



UNIVERSITY OF ROEHAMPTON

DIGNITY AND RESPECT POLICY

**A policy against harassment, bullying and victimisation
and related complaints procedures for staff and students**

Originated by Equality and Diversity Committee:	June 2014
Impact Assessment:	May 2013
Recommended by Senate:	June 2014
Approved by Council:	16 March 2015
Review Date:	June 2017

DIGNITY AND RESPECT POLICY

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DIGNITY AND RESPECT POLICY

PART I

1. POLICY STATEMENT

The University is committed to creating a working and learning environment that is truly inclusive, where people understand, appreciate and value the diversity of each individual and where practices make people feel valued and able to participate and achieve their full potential. The University recognises that such an environment cannot be created or sustained if individuals are subjected to harassment, intimidation, aggression, bullying or other behaviour prohibited under this Dignity and Respect Policy (“Policy”). Such behaviour will therefore not be tolerated by the University.

The University expects all staff, students and visitors to treat everyone within the University community with dignity and respect, and it is committed to creating a culture where individuals feel confident about making complaints about behaviour prohibited under this Policy. All complaints will be taken seriously and treated sensitively and in a timely manner.

2. PURPOSE AND SCOPE

The purpose of this Policy is to set out the University’s position on harassment, bullying, victimisation and other related prohibited conduct. It enjoins all staff and students of the University to take personal responsibility to ensure that the dignity of staff and students is respected; sets out the procedures for dealing with issues of harassment and bullying; and makes provision for staff and students to:

- challenge all forms of harassment and bullying;
- have their complaints dealt with quickly and effectively; and
- have the confidence and support to bring complaints without fear of ridicule or reprisal.

This Policy is for use by students and staff. It covers bullying and harassment in the workplace and learning environment as well as in any work-related or learning-related settings outside the workplace or learning environment such as business trips, field trips and work and learning-related social events.

3. IMPLEMENTATION

The University undertakes to:

- publicise this Policy widely;
- recruit, train and support Working Relationship Advisers and publicise their names and contact details widely;
- establish clear systems of communication and referral;
- develop, review and maintain procedures for dealing with complaints;
- monitor the implementation and operation of this Policy.

The Equality & Diversity Committee is responsible for supporting the implementation of this Policy.

4. DEFINITIONS OF BEHAVIOUR PROHIBITED UNDER THIS POLICY

The University prohibits the following types of behaviour which are collectively referred to as prohibited conduct in this Policy:

4.1 Harassment

Harassment is unwarranted, unwelcome and uninvited behaviour, which violates an individual's dignity, or creates an intimidating, humiliating, hostile, degrading or offensive environment for them.

An individual or individuals may be subjected to harassment because they are perceived as being different or in a less powerful position than the harasser. Consequently, people who are in a minority position are more vulnerable to being harassed. Harassment may, however, occur in less obvious scenarios and outside traditional power relationships. A student may for example harass a member of staff or a manager may be harassed by a member of his/her staff.

Usually, behaviour that amounts to harassment is persistent and develops over a period of time. However, one-off incidents particularly those of a serious nature, can also constitute harassment.

Harassment is to be distinguished from vigorous academic debate. The latter is respectful and stimulates and encourages thought and discussion as opposed to the former, which is intimidating, hostile, degrading, humiliating or offensive to others.

The Criminal Justice and Public Order Act 1994 makes it a criminal offence to intentionally cause a person harassment, harm or distress by using 'threatening, abusive, insulting or disorderly behaviour'. Criminal proceedings could lead to conviction and criminal penalties. An employee could be personally liable to pay compensation to a successful claimant in a legal claim.

4.2 Bullying

Bullying is unwanted "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient"¹

Bullying is usually persistent and conducted by one person against another or a group of individuals against an individual or group of individuals causing them to suffer stress. It can, however, occur in less obvious scenarios and outside traditional power relationships. A member of staff may for example be bullied by a student or a manager by a member of his/her staff.

¹ As defined by ACAS in *Bullying and Harassment at Work, A Guide for Managers and Employers*, page 5

4.3 Unlawful discrimination

Some types of bullying or harassment may also constitute unlawful discrimination (harassment which occurs because an individual has a particular protected characteristic) and may give rise to the possibility of other civil claims or criminal proceedings that may proceed independently of the University's disciplinary proceedings.

4.4 Victimisation

Victimisation is less favourable treatment of a person because they have made allegations of harassment or other prohibited conduct, intend to make such an allegation, or have assisted or supported a person who has made such an allegation.

4.5 Hate Crimes

Hate Crimes are "crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence."²

If any of the abovementioned types of behaviour constitutes a criminal offence, the complainant or the University may contact the police if appropriate.

5. HARASSMENT BY THIRD PARTIES

Where a complaint is made of harassment by a third party (that is, someone other than a member of staff or student of the University such as a contractor or a visitor), the University will ensure that it is investigated and that reasonable and appropriate action is taken to prevent the recurrence of any harassment.

Staff and students should report the details of any third party harassment immediately (including the date and time of occurrence) to the Director of Human Resources and to the Deputy University Secretary respectively.

6. CONFIDENTIALITY & RECORD KEEPING

All reports of prohibited conduct as well as associated records will be treated with confidentiality. In cases where there is unacceptable risk to the personal health and or safety of the complainant or to others, the University may, however, need to make appropriate and lawful disclosure.

Where a complaint has been made and not substantiated following an investigation, no record will be kept on the personnel file of the person accused of prohibited conduct. Where an employee makes a complaint to his/her manager or to Human Resources but does not wish to proceed to make a formal complaint, no record will be kept on the personnel file of the person accused of prohibited conduct.

² This definition has been provided by Universities UK, the Equality Challenge Unit and Standing Conference of Principals (SCOP)

7. ADVICE AND SUPPORT

Support and advice is available for staff and students who feel that they are being bullied or harassed, or have had a complaint made about them. Some University sources are set out below and contact details for both internal and external sources of advice and support are set out in Appendix 2 below.

7.1 Staff

Members of staff from across various functions within the University volunteer as Working Relationship Advisers. They are appropriately trained by the University and provide a confidential service that enables members of staff to discuss problems without recourse to the University's formal processes.

Staff can select the Working Relationship Adviser they consider to be most appropriate. To avoid potential conflict of interests, it is recommended that they select a Working Relationship Adviser outside their own department or department of the person accused of prohibited conduct.

If a Working Relationship Adviser is unable to take on a case due to a potential conflict of interest, personal commitments or other reasons, he/she will refer the member of staff to another Working Relationship Adviser.

Working Relationship Advisers can:

- Provide staff with support and a confidential environment in which to discuss problems.
- Provide staff with information on available options and assist them in thinking through their options.
- Support staff in making decisions appropriate to their circumstances and empower them to act.
- Accompany staff at meetings in an informal capacity or under their 'right to be accompanied'.
- Provide staff with a visitation record if so requested, as proof that assistance was sought.
- Arrange a facilitated meeting between two parties with a trained facilitator who has no allegiance to either party.

Working Relationship Advisers will not:

- Pass on specific information or details about who has accessed the service except for a visitation record at the request of the member of staff.
- Make decisions for staff.
- Take action against the person accused of prohibited conduct;
- Mediate or negotiate between the member of staff and the person accused of prohibited conduct.
- Meet staff outside the Working Relationship Adviser's working hours or off the University's premises.

7.2 Counselling

Members of staff can access counselling by contacting the Employee Assistance Programme. Please see Appendix 2 for details.

7.3 Pastoral Care

The Chaplaincy provides pastoral care to both staff and students of all faiths or no faiths.

7.4 Students

Students can contact a Student Welfare Officer, Chaplain or Health and Wellbeing Adviser and appropriate forms of support will be identified including counselling. The services outlined above that are provided for staff are also available to students via Student Welfare Officers and other student support officers.

PART II

THE COMPLAINTS PROCEDURE

1. INTRODUCTION

Staff and students who feel that they are being subjected to any form of harassment, bullying or victimisation should use the following procedures. These procedures aim to promote fairness and consistency in dealing with complaints.

These procedures are to be used in good faith and disciplinary action may be taken in cases where it has been found that a complaint is malicious or vexatious. A malicious complaint is one where clear and objective evidence disproves the allegation of behaviour prohibited under this Policy and establishes a deliberate intent to deceive. A vexatious complaint is one where the person making a complaint (the “complainant”) makes a complaint on essentially the same matter that has already been considered and has exhausted the complaints procedure.

All complaints will be treated seriously and taken to be made in good faith unless there is clear and objective evidence that they were made maliciously or vexatiously. The fact that a complaint is not found to be justified or to be substantiated does not mean that it has been made in bad faith.

The University will seek to ensure that complaints and those assisting in investigations arising from complaints are protected against victimisation for making the complaint or assisting in the investigation. Anyone found to have victimised someone will be subject to disciplinary action under the University’s disciplinary procedures.

2. RESOLVING COMPLAINTS

2.1 There are two stages to these procedures – an informal stage and a formal stage. A complainant need not follow both stages and use of the informal stage does not automatically lead to, or preclude, the use of the more formal stage. The procedures set out under the informal procedure are the same for staff and students whilst those under the formal procedure differ for staff and students.

Stage 1: Informal Action

An individual who believes that they are being bullied or harassed, should take the following informal steps:

- Approach the person about their behaviour directly or indirectly

Bring the person's behaviour to his/her attention (either orally or in writing) and let them know that their behaviour is unwelcome or upsetting and should be stopped immediately. He/she may also be notified that if their behaviour continues, a formal complaint may be made. Having an informal discussion with a person about their behaviour may help them to understand the effect that it is having on someone else and the discussion may help that person to change his or her behaviour.

If an individual feels unable to take such action him/herself, he/she can ask someone else, e.g. a colleague, fellow student or one of the people listed at 3 below, to approach the person on their behalf.

- Document incidents

Keep a record of any incidents that occur and note the dates, times, circumstances and names of any witnesses. Where appropriate, this record should include a note of the date on which the alleged harasser/bully is informed of his/her behaviour and what was said and done. This will be useful evidence if the unacceptable behaviour continues and the individual who feels harassed/bullied wishes to make a formal complaint.

Members of staff can contact one of the University's trained Working Relationship Advisers who help individuals to deal with the issues, arrive at a realistic assessment of them and talk through the options available in confidence. A member of the Human Resources Department or trade union representative may also be contacted for similar support.

Students can approach their tutors, heads of department, heads of college, college chaplains, programme board student representatives, student union representatives, student welfare officers or their course supervisors to discuss issues and seek advice on available resolution options.

Where the behaviour causing concern has taken place between students living in University accommodation, the warden of the accommodation is an appropriate person to approach. If the behaviour is from another student on a particular module or within a study group, an appropriate person would be a personal tutor or module leader or another member of the student support team within the student's school/college.

If after discussing the resolution options an individual decides to deal with the situation through a facilitation meeting and the other party agrees to such a meeting, an appropriate facilitator will be identified, who will meet with the parties and attempt to find an outcome acceptable to both parties.

Human Resources will work with the Working Relationship Advisers and the complainant to identify an appropriate facilitator, who will be sufficiently independent of both parties. Facilitators are generally Working Relationship Advisers who have received specialist training as facilitators. Trained Student Welfare Officers serve as facilitators in student matters.

If the matter remains unresolved, through the informal process or if the problem continues following an agreed resolution, the complainant may consider other options such as discussing the matter again with his/her line manager, a member of Human Resources or other individual identified at paragraph 3 above. He/she may also consider making a formal complaint.

Stage 2: Formal Action for Staff

This stage is the formal procedure of the [University's Grievance Procedure](#) and is based on statutory requirements for internal procedures. An Employment Tribunal will not consider a claim if an employee has not made use of this internal procedure.

An employee who wishes to formally raise a grievance against another employee, should put his/her complaint in writing to his/her supervisor/line manager, stating that he/she is invoking the grievance procedure. If the grievance is against the line manager, this notice must be given to his or her line manager. Guidance on the procedure to be followed is outlined in the University's Grievance Procedure which can be found at: <http://my.roehampton.ac.uk/information/HumanResources/Documents/Grievance%20and%20Harassment/Grievance%20Procedure.docx>

If the employee's complaint is against a student, consideration can be given to taking the following actions:

- Approaching the student directly or through another individual such a line manager or head of department/service as described above in paragraph 1 under Informal Action.
- Taking formal action in serious or persistent cases. Bullying and Harassment are identified as inappropriate behaviour under the Student Code of Conduct and failure to comply with this Code constitutes non-academic misconduct which may result in students being referred to the University disciplinary procedures. Complaints can be made by way of the procedure set out for the referral of non-academic offences under the Student Disciplinary Regulations, available at: <http://www.roehampton.ac.uk/WorkArea/DownloadAsset.aspx?id=2147493152>

Stage 2: Formal Action for Students

Students should refer complaints in relation to the behaviour of other students in writing to the Deputy University Secretary for further action.

Complaints in relation to the behaviour of members of staff student should be referred in writing to the complainant's Head of Department or equivalent, who will then decide the appropriate investigating officer.

3. REPRESENTATION AT MEETINGS

Both the complainant and the person accused of prohibited conduct will be advised that they may bring a trade union representative or colleague to any formal meeting. A Working Relationship Adviser or a Student Welfare Officer (in the case of student complainants) may attend a formal meeting with the complainant. Individuals attending meetings with complaints are to do so in a supportive role rather than a representative role.

4. ARRANGEMENTS DURING AND AFTER AN INVESTIGATION

The investigating officer will consider the evidence and make one of the following recommendations:

- **Take no further action.** This is appropriate in cases where the allegations have not been substantiated or where there is insufficient evidence.
- **Proceed to a disciplinary hearing.** This is appropriate in cases where it has been found that there is a case to answer or where conflicting accounts need to be considered further.
- **Take alternative action.** This is appropriate in cases where disciplinary action is not appropriate. Alternative action may include:
 - putting arrangements in place to monitor the situation
 - directing the person accused of prohibited conduct to attend training (e.g. Equality and Diversity awareness training)
 - arranging for the parties to attend a facilitated meeting, mediation or counselling in cases where both parties so agree
 - arranging the redeployment of one or both parties (either on a temporary or permanent basis)
 - arranging for both or either party to take a period of leave or to work flexibly.

The University will try to ensure wherever possible, that the complainant and the person accused of prohibited conduct are not required to work or interact with each other while the complaint is under investigation. Where possible, the University may give the complainant the option of moving temporarily to a different post/place of work or accommodation; working or studying from home; or taking annual leave or other leave (if a student).

Where an allegation relates to behaviour that may amount to gross misconduct, the person accused of prohibited conduct may be suspended (on full pay) during the investigation. In cases where a disciplinary hearing is to be held, suspension may continue until the hearing has been concluded.

If the complaint is upheld and the person found to have committed prohibited conduct continues to be employed by the University or to study at the University, the University will try to avoid wherever possible, and if requested by the complainant, the parties having to work alongside each other or having to interact with each other. Work or study options will be discussed with the complainant and may include the transfer of the other person or the transfer of the complainant to another post, or residence for example.

If the complaint is not upheld, the Human Resources department will support both parties and their manager(s) in making arrangements for the parties to continue or resume work or study and to help repair working relationships. Efforts will be made where possible to avoid the complainant and the person accused of prohibited conduct having to work alongside each other or interact with each other, if either of them does not wish to do so.

5. APPEALS

The appeals procedure as set out in the Grievance Procedure for University Staff should be followed if on completion of the formal stage, the complaint has not been resolved to the complainant's satisfaction.

In relation to student related matters, the appeals procedure as set out in the Student Disciplinary Regulations should be followed.

6. GUIDANCE FOR THOSE ACCUSED OF PROHIBITED CONDUCT

Individuals who are approached informally about their behaviour should be sensitive towards the person approaching them, and should be mindful that what may have been a joke for them or considered by them as normal behaviour, may be offensive for another. It is possible to offend someone without intending to. Different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

The concerned party may be content with an explanation, an apology and/or an assurance that the behaviour will not be repeated in future. This may be sufficient to end the matter.

Individuals accused of bullying or harassment may seek advice/support from one of the University's Working Relationship Advisers (or Student Welfare Officer if a student).

Formal complaints made under these procedures will be fully investigated. Individuals accused of bullying or harassment have the right to be informed of the allegations against them. They also have the right to be accompanied to formal meetings by a trade union representative, a colleague or Working Relationship Adviser or Student Welfare Officer as appropriate.

Bullying, harassment and victimisation can amount to gross misconduct and if proven, could lead to dismissal without notice or to exclusion from the University.

If it is found that a complaint against an individual has been malicious, appropriate disciplinary action may be taken against the complainant.

EXAMPLES OF BEHAVIOUR THAT MAY AMOUNT TO BULLYING, HARASSMENT AND VICTIMISATION

Below are some examples of behaviour that may amount to bullying, harassment and victimisation. These examples are not intended to be exhaustive:

BULLYING

What behaviour constitutes bullying?

It may be difficult at times to distinguish bullying from firm management or supervision or from vigorous academic debate. The distinguishing factor is that the acceptable forms of behaviour have the effect of supporting and developing potential and or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring an individual.

The University will use the “reasonableness test” to determine whether behaviour amounts to bullying. Consideration will be given to the perception of the complainant and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the complainant.

Bullying may occur through physical one to one contact or by use of electronic technology. This form of bullying is known as Cyberbullying and may occur by such means as text messages, phone calls, emails, and postings of messages, pictures or profiles on social networking sites.

The following behaviour generally amounts to bullying:

- Ridiculing a person
- Shouting or screaming at a person
- Setting someone up to fail (e.g. withholding necessary information or deliberate work overload)
- Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- Persistently ‘singling out’ a person without good reason
- Deliberately excluding, isolating or ignoring an individual
- Making threats or comments about job security or academic success or failure
- Unnecessarily public criticism.

HARASSMENT

What behaviour constitutes harassment?

Harassment can take the form of verbal communication, written communication through such means as letters, social media, emails, text messages and graffiti, or it can be of a physical nature. It may be expressed directly to the person concerned, occur in their presence or be communicated about them to a third party.

The types of unlawful harassment specifically prohibited under the Equality Act 2010 are described below and examples given of the types of conduct considered as harassment and as unacceptable by the University:

Racial Harassment

Racial harassment is unwanted conduct that occurs on the grounds of a person's race, including their ethnic or national origins, colour or nationality. It is usually, although not exclusively, directed at individuals from minority ethnic groups.

Examples include:

Racist jokes, 'banter' and language; the expression of racist views and stereotypes on the grounds of race; the display of racist materials; deliberately excluding or refusing to cooperate with someone on the grounds of their race; behaviour that focuses upon a person's appearance, dress, culture or customs; and behaviour that has the effect of fostering hatred and/or prejudice towards individuals of particular racial groups.

Sexual Harassment

Sexual harassment is unwanted conduct by either gender that is sexual in nature.

Examples include:

Physical contact, ranging from invasion of personal space, inappropriate touching or physical assault; intrusive questions and remarks about a person's private life; inappropriate remarks about a person's appearance or dress; sexually explicit language and jokes; verbal and physical innuendo; use of demeaning or gender-specific terminology; the display or circulation of sexually explicit materials; coercive demands for sexual favours such as promotion or academic success depending on the response to the demand; intrusion by pestering, spying or stalking; persistent, unwanted advances (note that inviting a colleague or friend out would not in itself amount to harassment, but if the recipient indicated that the approach was unwelcome and the individual persisted in making such approaches, this is likely to be considered harassment by the recipient).

Harassment on the grounds of Gender

Harassment on the grounds of gender describes unwanted conduct that is directed at a person because they are male or female. Harassment on the grounds of sex is distinct from sexual harassment. Whereas the former behaviour relates to a person's sex, it is not sexual in nature.

Examples include:

Deliberately excluding someone because they are the only man or woman in a team, group or class.

Harassment on the grounds of Disability

Harassment on the grounds of disability is unwanted conduct directed at a person on the grounds of their physical or mental disability. It may relate to the disability itself or the person's real or presumed capabilities.

Examples include:

Ignoring, disparaging or ridiculing an individual because of their disability; inappropriate personal remarks; unnecessarily intrusive and inappropriate questions about a person's condition; excessive and unnecessary references to a person's disability; and refusing to work or study alongside someone with a disability.

Harassment of the grounds of Religion or Belief

Harassment on the grounds of religion or belief is unwanted conduct directed at a person on the grounds of their religion 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 on the grounds of a person's non-adherence to a religion or belief system.

Examples include:

Insulting or ridiculing a person's religion or belief; expressing stereotyped perceptions and assumptions about a religion or belief and its followers; and coercive pressure to convert or conform to a religion or belief system.

Harassment on the grounds of Sexual Orientation

Harassment on the grounds of sexual orientation is unwanted conduct directed at a person on the grounds of their actual or perceived sexual orientation. It most frequently affects individuals who are gay, lesbian or bisexual, but can sometimes be directed at heterosexuals too. Harassment on these grounds may often go unreported because a person does not wish to disclose their sexuality.

Examples include:

Intrusive questions about a person's private life; homophobic comments, jokes and 'banter' about sexuality; gossip and speculation about a person's sexuality; refusal to work or study alongside someone on the grounds of their sexuality; actual physical assault; and 'outing' someone by, for example, the release of personal information.

Harassment on the grounds of Gender Reassignment

Harassment on the grounds of gender reassignment is unwanted conduct directed at a person who intends to undergo, is undergoing or has undergone a gender reassignment process, (that is, to change their identity from one gender to the other).

Examples include:

Excluding a person; jokes and name-calling; and refusing to acknowledge someone in his/her acquired gender.

Harassment on the grounds of Age

Harassment on the grounds of age is unwanted conduct related to a person's age. It can occur on the grounds of a person's real or perceived age and applies to people of all ages.

Examples include:

Jokes and name-calling; comments relating to a person's age; and comments about their presumed abilities.

VICTIMISATION

Examples of victimisation include:

- refusing to advance an individual academically or professionally
- refusing to provide a reference once the working or learning relationship has ended
- labelling an individual a 'troublemaker'
- isolating someone because he or she has made a complaint

USEFUL CONTACT INFORMATION

Internal Contacts

Working Relationship Advisers:

A list of current Working Relationship Advisers can also be obtained by contacting the HR Department on ext 3530 and can be found on the Human Resources webpage at: <http://my.roehampton.ac.uk/information/HumanResources/Pages/HarassmentAdvisers.aspx>

University Security Office:

Telephone: 020 8392 3808 (ext 3808); Emergency no: 020 8392 3333 (ext 3333)

Trade Union representatives:

Contact details for the trade union representatives can be found on the HR webpage: <http://my.roehampton.ac.uk/information/HumanResources/Pages/StaffRepresentation.aspx>

Student Union:

Contact details for the Student Union can be found on the following webpage: <http://www.roehamptonstudent.com>

The Employee Assistance Programme:

The Employee Assistance Programme offers a free, confidential help-line service, open 24 hours a day, 365 days a year. Counselling is also available. Phone 0800 116 4368 or find details at www.lifestyle-support.co.uk (Username: Roehampton, password: employee).

Student Welfare Officers:

Contact details for the Student Union can be found on the following webpage: <http://www.roehampton.ac.uk/Student-Wellbeing/Student-Welfare/>

The Chaplaincy:

Contact details for the Student Union can be found on the following webpage: <http://www.roehampton.ac.uk/chaplaincy/>

External contacts and resources

The Samaritans:

<http://www.samaritians.org>
08457 90 90 90 (call charges apply)

Workplace bullying

A resource site for information and guidance on workplace bullying: <http://www.workplacebullying.co.uk/index.html>

Harassment Law

Information and signposting for victims of harassment and those wrongly accused of harassment: <http://www.harassment-law.co.uk/>