

Bullying & Harassment Policy

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Policy control

Approved by	Vice Chancellor's Executive Group
Contact/s	Cathy Abu, Director of Human Resources
History/Revision dates	15 October 2010
Audience	

1. Purpose

1. The University recognises that all staff have a right to work in an environment in which the dignity of individuals is respected and which is free from harassment and bullying.
2. It is committed to eliminating intimidation in any form and to promoting a safe, healthy and fair work environment.
- 3.

7. Allegations of harassment or bullying made by students about University staff will be dealt with in accordance the Students Complaints and University Disciplinary Procedures.

3. Policy

Definitions

- 8 Bullying and harassment involve any unwanted behaviour that makes someone feel intimidated, degraded, humiliated and/or offended. It is not necessarily always obvious or apparent to others, so it can happen in the workplace without University line management being aware. There is a fine line between bullying and harassment; each can be a form of the other.

Bullying

- 11 Bullying is the intimidation or belittling of someone through the misuse of power or position, which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often inextricably linked to the areas of harassment described below.
- 12 The following are examples of bullying, however, this list is not exhaustive:-
- Unjustified criticism of an individual's personal or professional performance, shouting at an individual , criticising an individual in front of others;
 - Spreading malicious rumours or making malicious allegations;
 - Intimidation or ridicule of individuals with disabilities and/or learning difficulties;
 - Unreasonably ignoring or excluding an individual from the team/group.
- 13 Anyone can be the victim of bullying, which may occur at any point in the University hierarchy. For example, staff can bully their managers, as well as colleagues and peers.
- 14 Legitimate, constructive and fair criticism of a member of staff's capability, performance, attendance or behaviour will not normally be construed as bullying.

Harassment

- 15 Harassment is generally described as 'unwanted conduct which affects the dignity of women or men; it encompasses unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidatory'. The essential characteristic of harassment is that the action(s) is unwanted by the recipient.
- 16 The Equality Act 2010 outlines three types of harassment:

unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity (applicable to all the protected characteristics except pregnancy and maternity; marriage and civil partnership). All the protected characteristics under the Act are: age, disability, gender reassignment, sex,

religion or belief, race, sexual orientation, marriage and civil partnership,
pregnancy and maternity;

Sending obscene emails, texts

Isolation, non-cooperation, exclusion from social activities

Coercion for sexual favours

Pressure to participate in political or religious groups

Intrusive or persistent questioning about personal characteristics for example a person's racial/ethnic origin, their culture, religion, sexual orientation.

Sexual Harassment or Harassment Based On Sex

- 21 This form of harassment may be of a sexual nature (sexual harassment), or may take the form of unwanted conduct towards another person because of the protected characteristics – sex or gender reassignment (harassment based on sex or gender reassignment). Though the law affords protection from harassment because of the protected characteristic – gender reassignment – the University takes a wider approach than the law within this, and related, policies, by covering trans staff in general as well.
- 22 Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature, which is offensive to the recipient, and causes that person to feel threatened, humiliated or embarrassed. It can be physical, verbal or non-verbal conduct of a sexual nature, and it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct which distinguishes sexual harassment from friendly behaviour which is welcome and mutual.
- 23 Examples of sexual harassment include:
- Requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future status;
 - Offensive gestures, language or comments;
 - Sexually-orientated jibes, innuendo or jokes;
 - Unwanted physical contact;
 - The display of sexually offensive visual material such as calendars, photographs, books or videos.
- 24 Sexual harassment and harassment based on sex or gender reassignment may be experienced by anyone as a result of the conduct of another individual. It applies

equally regardless of status and may also occur when dealing with external organisations, clients and/or members of the public.

- 25 Harassment based on sex or gender reassignment is any uninvited and unwelcome behaviour resulting in the recipient feeling threatened or intimidated which takes place specifically because of those protected characteristics.

Racial Harassment

- 26 Racial harassment may take the form of any offensive behaviour, verbal, physical or psychological, due to the protected characteristic – race – which includes ethnic or national origin, skin colour or other aspect of their cultural background. Examples include actual or threatened physical abuse, offensive jokes about a person's accent, dress or physical characteristics., verbal abuse, patronising remarks, graffiti or literature of a racist It may also include repeated exclusion of a person from a particular ethnic group from conversations and work-related social activities.

Harassment Based on Age

- 27 Hostile or offensive acts or comments made by an individual or group towards another individual or group in relation to their age can constitute harassment. This form of harassment affects both the younger worker as well as the older worker. Examples include ageist remarks, jokes, negative comments generalising about a specific age group to which an individual belongs.

Harassment Based on Disability

- 28 Comments made about an individual's disability, whether seen or unseen, have the impact of undermining their confidence and self-esteem. Harassment includes uninvited touching; an invasion of personal space, unwelcome discussion about the impact a disability has on an individual's home or working life, offensive jokes, and unnecessary assistance with duties or prejudging of capabilities.
- 29 The University is required by law to make reasonable adjustments to accommodate a disabled person which may have an impact on the person's colleagues. The University will make every attempt to ensure that such changes are accepted and

agreed by all concerned; however a sustained refusal to accept these requirements may constitute harassment.

Harassment Based on Religion or Belief

- 30 This form of harassment is any unwanted behaviour which arises as a result of a person's religion or belief. This may take many forms including ridiculing items worn for religious reasons, denigrating cultural customs and dismissive treatment of requests for holidays for religious or cultural festivals, or derisory comments against

harassment or bullying behaviour/s should bring the matter to the attention of an appropriate member of staff.

Managers

35 Every manager has an obligation to prevent harassment and bullying and to take immediate action once it has been identified, whether or not a complaint has been made.

36 Allegations of harassment or bullying received either informally or formally through the relevant Grievance and Complaints Procedures must be taken seriously and dealt with promptly and sensitively. Failure of a manager to act appropriately will be considered a failure to fulfil the responsibilities of the position and may be dealt with under the University's Disciplinary Procedure.

37 All managers will receive appropriate and adequate training.

38 It is important that managers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Similarly, racial harassment is recipient r behf3(s)-2(r)-6(e-6(ac)-2(i)3(a)1(l)-8(l)9()1(s)o-7

Dealing with Bullying and Harassment

- 42 Whilst it is up to individuals to determine if they feel they are being harassed or bullied, any complaint must stand the test of reasonableness. The test of reasonableness adopted by the University originates in the Protection from Harassment Act 1997. This states that it is not necessary to prove an intention to harass only to prove that the harasser had pursued a course of conduct that amounted to harassment of another and that the harasser knows or ought to know it amounts to harassment of the other. This implies that a reasonable person in possession of the same information would think the course of conduct amounted to harassment.

Grievance and Complaints Procedure

- 43 Depending on the nature of the harassment or bullying and the wish of the recipient, complaints may be taken through informal or formal procedures as outlined in the Grievance and Complaints Procedure.
- 44 The informal procedure may be a precursor to the formal procedure being invoked if there is no early resolution of the difficulties / complaints.

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- 48 This is not an exhaustive list, and several other informal approaches may be used/considered which assist in resolving the matter without unnecessary escalation and to the mutual benefit of both parties.
- 49 Please contact the HR Department to get advice on informal approaches that could be explored which could include mediation.

Formal Procedure

- 50 Please see the Grievance and Complaints Procedure section on the formal stage of the procedure.
- 51 Under this stage, the procedure will include a grievance hearing followed by an appeal if requested by the Complainant.

Equality and Diversity Policy
Grievance and Complaints Procedure
Disciplinary Procedure
The Equality Act 2010
The Protection from Harassment Act 1997;
Health and Safety at Work Act 1974

6. Appendices

Appendix 1 - Glossary of terms

