

Queen's University Symphony Orchestra (QUSO)

Bullying & Harassment Policy



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1. Introduction

1.1. Queen's University Symphony Orchestra is an international group that is both multi-cultural and diverse. All members of the Orchestra and guests to the Orchestra are to be treated with dignity and respect. The Orchestra is committed to promoting a good, respectful, and harmonious working environment in which no member feels bullied, under threat or intimidated. The Orchestra recognises that bullying and harassment can adversely affect a member's work, morale and/or health. The Orchestra believes that bullying and harassment are unacceptable and will, through its policies, strive to prevent bullying and harassment occurring, and undertakes to investigate complaints of bullying and harassment promptly and effectively. The Orchestra expects any witnesses to co-operate with the investigation. It is the duty of members and guests to give evidence if called upon.

1.2. What is Bullying?

1.2.1. There is no legal definition of bullying, but it is generally accepted that bullying includes offensive, abusive, intimidating, malicious or insulting behaviour and which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their ability and confidence.

1.3. What is Harassment?

1.3.1. Harassment* is defined in equality legislation as "unwanted conduct" related to religious belief; political opinion; sex; gender reassignment; race; sexual orientation; disability; or age, which has the purpose or effect of violating a person's dignity or of creating an intimidating hostile, degrading, humiliating, or offensive environment for that person.

*A Unified Guide to promoting Equal Opportunities in Employment (Equality Commission for Northern Ireland)

1.3.2. Harassment as defined in the equality legislation will amount to unlawful discrimination.

1.4. Forms of Bullying and Harassment

1.4.1. Many forms of behaviour can constitute bullying and/or harassment; these are just some examples:

1.4.1.1. physical contact ranging from touching to serious assault

1.4.1.2. verbal and written harassment through jokes, racist, sexist, or sectarian remarks, homophobic comments, comments about a person's disability, offensive language, gossip and slander, sectarian songs, mobile telephone ring tones, threats, letters, emails, or any form of cyber bullying through the internet or social networking sites

1.4.1.3. visual displays of posters, graffiti, obscene gestures, flags, bunting, pictures, emblems, or any other offensive material (including the use of email or mobile devices to send or view such material)



- 1.4.1.4. isolation or marginalization at work, exclusion from work related social activities, being persistently overruled or excluded from work activities
- 1.4.1.5. coercion, including pressure for sexual favours, pressure to participate in political or religious groups
- 1.4.1.6. intrusion by pestering, spying, following etc.
- 1.4.1.7. humiliation, intimidation, action which demeans or undermines the individual e.g., shouting, swearing, excessive and persistent criticism, insults
- 1.4.1.8. undignified treatment, ridicule, marginalisation of an individual for any reason
- 1.4.1.9. non-co-operation, withholding information, sabotaging, or impeding performance, e.g., removing areas of responsibility and imposing menial tasks, setting unrealistic deadlines for the workload in question, increasing responsibility whilst decreasing authority, persistently undervaluing effort or repeatedly changing guidelines or deadlines.

1.4.2. The Orchestra is committed to discouraging all forms of harassment and bullying. Where any of the above behaviour is related to an equality ground covered by anti-discrimination legislation, this will be considered as harassment.

2. Time Limits

2.1. Under this procedure complaints will not normally be investigated unless they are brought within 3 months of when the complainant had knowledge of (or can reasonably be expected to have knowledge of) the act(s) complained of, or the last of a series of such acts. However, the relevant Committee member whose role is outlined at paragraph 3.2 may consider a complaint which is out of time if it is considered just and equitable to do so, or it is believed to be in the interests of the individual and/or the Orchestra.

3. Making a Complaint

3.1. Any member who believes they have suffered any form of bullying or harassment is entitled to raise the matter through the following Orchestra procedure. (For the purpose of clarity any reference below to harassment or harasser should be taken to include bullying or bully).

3.2. An individual's complaint will be examined as quickly as possible with a view to resolution at as early a stage as possible.

3.3. At all stages of the procedure, the complainant (and any person against whom the complaint lies) will be given the opportunity to state his or her case and have the right to be accompanied by a fellow QUSO member.

3.4. The member may normally request one adjournment on the grounds that they are unable to arrange representation for a hearing, or that on reasonable grounds they require more time to prepare their case.



4. The Informal Stage

- 4.1. It is hoped that all complaints can be resolved informally between the parties without recourse to the formal procedure.
- 4.2. A member can seek to resolve matters informally by:
 - 4.2.1. approaching the QUSO Committee Safeguarding Team and requesting that they deal with the matter giving rise for concern
 - 4.2.2. approaching the alleged harasser/ bully directly and making it clear that their actions or behaviour are giving rise to offence and should cease
 - 4.2.3. approaching the alleged harasser/ bully with the support of another member or a QUSO Committee Safeguarding Team member
 - 4.2.4. requesting a fellow member or QUSO Committee Safeguarding Team member to make an approach to the alleged bully/ harasser on their behalf
- 4.3. The purpose of this stage of the procedure is to resolve matters without recourse to more formal proceedings.
- 4.4. Bullying and Harassment are seen to be serious matters and, consequently, if the Chairperson or investigating panel consider a complaint to be frivolous or vexatious once the investigation is underway, this may lead to disciplinary action against the person lodging the complaint.
 - 4.4.1. In this regard, frivolous is defined as a complaint which cannot be substantiated, or which has no basis in fact and vexatious is defined as a complaint that is brought purely to cause annoyance to the alleged harasser or others.

5. The Formal Stage

- 5.1. If the matter remains unresolved, or if the member remains aggrieved or wishes to raise the matter formally, they must notify QUSO Committee Safeguarding Team, in writing. Where a QUSO Committee Safeguarding Team member is the source of the complaint, or it is otherwise inappropriate for that person to deal with the matter, the complaint may be raised directly with the Chairperson. The Team will confirm in writing, and normally within 5 working days of being notified, receipt of the complaint and their intention to investigate it.

6. Formal Investigation

- 6.1. The Safeguarding Team will then investigate the matter and in dealing with the investigation of harassment or bullying, the Team should:
 - 6.1.1. Take full details of the incidents in writing from the complainant.
 - 6.1.2. Take full details from any witnesses who may have witnessed the alleged behaviour or the circumstances around it and from any other complainants who come forward.

Queen's University Symphony Orchestra (QUSO)

Bullying & Harassment Policy



- 6.1.3. Inform the alleged harasser/bully of the complaints against them, advise the alleged harasser/bully to seek representation and invite them to a meeting in order that they can comment on the allegations.
 - 6.1.4. Keep all parties informed of expected timescales.
 - 6.1.5. The relevant Team member will compile a report of the investigation to include recommendations and provide copies to the relevant parties. This report may be revised in the light of any factual errors pointed out by relevant parties.
- 6.2. A Panel will meet to deal with the complaint and consider the report of the investigation. The Safeguarding Team will notify the Chairperson who will constitute the Panel. The Panel will comprise the QUSO Committee Safeguarding Team, a nominee of the Orchestra and one other QUSO Committee Member.
- 6.3. The panel will consider the report, (which will include any supporting documentation) and its recommendations and decide whether to uphold the findings. Should the panel require any further information, they may refer the matter back to the investigating Team member who will then revert to the panel in due course.
- 6.4. Following the panel's decision, the complainant and the alleged harasser shall be notified in writing normally within 10 working days of the Panel's decision in response to the complaint, the reasons for the decision, the proposed action to deal with the complaint and the right to appeal. The Panel may:
- 6.4.1. initiate the Orchestra's agreed disciplinary procedure against any party as appropriate and refer the matter to those responsible for instituting appropriate disciplinary action
 - 6.4.2. suggest any other appropriate management action e.g., provision of training, counselling, supervision, redeployment, or a change in reporting arrangements.
- 6.5. Where a complaint is lodged prior to a disciplinary process relating to the matter, then the complaint will continue to be heard, unless the disciplinary offence is of a serious nature. Where necessary, the People and Culture Director will adjudicate on any such issue.
- 6.6. A member intending to appeal (either the complainant or the alleged harasser) shall notify the QUSO Committee Safeguarding Team in writing, within 10 working days (which may be extended in exceptional circumstances) from the date that they were notified of the Orchestra's decision and should set out the grounds of the appeal.

7. Appeal

- 7.1. An appeal hearing will normally be held no later than 30 working days from the date on which the member is notified of the Orchestra's decision.
- 7.2. Appeal Panels shall be established by the Chairperson and shall consist of 3 persons, none of whom shall previously have had any involvement with the case and each of whom has consented to act:

Queen's University Symphony Orchestra (QUSO)

Bullying & Harassment Policy



- 7.2.1. A Chair drawn from a list approved by the Safeguarding Team, from time to time, which shall include Orchestra members.
- 7.2.2. One person drawn from a list approved from time to time by the Committee in the instance of a Panel considering the case of a member of the Safeguarding Team, or by the Safeguarding Team in the instance of a Panel considering the case of any other member.
- 7.2.3. One person nominated by the Chairperson.

7.3. The Safeguarding Team will notify the member of staff in writing of the hearing. At least 10 days notice will be given of the date of the hearing.

7.4. At the hearing, the Appeal Panel will, if it deems it appropriate, receive evidence from the appellant, Safeguarding Team member(s) and any relevant witnesses. Without good cause, new grievances cannot be considered at this stage, nor can evidence which in the view of the Panel could have been made available at an earlier stage.

7.5. The Appeal Panel shall give a reasoned decision in writing which shall be provided to both parties within 10 working days of the decision and reported to the QUSO Committee. The Panel may uphold or revoke the original decision and will recommend further action, if appropriate, to the Chairperson and Safeguarding Team.

7.6. The decision of the Appeal Panel shall be final.

8. Avoiding contact between the Complainant and the alleged Bully/Harasser

8.1.1. Where a case of serious harassment or bullying has been alleged, the alleged harasser/bully must not disadvantage a complainant or witness by reason of the complaint having been made. Consideration will be given to a precautionary suspension of the alleged harasser/bully to enable the investigation to proceed. An individual who is going to be suspended will be advised formally of this at a meeting with the Investigating Team or Panel. The decision to suspend a member(s) on a precautionary basis will be taken by the Chairperson, having been briefed as to the relevant circumstances.

9. Relocation & Follow-up

9.1. Where a complaint has been upheld, the complainant may wish to avoid any further contact with the harasser/bully. Where a case is proven, consideration will always be given to relocating the harasser/bully in the first instance. If the complainant wishes to relocate to another section or ensemble, the Orchestra will attempt in so far as is practicable and appropriate to facilitate this request. Where relocation of the complainant occurs, it will not lead to any disadvantage to them.

9.2. Where a complaint has been upheld, there will be a follow-up meeting involving QUSO Safeguarding Team and QUSO Committee, in conjunction with the complainant. This will take place about three months after the issuing of the report of the investigation to ensure that the harassment/bullying has ceased, no victimization has occurred, and that the complainant has suffered no other disadvantage.