

## Guidance for those accused of bullying or harassment – advice for UCU members

If you have been told that your behaviour makes someone feel uncomfortable, then you should stop and reflect on what you are doing. Even though your behaviour may seem innocent to you, it is important to consider its effect on others. Referring to someone in a derogatory way, making sexist, racist, homophobic or other offensive remarks, putting your arm around another person's shoulders etc may seem trivial to you but may well be offensive and harassing to others.

If you are told that your behaviour is offensive, you should consider the following points:

**Remember it is the other person's reaction to your behaviour, which is important, not your intention nor the reaction you think they should have.**

- Listen carefully to the complaint and to the particular concerns expressed.
- Stop the behaviour complained of and review what you are doing. It may be you have upset other colleagues who have not complained.
- If you do not understand the complaint, discuss the matter with your UCU representative or someone else you trust.
- If you are found to have bullied or harassed someone after their objection to your behaviour was made known to you, the fact that you persisted will make the offence more serious if disciplinary proceedings commence.

If you are convinced that you are being unjustly accused, and/or that the complaint is malicious, you should:

- Contact a branch/local association (LA) officer. It may be that an informal discussion between you, the person alleging ill-treatment, and a third party will solve the problem.
- If this does not occur, and it is clear that formal proceedings will ensue, ask for UCU representation. A branch/LA officer or official may agree to advise you though if your actions were as a manager it may be more appropriate that HR initially advise you.
- You should gather evidence in your defence, including witnesses.

If the outcome of a formal hearing is to find you guilty of bullying or harassment, UCU may then represent you through any internal procedures for appeal. However, you should be aware that UCU may decide not to support you further (unless the representatives are

convinced that a miscarriage of justice has occurred) beyond advising you of your legal rights.

### **If one UCU member accuses another UCU member**

A particularly difficult situation may arise where one UCU member is making allegations against another UCU member. In those situations both members may be entitled to representation from UCU. In some situations – for example where a manager is accused of bullying - it is important to be clear what role HR (rather than the union) ought to play in providing advice to a member who in their managerial role is accused of bullying. Advice from your regional office ought to be sought in such circumstances.

### **If a UCU representative is accused of bullying and harassment**

It is not unknown for UCU representatives to be accused of bullying when what they are actually doing is vigorously defending members or challenging false allegations or unfair process. If a member is facing disciplinary action on the basis of allegations which the member and representative believe or know are false, then challenging them can necessarily involve questioning the veracity of the person making them.

Moreover, colleges and universities must always be places where honest intellectual debate, often vigorous, takes place. In making such challenges, of course, gratuitous personal insults or threats are not appropriate.

If an allegation of bullying or harassment is made which concerns how you as a UCU representative are conducting a grievance, a disciplinary case or other negotiations you should take immediate advice from a senior branch or LA official, or the regional office. If there is any suggestion that you face any allegations arising out of your role as a UCU representative you should immediately contact your UCU regional office.

If the allegation is made during a meeting you may need to adjourn the meeting to take such advice. Inappropriate behaviour by a UCU representative is not acceptable but the vigorous defence of a member, advocacy of a case, or challenge to management is certainly not bullying, though it is unfortunately not unknown for such allegations to be made to deliberately undermine a representative's credibility. It is unlawful to victimise a UCU representative as a result of them undertaking their duties in representing members.