

# Bullying and Harassment Policy and Procedure

Version 1.0 / May 2023

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## 2. Scope

**2.1** This policy applies equally to all employees, of all levels of seniority, without exception as well as to individuals who are indirectly employed by the University e.g. agency workers and individuals employed by partner organisations whilst working with the University. This Policy also applies to visitors to the University; visitors are considered to be any person or persons who are not employees, workers, contractors or students who are legitimately on campus i.e. visiting academics, prospective students, volunteers, consultants, staff of businesses or organisations hosted by the University.

**2.2** If an employee(s) considers they are being subjected to unacceptable behaviours they should raise a complaint under this Policy, as opposed to the Grievance Policy and Procedure, which is for matters relating to employment. If a visitor(s) to the University considers they are being subjected to unacceptable behaviours, they should refer to section 5.7.

**2.3** Any person observing behaviour which may constitute unacceptable behaviours, should encourage the affected individual(s) to seek appropriate support and assistance as outlined in this Policy.

**2.4** Complaints made by students regarding unacceptable behaviours are not covered by this Policy. Students at the University should refer to the University General Regulations relating to student conduct; further advice is available from Student Services, if required. Where the student is also an employee, advice should be sought from the PPC (People, Performance and Culture) Department, who will liaise with Secre0.000008871 0 595.32 841.u8u3fs 595.35 595 595.32 841.92 reW\* 0 1 100.7 470.

the Improving Performance procedure at the same time as the alleged under-performance is being considered;

(vii) a complaint against an actual or potential dismissal (for example, redundancy or end of fixed term contract), which should be dealt with under the appropriate procedure;

(viii) allegations about employment matters, which should be more appropriately managed through the University's Grievance Procedures;

(ix) allegations which are brought under the University's Whistle-blowing Procedures;

(x) employees are excluded from using this procedure t



is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. While employees will hold a range of views on a variety of issues, all members of the University community are expected to treat each other with respect and to ensure that the expression of personal views are not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

**3.13** Complaints made under this Policy should be made by named individuals. Anonymous complaints may be raised through Concern Line, please refer to section 12.2 for further information, however the University cannot guarantee that anonymous complaints will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

**3.14** If, at any time, the Reporting Person wishes to withdraw their formal complaint, they must make their intentions known, in writing, to the Investigating Officer or the PPC Representative dealing with the matter. The University reserves the right to investigate the original complaint if it is considered to be in the best interests of the

## **4.2 Bullying**

**4.2.1** Although there is no legal definition of bullying, ACAS describe Bullying as:

*Offensive, intimidating, malicious or insulting behaviour;  
An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.*

**4.2.2** Bullying is a psychological form of persecution and may occur persistently over a period of time, however, in certain situations, single incidents may constitute bullying. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. an employee may be bullied by a student or a manager may be bullied by an employee. Whilst many cases of bullying occur with the intention of undermining, humiliating, degrading or injuring the recipient, it is also possible for an individual to create these effects on another person or group unintentionally. This will be taken into account in the investigation and consideration of possible sanctions.

**4.2.3** Appendix 2 provides further information about bullying, including examples of behaviour that could be considered to be bullying.

## **4.3 Harassment**

**4.3.1** Harassment is defined in the Equality Act 2010 as:

*Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.*

**4.3.2** Harassment may take place for any number of reasons. A person may be subjected to harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the Reported Person. For this reason, people who are in a minority position (be it numerical or hierarchical) may be more vulnerable to being harassed. However, it is important to recognise that Harassment can occur in less obvious scenarios and outside of traditional power relationships, for example an employee could be harassed by a student, or a manager could be harassed by an employee. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment because of association) or it is directed at them but they do not have the protected characteristic, however are perceived to have it (harassment because of perception).

**4.3.3** Appendix 2 provides further information about harassment and protected characteristics, including examples of behaviour that could be considered to be harassment.



## 4.4 Victimization

## **5. Responsibilities under this Policy**

### **5.1 Employee Responsibilities**

All employees of the University are personally responsible for their behaviour towards others, at work and at work-related events / activities, whether or not these take place on University premises or in work time. Employees should:

- Take responsibility for conducting themselves in a professional, consistent and respectful manner in line with our One Community Values.
- Through their behaviour, demonstrate an active commitment to this Policy and its aims;
- Contribute to a dignified working environment in which bullying and harassment are considered unacceptable and consider personal behaviours that might be seen as such;
- Take appropriate action as outlined in this Policy at the earliest opportunity should unacceptable behaviour arise;
- Where practicable and reasonable, seek early informal resolution to any concerns regarding bullying and harassment;
- Modify their behaviour at work if they become aware that it is unacceptable in light of this Policy, even if no informal or formal complaint has been made;
- Consider accessing support mechanisms to maintain health and wellbeing during the process.

### **5.2 Management Responsibilities**

Line Managers are responsible for:

- Setting and modelling acceptable standards of behaviour;
- Communicating these requirements to any employee for whom they have responsibility;
- Making every effort to maintain an environment which is free from unacceptable behaviours;
- Wherever practicable and reasonable, facilitate informal resolution to employee complaints;
- Taking appropriate and prompt corrective action as outlined in this Policy or seeking advice from the PPC Department regarding how to proceed, if they are informed of behaviour which contravenes, or may contravene, this Policy;
- Modifying their behaviour at work if they become aware that it is unacceptable in light of this Policy, even if no formal or informal complaint has been made;
- Referring parties to support mechanisms to maintain health and wellbeing during the process (or consider accessing themselves if they are the Reported Person).

### **5.3 Responsibilities of the People, Performance and Culture (PPC) Department**

The PPC Department is responsible for providing advice and information on the operation and application of this procedure at any stage and has a specific role in providing professional support during the formal stages of this procedure. A Representative of the PPC Department will be present during all formal meetings to advise the Investigating Officer with procedural guidance, and to ensure fair, consistent and appropriate management of the process. PPC will also be responsible for monitoring the number of formal cases investigated each year and the outcomes of those cases.

### **5.4 Responsibilities of the Investigating Officer (IO)**

**5.4.1** Upon receipt of the bullying and harassment complaint an independent IO is appointed by the Reporting Person's Line Manager (or the next tier Line Manager if the Line Manager is the Reported Person) and PPC. It is the IO's role to determine the outcome of the complaint and apply a test of 'reasonableness' to determine if bullying or harassment has taken place (as detailed in section 4.5). The IO will consider the level and scope of their investigative actions (which will be dependent on the nature, seriousness and sensitivities of the complaint) to ensure that they are able to respond in a fair, proportionate and efficient manner. The IO will conduct the investigation in a thorough, impartial and objective manner, and will carry out the investigation with sensitivity and due respect for the rights of all parties concerned.

**5.4.2** In some instances, where the initial information submitted by the Reporting Person is unclear, the IO may need to communicate directly with the Reporting Person in advance of the Fact Finding Meeting to gain clarity; this is in order to ensure that the IO is able to respond to the







## **7. Collective Complaints**

**7.1** For the avoidance of doubt, collective complaints are distinct from collective disputes, which are the subject of negotiation or consultation with a recognised trade union and senior representatives of the University. Collective disputes will be heard under the procedure outlined in the Recognition Agreement.

**7.2** If more than one person raises concerns about bullying or harassment from the same Reported Person, they may raise the complaint collectively, rather than on an individual basis. A group of employees may raise as a collective complaint any matter relating to bullying and harassment under this Policy. All the employees raising the collective complaint must be in agreement with this approach, be named on the

process. There may be occasions where the process causes distress and impacts on a person's mental health. Where there are signs of this happening to anyone involved in the process, the University will consider whether the process can be adjusted in a reasonable way and the IO / PPC Representative will inform the individual's Line Manager who should signpost the individual to support available to them within the University or to their GP, if appropriate.

#### **8.4 Employee Assistance Programme**

Confidential counselling via the Employee Assistance Programme is available for any employees involved in this process. Further details can be found on the University PPC portal page.

#### **8.5 Mental Health First Aiders (MHFA)**

**8.5.1** University Mental Health First Aiders (MHFA) can also be a point of contact and support for employees involved in this process. The role of a MHFA is to recognise mental ill health and help people find the support they need. They strive to achieve the University's ambitions of creating an inclusive culture, whereby attitudes and behaviours to mental ill health are not stigmatised, and employees feel able to talk about their mental health without fear of repercussion or judgement.

MHFA can:

- Understand the important factors affecting mental ill health;
- Identify the signs and symptoms for a range of mental health conditions;
- Listen non-judgmentally and hold supportive conversations;
- Signpost employees to professional help and ongoing support.

**8.5.2** MHFA are not directly involved in the informal or formal procedure under this Policy.

**8.5.3** Further details about MHFA and how to contact them can be found on the University PPC portal 0 593oea3(e )







Reporting Person should contact the next tier manager or their PPC or Trade Union Representative for further guidance.

## **10.2 Informal Procedure**

**10.2.1** The University will support employees to resolve concerns informally wherever it is reasonable and practicable to do so. An informal approach can effectively address the unwanted behaviour without recourse to formal procedures. Sometimes people are not aware that their behaviour is unwanted and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

**10.3.3** Advice can be sought from a number of sources prior to doing this as it may help the Reporting Person to frame the conversation and consider whether it may be possible to arrive at an acceptable solution on an informal basis. Advice can be sought from the PPC Department or a Trade Union Representative. All persons involved in an allegation of bullying or harassment

## **10.5 Guidance for the Reported Person**

**10.5.1** The University recognises it can be distressing to be the subject of allegations of bullying or harassment. Persons who are approached about their behaviour are advised to consider what is being said carefully. Whilst it may be upsetting, they should allow the Reporting Person to express their concerns and try to reach some common ground to remedy the situation. Even if it was not the intention to be hurtful, actions can still constitute bullying or harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. It is often helpful to seek clarification about what aspects of behaviour were felt to be unacceptable and to discuss ways of working together more effectively.

**10.5.2** In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause bullying or harassment. In this case the Reported Person should explain that the behaviour will not be repeated, and parties should come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be hurtful to someone else and this should be respected.

**10.5.3** Persons subject to a formal allegation of bullying or harassment should not contact the Reporting Person or any named witnesses regarding the matter, as this is unlikely to solve, and may aggravate, the situation.

**10.5.4** If a person believes the allegations against them to be unfounded, they are encouraged to participate in proceedings as it is their opportunity to respond.

**10.5.5** Persons who are the subject of allegations of bullying or harassment, either under the formal procedure or who are approached informally about their behaviour, can seek support and advice from PPC. Details of other sources of help and advice can be found in Section 8 and Appendix 3.

## **11. Mediation**

**11.1** Where it is reasonable and practicable to do so, mediation can be an important consideration for resolving issues and working together more effectively.



**12.1.6** Students who wish to make a formal allegation against another student should be directed to the Student Misconduct Regulations (Part P of the University General Regulations). Students who wish to make a formal allegation against an employee should be directed to the Student Complaints Regulations (Part O of the University General Regulations).

**12.1.7** When the complaint is from a student and if the Reported Person is an employee, the Governance team shall inform PPC of the allegations and keep them informed throughout the process to enable PPC to de595.32 841.92 reW\* nBT/F2 12 Tf1 0 0 1 72 6

**12.3.2** The PPC Department reserves the right to appoint an external investigator in cases where it deems this is necessary. This will only be done in exceptional circumstances and in consultation with the Chief People Officer.

**12.3.3** To avoid any conflict of interest, if the Reporting or Reported Person hhTm0 4 12 T4(in)3(0.0









**12.6.7** If the complaint is not upheld, the Reported Person should be reassured that their behaviour was not deemed to be inappropriate. They should be supported to recognise that the Reporting Person may still perceive the behaviours were inappropriate and that therefore the Reporting Person was not acting unreasonably in raising a concern, unless there is evidence to suggest the complaint was not raised in good faith.

## **12.7 Employees Who Experience Third Party Bullying or Harassment**

**12.7.1** In this section of the Policy the term “third party” is taken to mean the actual source i.e. the contractor, company, supplier or form of the individual(s) who represent that third party company and against whom the allegation of bullying and harassment has been made.

**12.7.2** The University reserves the right to move to any step of the following procedure and take the necessary actions to protect and support its employees.

**12.7.3** Should an employee experience any form of bullying or harassment from a third party e.g. a contract worker or supplier it should be reported directly to the employee’s Line Manager.

**12.7.4** It is the Line Manager’s responsibility to seek to resolve directly with that third party that nature of the unacceptable behaviours.

**12.7.5** If the Line Manager does not hold the contractual arrangements with that third party, then the Line Manager should report the incident to the appropriate manager who does and pass on the responsibility to address the matter with the third party.

**12.7.6** It is the Line Manager’s responsibility to draw the third party’s attention to this Policy and request that the unacceptable behaviour stop immediately.

**12.7.7** At this stage of the procedure, the Line Manager and employee are advised to

**12.7.9** The formal complaint should also make it clear that if such unacceptable behaviour continues then sanctions will be taken which may include links between the worker or organisation and the University to be severed, as appropriate. The third party should be asked to make a response outlining what steps they will take to resolve the matter.

**12.7.10** If the Line Manager should feel that the third party has responded appropriately and is satisfied with the redeeming course of action taken by the third party then this information should be shared with the employee concerned and the matter should be drawn to a close.

**12.7.11** If the employee has any remaining concerns after the Line Manager has drawn the matter to a close, they should raise them with the next tier manager.

## **12.8 The Appeal Process**

**12.8.1** The Reporting Person has a right of appeal in relation to the process used and the decision reached. The purpose of the appeal hearing is not to rehear the case but to ensure that the original decision was reached in a procedurally correct way and the action taken was reasonable, and to consider the proportionality of any penalty to the offence.

**12.8.2** An appeal can be submitted in writing using the Appeal Form at Appendix 5 to PPC. This must be done within 10 working days from receipt of the decision by the Reporting Person, as detailed in section 12.6.3 above. The Reporting Person should clearly set out their grounds for appeal and in the event this is not specified, the Reporting Person will be asked to provide this detail.

**12.8.3** An appeal will be heard without undue delay by an independent IO who has not been previously involved in the matter.

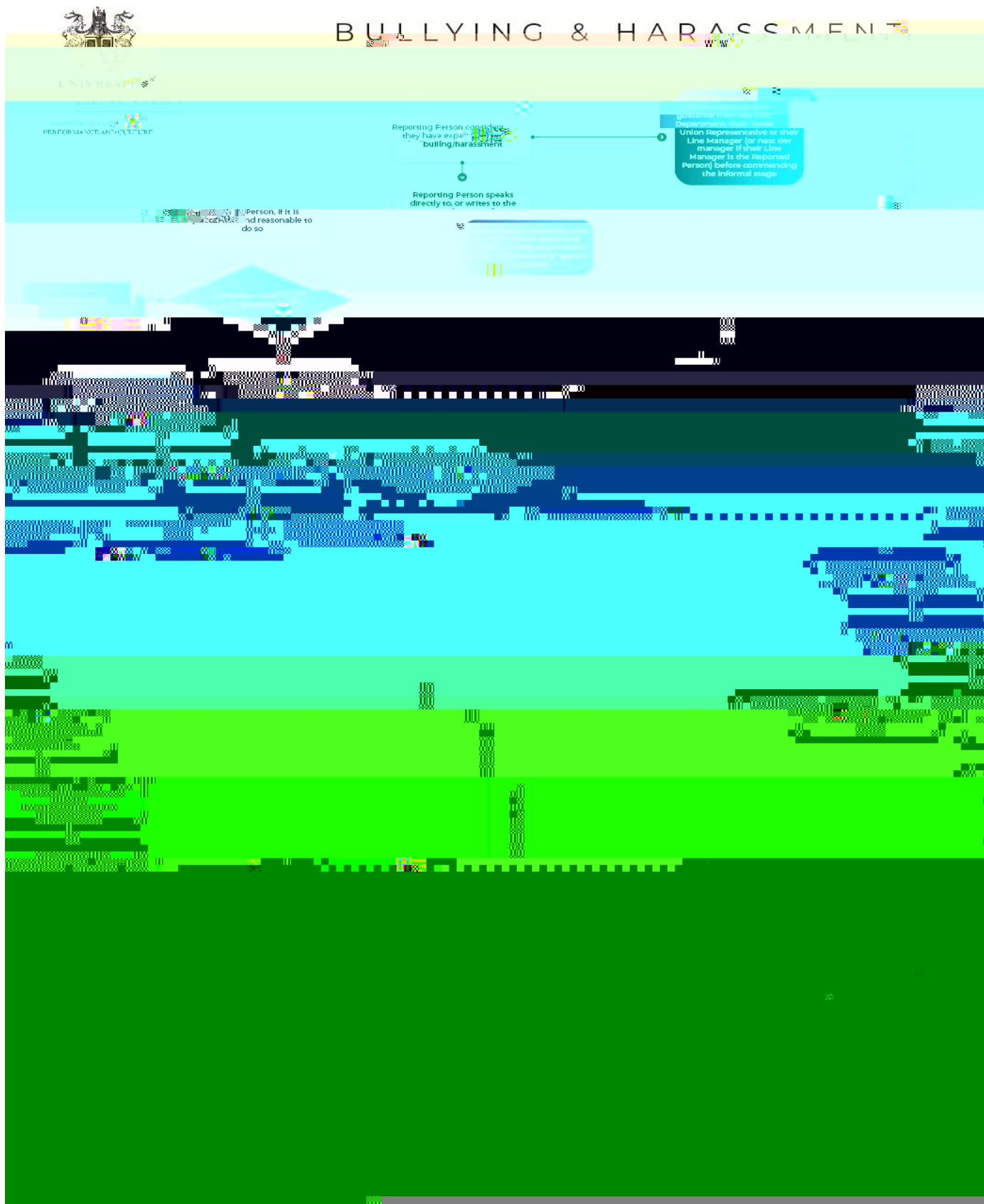
**12.8.4** PPC will write to all concerned notifying them of the time and date of the hearing. The Appeal Process will be the same as that detailed in the Disciplinary procedure.

**12.8.5** The outcome of the appeal will be communicated in writing by PPC, without undue delay to the employee and their Line Manager (or next tier manager should the Line Manager be the Reported Person).

**12.8.6** The outcome of the appeal is final and there are no further stages to the Bullying and Harassment Procedure.

# 13. Appendix 1

## Bullying and Harassment Procedure Flowchart





### **3. Harassment**

**3.1** Harassment is when bullying or unwanted behaviour is about any of the following protected characteristics under the Equality Act (2010):

Age

Disability

Gender Reassignment\*

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### **3.7 Harassment related to Disability**

**3.7.1** Harassment related to disability is unwanted conduct directed at a person because of their physical or mental disability. It may relate to the disability itself or the person's real or presumed capabilities. A person can also be harassed on the grounds of disability where they themselves are not disabled - for example, if they are the carer of a child with disabilities and suffer harassment on that basis.

**3.7.2** Specific examples of disability-related harassment include

- direct verbal abuse or comments that make a disabled person feel uncomfortable, intimidated or degraded
- comments which fail to acknowledge an employee's disability
- physical abuse
- jokes or banter relating a disabled person
- mimicking or teasing a person about their disability
- deliberately ignoring a disabled person
- deliberately altering physical space or removing equipment required by a disabled person
- unnecessarily intrusive and inappropriate questions about a person's condition
- excessive and unnecessary references to a person's disability
- refusal to work alongside a disabled person

**3.7.3** Harassment related to disability is unlawful under the Equality Act 2010.

### **3.8. Harassment related to Religion or Belief**

**3.8.1** Harassment related to religion or belief is unwanted conduct directed at a person because of their religion, a lack thereof, or a comparable belief system. It can also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or because of a person's nonadherence to a religion or belief system.

**3.8.2** Harassment may take the form of:

- teasing or ridiculing someone for holding a particular religion or belief
- persistently asking an individual intrusive questions about how they choose to observe their religion or belief
- ostracising someone because of their religion or belief
- failing to respect the religion or belief of another (i.e. by persistently offering inappropriate food and drink)
- persistent criticism of employee for not wearing appropriate uniform or dress behaviour may focus upon a particular aspect of a religion or belief system, such as clothing, religious artefacts, beliefs and rituals
- the expression of stereotyped perceptions and assumptions about a religion or belief and its followers
- coercive pressure to convert or conform to a religion or belief system





### **3.12 Bullying or Harassment via Electronic Media, including the use of Social Media**













## 17. Appendix 5

# Bullying and Harassment Appeal Form

To be completed by the Reporting Person and sent to the Line Manager\* and Department of PPC. Please ensure you have read the Bullying and Harassment Policy and Procedure before completing this form.

**Please outline how you would like your appeal to be resolved**

\*If your Line Manager is the Reported Person, send the form to the next tier of your

## 18. Appendix 6

# Bullying and Harassment Witness Statement Form

To be completed by the witness and sent to the Department of PPC. Please ensure you have read the Bullying and Harassment Policy and Procedure before completing

**Please explain what action, if any, you took in response to the alleged incident(s)**

## **19. Appendix 7**

### **The role of the Companion under this Policy**

Under the formal procedure for dealing with allegations of bullying and harassment, the companion may be a Trade Union Representative or work colleague. The employee must notify PPC of the name of the chosen companion in advance of the first meeting. It is not reasonable for the employee to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.

The role of the companion is to assist and support the employee by putting forward the employee's case or summarising it at the end. They may also ask questions to clarify understanding of the situation and ask to confer with the employee outside the room with the employee's agreement about any pertinent matters. However, a companion cannot answer questions on behalf of the employee where questions are directed at the employee. They cannot address the hearing if the employee does not want them to, or prevent the employer from explaining their case, nor can they





