



NORTH BIRMINGHAM ACADEMY

ANTI HARASSMENT POLICY AND PROCEDURE FOR EMPLOYEES

1. INTRODUCTION

- 1.1 The Governing Body of North Birmingham Academy has adopted this policy and procedure in order to promote positive working relationships and equal opportunities in employment so that all employees feel free to develop their abilities to the full. It acknowledges its legal obligation to promote a working environment free from harassment, including its responsibilities under the racial, disability and gender equality duties, and for training employees in their responsibilities under the law (see Appendix 1). The Governing Body will ensure that prompt and appropriate action is taken to deal with any complaints which come under the purview of this policy, including where there is a possibility of victimisation for making or otherwise being involved in a complaint. It expects all those dealing with complaints to make objective decisions, without fear or favour. It will not tolerate harassment of any kind and in relation to harassment of or by employees will require the Principal to act in accordance with this procedure, including invoking the disciplinary procedure when appropriate.
- 1.2 This policy is adopted with effect from April 2009.
- 1.3 The Governing Body is responsible for ensuring that the policy and procedures are implemented as part of the normal arrangements for the management of the Academy. The policy and procedure must be drawn to the attention of all staff at the Academy. All employees must comply with this policy and procedure; failure to do so may lead to disciplinary action.
- 1.4 The Principal and Governing Body are responsible for the elimination of harassment and bullying of staff employed at the Academy and therefore for the conduct of any investigation which takes place after an allegation has been made.
- 1.5 Any employee who is subject to harassment during his/her employment may initiate action under this policy.

2. THE PURPOSE

- 2.1. The purpose of this policy and procedure is to deal with cases of alleged harassment by employees.

3. THE POLICY

- 3.1 The governing body wants to promote positive working relationships where all employees feel free to develop their abilities to the full. They are committed to achieving a working environment free from harassment. This policy covers not only those aspects of harassment for which there is statutory protection but also bullying (see Appendix 1).
- 3.2 The governing body will not tolerate harassment of any kind and in relation to harassment of or by employees will require the Principal to act in accordance with this procedure, including invoking the disciplinary procedure when appropriate.
- 3.3 Harassment is unwanted conduct affecting the dignity of women and men at work. This can include unwelcome physical, verbal and non-verbal conduct. It may be specifically prohibited by law, as is harassment based on race, sexual orientation, gender, disability, religion or age. It may arise from other prejudices or simply from one person's conduct towards another.
- 3.4 Harassment creates an intimidating and unpleasant atmosphere at work which may affect an employee's health, safety and welfare and prevent employees contributing effectively to the organisation. The Principal and the Governors take any allegations or complaints of harassment seriously and through this policy provide formal and informal methods for resolving the problems it creates. Complaints will be handled sensitively and employees will be protected against victimisation for making or being involved in a complaint.

4. THE LAW

- 4.1 Harassment can amount to unlawful discrimination under the Sex Discrimination Act 1975, the Race Relations Act 1976 (and Race Relations (Amendment) Act 2000), the Disability Discrimination Acts 1995 and 2005, the Equality Act 2006, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations

2003 and the Employment Equality (Age) Regulations 2006. Claims of harassment under this legislation can be brought against the alleged harasser and against the employer. An employer is liable for the discriminatory acts of employees acting in the course of their employment, whether or not they are done with the employer's knowledge or approval unless they are able to show that they took all reasonably practical steps to prevent employees carrying out unlawful discrimination. Employers are expected to have taken steps to prevent harassment. Additionally harassment can be a crime (the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997) – See Appendix 1.

5. THE PROCEDURE FOR DEALING WITH COMPLAINTS

5.1 This procedure is designed to deal with allegations and incidences of harassment between employees of the Academy. Other complaints should be raised through the appropriate process. (See Appendix 2).

5.2 Informal Action

5.2.1 The purpose of the informal stage is to bring the matter to the attention of the alleged harasser and to give that person an opportunity to change behaviour. At any stage in this procedure the employee may contact his or her Trade Union. Complaints should normally be made by the employee experiencing the alleged harassment, but an employee who witnesses behaviour which he or she deems inappropriate and possibly constituting harassment or bullying should initially discuss the matter with the person he or she thinks is being harassed. The decision whether to pursue the matter further normally remains with the person subjected to the alleged harassment but in the event of repeated harassment of the same person or a single incident of extreme seriousness the witness to such behaviour should report the matter to his or her line manager or Principal or in the cases of harassment by the Principal to the chair of governors (the chair of governors will take advice from the Academy HR provider. It could also be appropriate at this stage for the witness to discuss the situation with his or her Trade Union who can offer advice.

- 5.2.2 It is preferable for all concerned to try to resolve matters informally if at all possible. This is likely to produce solutions, which are speedy, effective and restore positive relationships in the workforce. It will also help to minimise embarrassment and the risk of breaching confidentiality. Employees are encouraged to attempt to resolve perceived harassment informally before using the formal stage of these procedures. However, the benefits of informal solutions should not discourage employees subject to harassment from using formal procedures where they prefer that option.
- 5.2.3 Wherever possible, employees who believe that they are subject to harassment should tell the person who is causing the problem that the conduct in question is unwanted and/or offensive and must stop. This is a positive step and may help to resolve the situation.
- 5.2.4 Individuals may wish to ask for support in bringing the matter to someone's attention. This should be a matter of personal choice but could include his or her line manager, a colleague, or Trade Union representative. Such approaches may be particularly helpful where the complaint is about the employee's Principal or line manager.
- 5.2.5 At this stage, so as not to prejudice any subsequent, formal action, governors should not be approached.
- 5.2.6 People supporting a complainant may also act as intermediaries, or may be able to suggest a suitable intermediary in a particular case. An intermediary should be able to explain perceptions to the parties concerned without passing judgments and may be able to suggest solutions.
- 5.2.7 Mediation may also be appropriate at this stage and a request should be made via the line manager or Principal.

The role of mediator should be separate from that of investigator or any person offering support. Experience has shown the effectiveness of mediation in resolving complaints without recourse to formal procedures, because their adversarial nature may heighten distress even though they succeed in stopping the harassment.

5.3 Consideration of further action.

- 5.3.1 Formal proceedings may follow and be appropriate where a previous attempt at informal resolution has proved unsuccessful. Furthermore, there will be some instances where the seriousness of the complaint warrants formal action, and possible criminal proceedings.
- 5.3.2 All parties are entitled and encouraged to keep a confidential written record of incidents and actions taken throughout this procedure.

5.4 Formal Action

- 5.4.1 If the employee decides to raise the matter formally then contact should be made with the Principal. The complainant should identify the harasser and the behaviour which is unacceptable. The allegation should be put in writing and sent to the Principal. If the complaint is about a Principal see section 7.3.
- 5.4.2 The Principal in exceptional circumstances (e.g. where there are Health and Safety issues) may request both parties to agree to remain off work, as paid leave of absence, until advice from the Academy HR provider has been received.
- 5.4.3 The Principal will then follow the procedure outlined below immediately:
 - a) acknowledge the complaint in writing (and refer to the date of receipt) and inform the employee that he or she will be invited to attend a meeting to discuss the complaint.

- b) inform the alleged harasser of the nature of the allegation in writing, explaining that he or she will be interviewed as part of the investigation and is entitled to make a written statement, also setting out the possible outcomes of the investigation (see 5.4.11 below).
- d) consider whether to re-arrange work so that contact between the parties is minimised.
- e) offer mediation and make arrangements where this is agreed by both parties.
- f) if mediation is not agreed or is unsuccessful find an appropriate person to investigate. If a suitable investigator cannot be found within the Academy the Principal will secure the services of an appropriate, trained investigator external to the Academy.
- g) draw up terms of reference and provide relevant information and documentation for the person appointed as investigator and ask him or her to investigate the matter formally. As part of the terms of reference the Principal should draw attention to any aspects which should be disregarded for the purposes of the investigation. Where necessary the Principal will identify a person in the Academy to provide a link for the investigator.

5.4.4 Where an investigation takes place, the Principal should ask all relevant staff to co-operate with the investigation.

5.4.5 The investigation must be objective and handled with sensitivity and due respect for the rights of both the complainant and the alleged harasser, who will both be entitled to representation by a trade union, colleague or friend of their choice.

5.4.6 If there are witnesses to the allegations they should be interviewed by the investigator and will be expected to provide a signed and dated statement.

An employee making an allegation of harassment will be encouraged to name those witnesses whom he or she would wish to be interviewed and the investigating officer must make every effort to ensure such interviews take place.

- 5.4.7 The investigation should be completed as quickly as possible, and within the following time-scales: 5 working days to identify an investigating officer, 20 working days for the investigation to be completed and 5 working days to produce the report setting out the findings of the investigation. The Principal is responsible for ensuring that these timescales are met and if it proves impossible to adhere to these time-scales then the Principal will seek advice from the HR provider who will consider what action can be taken to expedite the investigation.
- 5.4.8 When the investigation has been completed the Principal should meet with the investigator to determine whether the report fulfils the remit for the investigation and obtain any necessary clarifications. In very exceptional circumstances the Principal may decide to re-open the investigation or arrange for a fresh investigation. In such cases both the complainant and the alleged harasser will be informed of the Principal's decision and the reason for it. Once the Principal is satisfied with the investigation process and the report he/she will then formally receive the report and become responsible for deciding on appropriate action.
- 5.4.9 The Principal has three options:
- (a) to take no further action;
 - (b) to acknowledge a gap between intentions and perceptions and reaffirm the Academy's expectations as far as employees' conduct is concerned (arranging training or support where appropriate); or
 - (c) to institute disciplinary proceedings.

If the Principal is contemplating disciplinary action, the person against whom the complaint has been made is entitled to respond in writing and/or by an interview before a decision is taken to refer the matter to a disciplinary hearing.

If that person chooses to respond in writing, the Principal may write back to seek clarification on certain points and should discuss them with the investigator. If it is decided to proceed to a disciplinary hearing, the complainant will be advised that the institution of disciplinary proceedings marks the end of the anti-harassment procedure in this case, subject to any appeal by the complainant. (In accordance with the statutory Dispute Resolution Regulations the complainant should be advised in writing of the right of appeal (see below) even though it is unlikely that the complainant will be dissatisfied with the proposed course of action).

The report will be presented as evidence in the disciplinary case but will not be released to the complainant, because of the confidentiality of disciplinary proceedings. (Release of the report to the complainant might also foster collusion amongst witnesses.) The complainant may be asked to appear as a witness in those proceedings. When the disciplinary proceedings have been completed the complainant will be advised in a meeting of their completion and informed whether or not a disciplinary sanction has been imposed (though not of the details of the case or the level of any sanction imposed).

- 5.4.10 If no disciplinary action is contemplated the Principal will confirm in writing the time and place for separate meetings with the complainant and the alleged harasser. This shall be done within five working days from the Principal's formal acceptance of the investigation report, unless this is impossible due to sickness or other unavoidable absence, in which case the meeting will be rearranged. The letter inviting the parties to their respective meetings should also confirm that each has the right to be accompanied in the meeting by a friend or other representative of his or her choice.

- 5.4.11 In each of the separate meetings the Principal will provide a written summary of the findings of the report, with due regard to the rights of third parties under the Data Protection Act. The Principal should confirm that witnesses named by both the complainant and the alleged harasser have been interviewed by the investigator, but not disclose which particular piece of information has been given by which witness(es). If there were no witnesses and the report deals only with statements from the complainant and the alleged harasser then the full report should be released to both parties. (The Principal will consult the Academy HR Adviser on this). The Principal should then explain either why no further action is proposed or what training or other support is to

be arranged to ensure that the conduct prompting the complaint is not repeated. Mediation may be offered again to both parties. The complainant should be informed of the right of appeal, both at the meeting and subsequently in writing.

5.5 Malicious Allegation

The fact that an allegation has not been substantiated does not mean that it is considered to have been malicious. No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation. In order for an allegation to be deemed malicious there would have to be independent corroboration, for example, evidence of the falsification of information. Nevertheless, there may be exceptional cases where the evidence leads the investigator to conclude that the allegations may have been malicious. In such cases the Principal will refer his/her concerns to the Academy HR Adviser and take further advice.

If, following further investigation, the Academy HR Adviser shares this view then all parties will be informed in writing including a statement that allegations deemed to be malicious could lead to disciplinary proceedings.

6 APPEAL

6.1.1 Any employee who has made a formal complaint of harassment has the right of appeal. The Principal will inform the complainant of this right after he or she has decided how to respond to the complaint of harassment and notified both the complainant and the alleged harasser of that decision. The complainant will be required to submit any appeal to the clerk to the governing body within ten working days of this notification. The appeal will be to the appeal committee of the governing body.

6.1.2 The procedure for an appeal hearing is set out in Appendix 3.

6.1.3 The appeal committee may dismiss the appeal, uphold the appeal or direct the Principal or the chair of the governing body to modify the action which he or she proposed to take to resolve the matter. If it is decided to proceed to a disciplinary hearing, the appellant will be advised that the institution of disciplinary proceedings marks the end of the anti-harassment procedure in this case.

- 6.1.4 The appeal committee may announce its decision in person to the appellant and the alleged harasser or subsequently in writing as it may determine. An oral announcement shall be confirmed in writing by the clerk to the governing body within ten working days of the hearing.

7. Principal

Informal stage

7.1 Alleged harassment of the Principal

Principal who are harassed should seek advice from their own professional association and from the Academy HR provider, who will make appropriate recommendations to try to resolve the matter without the need to move to the formal stage of the procedure. However, the decision as to whether or not to move the formal stage will rest with the Principal.

7.2 Alleged harassment by the Principal

It is recognised that an employee who feels that he or she has been harassed by the Principal may be reluctant to approach the Principal directly and may therefore prefer to make a formal complaint. An employee in this position may wish to seek the advice of his or her professional association. Although complaints should normally be made by the employee experiencing the alleged harassment, an employee who witnesses behaviour which he or she deems inappropriate and possibly constituting harassment or bullying should initially discuss the matter with the person he or she thinks is being harassed. The decision whether to pursue the matter further normally remains with the person subjected to the alleged harassment but in the event of repeated harassment of the same person or a single incident of extreme seriousness the witness to such behaviour should report the matter to the chair of governors (the chair of governors will take advice from the Academy HR provider in such a case). It could also be appropriate at this stage for the witness to discuss the situation with his or her Professional Association/Trade Union who can offer advice, especially if the employee is reluctant to make a complaint about the Principal to the chair of governors.

Formal stage

7.3 Complaint from a Principal

A Principal wishing to make a complaint should put it in writing, identifying the harasser and the behaviour which is unacceptable, to the chair of governors. The chair will acknowledge the complaint in writing and will immediately seek advice from the Academy HR Adviser who will inform the Principal that he or she will be invited to attend a meeting to discuss the complaint. If the complaint concerns the Chair of Governors the Principal may make the complaint directly to the Academy HR Adviser. The procedure outlined in Section 5.4 should be followed as appropriate with the actions taken by the Principal under that section being taken in this case by the chair of governors, or by the Academy HR adviser according to the circumstances of the case. It must be borne in mind that the need to maintain impartiality is paramount.

7.4 Complaint against a Principal

An employee wishing to make a formal complaint against a Principal should put it in writing to the chair of governors. The chair of governors will take advice from the Academy HR Adviser before investigating. In addition the Chair of Governors will immediately:

- a) acknowledge the complaint in writing (and refer to the date of receipt) and inform the employee that he or she will be invited to attend a meeting to discuss the complaint
- b) inform and seek advice from the Academy HR Adviser
- c) inform the Principal as the alleged harasser of the nature of the allegation in writing, explaining that he or she will be interviewed as part of the investigation and is entitled to make a written statement, also setting out the possible outcomes of the investigation
- d) consider whether to re-arrange lines of responsibility so that contact between the parties is minimised

- e) offer mediation and make arrangements where this is agreed by both parties.

7.5 The procedure outlined in Section 5.4 should be followed as appropriate. The complainant must be informed in writing that he or she will be invited to attend a meeting to discuss the grievance. It must be borne in mind that the need to maintain impartiality is paramount. The complainant should seek the advice of his or her trade union. At the conclusion of the investigation (see the guidance in 5.4 on timescales) the investigator will present his/her findings, with a recommendation.

7.6 The Chair of Governors will then decide what action to take in consultation with the Academy HR Adviser. Both will meet with the Principal and separately with the complainant to inform them of their recommendations and intentions.

7.7 There is a right of appeal. See 6.1 above

8 SUSPENSION

8.1 In certain rare cases where the allegations are deemed to be sufficiently serious it may be appropriate to consider suspending the individual in accordance with the procedure set out in the Academy's Disciplinary Procedures.

9 CONFIDENTIALITY

9.1 At all stages of the procedure, the importance of confidentiality will be borne in mind. Attention will be given to considering what information needs to be shared and the way in which this is done.

Approved by NBA Governors on:

Date of Next Review:.....

Lead Manager:

APPENDIX 1

HARASSMENT AND BULLYING – DEFINITIONS AND THE LAW

Definitions

1. There is a legal definition of harassment in the Employment Equality (Sexual Orientation) Regulations 2003 and in similar regulations on religion and belief and age. It is defined as unwanted conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
2. There is no legal definition of bullying. The Advisory, Conciliation and Arbitration Service (ACAS), in its advice leaflet 'Bullying and harassment at work: a guide for managers and employers', characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Related definitions from other organisations specify that bullying is persistent rather than a single incident.
3. ACAS advises that

"Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include

"spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)

"copying memos that are critical about someone to others who do not need to know

“ridiculing or demeaning someone – picking on them or setting them up to fail

“exclusion or victimisation

“unfair treatment

“overbearing supervision or other misuse of power or position

“unwelcome sexual advances – touching, standing too close, display of offensive materials

“making threats or comments about job security without foundation

“deliberately undermining a competent worker by overloading and constant criticism

“preventing individuals progressing by intentionally blocking promotion or training opportunities.”

The law on harassment and bullying

4. It is not possible to complain to an employment tribunal specifically and solely about bullying. However, aspects of bullying may fall within laws covering discrimination and harassment, or even health and safety at work. Before consideration is given to using any legislation it is important that the person concerned makes certain that professional advice is obtained.
5. Some legislation covers discrimination, other both discrimination and harassment. Much of the legislation deals specifically with employment, providing for citizens to bring common law or civil actions, but the Criminal Justice and Public Order Act 1994

(see below) deals with criminal offences heard in the criminal courts and involving the Police and Crown Prosecution Service.

6. The **Sex Discrimination Act 1975 (as amended)** gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment. For sexual harassment to be unlawful the complainant has to be able to show that as a direct result of the harassment, or by the reaction to it, she or she has suffered a tangible job detriment. Case law has shown that the stressful working environment created by sexual harassment (or bullying on grounds of sex) may itself constitute a detriment. The **Equality Act 2006** amended the 1975 Act by imposing duties on public bodies to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women.
7. The **Race Relations Act 1976 and the Race Relations (Amendment) Act 2000** give protection against discrimination and victimisation on the grounds of colour or nationality. Tangible job detriment can be demonstrated in case law as with sexual harassment. The **Race Relations Regulations 2003** also protect against harassment on the grounds of race and ethnic or national origin. The **Race Equality Act 2000** imposed the race equality duty on public bodies.
8. The **Disability Discrimination Act 1995** gives protection against discrimination and victimisation. The **Disability Discrimination Act 2005** extended the duties of public bodies to promote equal opportunities for people with disabilities. Academies, like other public bodies, have a duty to publish a disability equality scheme.
9. The **Employment Equality (Sexual Orientation) Regulations 2003** give protection against discrimination and harassment on the grounds of sexual orientation.
10. The **Employment Equality (Religion or Belief) Regulations 2003** give protection against discrimination and harassment on the grounds of religion or belief.
11. The **Employment Equality (Age) Regulations 2006** give protection against discrimination and harassment on the grounds of age.

12. Under the **Health and Safety at Work Act 1974** employers are responsible for the health, safety and welfare at work of all employees. An employee may claim that failure to protect an employee's health, safety and welfare constitutes breach of contract and case law has shown that undue stress at work, possibly caused by harassment or bullying, can affect an employee's health.

13. The **Criminal Justice and Public Order Act 1994** introduced a new criminal offence of intentional harassment and the **Protection from Harassment Act 1997** extended protection from harassment in civil cases. Further information can be obtained from the Equalities Unit or the Employee Relations Team.

Responsibilities of governing bodies

14. **The Education (Modification of Enactments Relating to Employment) (England) Order 2003** provides that in specified statutes references to an employer or someone acting as such are treated as including references to the governing body exercising its employment powers, employment by the authority at the relevant Academy is treated as employment by the governing body, and references to dismissal by an employer are treated as including reference to dismissal by the authority on the direction of the governing body. The modifications do not cause the governing body to be a "small employer" if it would not have been so without the modifications. The governing body is to be the respondent to any application to an employment tribunal arising out of any of its actions taken in the exercise of its employment powers, or any action taken by the authority on its direction, but provides that any award of compensation or costs or other order (other than an order for reinstatement or re-engagement) is to be made against the authority. The authority may apply to be made an additional party and to appear at any hearing.

APPENDIX 2

COMPLAINTS AGAINST PERSONS NOT EMPLOYED BY THE ACADEMY

Complaint against a student.

Complaints about the behaviour of students should be dealt with by application of the Academy's Behaviour Management Policy. If the harassment is directed at a member of staff from one of the students (or group of students) then the Principal should be informed and he/she will resolve the matter using the Behaviour Management Policy.

Complaint against a parent or member of the public

Complaints of harassment by parents or members of the public should be referred to the Principal, who should either address the matter with the parent or member of the public. In dangerous situations or in cases of actual assault the Principal should call the police.

Complaint against a Trade Union Officer (not employed at the Academy)

Normal standards of behaviour are expected of Union officers. However, where an allegation is made the matter should be referred in writing to a Regional or National Officer of the Trade Union concerned.

Complaint against a Governor and/or the Governing Body

Complaints against a governor will be referred by the Principal who will liaise with the chair of governors. Where the chair of governors is the subject of a complaint another member of the governing body (usually the vice-chair) will work with the Principal and arrange for an investigation to take place.

APPENDIX 3 - PROCEDURE FOR AN APPEAL HEARING

1. The appellant and his/her representative, the employee alleged to have harassed the appellant and his/her representative, and the Principal or other person presenting the management case shall attend the hearing simultaneously to present their respective cases.
2. The chairperson of the appeal committee will perform the necessary introductions.
3. The appellant and/or the appellant's representative will present the appeal and may call witnesses.

4. The Principal or other person presenting the management case may question the appellant and/or the appellant's representative.
5. The employee alleged to have harassed the appellant or his/her representative may question the appellant and/or the appellant's representative.
6. The members of the appeal committee and the local authority's representative question the appellant and/or the appellant's representative.
7. The Principal or other person presenting the management case will present that case and may call witnesses.
8. The appellant and/or the appellant's representative may question the Principal or other person presenting the management case.
9. The employee alleged to have harassed the appellant and/or his/her representative may question the Principal or other person presenting the management case.
10. The members of the appeal committee and any HR Adviser present may question the Principal or other person presenting the management case.
11. The employee alleged to have harassed the appellant and/or his/her representative may respond to the appeal.
12. The appellant and/or the appellant's representative may question the employee alleged to have harassed the appellant.
13. The Principal or other person presenting the management case. and/or his/her representative may question the employee alleged to have harassed the appellant.

14. The members of the appeal committee may question the employee alleged to have harassed the appellant.
15. **The questioning of any witnesses called will follow the procedure outlined above.**
16. The Principal or other person presenting the management case will sum up the case presented and should ensure that any advice he or she wishes to give to the committee (and which a Principal is entitled to give to a governing body or any of its committees) is given at this stage.
17. The employee alleged to have harassed the appellant and/or his/her representative will sum up his or her response to the appeal.
18. The appellant and/or the appellant's representative will sum up the appellant's case.
19. The Principal or other person presenting the management case, the appellant and the appellant's representative, and the employee alleged to have harassed the appellant and his/her representative will withdraw from the hearing.
20. The appeal committee will consider the evidence presented and take an objective decision based on the balance of probabilities.
21. The committee may recall the Principal or other person presenting the management case, the appellant with the appellant's representative, and the employee alleged to have harassed the appellant with his or her representative, to clear points of uncertainty on the evidence given, provided that all parties are recalled even if the point of uncertainty concerns the evidence of one party only.