

# Dignity at Work and Study Guidance Note

## What to do if you are accused of bullying or harassment - Staff

I have been accused of bullying/harassment – what should I do?

### General

If someone approaches you informally about your behaviour, do not dismiss the complaint because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to themselves and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you, and, an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If someone has contacted you in relation to your behaviour, you should consider whether undertaking some training may be beneficial to help you understand what went wrong. The University has a number of courses which may be helpful and these can be found either on the [Course Booking](#) section of StaffNet. Alternatively, [relevant self-led courses are also available](#).

### The Process

If a formal complaint is made about your behaviour, this will be fully investigated by the University and this may result in disciplinary proceedings. The [disciplinary procedure](#) will be followed and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you, to put your side of the story across and to be accompanied to meetings by a trade union official or colleague. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment have the potential to be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The University will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. During the investigation of allegations, or if complaints are upheld, this will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. The importance of confidentiality will be emphasised to any witnesses.

Wherever possible, the University will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, following a thorough investigation process, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence

and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the University could decide to transfer you to another post.

If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the organisation will investigate and, if appropriate, will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the University has evidence that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the HR department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The organisation will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if possible and appropriate.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the organisation's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim was brought against you. Criminal proceedings could lead to conviction and criminal penalties.