



UNIVERSITY OF MALTA  
L-Università ta' Malta

# Harassment and Bullying Policy

## **1. Scope**

To define what is perceived as harassment and bullying and to stipulate the procedures that shall be adopted in cases of allegations of harassment at the University of Malta and the Junior College.

## **2. Guiding principles**

- 2.1 The University of Malta and the Junior College believe that preventing harassment is part of good management. The victim of harassment may experience emotional stress, physical stress, and/or a negative change in performance. On the other hand, the organisation may be negatively affected in terms of morale amongst members of staff and students alike, higher rate of absenteeism, job turnover and low performance. Through this Harassment and Bullying Policy the University of Malta and the Junior College want to ensure that all members of staff and students are treated with respect and dignity.
- 2.2 The Employment and Industrial Relations Act (Chapter 452 of the Laws of Malta) emphasises that harassment is an intolerable violation of the dignity of every person.
- 2.3 The University of Malta and the Junior College adhere to these precepts and condemn all forms of harassment, and are committed to uphold the well-being and dignity of members of staff and students alike irrespective of gender, marital or civil status, family responsibilities, race (including colour, nationality, and ethnicity), disability, sexual orientation, age, religion or belief, political opinion, or membership or non-membership of a trade union.
- 2.4 The University of Malta and the Junior College are an equal opportunity organisation and as such they will not tolerate any form of harassment.

## **3. Objectives**

The policy is aimed at:

- 3.1 Securing the dignity and personal development of all members of staff and students within the University of Malta and the Junior College regarding aspects of harassment and bullying.
- 3.2 Informing and educating members of staff and students on the type of behaviour that is acceptable or unacceptable within the University of Malta and the Junior College.

- 3.3 Providing redress to victims of harassment and bullying within the University of Malta and the Junior College. No members of staff or students need fear that he/she will be victimised for bringing a complaint of harassment. All harassment claims will be treated very seriously and all the necessary action will be taken to deal with the claim.
- 3.4 Building a proactive environment that prevents the occurrence of harassment and bullying within the University of Malta and the Junior College.

#### 4. Definition of Terms

4.1. Harassment and bullying is any unwanted, unwelcome or uninvited behaviour which makes a person feel humiliated, intimidated or offended. Individuals must recognise that what is acceptable to one person may not be acceptable to another. The following may be considered as a broad classification system in this regard:

- (a) **Physical conduct.** Any unwelcome physical contact.
  
- (b) **Verbal conduct.** Unwelcome remarks about a person's age, sexual orientation, dress, appearance, gender, race, marital status, disability, religion, membership of a trade union or social group, family responsibilities and upbringing, including insensitive jokes and offensive remarks as well as slander, personal insults, persistent criticism, threats and abuse of power.
  
- (c) **Non-verbal forms of harassment.** Isolation, obscene gestures, setting impossible deadlines, non-cooperation and exclusion, offensive photography and racist propaganda, stereotyping to a specific national group.

The above list is not an exhaustive list and should not be considered as such.

4.2 Bullying, though interchangeable with harassment, is considered to be more an emotive event with more emphasis on intimidation. Examples of this include: invasion of privacy, spying, malicious behaviour, open aggressiveness, behaviour that causes distress or offence, constant pressure or anti-social behaviour and repeated statements to demean a person's status. This list is not exhaustive and for the purposes of the Policy both will be referred to as harassment.

4.3 Harassment is not behaviour that is based on mutual attraction, friendship or respect.

## 5. Legal Implications

- 5.1 Members of staff and students of the University of Malta and the Junior College are hereby being informed that harassment is a crime punishable with a fine (*multa*) or imprisonment from one to three months, or to both such fine and imprisonment as stated in Article 251A (4) of the Criminal Code, Chapter 9 of the Laws of Malta.
- 5.2 The presence of this Policy does not preclude the complainant from seeking legal redress through criminal proceedings or a civil action for damages.

## 6. Procedures

- 6.1 These procedures are intended to make explicit to both members of staff and students how cases of harassment are to be tackled.
- 6.2 These procedures reflect current standards of good practice and follow the basic precepts of justice, namely:
- (a) The alleged harasser should be informed of the nature of the accusation against him/her.
  - (b) The alleged harasser will be given the opportunity to state his/her case prior to the undertaking of any disciplinary action.
  - (c) Those presiding over both investigative and disciplinary hearings will act in good faith prior to reaching any decisions.
- 6.3 The University shall appoint an Advisor. The Advisor shall assist all parties involved in allegations of harassment and bullying, in determining the basis, if any, for a complaint of harassment; in formulating the complaint and/or response; and by explaining the options available through the University and Junior College Harassment and Bullying Policy.
- 6.3.1 An Alternate Advisor would be required to act as Advisor in cases where the Advisor does not consider it appropriate to do so on ethical grounds or at the request of the complainant or is not available. The complainant may then seek the advice and assistance of the Alternate Advisor with a view to resolving the problem informally.
- 6.4 The Advisor shall provide information, advice and assistance to staff members and students making complaints of harassment. The Advisor shall also play a key role in investigating and resolving complaints, as detailed in the procedures below.

6.4.1 The Advisor will review the University procedures on a yearly basis and recommend any changes in writing that may be necessary to facilitate the ability of the University of Malta and the Junior College to deal effectively with instances of harassment. The Advisor shall prepare an annual report on the number and disposition of the complaints.

6.4.2 Two routes may be provided for parties involved in a harassment complaint: an **informal** and a **formal** route. Although the parties involved would be encouraged to resolve the complaint in an informal manner, it is ultimately the choice of the complainant which route to take.

## **6.5 Complaints**

6.5.1 Any student or employee who complains to any Pro-Rector, any academic member of staff, the Registrar, the Director for Human Resources Management and Development, the Senior Executive Student Welfare or any administrator shall be directed to communicate with the Advisor in writing or in person. In the first instance, a student or employee who believes that he or she has a complaint of harassment shall be encouraged to make a direct request to the harasser that the offensive behaviour or actions cease.

6.5.2 Following the consultation process and within five (5) working days or more as the Advisor deems necessary, the complainant shall send a formal complaint in writing to the Advisor indicating which one of the following options she/he intends pursuing:

- (a) to follow the informal procedures
- (b) to make a formal complaint
- (c) to take no further action.

## **6.6 Informal Procedures**

6.6.1 All proceedings taking place under informal procedures shall be treated as confidential.

6.4.2 If a complainant wishes to proceed to use the informal procedures, the following must occur:

- (a) The complaint must be filed within six (6) months of the incident(s);
- (b) The complainant must provide the Advisor with a written complaint giving details of the alleged harassment or bullying, as defined above, including dates, times, places, names of individuals involved in the incident(s), names of any witnesses and any other relevant information. This must be provided within five (5) working days from the first contact having been established with the Advisor;

- (c) Within five (5) working days from the receipt of the written complaint, the Advisor shall inform the alleged perpetrator of the allegation(s) and shall provide the alleged perpetrator with a copy of the written complaint;
- (d) Within twenty (20) working days of the action described in (c), the Advisor shall investigate the complaint and interview the complainant and the alleged perpetrator. The complainant and the alleged perpetrator may be accompanied during the interview by a person of trust. If resolution is achieved as a result of this informal process, a written copy of the resolution shall be signed by the complainant and the alleged perpetrator. A copy of the written complaint and the resolution shall be maintained by the Advisor and the Registrar or the Director for Human Resources Management and Development, as applicable, in a confidential file for a period of six (6) years from the date of the signing of the resolution, and shall be destroyed thereafter.
- (e) If the informal procedure has not been successful, the Advisor shall inform the complainant and the alleged perpetrator in writing that she/her will be recommending to the Rector that formal procedures shall commence.

## 6.7 Formal Procedures

6.7.1 The complainant or the alleged perpetrator may proceed to the formal procedures if:

- (a) the alleged perpetrator or the complainant does not agree to participate in the informal process, within ten (10) working days of the rejection of the informal procedures; or
- (b) the informal process does not resolve the dispute within ten (10) working days of the completion of the informal process.

6.7.2 If a complainant wishes to proceed to use the formal procedures, the following must occur:

- (a) The Advisor shall forward a copy of the written complaint compiled by the complainant to the Rector;
- (b) Should the Advisor deem the complaint to be justified, the Rector shall within two (2) working days refer the matter as follows:
  - (i) in the case of complaints against **students** to the Committee of Discipline as detailed in the University student Discipline Regulations, 2016;

- (ii) in the case of complaints against **academic members of staff** to the Committee for Safeguarding the Code of Professional Academic Conduct as detailed in the Collective Agreement for Academic Staff of the University of Malta and Academic Staff of the Junior College;
  
- (iii) in the case of complaints against **administrative, industrial and technical members of staff** to the Board of Discipline as detailed in the Collective Agreement for Administrative, Technical and Industrial staff of the University of Malta.

## **7. Application**

These procedures apply to harassment and bullying cases experienced by the University of Malta and Junior College staff as well as students. It furthermore applies to clients of the University of Malta and the Junior College, its sub-contractors and other third parties with whom they conduct dealings.

## **8. Advice and Assistance**

Staff and students shall be informed of this Harassment and Bullying Policy through the distribution of this Policy document. The Advisor shall be the main point of reference to provide advice and assistance on this Policy.

*Approved by Senate on 5 May 2016*