

# Dignity at Work

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# 1 Our commitment

- 1.1 De Montfort University is committed to providing a working and learning environment that enriches lives, supports individuals to reach their full potential, and where everyone is treated with dignity and respect. As an educator and shaper of society, the university aims to role model positive behaviours both within the university and to the wider community.
- 1.2 The university will not tolerate bullying or harassment of any kind or for any reason (this includes unlawful discrimination and victimisation - see 2.2). In particular, those working or dealing with the university should not be treated unfavourably or be subjected to bullying or harassment because of race, colour, ethnic or national origin, sex or sexual orientation (for example gay, lesbian, bi or heterosexual), marital or civil partnership status, religion or belief (or no religion or belief), gender identity or status (for example non-binary or transgender), age, trade union membership, disability, offending background or any other protected characteristic.
- 1.3 All complaints of bullying and harassment will be investigated and, if substantiated, appropriate disciplinary action will be taken. The university will also not tolerate the victimisation of a person who makes a complaint of bullying or harassment in good faith or supports a person to make such a complaint. See [Victimisation](#).
- 1.4 The university's commitment is reinforced by the Code of Conduct which clearly sets out the standards of behaviour expected of all DMU staff in respect of equality and diversity and dignity at work. The Code of Conduct requires that "all staff of De Montfort University, and individuals acting on its behalf, are expected to adhere to the highest standards of professional conduct and behaviour and are expected to perform their role with honesty, integrity and respect for their colleagues, students, external partners and customers/clients of the university. In carrying out their roles, staff are expected to have regard to how their behaviour and actions impact on people, the university, the local environment and the community." The following standards are set out in the Code of Conduct:
  - 1.4.1 All DMU staff have the right to be treated with respect and have a duty to treat other people with respect having regard to other people's different needs, attitudes and lifestyles.
  - 1.4.2 In carrying out their duties, all DMU staff are expected to adhere to the principles of equality and diversity, oppose all forms of unlawful discrimination, help put an end to harassment, bullying and intimidation, and help ensure dignity at work for all.
  - 1.4.3 All DMU staff, regardless of their occupation or level within the university, are responsible for ensuring that their own behaviour, whether intentional or unintentional, is not violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work and/or learning environment.
  - 1.4.4 Where necessary, all DMU staff should be prepared to be challenged over their own behaviour.

See **Code of Conduct** in particular the section on 'Dignity at Work'.

## 2 Scope of this policy

- 2.1 This policy covers all staff working for or on behalf of De Montfort University e.g. all DMU employees, secondees, consultants, contractors, volunteers, interns, casual workers and agency workers. If the complainant or alleged harasser<sup>1</sup> is not directly employed by the university, e.g. if the worker's contract is with an agency such as Unitemps, this policy will apply with any necessary modifications.
- 2.2 This policy primarily focuses on the terms “bullying” and “harassment” but conduct may also involve unlawful discrimination or victimisation. See [Appendix A: Definitions and Examples](#).
- 2.3 The policy covers bullying and harassment in the workplace and in any work-related setting outside of the workplace, e.g. business trips and work-related social events. See **Code of Conduct - ‘Work-related social events and activities’**. Although the university respects the rights of individuals to a private life, there may be occasions where conduct that takes place outside of work impacts on the employment relationship. The policy therefore also covers the behaviour of staff outside working hours where appropriate e.g. where the behaviour impacts on work or working relationships or where it brings the university into disrepute.
- 2.4 This policy does not form part of any employee's contract of employment and the university may amend it at any time.
- 2.5 The university has a separate **Policy on Dignity and Respect** for students available on the [equality and diversity web pages](#).

## 3 Impact of bullying and harassment

Bullying and harassment can have very serious consequences for individuals and the university: it can make people unhappy, may cause them stress and affect their health, work performance, family and social relationships. As well as the individuals directly involved, bullying and harassment may impact other work colleagues, their teams and departments. Effects on the university can include loss of morale, poor work performance, legal claims and damage to the university's reputation. Employees who are found to have bullied or harassed may face disciplinary action, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may in some circumstances be a criminal offence.

## 4 Responsibility for the policy

### 4.1 Executive Board

- 4.1.1 The university's Executive Board has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to PVC/Deans, directors and managers.

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<sup>1</sup> The term ‘alleged harasser’ is used as shorthand throughout this policy to refer to any individual who is alleged to have bullied, harassed, discriminated against or victimised another person.

## 4.2 Managers

4.2.1 All managers have a responsibility to ensure that all staff understand the standards of behaviour expected of them by the university and to take appropriate action when behaviour falls below its requirements. Managers are required to act on any complaint of bullying or harassment. Failure to do so may in itself be considered misconduct which may lead to disciplinary action. If a manager receives an anonymous 'tip off' concerning allegations of bullying or harassment by or towards a member of DMU staff, they should seek advice from HR on how to proceed. Managers have a particular responsibility to:

- Set a good example by their own behaviour;
- Ensure that there is a supportive working environment;
- Make sure that staff know what standards of behaviour are expected of them;
- Intervene to stop bullying or harassment; and
- Report promptly to HR any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

4.2.2 Managers will ensure that self-employed contractors, agency workers or any other individuals working temporarily in the university are made aware of the policy.

## 4.3 People and Organisational Development (POD)

4.3.1 POD will provide training to existing and new employees to help them understand their rights and responsibilities under this policy and what they can do to help create a work environment free of bullying and harassment. POD will provide additional training to managers to enable them to deal more effectively with complaints of bullying or harassment.

4.3.2 POD will provide guidance, support and advice to staff and managers on the policy. Questions about the policy and requests for training or information on dealing with bullying or harassment should be directed to the relevant HR adviser.

4.3.3 HR will keep the policy under review in consultation with the recognised trade unions and monitor its effectiveness – see [Monitoring and review](#).

## 4.4 All staff of De Montfort University

4.4.1 The university's Code of Conduct makes it clear that all staff have a role to play in helping the university to create and maintain a work environment free of bullying and harassment. See 1.4 above and the **Code of Conduct: 'Dignity at Work'**.

4.4.2 All staff have personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy and the Code of Conduct. Staff should disclose any instances of bullying or harassment of which they become aware to a senior member of management or a member of HR.

4.4.3 Staff members should consider the following points and ensure they are acting in accordance with the university's expected standards at all times.

- Be aware of how your own behaviour may affect others and change your behaviour if necessary: you can still cause offence even if you are "only joking" or consider the remarks to be harmless "banter"<sup>2</sup>; (see Appendix A: 2.5 and 2.6)
- Treat your colleagues with dignity and respect;
- Attend/undertake relevant training activities e.g. equality and diversity awareness training;
- Be prepared to challenge if you think inappropriate jokes or comments are being made;
- Make it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- Intervene, if possible, to stop bullying or harassment and give support to recipients;
- Make it clear that you find bullying and harassment unacceptable;
- Report bullying or harassment to your manager or to HR and support the university in the investigation of complaints; and
- If a complaint of bullying or harassment is made, do not prejudge or victimise the complainant or alleged harasser.

## 5 What should I do if I think I am being bullied or harassed?

### 5.1 Informal resolution

- 5.1.1 If you think you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.
- 5.1.2 You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable and say that you would like it to stop immediately. If this is too difficult or embarrassing, you should speak to your line manager or an HR adviser, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 5.1.3 Where you seek an informal resolution, you should keep a note of the date and what was said and done. This will be useful evidence if the unwelcome behaviour continues and you wish to make a formal complaint.
- 5.1.4 If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or an HR adviser informally for advice. You may also seek advice and support from one of the university staff network groups if relevant.
- 5.1.5 The university also offers access to confidential counselling, which is available via the Employee Assistance Programme. Details of the service can be found on the Staff Pages.

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<sup>2</sup> 'Banter' means the "playful and friendly exchange of teasing remarks". It does not extend to remarks that are offensive or in poor taste.

## 5.2 Making a formal complaint

- 5.2.1 If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, employees can make a formal complaint by using the university's **Grievance Procedure**. If you are not an employee of DMU but you have a complaint concerning allegations of bullying or harassment committed by an employee of the university, you may report the matter via the **Complaints Procedure (Non-student)**.
- 5.2.2 Your written complaint should set out full details of the conduct in question, including the name of the alleged harasser, the nature of the bullying or harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 5.2.3 As a general principle, the decision whether to submit a formal complaint is for the complainant to make. However, the university has a duty to protect all staff and there may be circumstances where the university considers that a matter which was raised informally must be pursued. The university reserves the right to take such action as it considers appropriate in relation to any matter raised where it considers that it is in the interests of the university, its staff or students to do so.
- 5.2.4 You have a right not to be victimised for making a complaint in good faith. Please see Appendix A: [Victimisation](#).

## 5.3 Investigating the complaint

- 5.3.1 The university will investigate complaints with sensitivity and due respect for the rights of all parties concerned. The investigation should be thorough, timely, and objective and carried out in an impartial manner and maintaining appropriate confidentiality.
- 5.3.2 The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint.
- 5.3.3 The alleged harasser and the complainant will be kept informed of the general progress of the process of investigation and of the outcome of the complaint.
- 5.3.4 Wherever possible and subject to the rights and wishes of the parties, the university will try to ensure that the complainant and the alleged harasser are not required to work together while the complaint is under investigation. If it is considered that one of the parties should be moved from their current workplace, then as a matter of principle the university will normally remove the alleged harasser rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and advice from HR to the relevant manager. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence. In a serious case, the alleged harasser may be suspended while investigation into any disciplinary allegation is underway under the applicable disciplinary procedure.
- 5.3.5 Where the complaint is about someone other than a DMU employee, e.g. a third party such as a consultant, contractor, volunteer or agency worker, the university will consider what action may be appropriate to protect the complainant and anyone

involved pending the outcome of the investigation, bearing in mind the reasonable needs of the university and the rights of that third party individual.

- 5.3.6 The investigator will normally meet with the complainant in accordance with the applicable procedure to obtain further details about the complaint. If possible, the investigator will also meet with the alleged harasser in accordance with the applicable procedure to hear their account of events. The alleged harasser is entitled to be given full details of the complaint against them to gather any relevant evidence, so that they can respond. If they are a DMU employee they will be notified of the complaint by their manager or by a senior member of HR. They will be informed that an investigator will be in contact with them to invite them to a meeting in accordance with the applicable procedure in order that they can respond to the allegations against them.
- 5.3.7 It may be necessary to interview witnesses in accordance with the applicable procedure to any of the incidents mentioned in the complaint. If so, relevant details of the complaint and any evidence will be provided and the importance of maintaining appropriate confidentiality will be emphasised to them.
- 5.3.8 Individuals not involved in the complaint or the investigation should not be told about it. See [Confidentiality](#).

#### 5.4 **Hearing the complaint**

- 5.4.1 At the end of the investigation, the investigator will submit a report to the person nominated to consider the complaint or in accordance with the Grievance Procedure if the complainant is a DMU employee. This will normally be the immediate line manager of the person against whom the complaint is made.
- 5.4.2 A meeting to discuss the complaint and the conclusions of the investigation will be arranged in accordance with the applicable procedure. The timescales for arranging a meeting to discuss the complaint as specified in the applicable complaints procedure will be modified where it is not reasonably practicable to conclude the investigation within those specified timescales e.g. due to the availability of key witnesses.
- 5.4.3 The right to be accompanied at the meeting to discuss the formal complaint will be in accordance with the rights provided by the applicable procedure. In the case of DMU employees, they will have the right to be accompanied by a friend or colleague who is a DMU employee or their trade union representative. In all cases, where an individual requests to be accompanied by a category of companion other than those provided for under the applicable procedure, such a request will not be unreasonably refused.

#### 5.5 **Decision**

- 5.5.1 The manager hearing the complaint will decide after considering all available evidence, whether or not the complaint is upheld.
- 5.5.2 If the complaint is upheld and the manager considers that bullying or harassment has occurred, prompt action will be taken to address it in accordance with the applicable procedure. Where the harasser or bully is an employee the matter will be dealt with



as a case of possible misconduct or gross misconduct under the applicable disciplinary procedure. However, the following points should be taken into account:

- 5.5.2.1 The complainant will normally be required to attend any disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
- 5.5.2.2 If they are required to attend, they may be accompanied by a friend or colleague who is a DMU employee or a trade union representative and, if necessary, have any questions directed through that person.
- 5.5.3 If the harasser is a third party such as a student, visitor, consultant, contractor, volunteer or agency worker, the manager will consider what action would be appropriate to deal with the problem.
- 5.5.4 The university will also consider what further steps could be taken to minimise the risk of further bullying or harassment. Depending on the outcome, appropriate action might include speaking or writing to the person or their manager (or both) about their behaviour. In very serious cases it might be appropriate to exclude a person from the premises or terminate any business relationship with them if they are not a DMU employee.
- 5.5.5 Whether or not the complaint is upheld, the university will consider how best to manage any ongoing professional relationship between the complainant and the harasser in consultation with all the parties. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

## 6 **Appeal**

Any appeal submitted by a complainant about the outcome of any inquiry into allegations of bullying or harassment will be dealt with in accordance with the appeal stage in the applicable procedure. A complainant may appeal against the decision reached; however, if the decision is to instigate disciplinary proceedings against the alleged harasser or bully, the complainant will not have a right to be informed of the outcome of any subsequent disciplinary proceedings or any right of appeal in respect of subsequent disciplinary proceedings.

## 7 **What happens if I am accused of bullying or harassment?**

- 7.1 If someone approaches you informally about your behaviour, you should:
  - 7.1.1 Listen carefully to the particular concerns raised and do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive.
  - 7.1.2 Respect the other person's point of view: 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. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

- 7.1.3 You may wish to report and record the incident ie record the date, time, nature of the complaint and any outcome e.g. if an apology was given or accepted or any agreements reached under 7.1.4.
- 7.1.4 If appropriate, agree the aspects of behaviour that will change. (If appropriate in the circumstances, you may wish to send a follow up note if actions are agreed to ensure that there are no later misunderstandings).
- 7.2 If a formal complaint is made about your behaviour, this will be fully investigated and, if you are a DMU employee, the university may bring disciplinary proceedings, if appropriate. The university will follow the applicable disciplinary procedure and you will have the rights set out in that procedure. You have the right to be informed of the allegations against you and to put your version of events – see 5.3.6. The applicable disciplinary procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying or harassment could result in allegations of gross misconduct being brought that, if upheld, could lead to dismissal without notice.
- 7.3 Wherever possible and subject to the rights and wishes of the parties, the university will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is sufficiently serious to amount to potential gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Any decision to move or suspend you does not imply any guilt or culpability and is a neutral act intended to facilitate an appropriate investigation.
- 7.4 If the complaint against you is upheld, disciplinary action may be taken against you up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the university could decide to transfer you to another post (in accordance with the provisions of the applicable disciplinary procedure) as an alternative to dismissal where it is held that you cannot continue in your current post. You may also be required to attend such training courses as are considered necessary by the university.
- 7.5 If a complaint is made against you that is not upheld and the university has good grounds for believing that the complaint was not made in good faith, the university may take appropriate action against the person making the false complaint which may include disciplinary action up to and including dismissal.
- 7.6 You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint irrespective of whether the complaint was upheld or not. Disciplinary action will be taken against you if the university has good reason to think that you may have victimised the complainant or someone else. See Appendix A: [Victimisation](#).
- 7.7 If the complaint against you is not upheld, HR will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The university will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.
- 7.8 Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of civil claims or criminal proceedings against

you, which would proceed independently of the university's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts is brought against you. Criminal proceedings could lead to conviction and criminal penalties.

- 7.9 If you are accused of bullying or harassment, you are reminded that the university offers access to confidential counselling, which is available via the Employee Assistance Programme. Details of the service can be found on the Staff Pages.

## **8 Confidentiality**

- 8.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a 'need to know' basis. Breach of confidentiality may give rise to disciplinary action under the applicable disciplinary procedure.
- 8.2 However, it will be necessary that any alleged harasser is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses, unless there are compelling reasons why the complainant or any witnesses wish to remain anonymous. Details of the complaint and any evidence gathered may be disclosed in the course of any investigations to the manager(s) considering the complaint and any disciplinary case arising from it and in either case any subsequent appeal.
- 8.3 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the Data Protection Act.

## **9 Monitoring and review**

- 9.1 All formal complaints of bullying or harassment will be recorded for monitoring purposes and in order to review the effectiveness of the policy in line with the Public Sector Equality Duty. The university will review the outcomes of cases where complaints of bullying or harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.
- 9.2 The university will also periodically monitor how successful it is being in creating a culture of dignity and respect for all by other means which may include confidential staff surveys.

# Appendix A: Definitions and Examples

## 1 Discrimination

1.1 The Equality Act 2010 provides that discrimination will be unlawful if it is because of one or more of the following “protected characteristics”:

- Sex;
- Gender reassignment;
- Being married or in a civil partnership;
- Being pregnant or on maternity leave;
- Race (including ethnic or national origin, nationality and colour);
- Disability;
- Sexual orientation (e.g. lesbian, gay, heterosexual or bi);
- Religion or belief;
- Age.

It should be noted that a person may face discrimination on the grounds of more than one protected characteristic at the same time, which may compound the harm they experience.

1.2 Discrimination can be **direct** or **indirect**

1.2.1 **Direct discrimination:** An employer directly discriminates against an employee if it treats the employee less favourably than it treats, or would treat another person (the comparator") in the same or similar circumstances and does so because of one of the above protected characteristics. Some examples of direct discrimination are:

- Denying someone access to training because of their sex, age, disability or some other protected characteristic.
- Preventing someone from working with students because they are gay, lesbian, bi or transgender.
- Undermining a person’s LGBTQ+ identity as being a ‘phase’ or their bi identity with comments such as ‘being greedy’, or asking a trans person inappropriate personal or intimate questions.
- Dismissing someone because they are pregnant.
- Refusing to employ someone because they have revealed a mental illness.
- Refusing to employ someone based on an assumption that a particular type of work or duty within a job is unsuitable for a man or a woman (or always assigning certain duties to individuals based on stereotypical views on men and women’s work).
- Gender segregation at meetings or events: any seating arrangement amounts to direct discrimination if it results in disadvantage to any participant (actual or potential) because of gender. For example, a woman who is not permitted to occupy a particular area of a lecture hall because it is reserved for men is disadvantaged because she cannot sit wherever she chooses (or vice versa). The provision of a non-segregated area within the lecture hall does not prevent that disadvantage arising. Similarly, a woman or man who decides not to attend a meeting due to segregation also suffers disadvantage (Equality and Human Rights Commission, 07/2014).

1.2.2 **Indirect discrimination:** An employer indirectly discriminates against an employee if it applies a provision, criterion or practice (PCP) to employees or a group of them that puts those who share the employee's protected characteristic at a particular disadvantage compared to others who do not share that protected characteristic. The employee must also suffer that disadvantage as a member of the group sharing the protected characteristic and the employer must be unable to show that its PCP is objectively justified. An example of indirect discrimination is:

- Requiring potential job applicants to have had a driving license for at least 10 years (indirect age discrimination).

1.3 Disabled employees are also protected against "discrimination arising from disability" ie unfavourable treatment because of something arising in consequence of their disability, and failure by the employer to make reasonable adjustments where the disabled person is put at a substantial disadvantage.

1.4 In certain circumstances, individual employees may be personally liable for acts of discrimination they have carried out against other individuals. See 7.8 in the policy.

## 2 Harassment

2.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2.2 Harassment may consist of persistent or repeated acts, although a single incident can amount to harassment. Harassment may occur against one or more individuals.

2.3 Harassment will be unlawful if it involves unwanted conduct of a sexual nature (sexual harassment), or if it relates to certain protected characteristics ie sex or sexual orientation, gender reassignment, race (ethnic or national origin, nationality and colour), disability, religion or belief (or no religion or belief), age - see 1.1. Harassment is unacceptable even if it does not relate to a specified protected characteristic.

2.4 Harassment may include, for example:

- unwanted remarks or inappropriate questions about a person's sexual orientation, for example, asking detailed questions about an individual's sexual behaviour (or none) with individuals of the same, different (or both) sex as themselves.
- unwanted physical contact ranging from unwelcome touching (or 'horseplay') to serious assault, including touching, pinching, pushing and grabbing;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet or social media - see also the university's **Email, Internet and Social Media (EISM) Policy**);
- criticising the dress sense and taste, for example, of a person who is transgender, or a person wearing religious clothing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless – see also 2.5 and 2.6);

- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups (see also 2.7);
- racist, sexist, homophobic/bi-phobic/transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- unwanted nicknames related to a person's age, race, sexual orientation, gender identity or disability;
- outing or threatening to out someone as gay, lesbian, bi-sexual or transgender;
- questions about a person's sex life;
- the use of obscene gestures;
- mocking, mimicking or belittling a person's disability;
- excluding an individual because they have or are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because they have or are perceived to have a protected characteristic regardless of whether or not they do in fact have that protected characteristic, e.g. an employee is thought to be Jewish, or is perceived to be a transgender – see also 2.8);
- spreading or inciting others to spread extremist views/ideology (including violent extremism), extremist propaganda or materials and/or forcing these views/opinions on others (see also the university's policy on **Freedom of expression and academic freedom**).

2.5 Conduct may be harassment whether or not the person behaving in that way intends to offend; the motive/intention of the harasser is therefore not relevant in determining whether someone has been harassed. The test is whether the behaviour is unwanted and meets the definition described at 2.1. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

2.6 Behaviour which any reasonable person would realise would be likely to offend is likely to be considered harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. Where it may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter"<sup>3</sup>, or asking someone for a private drink after work, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

2.7 A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

2.8 Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a

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<sup>1</sup> 'Banter' means the "playful and friendly exchange of teasing remarks". It **does not** extend to remarks that are offensive or in poor taste.

perception that the person is of a particular race or religion or gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease someone repeatedly because of an incorrect belief that the individual is gay or lesbian. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled or they have a friend who is a devout Christian.

2.9 There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a supplier, visitor, client, independent contractor, student or customer. For example, it might be that a contractor makes a series of racist remarks to an employee. If an employee feels that they have been bullied or harassed by a third party, they should report any such behaviour to their manager who will take appropriate action. See the policy: [What should I do if I think I am being bullied or harassed?](#)

2.10 Serious or persistent harassment may also be a civil or criminal offence, e.g. a civil or criminal offence under the Protection from Harassment Act 1997 or the criminal offence of assault.

### 3 Bullying

3.1 Bullying is behaviour which, in many cases is repeated or persistent, is offensive, intimidating, malicious or insulting involving an abuse or misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision (e.g. shouting at someone to get things done);
- inappropriate derogatory remarks about someone's performance;
- spreading malicious rumours or insulting someone;
- picking on someone where there is a common problem or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- denigrating, ridiculing or humiliating an individual, especially in front of others;
- "cyber bullying" e.g. bullying via email or on social media – see also the university's **Email, Internet and Social Media (EISM) Policy**;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

3.3 Bullying may also constitute harassment if it has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person and it may be unlawful discrimination where it relates to a relevant protected characteristic – see 2.3. Serious cases may amount to civil or criminal offences, e.g. a civil or criminal offence under the Protection from Harassment Act 1997 and the criminal offence of assault.

3.4 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## 4 **Victimisation**

- 4.1 Victimisation occurs if a person is subjected to a detriment because they have done or it is believed that they have done or will do in good faith a "Protected Act". Protected Acts include complaining, whether formally or otherwise, about discrimination including unlawful harassment or supporting someone to make a discrimination including unlawful harassment complaint or giving evidence in relation to another person's discrimination or unlawful harassment complaint.
- 4.2 An employee must not be disciplined or dismissed, or suffer reprisals from colleagues, for doing a Protected Act in good faith. This would include isolating someone or giving them a heavier or more difficult workload.
- 4.3 Provided that a person acts in good faith, ie they genuinely believe that what they are saying is true, they have a right not to be victimised for doing a Protected Act even if the complaint of discrimination or unlawful harassment is not upheld. The university will take appropriate action to deal with any alleged victimisation which may include disciplinary action against the harasser up to and including dismissal.
- 4.4 Where an individual makes allegations of harassment or victimisation that they know to be untrue, or deliberately provides false information or otherwise acts in bad faith, this may lead to disciplinary action being taken against them up to and including dismissal.
- 4.5 If you believe you have suffered any such treatment you should inform your line manager (or their line manager) or an HR adviser.