1. **When and Where do I Challenge?**

There are three principles which determine when and where you should challenge inappropriate behaviour.

- **The Sooner the Better** - The longer you leave it the less impact the feedback has.

- **Should I do it in Private or in Public?**

  In many cases, challenging is better done with you and the alleged perpetrator alone. However, it is sometimes helpful for the message to be sent to all staff or students present who have witnessed the behaviour.

### Pro’s and Con’s of Public v Private Challenge

<table>
<thead>
<tr>
<th>Public</th>
<th>Benefits</th>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Message is received by all present</td>
<td>Potential for escalation if handled badly</td>
<td></td>
</tr>
<tr>
<td>Challenge is heard by the recipient</td>
<td>Potential humiliation of alleged offender</td>
<td></td>
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<tr>
<td>Challenge is witnessed</td>
<td>Challenge may be rejected by group building support for perpetrator</td>
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</table>
Challenging Inappropriate Behaviour

**Private**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Challenges</th>
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<tbody>
<tr>
<td>Keeps issue confidential</td>
<td>Challenge not heard by others who may have been affected by behaviour</td>
</tr>
<tr>
<td>Minimises embarrassment of Alleged offender</td>
<td>Recipient/victim does not know that challenge has taken place</td>
</tr>
<tr>
<td>Offers opportunity to educate and discuss</td>
<td>Others may perceive you to have condoned the inappropriate behaviour</td>
</tr>
<tr>
<td>Support from peers minimised or removed</td>
<td></td>
</tr>
<tr>
<td>Offers opportunity to educate and inform</td>
<td></td>
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➢ **What is the alleged offender's state of readiness to receive feedback?**

Will your challenge come out of the blue or will your challenge be expected in terms of your role in the College and/or in terms of clarifying the standards of behaviour expected by the College. It is also important that you balance the needs of the person receiving the feedback in proportion with the seriousness of the behaviour witnessed. There will be many instances where immediate action will be positive, rather than wait and risk an impression particularly in relation to a serious breach of standards that ‘it can wait’.

Finally, the perpetrator may not be in the right frame of mind to receive the feedback. The perpetrator may have behaved in the heat of the moment, when under pressure. It is important however that the pressure we all experience from time to time does not legitimise any disrespectful, demeaning or discriminatory behaviour. Fundamentally it is not a matter of if you act, but a matter of when and how you act that is important.

**Conclusion?**

In most cases, immediate feedback in private, if the person is ready to receive it, is best practice.
2. How do I Challenge Inappropriate Behaviour?

There are 4 potential options open to allow you to challenge inappropriate behaviour.

➢ Reminder of Standards

Simply a restatement of the standards of behaviour that are stated in the student and staff codes of conduct that are required by the College and therefore yourself, identifying the behaviour to which you are referring.

➢ Educative Response

This follows the standard 4 stages of reflective feedback:

Identify the agenda and gain agreement to progress

Identify the fact that you wish to discuss the person’s behaviour and gain their agreement to do this. The most effective challenges are those that are agreed to rather than imposed. If the person doesn’t agree it is important that you establish the reasons for them not wanting to engage. If they deny the behaviour or want to avoid addressing it then you can insist that the behaviour is challenged.

Identify the behaviour

If it was verbal, try to repeat the words as exactly as you are able. If the behaviour is non-verbal, like a gesture or facial expression, try to describe the behaviour as accurately as possible. It is also important to describe the context of the behaviour and the moment when the behaviour occurred. It may be that you have misinterpreted the behaviour, it is important you listen carefully to their response. However they may also be wishing to misrepresent and therefore avoid the consequences.

Reflection

Once the behaviour has been identified, it is necessary to ask the person to reflect on the impact on the recipient and anyone else witnessing the behaviour and consequences of it. Again it is important to listen very carefully to the response. In some cases individuals will attempt to justify or minimise the behaviour or the impact of it. They may say things like ‘nobody minds’, ‘others do the same thing all the time’. Be ready to counter this by referring to what they did not others. If the person is very resistant to the idea of considering the consequences of their behaviour,
particularly if they become aggressive and don’t want to discuss the matter rationally then you may have to take it forward formally.

**Review and agree that the behaviour stops**

Assuming that you have been able to discuss rationally the impact of the behaviour, you are now in a position to review the discussion and agree that the individual does not engage in the behaviour again. Once you have gained agreement, it is important that you reward the positive approach taken. Thanking the person for their time and willingness to resolve the matter which will further reinforce the positive outcome of the encounter.

- **Indication of Consequences**

There may be cases where the behaviour is considered sufficiently serious that it warrants action that is more formal but may be short of formal disciplinary action or wish to consider more formal action:

For example: you have undertaken a number of educative responses and/or standards restatements with the individual, but they continue to engage in inappropriate behaviour. It may be that the individual behaves appropriately in front of you but does not in front of others. This may form the basis of stating the consequences of any further breach being formal disciplinary action making reference to previous standards restatements or educative responses you and/or other staff have given. Notify other lecturers/managers about the indication to ensure they reinforce message.

- **Formal Disciplinary Action**

**Circumstances where formal action may be necessary:**

- Breach of Civil or Criminal Law
- All other ways have failed
- Managers set the tone and others role model their behaviour. The more senior the manager, the more this applies. Inappropriate behaviour by these staff legitimises its use by other staff. Therefore if it goes unchecked, can in effect impact on the culture of the organisation.
• Where the actions have a wider impact for the College - If the behaviour is directed towards a student by a member of staff or if perpetrated by someone in a high profile position, the consequences to the organisation are heightened. The wider considerations of inaction need to be considered in these circumstances. The level of authority of the person behaving Inappropriately.

• The response of the recipient of the behaviour  
If the recipient is affected badly, it is essential to act robustly, where distress is apparent it is vital to act appropriately.

• Where the behaviour could lead to legal action by the recipient or anyone else. For example, behaviour which amounts to racial or sexual harassment. A racist or homophobic incident as defined by legislation.
3. Developing staff and students – 5 key elements

- Clarifying Standards and Codes of Conduct
- Lecturers and Managers as Role Models
- Managerial Consistency
- Staff Self Monitoring
- Rewards not Sanctions

<table>
<thead>
<tr>
<th>Key Element</th>
<th>Method of Achievement</th>
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<tbody>
<tr>
<td>Clarifying Standards and Codes of Conduct</td>
<td>While induction and compulsory training has a role to play, the most effective practice is for managers to sit down with staff and reinforce the expectations of the organisation and tell them that you will uphold them. It is also important that this message is given making reference to what the College (and the law) requires, not so much what you expect, so that it is reinforces that this is a College expectation which includes staff, students and visitors.</td>
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<tr>
<td>Lecturers and Managers as Role Models</td>
<td>It is important to ensure that your behaviour is consistent with the standards that you lay down. It is worth reflecting with your colleagues and peers if all aspects of your behaviour are in line with standards set out in the codes of conduct. This is a good way of checking your behavioural norms.</td>
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<tr>
<td>Managerial Consistency</td>
<td>Do you and your fellow managers deal with issues in a similar manner? Are you perceived as soft or hard on these issues? Do you challenge similarly? What, generally are the standards of behaviour in your department? Regular cross College meetings including discussion of these issues reinforcing a common approach goes a long way to ensuring consistency of approach and a unified approach.</td>
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Staff self Monitoring

It should not be solely down to lecturers and managers to challenge inappropriate behaviour. All staff and students have a responsibility and staff and students should be encouraged to monitor and give feedback to each other. Discussing these responsibilities with staff and giving encouragement to those that do monitor will reinforce this. In addition there are often members of staff and students who are informal leaders and who are respected who can further reinforce standards.

Rewards not Sanction

How do you reward staff and students that demonstrate appropriate behaviour, challenge colleagues and are positive in their attitude to this issue? Giving positive feedback in public and private is always a good idea. It is equally important to catch someone doing something right and telling them about it.

4 The Last Word..........from the Principal

In the last year we have introduced equality awareness training for all staff which I hope that almost everyone has completed. We have also undertaken significant work to ensure that we consistently include equality issues within the curriculum through the use of QELTM, staff workshops/discussions etc. We must all recognise that, as a college, we have a unique opportunity to help shape and change attitudes in relation to equality issues. Indeed, this has been clearly identified by HMie during the recent review as a key aim of the Scottish Government (as outlined in the Equality Public Sector Specific Duties).

I am hopeful that the work we have already done in embedding equality within our curriculum and amongst our staff will provide a solid foundation from which we can now begin to develop the equality theme further, going forward.

I hope that these guidelines, which will be built upon next year by more advanced staff development events, will prove to be useful in providing a sound basis for reinforcing a culture of mutual respect.

Everyone, staff and students, wants to feel included, wanted and valued. I fully support the staff and student development activities which are being developed to enable and promote such an environment within the North Highland College.

[Signature]

March 2014