

# Prevention of Bullying, Harassment and Sexual Misconduct

## Staff Procedure

King's is committed to maintaining a working, learning, living and social environment that is free from any harassment in whatever form that may take and ensuring that all staff and students are treated and treat others with dignity and respect.

King's commitment to the prevention of bullying, harassment and sexual misconduct is outlined on our webpage: [Preventing and addressing bullying, harassment and sexual misconduct | King's College London](#).

King's vision and values are outlined in our [Community Charter](#).

Harassment, bullying behaviour or sexual misconduct of any kind is unacceptable.

All members of the University community have a responsibility for helping to ensure that individuals do not suffer any form of harassment and that they are encouraged and supported in any legitimate complaint.

King's trusts that members of its community will initiate complaints that are made in good faith. Any complaints which are unfounded and/or untrue will be investigated under the appropriate disciplinary procedure.

## Application

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This procedure outlines the informal and formal processes and procedures available to staff who feel they may be subject to any forms of harassment, bullying or sexual misconduct at work. This procedure also outlines what to expect if a complaint is brought against you and what support is in place for those who investigate complaints.

This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. In cases such as these, The Chief People Officer, or their appointee designate, will decide which procedure is appropriate.

## Definitions

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**Disclosure** involves an individual choosing to tell anyone who is part of the university community about their experience of harassment or sexual misconduct.

**Report** is sharing the information with a staff member of the university regarding an incident of harassment or sexual misconduct. The individual is initiating the process by completing a Report and Support.

**Reporting Party** is the person(s) who has been the subject of the alleged incident of harassment or sexual misconduct.

**Reported Party** is the person(s) whose behaviour it is alleged amounted to an incident of harassment or sexual misconduct.

**Investigator:** Where there are grounds for a formal investigation, a colleague who is not connected to the concerns raised, will be appointed by HR to investigate the case.

**Manager** is the appropriate senior colleague, who supported by the relevant HR Business Partner, will oversee the process and outcomes of a formal investigation. Managers could include a Head of Department/School, a senior member of Professional Services or a senior academic colleague.

## Reporting Process

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If you have experienced bullying, harassment and/or sexual misconduct, King's is committed to ensuring that you have the support that you need and to supporting you in remedying these challenges.

Please do refer to the support section of this procedure to ensure you have access to the multiple support avenues available at King's and externally.

Once you have accessed the appropriate support, you may wish to inform King's of the challenges you have experienced, you can choose to inform King's anonymously or as a named party.

### Informing King's anonymously

- **Report and Support**: Colleagues can report incidents of bullying, harassment and/or sexual misconduct anonymously through Report and Support.

### Informing King's as a named party

- **Report and Support**: Colleagues can also choose to submit a report through Report and Support as a named party. When King's receives a named report about a staff member, this is passed along to the relevant HR business partner who will reach out to you to offer further support and guidance. If your report relates to the actions of a student, you may be contacted by a colleague from Student Conduct and Appeals (SCA) as well as/instead of your HR business partner.
- **Speak with your line manager**: If you feel able to, you can speak with your line manager and share your experience with them directly.
- **Contact HR directly through your HR BP**: [HR Business Partnering team \(Faculties\) | King's College London](#) and [HR Business Partnering team \(Professional Services directorates\) | King's College London](#)

If you are reporting alleged bullying, harassment and/or sexual misconduct of a King's student, the student will be supported through the [Prevention of Bullying, Harassment and Sexual Misconduct: Student Procedure](#).

If you are reporting alleged bullying, harassment or sexual misconduct of a King's member of staff the following processes apply.

### **What happens when you make an anonymous report through Report and Support?**

All reports are reviewed by specialist colleagues and assessed for risk. When King's receives two or more anonymous reports about the same incident/individual, these are passed to a HR Business Partner for further investigation.

When you make an anonymous report, King's will not be able to contact you and offer further support or information regarding your report.

If once you've made an anonymous report you would like to change your mind and make a named report, you can do so by submitting a new named report. You are not limited in the number of times you can make a report through Report and Support.

For more information, please read our support article: [How does anonymous reporting work?](#)

### **What happens when you make a named report?**

However you make your named report (through Report and Support, speaking to your manager or your HR business partner) you have the 2 routes that could be appropriate for you to pursue.

In conversation with your HR Business Partner, you will determine which route is most appropriate for your situation.

1. Informal resolution, including mediation and facilitated conversations
2. Formal investigation and resolution, through either the
  - o [Grievance procedure](#) - Research, Teaching-only and Professional Services Staff
  - o [Academic Staff Grievance regulation](#)
  - o [Disciplinary Policy & Procedure: Research, Teaching-only & Professional Services staff](#)
  - o [Academic Staff Disciplinary Regulation](#)

While these are presented in order of formality, one step need not be completed before moving to the next. In many cases, a resolution will be sought for informally or as part of a grievance procedure however some circumstances may mean that a disciplinary investigation is warranted due to the nature of the complaint. For instance, there will be some cases where early intervention is not appropriate or where a complainant may not feel safe or comfortable in engaging in such steps.

## **Resolution and Investigation**

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### **Informal resolution**

Informal resolution is not obligatory and will not always be appropriate, but it can lead to a resolution where an honest and constructive conversation is possible.

Such conversations may enable the person who experienced the bullying or harassment to explain how and why something was hurtful and enable the alleged bully or harasser to understand the consequences of their actions.

If you are unsure of whether you should approach the situation in this way, please seek support from your HR business partner. At no time should you feel obliged to approach an alleged harasser.

### **What happens in informal resolutions?**

Informal resolutions will usually take the form of a conversation between the reporting party and the reported party. These conversations can be supported in the following ways:

- **Mediation:** Mediation is an informal, voluntary process where a neutral third party is appointed to support the parties involved in a dispute in reaching a satisfactory outcome. The purpose of mediation is to create a safe environment where parties can communicate and work towards the restoration of a positive working relationship. Human Resources will arrange mediation if it is appropriate and if all parties are comfortable engaging in it. An individual can request mediation without making a formal complaint.
- **Facilitated conversations:** In some instances, it may be appropriate for a senior colleague, like a team manager, to support informal resolution conversations. If you would like the support of your manager or a senior colleague, to progress your informal resolution, this can be explored with your HR business partner.

### **Formal investigation**

If informal action does not succeed in resolving the situation or would not be appropriate given the nature of the complaint, the Reporting Party should make a written complaint via the appropriate procedure:

- [Grievance procedure](#) (Research, Teaching-only and Professional Services Staff)
- [Academic Staff Grievance regulation](#)
- [Disciplinary Policy & Procedure: Research, Teaching-only & Professional Services staff](#)
- [Academic Staff Disciplinary Regulation](#)

The purpose of a formal investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the Reporting Party.

### **What happens in a formal investigation?**

The purpose of a formal investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the Reporting Party. A formal investigation will usually involve the following:

- Once the case has been reviewed by the HR business partner, they will inform you whether a formal investigation would be appropriate.
- The HR business partner will select an appropriate colleague as the investigator of the case.
- During an investigation, King's will seriously consider requests for changes to working arrangements, such as working hours or place of work, so as to avoid or minimise contact with the reported party.

- The reported party will be provided with a copy of the complaint and given the opportunity to respond. You will be provided with a copy of the response
- The investigator will aim to meet with you within ten working days of receipt of your complaint
- The investigator will meet with the reported party to hear their response, normally within ten working days of meeting with you
- Further investigation may be conducted (including meeting with any witnesses)
- The investigator will prepare a report of their findings and may, if specifically requested to do so by the HR business partner, make recommendations on possible courses of action.
- A copy of the report will be shared with you, normally within ten working days of the close of the investigation, and the following individuals will receive a copy of the report outcome: You, the reported party, respective representatives, relevant line manager(s)
- If you are not satisfied with the outcome, you will be given the opportunity to appeal the decision through the procedure that you issued your complaint.
- During an investigation, King's will seriously consider requests for changes to working arrangements, such as working hours or place of work, so as to avoid or minimise contact with the reported party.

### **What are the possible outcomes of a formal investigation?**

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Manager will either:

1. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties; or
2. Initiate resolution of the issues. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period; or
3. Initiate disciplinary proceedings against the subject where the Manager is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature to warrant doing so. In this event, the Manager will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant colleague; or
4. In rare cases disciplinary or other appropriate action may be instituted against the complainant if the Manager is satisfied that the complaint of harassment is unfounded and not made in good faith; and determine what information (if any) it is appropriate to relay to the other party concerning any steps taken

Following an investigation and whether or not your complaint is upheld, King's will consider how best to manage the ongoing working relationship between you and the reported party. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

### **Appeals**

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## **Right to appeal**

The right to appeal the outcome of a formal investigation procedure is outlined in the relevant policies:

- [Grievance procedure](#) - Research, Teaching-only and Professional Services Staff
- [Academic Staff Grievance regulation](#)
- [Disciplinary Policy & Procedure: Research, Teaching-only & Professional Services staff](#)
- [Academic Staff Disciplinary Regulation](#)

## **Right to a companion**

All employees will be advised of their right to a companion (either a trade union representative, official or another King's employee) at any, formal individual consultation meeting, or appeal hearing.

If the employee wishes to be accompanied, they will need to notify the [HR Business Partnering Team](#) of the name of their companion and if relevant the Trade Union they are from. The employee will be responsible for providing details of the scheduled meeting or appeal hearing and any related documentation to their companion.

If an employee's chosen companion is unable to participate in the procedure within a reasonable timeframe the employee may have their request refused and be asked to find another suitable companion.

If the companion is unavailable at the time scheduled, the employee should propose an alternative time. This should be within 5 working days after the day originally scheduled and should be chosen so that it is mutually convenient to those involved.

The companion will be able to:

- address the meeting to put and sum up the employee's case,
- respond on behalf of the employee to any views expressed, and
- confer with the employee during the meeting, either orally or in writing as may be applicable.

The companion will not be able to:

- answer questions on the employee's behalf,
- address the meeting, if the member of staff indicates that they do not wish the companion to do so, or
- use their position, in a way that prevents the university from explaining their case, or any other person making their contribution.

The employee will not have the right to be accompanied or represented by a barrister or solicitor acting in a professional capacity at any stage during consultation.

## **Support for staff**

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If you have experienced bullying, harassment and/or sexual misconduct King's encourages you to access support. There are many services within King's, and externally, which can support you through this challenging time.

- [Human Resources](#)
- [Employee Assistance Programme](#)
- [Trade Union Representation and Support](#)
- [Occupational Health](#)
- [Staff Mental Health Team \(Thrive\)](#)

For more information on support services and resources please visit our [Report and Support article](#).

## **Reports/Complaints Made Against You**

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If a report has been made against you for bullying, harassment and/or sexual misconduct this report will be taken seriously and investigated through informal or formal channels.

King's encourages you to engage with the following procedures in an open and respectful manner, with an aim of finding a positive resolution.

This may be a challenging time for you and King's has support services available for you throughout these processes (see page 8).

### **What happens when a report is made against me?**

If a report has been made about you, this report will have been reviewed by a HR business partner. The HR business partner will advise the reporting party whether to pursue informal or formal resolution.

Our Report and Support article also provides guidance on [what happens when someone reports me](#).

### **What happens in informal resolution?**

You will be invited to meet with the reporting party and discuss their concerns.

This meeting may be attended by a mediator or a facilitating manager. This will be made clear to you prior to attending the meeting. The purpose of this meeting should be for the reporting party to share their concerns and seek a positive way of moving forwards.

The informal approach is both voluntary and confidential and if it is not possible to resolve an issue informally, the reporting party may decide to pursue their complaint through the formal investigations.

Informal routes to resolution will remain available to members of staff at any point during the formal resolution procedure should they wish to consider them.

Whilst attempting to resolve a complaint informally, you should keep a record of any discussions you have and copies of any correspondence, in the event that follow-up action becomes necessary.

### **What happens in a formal investigation?**

- An investigator will be identified to investigate the case
- You will be provided with a copy of the complaint and given the opportunity to respond
- The reporting party will be provided with a copy of your response
- The investigator will aim to meet with the reporting party within ten working days of receipt of the complaint
- The investigator will meet with you to hear your response, normally within ten working days of meeting with the reporting party
- Further investigation may be conducted (including meeting with any witnesses)
- The investigator will prepare a report of their findings and may, if specifically requested to do so by the HR business partner, make recommendations on possible courses of action.
- A copy of the report will be shared with you, normally within ten working days of the close of the investigation, and the following individuals will receive a copy of the report outcome: You, the reporting party, respective representatives, relevant line manager(s)
- The individual raising the complaint will be given the opportunity to appeal the decision

### **What are the possible outcomes of a formal investigation?**

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Manager will either:

1. Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties; or
2. Where appropriate, initiate resolution of the issues. If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period; or
3. Initiate grievance and/or disciplinary proceedings against the subject where the Manager is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature to warrant doing so. In this event, the Manager will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant college; or
4. In rare cases grievance and/or disciplinary or other appropriate action may be instituted against the complainant if the Manager is satisfied that the complaint of harassment is unfounded and not made in good faith; and determine what information (if any) it is appropriate to relay to the other party concerning any steps taken

Following an investigation and whether or not the complaint is upheld, King's will consider how best to manage the ongoing working relationship between you and the reporting party. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

### **Support for Reported Parties:**

King's understands that this may be a difficult time for you and you are encouraged to make use of the range of support available to you though King's services and external support agencies:

- [Human Resources](#)

- [Employee Assistance Programme](#)
- [Trade Union Representation and Support](#)
- [Occupational Health](#)
- [Staff Mental Health Team \(Thrive\)](#)

## Further Support and Information

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### Staff who have witnessed bullying, harassment and/or sexual misconduct:

If you have witnessed bullying, harassment and/or sexual misconduct, King's offers support and guidance to help you navigate these challenging experiences.

- You can [make a report](#) about what you witnessed through Report and Support (named or anonymous)
- Speak with your manager/supervisor
- [Contact a HR business partner](#)
- [Staff training resources](#)
- [Employee Assistance Programme](#)
- [Occupational Health](#)
- [Staff Mental Health Team \(Thrive\)](#)

### Support for investigators and Managers

All investigators and managers will be fully supported by your HR business partner throughout the investigation.

King's also offers guidance and training through the following resources:

- [Preventing Sexual Misconduct in the workplace](#)
- Staff training modules: [Keeping Each Other Safe \(Staff Course\)](#) includes four online modules of complementary and standalone information:
  - Understanding Harassment, Hate and Sexual Misconduct
  - Responding to Disclosure Effectively
  - Understanding Support Pathways
  - Building a Safe and Inclusive Community
- [Guide for investigators](#)
- [Comprehensive information on King's single-source website](#)

### Protection

As outlined in the [King's Community Charter](#), King's is committed to creating an inclusive, accessible and engaging environment that promotes equality of opportunity for everyone in our community.

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result.

If you believe you have suffered any such treatment you should inform your line manager or speak to an HR Business Partner. If the matter is not remedied, you should raise it formally using the Grievance Procedure.

Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Disciplinary Procedure.

### **Confidentiality**

Information concerning allegations of bullying, harassment and/or sexual misconduct must, so far as reasonably possible, be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction.

Information will be shared on a need-to-know basis, including as appropriate with the Reported Party and services offering support and guidance to Reporting Parties.

Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the University or to external bodies.

Those to whom disclosure may be made outside King's include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts.

King's will not normally report a matter to the police without the Reporting Parties agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.