



HARASSMENT AND BULLYING POLICY AND PROCEDURES FOR STAFF

1. Introduction

The University is committed to ensuring a working and learning environment in which all staff are treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

The purpose of this policy is to provide a route for members of staff who believe they have been harassed or bullied to raise a complaint either informally or formally.

2. Scope

This policy applies to all staff employed by the University, including casual staff, temporary staff from employment agencies, and staff at the Dubai campus. A parallel document covers students, which includes harassment or bullying of an employee by a student of the University.

3. Key Principles

In line with the University Value of “Valuing and Respecting Everyone” it is a key principle that no form of harassment or bullying will be tolerated.

All complaints will be treated seriously, investigated promptly and in confidence.

All parties involved will be treated with respect.

Victimisation as a result of a member of staff raising a complaint of harassment, or as a result of assisting in an investigation will not be tolerated and will be treated as harassment and subjected to disciplinary action.

The outcome of an investigated complaint may lead to disciplinary action being taken in line with the relevant Disciplinary Procedures.

4. Definitions

Notes on Definitions

Any difficulty in defining what constitutes harassment or bullying should not deter anyone from complaining of behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The University will respect the particular sensitivity of harassment complaints and their consequences as well as the need for the utmost confidentiality. The making of malicious, vexatious or spurious allegations, however, may give rise to action under the relevant Disciplinary Procedures for the appropriate category of staff.

Harassment

Harassment is defined as unwanted conduct which has the purpose or effect of (a) violating [another] person's dignity, or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for [another person]¹. Discrimination legislation also states that it is unlawful for an employer to subject a current or former employee or a job applicant to harassment, as defined above. An employer can also be liable for harassment that occurs at work-related social events outside of the workplace.

Harassment can take many forms, occurs in a variety of circumstances and may be directed at an individual or group of individuals. It is not the intention of the harasser but the conduct itself and the impact on the recipient which determines what constitutes harassment. The impact of harassment can result in the recipient feeling discomfort or humiliation and/or may adversely affect the recipient's job performance, undermine job security or prospects or create a threatening or intimidating work environment. It can also provoke aggressive, retaliatory attitudes and actions. Certain behaviour will be, by its nature or severity, unwelcome even on a single occasion.

Social interaction in the workplace involving mutually acceptable behaviour should be distinguished from harassment. However, it should be borne in mind that what is initially acceptable to some may be offensive to others, and what is acceptable between persons A and B may not be acceptable to person C. The key element in harassment is that it is conduct that is unwanted, unreasonable and offensive to the recipient. Where harassment is unintended, but still has the effect of violating the dignity or creating a hostile environment for the recipient, the conduct would be considered as harassment only after consideration of all the circumstances, which will include the perception of the recipient.

Harassment can encompass matters relating to sex, sexual orientation, gender assignment, race or ethnic or national origins, socio-economic status, age, religion or similar philosophical belief, trade union membership or disability.

Examples of harassment include:-

- unnecessary touching
- unwanted physical contact or physical attack
- offensive, suggestive or derogatory remarks, insults or ridicule
- verbal abuse or threats
- leering at a person's body
- compromising invitations or gifts
- requests or demands for sexual favours
- circulation or displays of offensive, suggestive or degrading materials in the workplace including social networking sites
- sending of unwanted, inappropriate or aggressive messages via email, text or on social networking sites
- any comments which imply that gender, age, sexual orientation, disability, race or ethnic or national origins, religious or other belief impairs the person's ability to perform the role
- any other unwelcome physical, verbal or non-verbal conduct.

¹ As defined in Race Relations Act 1976, the Disability Discrimination Act 1995, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006. Changes to the legal framework as a result of the Equality Act 2010 will come into effect in October 2010. These amendments will not alter the basis of the law, but may increase protection for those with protected characteristics. An appendix covering new legislation will be added to this policy in due course.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying can be by someone more senior to you, at the same grade to you or someone junior to you.

Examples of bullying include:

threats, abuse, public humiliation, ridicule, repeated shouting or swearing at an individual, undermining an individual, intimidating behaviour, failing to include an individual in appropriate matters, failure to respect an individual's contribution.

5. Physical Assaults

If you have been physically assaulted, seek help immediately from a line manager and report the incident to the police.

6. Possible Criminal Proceedings

In certain circumstances, harassment can be unlawful behaviour contrary to statute law including general provisions regarding Breach of the Peace as well as specific provisions made in the Protection from Harassment Act 1997, which allows victims to report harassment to the police and potentially raise criminal proceedings against the alleged harasser.

7. Responsibilities of Staff and Managers

All employees have a clear role to play in helping to create a climate at work in which harassment and bullying behaviour is unacceptable. In particular, employees should be aware of their own conduct; act in accordance with the University's values; avoid colluding with inappropriate behaviour; and cooperate fully in any complaint procedure and/or investigation.

In addition, **managers and supervisors** have a particular responsibility to raise awareness of what construes harassment and bullying behaviour; act as role models; respond positively to complaints to avoid them escalating into grievances; and to challenge and stop unacceptable behaviour in the workplace.

Managers have a responsibility to manage underperformance or concerns regarding an employee's conduct. During these discussions, managers should give constructive feedback to help the employee understand what he or she has done that is unsatisfactory, why it is unsatisfactory and how to improve in the future. Destructive criticism, such as allocating blame rather than responsibility and making personal insults or put-downs, can be perceived as bullying behaviour.

HARASSMENT AND BULLYING PROCEDURE FOR DEALING WITH COMPLAINTS

1. Introduction

Many individuals subjected to harassment do not complain because they feel embarrassed, they are worried they will be victimised, or they do not want to get the harasser into trouble. As well as being able to approach the line manager, an employee can meet with their Human Resources Adviser or a trade union representative. These contacts are there to listen to what has happened, to provide help and support, and to explain the options, whether or not someone wishes to make a formal complaint. They also have the names and addresses of external support groups and other professional bodies if referral is more appropriate.

There are two ways in which harassment may be dealt with: the informal approach and the formal approach, both of which are outlined below. If complainants are unsure of which route to follow they should approach either their line manager, a trade union representative or Human Resources for advice.

Legal representation is not permitted during this process.

In situations where a member of staff feels at serious risk of harm from another member of staff or a student, they should report this to Human Resources as soon as possible. The University will aim to deal with the complaint as a matter of urgency and, where appropriate, will advise and support the member of staff in involving the Police.

2. Informal Approach

Stage 1

a) Where member of staff feels that he or she is being harassed or bullied, prior to adopting the formal procedure outlined below, the member of staff ("the complainant") is encouraged to advise the alleged harasser or bully that the behaviour is unwelcome and causing offence and ask for it to stop. It may be helpful to prepare for this by talking the situation through with a friend or colleague, practising what to say and making a note of specific examples of behaviour which have caused offence.

b) It may be that the person whose conduct is causing offence is genuinely unaware that the behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where the complainant would like support to make such an approach, he/she can seek advice from either their line manager, a trade union representative or Human Resources.

Stage 2

a) If speaking directly to the individual does not work or is not appropriate, an informal approach to the complainant's line manager may be more appropriate in order to resolve the matter informally. If the complaint concerns the line manager, the next-in-line manager should be approached.

b) The line manager will attempt to resolve the problem by conducting informal separate interviews with the complainant and the alleged harasser in a confidential setting. Before doing this investigation, the line manager should seek the advice of Human Resources. Following the interviews, the line manager will inform both the complainant and the alleged harasser in person

separately of the outcome, where possible within one week of the meetings, setting out clearly what was discussed, the decision made and the rationale for arriving at this decision. It should be noted that the University may not be able to disclose the full background details because of the need to protect confidential information.

c) In some cases, it may not be possible to approach someone informally, it might be inappropriate due to the seriousness of the complaint or the informal approach may not have been successful. Formal action might then be required.

3. Formal Approach

If the informal approach is inappropriate, the complainant is dissatisfied with the result of the informal approach, or the harassment or bullying does not cease, then the formal procedure should be followed.

Stage 1

The complainant or his or her representative shall take up the matter in writing with the appropriate management representative. This shall normally be the Head of School/Section or nominated officer who is senior to both the complainant and the person complained against. If you are not sure who to write to, contact Human Resources for advice as it may be appropriate, depending on the nature of the complaint, for someone outwith the School or Section to take on the investigating role. The management representative will initially establish that the informal approach has been followed where appropriate.

The management representative shall deal with the complaint as follows:-

- (a) The management representative must deal with the matter as promptly as possible and in a way which meets the needs and merits of each situation. At all times the matter shall be dealt with as tactfully as possible and the requirements of confidentiality must be fully observed.
- (b) The management representative shall inform the individual causing offence in writing where possible within one week of receipt of the letter that a formal complaint has been made and the nature of that complaint, and that he or she has the right to be accompanied by a trade union representative or work colleague. Legal representation is not permitted for either party.
- (c) In dealing with the complaint the management representative shall seek advice from Human Resources regarding the investigation of the complaint.
- (d) The management representative shall call separate investigatory meetings with the complainant and the alleged harasser or bully to attempt to resolve the matter. If both parties agree, a joint meeting may be convened instead of separate investigatory meetings. The complainant and the alleged harasser have a right to be accompanied by a trade union representative or work colleague. If witnesses are to be involved at the investigation stage, they will be advised of the seriousness of the investigation and of the strict necessity for confidentiality. Investigatory meetings will be held as quickly as possible, dependent on the availability of all parties.
- (e) The management representative will, where possible within one week of completion of investigatory meetings, reply in writing to all parties advising of the outcome of the investigations.

- (f) If at any stage it is not possible to respond within the specified time limit an explanation will be given for the delay and a date given for when a response can be expected.
- (g) In cases of serious alleged harassment, the alleged harasser can be suspended with pay for the duration of the investigation and any subsequent action recommended. The management representative should seek advice from Human Resources if s/he feels suspension is appropriate.

Stage 2: Appeal

- (a) If the complainant disagrees with the outcome of Stage 1, the complainant may submit the reasons for their dissatisfaction with the outcome in writing to the Director of People and Organisational Development within one week of being notified of the management representative's decision.
- (b) The Director of People and Organisational Development will appoint an appropriate person to deal with Stage 2, who will be responsible for notifying the alleged harasser or bully in writing that the matter is being taken further.
- (c) The Director of People and Organisational Development or the appointed appropriate person will as soon as possible, but not later than ten working days of receiving the complaint, call separate investigatory meetings with the complainant and the alleged harasser or bully together with their representatives to attempt to resolve the matter unless both parties agree to a joint meeting being convened.
- (d) As soon as possible after these meetings the Director of People and Organisational Development or the appointed appropriate person shall advise both parties, and their representatives, of the outcome including any action to be taken. This notification shall be in writing.

4. Potential Disciplinary Action at either Stage 1 or Stage 2

If the outcome at either Stage 1 or Stage 2 proposes any disciplinary action against the alleged harasser or bully then the relevant disciplinary procedure will be adopted. The investigation carried out during the Harassment and Bullying Procedure will also take the form of the investigation prior to a disciplinary hearing.

5. Potential Outcomes

Potential outcomes of the formal stages of the Harassment and Bullying Policy and Procedure can include:

- 1) Complaint not upheld
- 2) Coaching or specific appropriate training
- 3) Transfer to another team or department if reasonably practicable, with the complainant having the first choice of whether they would prefer to transfer jobs
- 4) Disciplinary action
- 5) Dismissal. For very serious allegations breaches, Gross Misconduct (dismissal without notice) may be appropriate

6. Role of Human Resources Department

The role of the Human Resources Department is to advise on the operation and application of this policy and procedure, and to take a proactive role in ensuring consistency of application across the University.

Human Resources must be notified of all formal Bullying and Harassment grievances raised. The relevant Human Resources Adviser will monitor the matter through all necessary stages.

7. Records

At the end of each stage, a complete record of all appropriate documentation generated during the various stages of the formal procedure must be passed to the Human Resources Adviser. These records will be kept confidential, monitored under equality legislation, and retained in accordance with the Data Protection Act 1998.

8. Review

This policy will be subject to review by Human Resources every three years or when legislation dictates.