



Bullying and Harassment Policy and Procedure

Approved by: Board of Governors

Date last approved: November 2014

Review period: 3 years

Date reviewed: 9 August 2019

Owner: Director of HR

Bullying and Harassment Policy and Procedure

1. Policy Statement

- 1.1 UCA is committed to creating and maintaining a working, learning and social environment in which the rights and dignity of all members of the University community are respected. This includes staff, students, contractors and visitors to the University.
- 1.2 This policy applies to all staff and students of the University both on and off the premises, including those working or studying away from the University, who consider that they have experienced bullying and harassment by staff or students at the University.
- 1.3 Staff and students have a right to complain if they are treated in a manner that they believe constitutes harassment or bullying. Apart from complaints about the behaviour of colleagues, employees and students have the right to complain if they believe that they have been bullied or harassed by a third party, for example a visitor or contractor. This complaint will be dealt with on a case by case basis as appropriate. Staff and students who raise a genuine complaint under this policy will under no circumstances be subjected to any less favourable treatment or victimisation as a result of making a complaint.
- 1.4 If it is established that a member of UCA staff or student has made a deliberately false, vexatious or malicious complaint about harassment, bullying or victimisation, disciplinary action will be taken against that employee or student.
- 1.5 Acts of bullying and harassment breach the University's Equality, Diversity & Inclusivity Policy and are considered serious offences, which may result in summary dismissal of staff or expulsion of students under the relevant disciplinary procedures. In addition, for students who are residents of student accommodation any acts of bullying and harassment may result in expulsion from accommodation under the terms and conditions of residents. The University, therefore, will treat seriously any form of intimidatory behaviour and seeks to develop a culture in which bullying and harassment is known to be unacceptable and where individuals are confident enough to bring complaints without fear of ridicule or reprisal. It should be noted that harassment can also lead to civil and criminal claims beyond the University's own disciplinary proceedings. For example, victims may be able to apply to the Civil Courts for an injunction to restrain the offending behaviour or claim damages for anxiety caused.
- 1.6 Any member of staff or any student who witnesses an incident that they believe to be the harassment or bullying of another member of staff or student, should report the incident in confidence to their line manager/course Leader/Head of School or member of the Human Resources Department. The University will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

2. Definitions and examples

2.1 Harassment as defined by the Equality Act 2010.

2.1.1 Under the Equality Act 2010 harassment is unwanted conduct that relates to a person's protected characteristic (i.e. their age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation) that has the purpose or effect of:

- violating that other's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for another individual.

2.1.2 Harassment may also be unwanted conduct based on a perception about a person's protected characteristic. Or because a person associates with someone who has a protected characteristic.

2.1.3 Harassment may involve repeated, persistent forms of unwanted and unwarranted behaviour, or an isolated incident.

2.1.4 The following are examples of harassment and the list is by no means exhaustive or comprehensive. The following interpretations and examples of harassment provide some guidance in a few categories to determine whether harassment has taken place. It should be noted however, that if a member of staff or a student complains that they are being harassed or bullied, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with the definitions contained within the University's policies.

2.1.5 **Sexual Harassment** can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.

Racial Harassment is most frequently, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to, a person's colour, race, caste, religion or nationality. It can also include offensive remarks about dress, culture, or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or groups.

Harassment related to Disability can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.

Harassment related to Sexual Orientation can take the form of remarks, jokes or offensive comments towards a person's sexual orientation, threats to disclose a

person's sexual orientation to others, or offensive behaviour/abuse relating to HIV or AIDS status.

Harassment relating to Gender Identity or Presentation can take the form of remarks, jokes, slurs or offensive comments relating to a person's gender identity or presentation, threats to disclose a person's undertaking of or intention to undertake a gender transition, refusal to identify a person undergoing a transition in correlation with their acquired gender identity, or offensive, inappropriate or invasive questions regarding a person's gender identity.

Harassment relating to Age includes derogatory comments, making remarks about a person's ability to learn, excluding people from social activities.

2.1.6 Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as constituting harassment.

2.2 Harassment as defined by The Protection from Harassment Act 1997

2.2.1 Under the Protection from Harassment Act 1997 harassment is a "course of conduct which amounts to harassment of another".

2.2.2 The conduct must have occurred on at least two occasions. And the person must have known or ought to have known that his conduct amounted to the harassment of another.

2.3 Bullying

2.3.1 Bullying can be defined as offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient. Bullying may be obvious, or it may be more covert. Bullying does not need to be deliberate; someone may demonstrate bullying behaviour, which falls within the above definition, without intending to. Whichever form it takes, it is unwarranted and unwelcome to the individual and will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals.

2.3.2 Like harassment, bullying can take many forms, and it may occur in a face-to-face setting, by telephone, or in written or electronic communications. The following list provides examples of the types of behaviour which can amount to bullying, although the list is, by no means, exhaustive:

- Verbal abuse or threats
- Taking steps taken to make someone's working life unreasonably difficult such as setting impossible deadlines, objectives or targets, constantly changing objectives and goals, deliberately imposing an intolerable workload, unreasonably removing areas of responsibility, or deliberately blocking advancement without just cause
- Intimidating behaviour
- Making threats or comments about job security without foundation
- Unwarranted disparaging, ridiculing or mocking comments and remarks. Such remarks might be made in front of others and/or designed to undermine an individual
- Physical violence or an explicit or implied threat of violence
- The deliberate exclusion of an individual from work-related activities (including social activities related to work) or from conversations in which they have a right or legitimate expectation to participate.

2.3.3 Anyone can be the victim of bullying, which may occur at any point in the University hierarchy. For example, subordinates can bully their line managers and colleagues and students can bully their tutors.

2.3.4 Legitimate, constructive and fair criticism of a member of staff's or a student's performance, attendance or behaviour is not bullying.

2.3.5 Bullying is to be distinguished from vigorous academic debate or the actions of managers making reasonable (but perhaps unpopular) requests of their staff, including performance management. The University will invoke appropriate procedures where a deliberate false accusation is made against any student or member of staff

2.4 Victimisation

2.4.1 Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report acts of discrimination or harassment.

2.4.2 Victimisation involves treating someone less favourably than other people because that individual has:

- made, in good faith, a claim of harassment or bullying under this Policy, (or a claim of discrimination under the Equality Diversity & Inclusion Policy)
- helped some other person who is making such a claim, perhaps by providing evidence or some other form of support to that other person.

Or by:

- penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines or deciding not to nominate someone for contribution pay even though they deserve such a nomination.
- excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.
- creating a difficult or oppressive environment for an individual because they have made a complaint – whether informal or formal – of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.

3. Cyber Bullying and the use of Social Networking software

3.1 Given the degree of reliance upon electronic means of communication within the University, it should be noted that harassment, bullying and victimisation can occur by electronic means. For example, this might involve:

- sending emails (with or without attachments) which breach the terms of this policy
- inappropriate copying of emails to parties not relevant to the discussion, as a way of intimidating or inappropriately gaining leverage over a member of staff
- using, displaying or saving offensive materials (e.g. offensive screensavers, photographs, etc.) which are then accessed, or seen by, another person or group of people

- downloading, displaying or printing offensive material from an internet source in the presence of another person or group of people.
- Communicating inappropriate messages via personal blogs or software such as WhatsApp, Facebook, Twitter or Instagram.

Inappropriate communication is also addressed in the Press & Social Media Policy.

- 3.2 Any form of cyber bullying is unacceptable behaviour. It may be regarded as a criminal offence and reported to the Police.
- 3.3 Extra care should be taken when sending or forwarding messages to consider the impact of the message or any attachment on the recipients. If, as a sender of an e-mail, you are in any doubt, either amend the message or don't send it at all. The display or circulation of sexually suggestive, pornographic, racist or offensive pictures or transmitting any such messages or images via electronic mail is prohibited.

4. Addressing issues of bullying and harassment

- 4.1 Depending on the nature of the harassment or bullying and the wish of the recipient, an individual may raise concerns through informal or formal procedures. Generally, an informal route is used in the first instance to help reach an early resolution.
- 4.2 In either case complainants are encouraged to pursue their complaints as early as possible. Early intervention is generally known to achieve a quicker resolution and complaints may be more difficult to resolve where time has elapsed, and relationships may have deteriorated.
- 4.3 The following support is available to staff and students who wish to explore options in addressing issues of bullying and harassment.

5. Internal Support

- 5.1 The University has a longstanding commitment to maintain a trained cohort of staff to support staff who feel that they may have been bullied or harassed. You can find out about the forms of support currently on offer at:
<https://www.uca.ac.uk/equality-diversity/harassment-bullying/>

6. External support

- 6.1 The University offers **employees** a confidential Employee Assistance Programme. You can find out more about it and associated services at:
<https://www.uca.ac.uk/health-safety-wellbeing/health-wellbeing/>
- 6.2 Students are able to access counselling services, which are located within Library and Student Services on each campus. And an external counselling service. You can find out more at: <https://www.uca.ac.uk/student-services/counselling/>

7. Raising issues informally

- 7.1 In order to resolve the issue at an early informal stage the member of staff or student is encouraged in the first instance to talk directly and informally to the person whom they believe is bullying or harassing them and explain clearly what aspect of the person's behaviour is unacceptable and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. The support outlined below is available to both those raising a complaint and those who have been complained about. It is important to recognise that both parties may need support.
- 7.2 If you believe that you have been bullied or harassed or if you have been accused of this behaviour you may talk to a Student Union Officer or friend (in the case of students), or in the case of staff to a Trade Union Representative, colleague or friend. Staff can also talk to their Manager, Head of Department or to a member of Human Resources. It should be noted that in exceptional circumstances it may not be possible to keep the details of what has been discussed confidential. An example may be where it is considered you or another member of staff or student may be at risk of harm. In such circumstances the recipient of the harassment will be informed of the intention to break confidentiality and why they are doing so. Sensitive information will only be shared if there is an absolute need to do so and with persons who have an absolute need to know and with your permission.
- 7.3 The following options may be considered when addressing issues informally. These options may also be used following recommendations made from a formal investigation.

7.3.1 Informal facilitated meeting

To support a discussion between the two parties an informal facilitated meeting could be arranged. This meeting would usually be facilitated by a line manager or another member of staff that may be appropriate. This would be discussed and agreed with you in advance of the meeting.

7.3.2 Mediation

Mediation is suitable for resolving a range of issues including allegations of bullying and harassment. Mediation is recognised as a useful tool for settling workplace disputes and is included in the ACAS Code of Practice on Disciplinary and Grievance Procedures.

UCA have several ACAS trained mediators and this process may be used as part of resolving an issue informally for both staff and students.

For further information please see UCA's Mediation Policy and Procedure.

There are no timescales within the informal process as this will vary depending on the nature of the complaint and the individuals involved. However, where staff or students are raising issues informally and they feel there are unreasonable delays in responding to them, they should raise this in the first instance with the Assistant Director of HR.

8. Raising issues formally

- 8.1 Where a member of staff or a student feels unable to take the informal route, or if they have already approached the person to no avail, or if the harassment is of a very serious nature, they may elect to raise a formal complaint. Formal complaints should be referred for investigation under the appropriate University policy and procedure depending on who is involved in the complaint.
- 8.2 If you are a member of staff raising a complaint against another member of staff then you need to raise this under the University's Grievance policy (formal stage).
- 8.3 If you are a student raising a complaint against another student you need to raise it with your Programme Director or Head of School who will bring the matter formally to the attention of the Head of School of the student against whom the allegation has been made, or in allegations relating to residential accommodation under the terms and conditions of residence, to the appropriate accommodation officer. Any investigation will proceed in accordance with the Rules for Student Conduct.
- 8.4 If you are a member of staff raising a complaint against a student you need to bring the matter formally to the attention of the Head of School of the student against whom the allegation has been made. Any investigation will proceed in accordance with the Rules for Student Conduct.
- 8.5 If you are a student raising a complaint against a member of staff you need to raise this under the University's Student Complaints Policy.
- 8.6 In bringing a complaint of harassment/bullying, the individual should be prepared to state:
 - the name of the person whose behaviour they believe amounts to harassment or bullying
 - the type of behaviour that is causing offence, together with specific examples if possible
 - dates and times when incidents of harassment or bullying occurred, and where they occurred
 - the names of any members of staff or students who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person
 - any action that the individual has already taken to try to deal with the harassment.

8.7 Individuals raising a complaint are recommended to keep a diary of events and relevant letters, emails and notes that may support their claim.

9. Outcomes

9.1 In cases of complaints against students, which are investigated under the Rules for Student Conduct, individuals will be informed if the Head of School or Accommodation Officer has found substance to the complaint and if the disciplinary procedures are to be followed. However, the complainant may not be informed of the outcome of any disciplinary procedure or any penalty that may be awarded, in line with principles of data protection.

9.2 In cases of complaints against staff, which are investigated under the grievance policy and procedure or Students Complaints Policy, the complainant will be advised of the outcome of their complaint and any recommendations that may be appropriate. Should any further action be taken against a member of staff in relation to that investigation, the University's Disciplinary policy will be followed. The complainant may not be informed of the outcome of any disciplinary procedure in line with principles of data protection.