

Dignity at The ICR Policy

Addressing incidents of harassment, discrimination, bullying, sexual misconduct and victimisation

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1. Introduction

1.1 Purpose and Context

The mission of the Institute of Cancer Research (ICR) is to make the discoveries that defeat cancer and it does this through conducting cancer research to the highest standard, training the next generation of cancer researchers and clinicians, and by maintaining a world-class environment. We seek to attract, retain, motivate and enable the best people to foster a climate of innovation, excellence and collaboration so that ICR's mission can be successfully delivered.

The ICR recognises the need to ensure that people feel secure and are appropriately supported.

The ICR believes that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect. An environment that [values everyone](#) and where everyone is treated with dignity and respect. We do a lot to support our inclusive culture, and you can read more about this in our Equity, Diversity and Inclusion policy.

We do not tolerate bullying, harassment and/or victimisation and we expect everyone working at or studying with the ICR, as well as ICR visitors and guests, to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment and/or victimisation.

This policy supports this aim by setting out the preventative steps we will take and how we will investigate and deal with complaints of bullying or harassment, and how we support those affected, should it occur.

1.2 Freedom of speech and academic freedom

Freedom of speech and academic freedom are protected by law though these rights must be exercised within the law.

This policy is not intended to inhibit or sanction the lawful expression of views, including protected beliefs under the Equality Act 2010. Lawful academic or personal expression of such views, in a respectful and non-threatening manner, will not of itself be considered bullying or harassment.

Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

In addition, legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

1.3 Five Key Points of this policy

1. This Policy details the ICR's 'zero tolerance' approach and the proactive steps being taken to prevent all forms of bullying, harassment, and sexual misconduct, including our [Supportive Workplace and Active Bystander training](#) for staff and research students (in accordance with the requirements set out in The Worker Protection Act 2023 and the Office for Students Conditions).
2. It explains our personal responsibility to treat each other with dignity, respect, courtesy and consideration at all times and to challenge inappropriate behaviour.
3. It advises how you can informally or formally address issues with bullying, harassment, sexual misconduct, and/or victimisation should they occur, provides definitions of what is covered, and describes the support available and how all aspects of investigations into complaints will be managed.
4. It promotes the early resolution of inappropriate behaviour wherever possible and appropriate, to prevent the psychological, health, and work related problems such behaviour can cause.
5. It highlights [Report + Support](#), the additional reporting route available which provides the choice for concerns to be raised anonymously or with contact details provided to enable further follow-up.

1.4 Scope

This policy applies to anyone working or studying at the ICR. This includes employees, workers, contractors, students, interns and apprentices. This policy also relates to job applicants and is relevant to all stages of the employment relationship. In addition, this policy applies to bullying or harassment by third parties.

Where a complaint of bullying or harassment concerns an individual who is not employed by or registered at the ICR, this policy will apply with any necessary modifications (i.e. in the case of a partner employer, the partner employer will be called upon to investigate and take appropriate action).

Anyone seeking advice on this policy and procedure should contact either [Human Resources](#) (if staff) or [Registry](#) (if a student). In the event of a concern or complaint involving both staff and students, HR and Registry will collaborate on the management of this procedure.

Taught course students should consult the MSc in Oncology Student Handbook for details on support available to them and contact Registry for further details on any of the other policies referenced in this policy.

This policy is not contractual, does not form part of individuals' contracts of employment and may, after consultation with the Union, be amended from time to time.

2.0 Preventing Bullying and Harassment

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:

- ensuring all new starters complete equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme. All new employees and research students will complete the [A Supportive Workplace & Active Bystander](#) training, and taught course students will be directed to training material on the ICR's digital learning platform;
- requiring everyone to complete regular refresher equality, diversity and inclusion training and anti-bullying and anti-harassment training at least once every two years;
- providing support and additional training for line managers, and staff who deal with students, to ensure that they understand how to implement this policy

effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace and educational environment (and by third parties that we have contact with);

- encouraging individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment initiatives by attending events and workshops organised by the ICR and/or employee support groups to educate themselves on the challenges faced by others and how to help alleviate these in the workplace;
- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee support groups to identify and address any issues;
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and educational environment; and
- ensuring that our zero tolerance approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and students (and third parties that we have contact with).

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work and study better because they can be themselves and feel that they belong.

We are committed to providing a safe and respectful workplace and learning environment and promoting an environment based on dignity and trust, and one that is free from discrimination, harassment, bullying, sexual misconduct, or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation. The same is true for students in a toxic learning environment.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment. This includes all forms of sexual harassment.

3.0 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your place is at the ICR, whether employee or student, this is part of your role.

Any dealings you have with third parties, including clients, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. (For more information on discrimination and victimisation, please refer to our Equity, Diversity and Inclusion policy).

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our [Disciplinary Policy](#), up to and including dismissal. Students will be dealt with under the [Student Disciplinary Procedure](#).

You should be aware that you can be personally liable for harassment.

If you witness or experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support. We all have a responsibility to cultivate an inclusive environment – both through our own behaviour and also through identifying and challenging unacceptable behaviour in others, in our role as an Active Bystander.

4.0 Definitions

4.1 Harassment

In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Harassment and [bullying](#) are often confused. Bullying behaviour can be harassment if it meets the definitions outlined.

It's possible that serious harassment could also be a [hate crime](#).

4.2 Harassment related to a protected characteristic

This type of harassment is unwanted behaviour related to any of the following protected characteristics

disability	marital or civil partnership status	religion or belief
sex	pregnancy and maternity	sexual orientation
gender reassignment	race	age

To be harassment, the unwanted behaviour must have either:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

By law, whether someone's behaviour counts as harassment depends on:

- the circumstances of the situation
- how the person receiving the unwanted behaviour views it
- if the person receiving the behaviour is 'reasonable' to view it as they do

4.3 What unwanted behaviour is

Unwanted behaviour can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

4.4 Who the law on harassment applies to

The law on harassment related to a protected characteristic applies when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a certain protected characteristic when they do not

- is harassed because they have a connection with someone with a certain protected characteristic
- witnesses harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

Examples of harassment

Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples may relate to:

- unwanted physical behaviour, for example, pushing or grabbing;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- derogatory or offensive comments about religion;
 - unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
 - "outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out" someone;
 - consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
 - excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

4.5 Sexual harassment

The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment. Similarly, higher education providers must do likewise in respect of education environments and have a duty to maintain the safety and wellbeing of their students.

Examples of sexual harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

4.6 Sexual Misconduct or Assault

Sexual Misconduct

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include sexual harassment, sexual violence, intimate partner violence, sexual assault, rape, grooming, coercion or bullying with sexual elements, sexual invitations and demands, comments, non-verbal communication, creation of atmospheres of discomfort, and promised resources or advancement in exchange for sexual access.

The term 'sexual harassment' captures only some of the possible abuses of power that may occur. Sexual misconduct more specifically raises issues of unequal relationships, consent, and the prevention of equal access to education, opportunities and career progression.

Sexual assault

Sexual assault is a criminal offence. A person commits sexual assault if they intentionally touch another person, the touching is sexual, and the person does not consent.

It involves all unwanted physical contact of a sexual nature and ranges from pinching, embracing, groping and kissing, to rape and sexual assault which involves penetration without consent.

Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. A person is free to make a choice if nothing bad would happen to them if

they said no. Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice.

4.7 Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

4.8 Less favourable treatment as a result of harassment

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment.

4.9 What the law on harassment does not cover

The law on harassment does not cover the protected characteristics of:

- marriage and civil partnership
- pregnancy and maternity

If someone experiences worse treatment because of having one of these protected characteristics, they might have experienced direct discrimination. .
If someone who's pregnant or on maternity leave experiences unwanted behaviour, this could be harassment related to sex.

4.10 Other kinds of harassment

Under the Protection from Harassment Act 1997 (PHA) there is a type of harassment which is separate to the 3 types of harassment under the Equality Act 2010.

This is behaviour that *causes alarm or distress* but is not necessarily related to a protected characteristic. It includes stalking. It can be a criminal act.

Under the PHA, a person must not:

- 'pursue a course of conduct that amounts to harassment of another and
- which they know or ought to know amounts to harassment'.

Case law suggests that the behaviour must be found to be oppressive and reach a level of seriousness beyond irritation, annoyance, and even a measure of upset, that arises occasionally in everyone's day-to-day dealings with other people. The harassment should take place on at least two occasions and the incidents of harassment could have happened recently or months apart and include things that the abuser has said as well as done.

4.11 Hate Crime

In England, Scotland and Wales, any criminal offence can be a hate crime if someone is targeted because of:

- disability
- race
- religion
- sexual orientation
- being transgender

For example, hate crimes could include:

- physical violence
- sexual assault
- verbal abuse, for example racist or homophobic abuse
- threats of violence
- online abuse
- damage to someone's property
- inciting or stirring up hatred

It can still be a hate crime if there is a mistake about someone's identity. In England (and Wales) the laws that cover hate crime are the Crime and Disorder Act 1998 and section 66 of the Sentencing Act 2020 .

If you think you've been the victim of a hate crime at work, you should seriously consider reporting it to the police. However, nobody can force you to report it, it is your choice.

4.12 Antisemitism

The ICR has adopted the International Holocaust Remembrance Alliance working definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

5.0 How to raise a bullying and harassment concern

The procedure for raising a bullying and harassment concern are detailed [here](#), along with a [procedure flowchart](#).

6.0 Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

Some of the support resources available to you include:

- A network of [Wellbeing Champions](#) – members of staff and students who have are available to listen and signpost to support;
- The recognised [Trade Union](#), which has accredited representatives able to support their members;
- [Human Resources](#) (if an employee) or [Registry](#) (if a student);
- Line managers or supervisors. Where this is inappropriate (i.e. because the line manager is involved), advice may be sought from another manager;

- A free, independent and completely confidential [Employee and Student Assistance Programme](#), providing information, advice and support to staff and students;
- [Report + Support](#) provides an alternative, safe and secure way for staff, students and visitors to report any concerns about unacceptable or inappropriate behaviour in confidence. This can be done anonymously, or name and contact details can be provided so that a member of Human Resources or Registry can follow up directly on the concerns raised.

MSc students can contact Registry for further details on any of the above.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to working or studying arrangements during our investigation into the matter.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager or the HR/Registry team as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned, including any third party. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate. Equivalent arrangements can be considered for students.

Details of further ICR support and external agencies also providing support are available from the HR team.

7.0 Sensitivity and Confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may instigate disciplinary processes against you (or other appropriate action for non-employees).

8.0 Consequences of breaching this policy

If, following a formal investigation, and taking due regard of the rights to freedom of speech and academic freedom, we find that you have committed, authorised or

condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). You should be aware that any aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

Anyone who complains or takes part in good faith in a bullying, harassment or sexual misconduct investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we may instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

If you are an employee, please refer to our [Disciplinary Policy](#) for further information. Students should refer to the [Student Disciplinary Procedure](#) for further information.

9.0 Data Protection

We process personal data collected in relation to bullying or harassment complaints in accordance with our [Data Protection Policy](#). In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation.

You should immediately report any inappropriate access or disclosure of employee data in accordance with our [Data Protection Policy](#) as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

Meetings held as part of this process will not normally be recorded electronically. This is to encourage openness and full participation by all parties during meetings. However, in certain limited circumstances - where, for example, an employee or student has a disability and it is considered appropriate as a reasonable adjustment, the ICR may permit the meeting to be recorded electronically. Any party wishing to record proceedings must provide reasonable notice of their request in advance of the meeting and seek the consent of all participants *before* the recording begins. Covert recordings made by any party are not permitted and such recordings may be considered as potential gross misconduct.

The ICR will maintain appropriate records of its decisions about the steps it will take to protect students and staff, including factors taken into account when making decisions. These records will be maintained in compliance with data protection legislation.

10.0 Monitoring and review

If policy provisions appear to conflict, the ICR will:

- Uphold the lawful right to freedom of speech and academic freedom, in line with Section 43 of the Education (No. 2) Act 1986 and Article 10 of the ECHR;
- Apply a proportionality test before restricting speech.

We analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis to assess the impact of this policy and our wider equity, diversity, and inclusion strategy. This data is anonymised and published on a quarterly basis.

We undertake evaluation of the effectiveness of the steps taken to make a significant and credible difference in protecting employees and students from behaviour that may amount to bullying and harassment and reviewing and adjusting our approach as appropriate.

Appendix 1: Bullying and Harassment Procedure

1.0 How to raise a Bullying and Harassment concern

Anyone can report a harassment issue they have seen or heard at work or in a learning environment, even if it's not directed at them.

Alternative Reporting Route – Report and Support

In addition to the processes set out in this policy, the ICR also offers an alternative, safe and secure way for employees, students and visitors to report any concerns about unacceptable or inappropriate behaviour in confidence – through [Report + Support](#).

This can be done anonymously, or your name and contact details can be provided so that a member of [Human Resources](#) or [Registry](#) can follow up with you directly on the concerns you have raised.

1.1 Informal Process

Informal direct approach

If you feel that you are being subjected to inappropriate or unacceptable behaviour, for example bullying, discrimination or harassment, you should, if possible, approach the other party informally, in a constructive manner, at the earliest opportunity, explain that you perceive their behaviour to be unacceptable and that they would like them to alter this.

The approach may be made in person or in writing. You should give specific examples of the unwanted behaviour and explain why this has made you feel uncomfortable. In many cases this may resolve the issue without any further action being taken and it may be possible to agree a constructive way of working in the future.

You may seek support in formulating what you want to say, either in writing or verbally to the other person, from a number of sources including your manager, a colleague, HR team (or Registry team if a student) or a [Trade Union](#) representative (if a member) for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Informal approach with support

You may feel unable or reluctant to approach the other party on your own. If so, you may obtain advice or ask for support your manager, a colleague, HR (or Registry if a student) or a [Trade Union](#) representative (if a member), to ask for help in achieving an informal resolution of the problem.

The manager (or other individual from whom help has been requested) may meet separately with you and the person about whom the complaint has been made to discuss the situation. They will establish the circumstances, the impact that you consider the situation has had on you, any steps already taken to address it, and the response of the person about whom the complaint has been made. You are encouraged to keep a record of any examples of the unacceptable behaviour that can support your complaint during the course of these discussions.

The manager (or equivalent) will then seek to agree a course of action with you. Wherever possible, resolution will be sought through informal means. This will usually involve a meeting between you and the person about whom the complaint has been made, which may be facilitated by your manager and, if appropriate, HR (or equivalent for students).

The spirit of such a meeting should not be one of accusation, but of attempting to raise awareness, increase understanding of and demonstrate why distress may have occurred as well as exploring how such incidents might be avoided in the future. If a successful resolution is achieved, HR may keep a confidential record.

Where mediation is considered to be appropriate and where both parties agree to participate, the Manager (or equivalent) may refer the case to HR to facilitate a mediation service.

The mediation process itself is entirely confidential to the participants.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our [Employee and Student Assistance Programme](#) (ESAP). You can use our ESAP to speak to an independent adviser on a confidential basis about any issue that is troubling you.

Alleged Bully/harasser is a third party

Bullying and harassment by third parties, such as clients, suppliers and/or contractors, will not be tolerated.

If you are experiencing bullying or harassment by a third party, we encourage you to report this to your manager or the HR (or Registry if a student) team without delay so that they can advise and support you on the best course of action.

1.2 Formal Process

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager (or other individual as appropriate). If your complaint is about your line manager, you should raise this with a more senior manager. If for any reason you are unable to approach your line manager or a more senior manager, you can speak to the HR department (or Registry, if a student).

If your complaint relates to bullying and/or harassment, you should do so under this policy because it is specifically aimed at dealing with such issues.

Under the formal procedure within this policy, we (the ICR) will usually:

- ask you to set out your complaint in writing and include as much detail as possible, for example the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far;
- hold a meeting with the alleged bully/harasser to ascertain their response to the allegations;
- carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
- invite you to a meeting to discuss your complaint in full and where you will have the right to be accompanied by a colleague or trade union representative (or Registry, if a student);
- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- consider all the evidence in full and make a decision; and
 - inform you of our decision and advise on recommendations for follow on actions – normally within 14 days of receiving your written complaint.
 - Where appropriate, a facilitated meeting might be offered to help support a discussion on achieving a satisfactory resolution, or professional mediation services might be offered, depending on the nature of the allegation/s. Training may be identified as necessary. We may also instigate disciplinary proceedings against the alleged bully/harasser.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

Intent and context will be assessed, noting that the threshold for action is set higher than annoyance or offence alone and academic freedom will also be protected where examples relate to debate or discussion on contentious topics.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations, and we will discuss this with you.

It should be noted that any judgements reached as part of an investigation do not constitute a legal ruling on whether or not criminal activity has taken place.

The ICR will never enforce non-disclosure agreements with employees or students and will never impose any provision that would prevent or restrict any member of staff from disclosing information about an allegation of harassment and/or sexual misconduct to anyone.

1.3 Appeals

If you are not satisfied with the outcome of the formal process, you have the right to appeal.

Should you wish to appeal, you should write to the Human Resources Director setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and no longer than ten working days after we inform you of the decision.

An appeal manager will be appointed and will arrange a meeting with you to discuss your appeal in full and to try and reach a satisfactory solution. You must take all reasonable steps to attend this meeting, and you may be accompanied by a colleague or trade union representative (or Registry, if a student).

The appeal manager will write to you to confirm the outcome of the appeal, normally within 10 days of the appeal hearing. The outcome of the appeal hearing will be final.

2.0 Fact Finding Investigations

We understand that in certain cases particularly where a complaint relates to sexual harassment or some other form of inappropriate and/or sensitive behaviour, you may not feel comfortable in putting your formal complaint in writing and that you may, for example, have decided to speak to a member of

management or HR (or Registry, if a student) about the matter instead or have submitted your complaint anonymously using the [Report + Support](#) service.

Where this occurs, the ICR may decide to carry out an investigation regarding your complaint in the form of a “fact finding investigation”.

When the complaint is not anonymous, the fact finding investigation may involve someone from the HR team (or Registry, if a student) meeting with you to consider how best to take your complaint forward. An Investigation Manager (from a different work area) may also be appointed to investigate the allegations.

You will be entitled to be accompanied at any fact finding investigation meeting by a recognised trade union representative or ICR colleague (or Registry, if a student).

The fact find investigation will seek to establish the nature of your complaint; who the complaint is about and any witnesses that may be relevant to speak to. It will also be used to determine what appropriate next steps the ICR should consider taking. If the allegations you raise are of a sufficiently serious nature, it may be that the ICR will need to consider taking appropriate steps such as those in accordance with the ICR [Disciplinary Policy](#) or [Student Disciplinary Procedure](#).

You will receive regular updates as the investigation progresses and once concluded, outcomes will be communicated clearly and promptly, laying out appropriate levels of detail while respecting confidentiality.

We will seek to ensure that those directly affected by any decisions made – those who have alleged and/or experienced incidents of harassment or sexual misconduct, witnesses, and/or alleged or actual perpetrators – are in practice provided with sufficient information to understand the decisions and the reasons for them.

You may be asked to participate in a subsequent disciplinary process, dependant on the case specifics; full support will be provided to you.

Please note that this alternative fact finding process is to be used in *exceptional circumstances only*. You are encouraged to raise a complaint informally and/or formally as detailed in [‘How to raise a Bullying and Harassment concern’](#).

3.0 Criminal Investigations

Where the allegations in your complaint or appeal involve a potential criminal matter, the police may need to be contacted. For example, if there is an ongoing risk to your safety or other people.

If we are going to contact the police, we will:

- talk with you about it first
- let you know once you've reported it to the police.

In this scenario, an internal review will be undertaken to determine when any ICR internal processes can commence, pending a potential police investigation.

Appendix 2 – Bullying and harassment procedure flowchart

