



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 or bullying 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 and bullying is part of good management. The victim of harassment and bullying 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 bullying, 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 or bullying.

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 they will be victimised for bringing a complaint of harassment or bullying. All harassment and bullying 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 are any repeated, 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, rumour mongering, 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 and homophobic propaganda, stereotyping to a specific national group.

- (d) Cyber-bullying and mobbing: As defined by the National Commission for the Promotion of Equality (NCPE, 2012) cyber-bullying refers to the “sending or posting of harmful, cruel or offensive texts or images by email, internet, social networking websites or other digital communication devices” (p.13) Mobbing can be defined as collective action involving bullying and/or social isolation of a person/s through ganging, slander, humiliation, emotional abuse, belittling or fabricated accusations created by a group, insults systematic and insensitive playing of practical jokes on the victim.

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

4.1 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 aggression, behaviour that causes distress or offence, constant pressure or anti-social behaviour and repeated statements to demean a person’s status. The grids below taken from the document of NCPE (2012) can serve as an indication of what harassment and bullying are.

Harassment	Bullying
Harassment is linked to discrimination and tends to focus on sex or family responsibilities, race, ethnic background or gender identity, colour, religion or belief, sexual orientation or disability.	For the bully, anyone will do (irrespective of gender, race etc), especially if the bully feels threatened in some way. The focus is often on competence, or rather, the alleged lack of competence of the bullied person.
Victims of harassment usually identify and recognise harassment.	Few victims recognise bullying and they may not realise it for weeks or months.
Tends to reveal itself through the use of recognised offensive language.	Tends to focus on trivial criticism and false allegations of underperformance. This may also include abusive or intimidating language which is usually done in private.
Often occurs to attract peer approvals, bravado, etc.	Tends to be secret, behind closed doors and with no witnesses.
Takes place both in and out of work.	Takes place largely at work.
The harasser often lacks self-discipline.	The bully is driven by envy (of abilities) and jealousy (of relationships).

The harasser often perceives the victim as vulnerable to harassment	The bully often perceives the victim as a threat that must first be controlled and dominated and, if that doesn't work, eliminated.
---	---

Examples of Effects of Harassment and Bullying	
Harassment	Bullying
<ul style="list-style-type: none"> • Fear • Anger • Feelings of frustration and/or helplessness • Increased sense of vulnerability • Loss of confidence • Low motivation and morale • Poor concentration • Increased levels of stress • Panic or anxiety • Loss of appetite/sleep • Physical distress – stomach pain/headache • Family tension • Depression 	<ul style="list-style-type: none"> • Increased stress • increased absenteeism • Increased staff turnover • 'Blame the victim' mentality • Poor employee relations • Overall tensed working environment • Increased risk for accidents/incidents • Inability to perform duties effectively • Reduced quality of service • Reduced customer satisfaction • Reduction in productivity • Damage to corporate image • Increased costs for employee support

National Commission for the Promotion of Equality (NCPE), 2018. *Employee wellbeing: a harassment & bullying free workplace*. Malta: Office of the Prime Minister. Retrieved from <https://publicservice.gov.mt/en/people/Documents/People-Support-Wellbeing/Policies%20and%20Guidelines/Employee-Wellbeing-A-Harassment-and-Bullying-Free-Workplace.pdf>

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 six (6) months to two (2) years, 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 and bullying are to be tackled.

6.2 These procedures reflect current standards of good practice and follow the basic precepts of justice, namely:

6.2.1 The alleged perpetrator should be informed of the nature of the accusation against them.

6.2.2 The alleged perpetrator will be given the opportunity to state their case prior to the undertaking of any disciplinary action.

6.2.3 Those implementing the procedure will act in good faith prior to reaching any decisions.

6.3 The University shall appoint an Advisor and co-Advisor. The Advisor and co-Advisor shall inform all parties involved in allegations of harassment and bullying of the options available through the University and Junior College Harassment and Bullying Policy.

6.3.1 An Alternate Advisor and co-Advisor would be required to act as Advisor and co-Advisor in cases where the Advisors do not consider it appropriate to do so on ethical grounds or at the request of the complainant or when the advisor or co-advisor are not physically available.

6.3.2 The Advisor and co-Advisor, any appointed Alternate Advisors, as well as any University official or employee acting for the purposes of this Policy under their personal direction and/or supervision, shall be bound by secrecy and confidentiality concerning the performance of their tasks under this Policy.

6.4 The Advisor and co-Advisor shall provide information and assistance to staff members and students making complaints of harassment and bullying. The Advisor and co-Advisor shall also play a key role in mediating and resolving complaints, as detailed in the procedures below.

6.4.1 The Advisor and co-Advisor will review the University procedures every 3 years 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 and bullying. The Advisor and co-Advisor shall prepare an annual report on the number and disposition of the complaints. The Advisor and co-Advisor should be supported by an officer bound to confidentiality.

6.4.2 Two routes may be provided for parties involved in a harassment or bullying 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 Deputy Registrar, Student Support Services, the Director for Human Resources Management and Development or any administrator shall be directed to communicate with the Advisor and co-Advisor in writing or in person. In the first instance, a student or employee who believes that they have a complaint of harassment or bullying shall be encouraged to make a direct request to the alleged perpetrator that the offensive behaviour or actions cease.

6.5.2 Following the initial meetings with the complainant and within five (5) working days or more as the Advisor and co-Advisor deem necessary, the complainant shall send a complaint in writing to the Advisors indicating which one of the following options they intend 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. All officers in the case are bound by confidentiality.

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

- (a) The complaint must be filed as soon as possible but not later than six (6) months of the incident(s);
- (b) The complainant must provide the Advisor and co-Advisor with written details of the alleged harassment or bullying, as defined above, including dates, times, places, names of individuals allegedly involved in the incident(s), names of any witnesses and any other relevant information. This must be provided within ten (10) working days from the first contact having been established with the Advisor and co-Advisor;
- (c) Within ten (10) working days from the receipt of the written complaint, the Advisor and co-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 and co-Advisor shall interview the complainant and the alleged perpetrator and any other witnesses. The complainant and the alleged perpetrator may be accompanied during the interview by a person of trust or a legal guardian where appropriate. 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.
- (e) If the informal procedure has not been successful, the Advisor and co-Advisor shall inform the complainant and the alleged perpetrator in writing that they may pursue the formal procedure as outlined in this policy. If one of the parties wishes to initiate the formal procedure at this stage, the party shall inform the Advisor and co-Advisor in writing. The Advisor will then forward the complaint to the Rector to initiate formal procedures.

6.6.3 All documentation pertaining to informal proceedings, including but not limited to the written complaint and resolution, shall be securely maintained by the Advisor and co-Advisor in a confidential file and under lock and key. A copy of the written complaint and resolution shall also be securely maintained by the Registrar and/or the Director for Human Resources Management and Development, as applicable, in confidential files and under lock and key. Such documentation shall be confidentially destroyed after five (5) years from the date of signing of the resolution. Provided that such documentation shall be retained for such longer period as may be required in the event of a complaint or for the establishment, exercise or defence of legal claims.

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 fifteen (15) working days of the rejection of the informal procedures; or
- (b) the informal process does not resolve the dispute within fifteen (15) 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 and co-Advisor shall forward a copy of the written complaint compiled by the complainant to the Rector;
- (b) The Rector shall within five (5) 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 in vigore at the time.
 - 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 in vigore 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.

6.7.3 Documentation pertaining to formal procedures, including but not limited to and where applicable, a copy of the written complaint and resolution, shall be maintained by the Committee or Board hearing the case in accordance with its standard procedures, and retained separately from the concerned students' or staff members' personal file.

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 and co-Advisor shall be the main point of reference to provide advice and assistance on this Policy.

Harassment and Bullying Policy - 2021

This Policy replaces and supersedes any prior Harassment and Bullying Policies.