



SUPPLEMENT 2 - DEALING WITH COMPLAINTS UNDER THE EQUAL OPPORTUNITIES CODE OF PRACTICE FOR GRIEVANCE ASSOCIATED WITH DISCRIMINATION, HARASSMENT, BULLYING AND VICTIMISATION

SUPPLEMENTARY INFORMATION TO AID STAFF IMPLEMENTATION

1. INTRODUCTION

- 1.1 This supplement must be read in conjunction with The Equal Opportunities Code of Practice for Grievance Associated with Discrimination, Harassment, Bullying and Victimisation.
- 1.2 It provides explanation and ideas which supports the implementation of the code of practice.
- 1.3 We should be clear that the procedure for complaints (which involve discriminatory behaviour and incidents) against staff and students is not a disciplinary procedure of any kind. Its purpose is to ascertain whether there is a case to be answered.
- 1.4 It is possible that as a result of the Complaints Procedure, recommendations are made to the appropriate manager and if there is a case to be heard the appropriate Disciplinary Procedure may be initiated.

2. CODE OF PRACTICE IMPLEMENTATION AND SCOPE

2.1 Policy Implementation

- 2.1.1 UCB's Code of Practice will be followed when dealing with a complaint of discrimination, harassment, bullying and victimisation.
- 2.1.2 The Disciplinary Procedure will be applied if the complaint is proven.

2.2 Practice

- 2.2.1 Staff, students, and users of UCB will understand that discrimination, harassment, bullying and victimisation will be dealt with under the disciplinary procedures, as appropriate.
- 2.2.2 The possibility that complaints might be brought with mischievous or malicious intent is also recognised by UCB and may provide grounds for disciplinary action against individuals doing so up to and including dismissal from the institution.

3. DEALING WITH INCIDENTS

- 3.1 When reported, complaints and incidents of discrimination, harassment, bullying and victimisation will be investigated and appropriate action taken.
- 3.2 A member of staff should deal with any incident as soon as possible in the context in which it occurred. She/he should make clear UCB's position on the principle of Equal Opportunities.
- 3.3 If a member of staff, for any reason, prefers that the matter be dealt with by someone else she/he should contact the Equality and Diversity Co-ordinator, the Director of Personnel or any member of the Senior Management Team.
- 3.4 The Equality and Diversity Co-ordinator or Director of Personnel should be informed of all such incidents.
- 3.5 Upon being notified of a complaint, the Equality and Diversity Co-ordinator or an appropriate manager (e.g. the Director of Personnel) should arrange to meet the complainant. The Equality and Diversity Co-ordinator or Director of Personnel should also explain the process of investigation to the complainant.
- 3.6 UCB encourages complainants to give their name as this allows UCB to take appropriate action.
- 3.7 Most cases of alleged discrimination, harassment, bullying and victimisation are resolved informally. However, discrimination, harassment, bullying and victimisation may provide grounds for disciplinary action against individuals up to and including dismissal from UCB.
- 3.8 UCB recognises that it has an equal duty of care to both the person making the complaint and the alleged harasser and allegations should be properly and sensitively investigated, focusing on the principle of reasonableness. Support, including counselling, will be therefore offered to both parties.
- 3.9 Cases of alleged discrimination, harassment, bullying and victimisation will be investigated impartially by UCB, which will ensure that the alleged harasser(s), and the person making the complaint, have the opportunity to be represented and to be given a clear account of the allegation so that they may state their case.
- 3.10 Any person making an allegation of discrimination, harassment, bullying and victimisation shall receive a guarantee that the allegation shall be regarded as confidential. A decision to break confidentiality will only be made when those involved with handling the harassment complaint believe there to be an unacceptable risk to the complainant, another person or to UCB itself and only after consultation with the individual concerned.
- 3.11 After the informal investigation, if no satisfactory solution can be found, a formal investigation will be conducted by the Equality and Diversity Co-ordinator or appropriate senior manager. This investigation will make recommendations which may include disciplinary action.

- 3.12 In event that the complaint is proven and warrants disciplinary action the appropriate UCB Disciplinary Procedure will be invoked.
- 3.12.1 Where a student is considered by the investigator to be the perpetrator the Student Disciplinary Procedure will apply. The Procedure can be found in the General Student Regulations or other designated places.
- 3.12.2 Where a member of staff is considered by the investigator to be the perpetrator the Staff Disciplinary Procedure will apply. The Procedure can be found in the Staff Handbook or other designated places.
- 3.13 Both parties will be notified of the decision within 10 working days.
- 3.14 If either party is not satisfied with the decision they may invoke the Disciplinary Appeals Procedure.
- 3.15 UCB will treat as confidential all records concerning allegations or complaints.

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