rapecrisis.org.uk/rapeandsexualviolence2.php>). Students should inform the police about any harassment which they think might amount to a criminal offence. Students may consider doing so themselves or they may prefer to ask someone from the College to assist them. Action by the College in accordance with the procedures set out in this document may take place even if the police decide not to proceed. Equally, in some cases the College procedures may need to be delayed (but the complainant will still be supported during this time) if a police investigation is on-going.

If a student is physically injured in any way in an assault, the individual should seek medical help and advice immediately. It is also important in such circumstances that the police are informed. A student may also seek advice and help from sources of support in College, such as a Tutor, or seek support from external sources such as specialist organisations (eg. the Rape Crisis Centre).

**Allegations of rape and other sexual assaults, as with any behaviour that would constitute a serious criminal offence, should be investigated by the Police and considered by the prosecuting authorities. The College's strong advice is that cases of sexual assault should be reported to the Police who have the authority to question under caution and access to investigatory and forensic resources. The College will not undertake an independent investigation into allegations of sexual assault but will work to support any police investigation.**

#### 5. Recommended Procedure

The College aims to handle complaints about inappropriate behaviour, harassment and bullying in a way that is sympathetic and fair. Informal conciliation can facilitate early resolution, but it is **not** appropriate in all cases. If your complaint is particularly serious, or informal resolution would be inappropriate, you can immediately raise a formal complaint as set out in *Stage 3* below.

##### Discussion and informal resolution

A misunderstanding or disagreement may in some cases be resolved through a calm, honest and balanced discussion between the parties involved. This may be possible if you first receive some advice from an appropriate person such as a Tutor (*Stage 1*); or if you are provided with some assistance in the form of informal mediation (*Stage 2*).

##### ***Stage 1: Discussion***

If you believe that you have been the victim of harassment or bullying you should immediately bring this to the attention of the College. Your Tutor is a natural first point of contact. Equally, you may choose to contact someone else in the College such as another Tutor (for instance, the designated Tutor with special responsibility for Equal Opportunities), the College Nurse, the Chaplain, the Lay Dean, the Head Porter or the Senior Tutor. Appropriate advice and support may then resolve the matter quickly and informally. Your concerns will be treated seriously and sympathetically. You should not suffer harassment without seeking advice and help. You are free to select those whom you find it easiest to speak to.

Persons you could approach:
Your Tutor / A Tutor
The Lay Dean
The Chaplain
The College Nurse
The Head Porter
The Senior Tutor

Contacts for those above can be found on the Intranet or here:  
<http://www.kings.cam.ac.uk/intranet/students/tutors.html>.

If you contact your Tutor, or another of those listed above, you can expect to be given advice on how to proceed; what would constitute an appropriate remedy; and whether there is indeed a complaint to be addressed. You will then be in a position to decide whether, and if so how, to proceed further – you may then choose to discuss the issue directly with the person whose behaviour is the subject of your complaint.

Further support may be available through the sources shown in the advice document provided on the College website (<http://www.kings.cam.ac.uk/files/about/advice-assault.pdf>). The University's advice on dealing with difficult situations – 'Advice for students who feel they are being harassed or bullied' and 'Advice for students who are accused of harassment or bullying' – is also included in the advice document linked above.

### ***Stage 2: Mediation***

If you are unable or reluctant to approach the person you are complaining against directly, the involvement of an appropriate senior member of the College provides an alternative approach.

You may ask your Tutor, or one of the other people at the College who are listed at *Stage 1* above, to help you seek resolution through mediation and/or some form of conciliation.

If a senior member of the College acts as a mediator or conciliator every effort will be made to achieve prompt resolution of your concerns. Both you and all others concerned in the complaint are expected to co-operate in achieving this. If for any reason the informal process does not seem to be working, or is taking an unacceptably long time, either party may withdraw from the process.

## **6. Formal Complaints Procedure**

### ***Stage 3: A formal complaint***

If you are dissatisfied with the outcome of the informal discussion and mediation process outlined above, **OR** your complaint is particularly serious and an informal approach would be inappropriate, you may raise the matter formally. A formal complaint will be investigated independently, thoroughly and without delay with an adjudication reached according to approved procedures under this policy.

If you decide that a formal complaint is appropriate, without first exploring the informal approaches at stages 1 and 2 above, it should be made as soon as possible after the incident or the most recent occurrence of the behaviour that you are complaining against. However, there may be cases in which a complaint is unavoidably delayed. Bullying or harassment can have a serious effect on you and you may not feel able to make a complaint without initial support or counselling.

If you decide to raise a formal complaint in the discussion with your Tutor, or other senior member of the College, you must be clear that this is what you intend. You can however raise a formal complaint without first having discussed it with your Tutor. In any case, your decision to raise a formal complaint must be confirmed by you in writing to the Senior Tutor.

You may also withdraw a complaint or stop the process at any time by stating such intention in writing to the Senior Tutor.

As well as recognising a complainant's feelings and the effect that the alleged behaviour may have had, the formal complaints procedure will need to try to establish facts or the balance of probability in terms of the matters alleged. In assessing and responding to a formal complaint the College will proceed fairly and impartially. The College has a duty of care to all its members, including anyone who has a complaint brought against them. The university's advice to students who feel that they are being harassed as well as its advice to students who are accused of harassment is available here: <http://www.cambridgestudents.cam.ac.uk/welfare-and-wellbeing/dignitystudy#4>

The formal written complaint will normally provide details of any allegations, such as: The name of the harasser; the nature of the harassment and bullying; dates and times where the harassment / bullying occurred; names of witnesses (if any) to the incidents of harassment / bullying; the action (if any) already taken to stop the harassment / bullying.

The investigating fellow/s or the Senior Tutor will provide written confirmation to you at the conclusion of the formal complaints process.

### **Confidentiality.**

All information concerning allegations of inappropriate behaviour, harassment and bullying must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including witnesses, representatives, or friends) must maintain strict confidentiality. There are however limits to how far confidentiality can be maintained. Where criminal offences or serious risks to the safety of the complainant or others are involved, there may be a duty on the College to notify the police and / or other bodies. There will need to be disclosure to those involved in the procedures outlined in this document to the extent that it is needed for the procedures to operate effectively. The anonymity of the individuals involved in any complaint will be preserved as far as possible, but such anonymity cannot be maintained in all circumstances.

### Formal Procedure

I. Both complainant and alleged harasser (which expression shall include anyone accused of bullying or victimisation) should have the opportunity of being accompanied by a Tutor, friend or colleague from the College at every interview at which they are present. This person may support the student but may not represent the student or speak on his or her behalf.

II. The procedure will include the following:

- (i) **receipt** of the initial formal complaint;
- (ii) **investigation** into that complaint;
- (iii) **decision**; and, if appropriate;
- (iv) **disciplinary action**.

### **Complaints Procedure**

III. On receipt of a formal written complaint, the Senior Tutor will nominate one or two investigating fellow/s who will conduct the following procedure (stages *IV. – VIII.* below).

All nominations will be of persons who are able to be independent and unbiased in the circumstances of the case. The Senior Tutor will conduct stages IX -XI. If the Senior Tutor is involved in the allegations or is not otherwise able to be independent, unbiased or able to conduct the investigation then one of the remaining College Officers (comprising the Senior Tutor, Vice-Provost, First Bursar, Dean) shall nominate a substitute person to perform the tasks allocated to that office.

### **Initial Interview with the Complainant**

This part of the process will be conducted by the person/s nominated to investigate matters by the Senior Tutor.

IV. The complainant will, wherever possible, be seen by the nominated investigator and should be told:

- (i) that the matter must be kept confidential at all stages of this process
- (ii) of the proposed procedure
- (iii) of the right to be accompanied by a friend or colleague and, if appropriate, to have a Tutor appointed as counsellor/advisor throughout the process;
- (iv) of the dangers of victimisation

### **Investigation**

- V. If the formal statement of complaint, whether written or oral, is not clear or is in a form which raises questions in the mind of the interviewer/s the investigative stage will be begun by the interviewer/s interviewing the complainant with the object of clarifying what is not clear from the formal complaint. If from this interview any additional detail is forthcoming such detail must be submitted to the alleged harasser. If the formal statement of complaint is clear, the complainant need not be interviewed at this stage.

### **Initial interview with the alleged harasser**

- VI. At this interview the interviewer/s should provide **full details** of the complaint to the alleged harasser. This is best achieved by providing a copy of the complaint. It should be made clear that the matter is confidential, that no decision has been made and that an investigation is being carried out to see whether or not the complaint has substance. The procedure will be explained, the need for confidentiality as will the right to be accompanied by a Tutor, friend or colleague. The dangers of victimisation will also be explained.
- VII. The interviewer/s should then seek to obtain a statement from the alleged harasser, either in writing or by means of a second interview.

### **Witnesses**

- VIII. If there are any witnesses for either party they should now be interviewed by the interviewer/s. They should be told:
- (i) that the matter must be kept confidential
  - (ii) that the College has come to no conclusion on the substance of the complaint;
  - (iii) that their statements will be given (in their entirety or in part or in summary) to the parties involved;
  - (iv) of the dangers of victimisation.

### **The third (and usually final) interviews**

- IX. These will normally take place before the Senior Tutor and / or other nominated person/s. At these interviews it will be usual for the alleged harasser's response and the statement if any of witnesses tending to support that response to be put to the complainant. Any further statements by the complainant or witnesses supporting the statement of the complaint will be put to the alleged harasser. It should be noted that in most cases any statement of either party or of witnesses will have been given to the parties prior to the interview.
- X. It is not always necessary or appropriate that these interviews should take the form of an *inter partes* hearing providing an opportunity for each party to cross-examine the other. Where, however, there is a substantial conflict of evidence between the two parties, or if provocation is raised as a defence or if some other serious challenge to the complainant's evidence is raised such a procedure may be the only way of ascertaining what happened. In any case where there is genuine fear for the well-being of a witness, or others involved a hearing may not take place and the nominated person/s may adjourn to put any necessary questions to the witness in the absence of the parties.

### **Decision**

- XI. Finally, the Senior Tutor and / or other nominated person/s will make a finding upon which will depend whether any further action is necessary.

### **Disciplinary Action**

- XII. In appropriate cases where there has been a decision upholding all or part of the complaint, or (after further investigation if necessary) that there has been victimisation, or where a false complaint has been made which was not made in good faith, then disciplinary action will be taken (for students, see Statutes and Ordinances, [Statute Q "Discipline of Members In Statu Pupillari"](#); for Senior Members, see Statutes and Ordinances, [Statute R "Discipline of Academic Staff"](#), for College staff see the grievance and disciplinary procedure laid down in the [Staff Handbook](#)).

XIII. The subject of such action will be asked to attend an interview (supported by a Tutor, friend or colleague as described above) to make any further representation in relation to disciplinary action before any decision is taken.

### **Protection of complainants.**

The College will take action to ensure that any student raising a complaint or concern related to harassment and bullying, or other inappropriate behaviour, is not victimised or disadvantaged as a result. However, if allegations are proven to be vexatious or malicious, a complainant may themselves be the subject of disciplinary action.

### **Timing**

A formal complaint should be made ideally within seven days of the incident complained of. The alleged harasser should normally be seen for the initial process interview within three days of the receipt of the complaint. A full and considered response to the complaint should normally be completed within 40 days of receipt of the initial written complaint by the Senior Tutor and any subsequent remedy implemented with the minimum of delay.

These timings are for guidance only. Complaints will always be entertained whenever they are received and it may not always be possible to follow the procedural timings. However, everyone is encouraged to try to observe the suggested timings so that the matter can be dealt with speedily and before memories begin to fade.

### **Appeals Procedure**

If the complainant or an individual who receives a warning or is dismissed for bullying or harassment is unhappy with the decision or outcome of the complaint, he or she may lodge a complaint in accordance with the College's complaints procedure (for students, see the [Code of Practice for Student Complaints](#)).

Under the College's policies, there is a right of appeal against a disciplinary investigation, both within the College and to external bodies. This right is explained in the appropriate handbook (student, Fellow or staff).

### **Furthering this policy**

This policy shall be incorporated within the Regulations of the College, and will be published and accessible to all members of the College community via the College website.

The Senior Tutor, Vice Provost and First Bursar will monitor the efficacy of this policy and will periodically review the procedure.

This policy was adopted by King's College Council on the 9<sup>th</sup> June, '15.