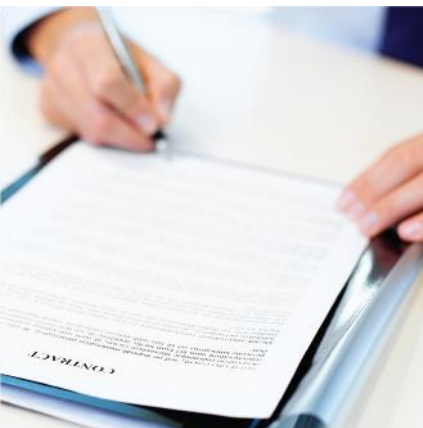


# Dignity and Respect Human Resources



## Version Control

Policy Number:	15
Approved by:	Executive board
Date Approved:	13 December 2017
Next Review Date:	December 2019
Version Number:	2.0
Applicable Statutory, Legal or National Best Practice Requirements:	<p>Equality Act 2010</p> <p>The Protection from Harassment Act 1997</p> <p>Health and Safety at Work Act 1974</p> <p>ACAS Managing Bullying and Harassment at Work – A guide for managers and employers</p> <p>ACAS Managing Bullying and Harassment at Work – A guide for employees</p> <p>Public Sector Equality Duty</p> <p>Harassment Act 1997</p> <p>Health and Safety at Work Act 1974</p>
Equality Impact Assessment Completion Date:	December 2017

This document can only be considered valid when viewed via HR ServiceNow. If this document is printed into hard copy or saved to another location you must check that the version number on your copy matches that of the one on HR ServiceNow. Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

# Contents

## Policy

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
<b>2</b>	<b>Scope.....</b>	<b>2</b>
<b>3</b>	<b>Definitions .....</b>	<b>2</b>
3.1	Dignity.....	3
3.2	Respect.....	3
3.3	Bullying.....	3
3.4	Harassment .....	4
3.4.1	Associative and Perceptive Harassment.....	5
3.4.2	The Protection from Harassment Act 1997.....	5
3.4.3	Continued Examples of Harassment.....	6
3.5	Victimisation.....	8
<b>4</b>	<b>Responsibilities.....</b>	<b>8</b>
4.1	Managers.....	8
4.2	Employees and Students .....	9
4.3	Human Resources Service .....	9
4.4	Contractors and Suppliers.....	10
<b>5</b>	<b>General Principles .....</b>	<b>11</b>
5.1	Malicious/Vexatious Complaints .....	11
5.2	Confidentiality.....	11
5.3	Complaints against External Parties .....	11
5.4	Values.....	11
5.5	Implementation and Training .....	12
5.6	Monitoring.....	12
5.7	Sources of Guidance and Support.....	13
<b>6</b>	<b>Dignity and Respect Procedure .....</b>	<b>14</b>
6.1	Initial Advice .....	14
6.2	First Stage – Informal Approach .....	15
6.2.1	Personal Action.....	15
6.2.2	Facilitated Discussion .....	15



6.2.3 Mediation ..... 16

6.3 Second Stage-Formal Procedure ..... 16

.....

# Policy

## 1 Introduction

The UOB is committed to Equality, Diversity and Inclusion and believes that everyone should be treated with dignity and respect at our University at all times. The University requires a culture of respect to create a productive working environment as it fits strongly with its values and principles.

Our University is committed to providing a supportive and inclusive environment for work and study. In accordance with this, all members of the University community have a personal responsibility to treat each other with dignity and respect.

Bullying, harassment and victimisation could be deemed unlawful or even a criminal offence and are considered unacceptable by the University. Any forms of these behaviours will not be tolerated and the University will respond promptly and confidentially to formal complaints, disciplinary action may be taken where appropriate.

The purpose of this policy is to;

- Encourage understanding of what is and isn't appropriate behaviour;
- What you can do if you witness or experience inappropriate behaviour;
- The support that is available if you witness or experience inappropriate behaviour;
- Develop a safe working/ learning environment;
- Develop a culture where individuals feel it is safe to raise concerns about bullying and harassment, confident that this will be dealt with fairly and consistently;
- Eliminate all forms of offensive behaviour and prevent discrimination, bullying and harassment, exclusion, unfair treatment;
- Ensure staff and students are aware bullying and harassment is unacceptable, that such behaviour will be challenged and disciplinary action will be taken where there is management concern;
- Encourage, where possible informal resolution of complaints.

## 2 Scope

The scope of this policy applies to students, employees, contractors, suppliers and visitors to the University:

- When on any of the University's premises;
- When at place of work;
- When attending any work-related event (e.g. conferences, training courses, work-related social events);
- At any time or place where you are representing the University or can be clearly identified as being a University employee. This includes business trips (domestic and international);
- When using social media.

Issues relating to an employee's performance against any objectives set for their individual role are not covered by this policy. By this, we mean those work targets agreed between employees and their line, project or matrix manager.

Performance issues can be managed separately by following the Performance and Development Review (PDR) process or Capability Policy. However behaviours in meeting objectives are covered by this Policy.

## 3 Definitions

This section provides definitions and some illustrative examples of bullying, harassment and victimisation to enable an informed judgement about whether a particular type of behaviour falls within the scope of this policy. Please note the examples are not an exhaustive list of what is deemed to come under each definition.

The University recognises that there can often be a significant amount of overlap between these different types of behaviour.

# Policy

## Continued

### 3.1 Dignity

Dignity focuses on the value of an individual and means respecting other's views, choices and decisions. To treat someone with dignity is to treat them in a way that is respectful of them as valued individuals.

### 3.2 Respect

Respect is to be mindful and hold in due regard the feelings, wishes, and rights of others.

### 3.3 Bullying

Bullying is not defined by law but for the purpose of this policy the ACAS definition of bullying will be used. Bullying is defined by ACAS as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient".

Bullying takes many forms and can create a threatening or intimidating environment. It may also occur in a peer group such as a workplace team or a student group. Conduct may be physical, verbal or non-verbal. It may also be face to face or electronic.

The following examples of what may be considered to constitute bullying:

- Derogatory and/or threatening remarks;
- Insulting or aggressive behaviour;
- Jokes or pranks;
- Ignoring, marginalising or excluding the individual(s);
- Setting unrealistic deadlines or objectives;
- Public criticism;
- Substituting responsible tasks with menial or trivial ones;
- Withholding necessary information;

- Constantly undervaluing effort;
- Belittling efforts;
- Withholding praise while giving this to all others present at that time;
- Unreasonable denial of promotion, training or other job related opportunities;
- Unfair and unjustified comparisons with other colleagues or employees.

### 3.4 Harassment

Harassment is unacceptable behaviour and can subject the recipient to unwelcome attention, intimidation, ridicule, or offence.

Differences in attitude, upbringing or culture can mean that harassment can be perceived differently by different people. Behaviours can be unintentional; the most important element to consider is if the comments or conduct are viewed as demeaning or unacceptable by the recipient.

Harassment is covered in law by The Equality Act 2010 and The Protection of Harassment Act 1997.

Under the Equality Act 2010, harassment is defined in three ways:

- Unwanted conduct that has the purpose or effect of violating an individual's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for them. For the harassment to constitute as unlawful it has to be related to any of the following protected characteristics;
  - Age;
  - Disability;
  - Gender reassignment;
  - Race;
  - Religion/belief;
  - Sex;
  - Sexual orientation.



The University also recognises harassment on the following grounds;

- Marriage or civil partnership;
- Membership/ non-membership of a staff association/ trade union;
- Status as an ex-offender;
- Unwanted conduct of a sexual nature (sexual harassment);
- Treating someone less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment.

### 3.4.1 Associative and Perceptive Harassment

The Equality Act 2010 protects against harassment based on perception and association. This can apply as follows:

- Harassment based on a perception that an individual is associated with a protected characteristic even if that perception is incorrect. For example a lecturer who refuses to teach a student because they believe that individual is transgender.
- Protection from harassment which stems from an individual's association with a protected characteristic. For example, treating someone less favourably because they have a close relative who is disabled.

It gives people the ability to complain about behaviour that isn't targeted at them, but they may find offensive. For example an individual can complain about sexist jokes made about a colleague regardless of if they are present when the jokes are made.

It gives people the ability to complain about behaviour that is related to their personal identity, even if it not correct. For example, a student takes a dislike to another student and decides to taunt them about being gay, even though they are straight. The recipient would be entitled to complain under the Equality Act as this harassment is related to sexual orientation which is a protected characteristic.

### 3.4.2 The Protection from Harassment Act 1997

The Protection from Harassment Act 1997, which prohibits harassment was always intended to tackle stalking, by making it a criminal offence. This act covers any form of persistent conduct which causes another person alarm or distress, therefore the range of behaviour that is capable of constituting an offence under the **Act** is potentially very wide.

### 3.4.3 Continued Examples of Harassment

**Sexual Harassment** is any unwanted behaviour of a sexual nature and may include the following:

- Any unwanted physical contact ranging from touching or patting to serious assault;
- Sexually degrading or provocative comments or gestures;
- Sexual jokes or propositions;
- Electronic forms of communication with sexual content;
- Physical advances;
- Demands for sexual favours or assault.

**Racial Harassment** can include jokes in reference to a person's race, religion, or nationality. It can include offensive remarks about dress, culture and customs which attempt to ridicule and create prejudice towards individuals or groups.

**Harassment on the grounds of religion and belief (including non-belief)** can take the following form:

- Threatened or actual physical abuse;
- Verbal or written expressions of prejudice which are offensive to others;
- Ridiculing religious customs and observance;
- Religious stereotyping and profiling.

Comments may not necessarily be directed at an individual, but may consist of a general culture which is intolerant of another person's religion or beliefs.

**Harassment on the grounds of sexual orientation** may include:

- Homophobic, biphobic comments;
- Threats to disclose a person's sexual orientation or disclosing this without their permission;
- Any abuse relating to HIV or AIDS status.

Religious belief is not a foundation on which sexual orientation related harassment can be defended.

**Harassment on the grounds of disability** can include:

- Ignoring an individual;
- Mimicking a disability or making offensive references to an individual's appearance, behaviour or speech;
- Further excluding people from activities due to their disability;
- An unreasonable denial of promotion, training or other job related opportunities.

**Harassment on the grounds of age** may include:

- Offensive jokes;
- Teasing and nicknames related to age. It may consist of a general culture where ageist jokes are tolerated.

It is important to note that the legislation covers individuals of all ages and applies equally to younger and older employees.

**Harassment on the grounds of gender reassignment** relates to transphobic remarks and comments. It also can include refusal to relate to the individual by the gender the person lives their life and/or a person's chosen pronouns, unwanted intrusive questions about an individual's domestic/personal circumstances, and deliberate exclusion from work-related social activity which is related to work.

**Harassment on the grounds of sex/gender** can include but is not limited to offensive comments, or less favourable treatment in relation to;

- Pregnancy;
- Maternity/paternity leave;
- Marriage.

## 3.5 Victimisation

Victimisation occurs when an employee is treated differently because they have made or supported an informal complaint or raised a formal grievance under the Equality Act; or because they are suspected of doing so.

The following are given as examples of what may be considered victimisation:

- Bullying and intimidation from co-workers;
- Denial of promotion;
- Dismissal.

## 4 Responsibilities

### 4.1 Managers

Managers must:

- Manage staff fairly and in line with all University Policies and Procedures; and communicate this policy and procedure to their staff;
- Support and motivate employees to work in culturally competent ways within an environment free from harassment, bullying and discrimination;
- Ensure all employees are aware of their personal and professional responsibilities, and expected standards of behaviour and conduct;
- Take appropriate and timely action when aware of inappropriate behaviour in the workplace;
- Continuously work towards ensuring the working environment, services and facilities provide for dignity and respect in all aspects of employment;
- Ensure they and their employees undertake equality and diversity training;

- Ensure that recruitment and selection processes are fair and do not discriminate on the grounds of any protected characteristics in the Equality Act;

The employee responsibilities below apply to managers also.

## 4.2 Employees and Students

Employees and students must:

- Treat all others with dignity and respect;
- Maintain cordial, respectful and professional relationships with everyone encountered in the course of the working day;
- Raise problems such as complaints, criticisms and misunderstandings openly with their manager/appropriate person in a timely way;
- Challenge inappropriate behaviour in a positive manner and be prepared to formally report issues when necessary;
- Promote positive behaviour;
- Respect confidentiality and ensure sensitive information is protected appropriately (refer to data protection principles on University intranet site);
- Observe professional codes of conduct (where applicable);
- Respect the diversity encountered in working life;
- Undertake equality and diversity training;
- If you feel an incident has occurred, then identify and involve the support of other parties (i.e. Human Resources Service, Occupational Health Service, Employee Assistance helpline or Health, Safety & Wellbeing Service) as required.

## 4.3 Human Resources Service

The Human Resources Service will:

- Oversee the introduction, operation and monitoring of the Dignity and Respect Policy and Procedure;

# Policy

## Continued

- Provide advice, guidance and support to managers and employees on the interpretation and application of the Dignity and Respect Policy and Procedure;
- Identify and involve the support of other parties (i.e. Occupational Health Service or Health, Safety & Wellbeing Service) as required;
- Review changes in employment law to ensure that the Dignity and Respect Policy and Procedure remains relevant and up to date;
- Ensure that the Dignity and Respect Policy and Procedure are applied fairly, equitably and consistently;
- Provide guidance and support to line managers and employees on the implementation of the policy and procedure.

## 4.4 Contractors and Suppliers

Contractors and Suppliers will:

- Identify and involve the support of other parties (i.e. Human Resources Service or Health, Safety & Wellbeing Service) as required;
- Maintain cordial, respectful and professional relationships with everyone encountered in the course of the working day;
- Raise problems such as complaints, criticisms and misunderstandings openly with an appropriate person within the University in a timely way;
- Challenge inappropriate behaviour in a positive manner and be prepared to formally report issues when necessary;
- Promote positive behaviour;
- Respect the diversity encountered in working life.

## 5 General Principles

### 5.1 Malicious/Vexatious Complaints

Where there is a deliberate intention to deceive or mislead the investigation of a complaint or in the case of a malicious/vexatious complaint this will be taken very seriously by the University and can itself lead to disciplinary action.

### 5.2 Confidentiality

The application of this policy will be undertaken in a manner that ensures confidentiality of the issues and of the individual. No information relating to action taken as a result of this procedure will be divulged to other individuals who are not involved.

### 5.3 Complaints against External Parties

Complaints against external parties such as contractors, consultants and visitors should be made to an individual's line manager or equivalent. The line manager or equivalent should seek to establish from the individual the nature and circumstances of the complaint before engaging with the external party. The external party should be provided with a copy of the complaint and asked to respond to this. The line manager or equivalent will form a view as to what further action may be required including whether any further investigation is necessary.

Complaints against external contractors, consultants and visitors will be dealt with under the appropriate University Procedure.

In the case of external contractors, Estates Services hold a central record of which contractors the University is engaging for works within the estate. If the person receiving the complaint does not know who the internal contact is for the external contractor, their line manager or Head of Department should contact the Estates & Facilities Service for this information.

### 5.4 Values

The implementation of this policy is in accordance with the University values, which are:

- We encourage participation and openness;
- We encourage creativity and innovation;

- We support academic freedom and respect the right to express diverse points of view;
- We provide equal opportunities for all staff and students to achieve their full potential;
- We apply the best ethical standards in everything we do.

## 5.5 Implementation and Training

The policy will be uploaded on HR ServiceNow.

The approval of the policy will be communicated in the University staff briefing.

Services that engage contractors and suppliers are responsible for making them aware of the policy.

Line managers are responsible for raising awareness of all new/updated policies through their normal Faculty/Directorate communication channels.

The Human Resources Service will ensure the provision of training, guidance and support to line managers and employees on the implementation of the policy.

## 5.6 Monitoring

The number and nature of formal dignity and respect at work issues will be monitored by the HR Service and any identified themes or trends will be raised with the appropriate member of SMT to address as appropriate.

Any informal dignity and respect related concerns which are reported to the Dignity and Respect Advice Service will be recorded anonymously by Equality and Diversity.

The HR Service will provide quarterly workforce dashboard reports to the Executive Board and Equality and Diversity Committee.

The Equality and Diversity Service will provide an equality and diversity report to the Equality and Diversity Committee.

Through the use of feedback forms and questionnaires, Equality and Diversity will evaluate regularly the Dignity and Respect Advice Service. All feedback is voluntary and anonymised, and will help making improvements to the service.



## 5.7 Sources of Guidance and Support

The following specialised services are available to support all parties involved in the dignity and respect concern during and after any informal or formal process:

- Human Resources Service:
  - <http://www.bradford.ac.uk/human-resources>
- Mediation Service:
  - <http://www.bradford.ac.uk/equality-and-diversity/mediation>
- Dignity and Respect Advice Service (for further information on the service please refer to section 6.1 of the procedure):
  - [equality@bradford.ac.uk](mailto:equality@bradford.ac.uk) or 01274 236049
- Trade Unions:
  - <http://www.bradford.ac.uk/other/unions/unison>
  - <http://www.bradford.ac.uk/ucu/index.html>
- Counselling Service:
  - <http://www.bradford.ac.uk/counselling/>
- Equality and Diversity Representatives
- Employee Assistance helpline:
  - <https://your.helpeap.com> or 0800 019 3485

# Procedure

## 6 Dignity and Respect Procedure

The aim of the procedure is to deal with a complaint in a supportive and constructive manner and resolve it as quickly as possible using an informal approach wherever possible, as detailed in section 6.2. In cases where this is not possible, provision has been made for a formal procedure to be followed.

### 6.1 Initial Advice

An individual who believes that they are being bullied, harassed or victimised may initially wish to seek advice and support before taking the matter further. Such advice and support will be provided in confidence without any obligation to take a complaint further and is available at any time from:

- Line Management;
- Human Resources Service;
- Trade Union Representative;
- Employee Assistance helpline;
- Equality and Diversity Advisor;
- Dignity and Respect Advice Service (co-ordinated by Equality and Diversity).

The University of Bradford has a Dignity and Respect Advice Service consisting of trained staff who are available to discuss and provide advice and support around any aspect of behaviour that causes concern. The Dignity and Respect Support Contacts are trained on subjects including equality and diversity, bullying, harassment, and discrimination. Support Contacts have excellent listening skills and can provide comprehensive impartial advice, options and information on our policies and current legislation. Staff involved with the Dignity and Respect Advisory Service work across a range of faculties and services from within the University. This service is coordinated by the Equality and Diversity Team and anyone who contacts the service can be assured that the call will be answered by a member of the Equality and Diversity Team and the conversation will be confidential.

An individual who witnesses bullying, harassment or victimisation should raise this with their line manager or a member of the Human Resources Service.

# Procedure

## Continued

Those approached must recognise the sensitive nature of bullying or harassment complaints. For this reason, if requested, they must make every effort to provide the complainant with a suitable person with whom they can discuss the matter e.g. a person of the same gender, etc.

## 6.2 First Stage – Informal Approach

Wherever possible, every effort must be made to resolve the matter informally. There are a number of informal routes that may be explored which are detailed below.

### 6.2.1 Personal Action

If an individual feels that they have been or are being harassed, bullied or victimised they are encouraged to raise the matter with the person(s) concerned. Asking the person concerned to stop this behaviour at an early stage may be sufficient to end the behaviour.

In some cases it may be that the individual is not aware that the behaviour is inappropriate or it may be the case that the individual's behaviour is being misinterpreted.

Examples of personal action that may be considered include:

- Keeping a note of the details of the incident and the names of any witnesses;
- A conversation with, or written correspondence to, the person(s) concerned which explains what aspect of their behaviour is considered to be unacceptable and request that he/she stop behaving in this way.

### 6.2.2 Facilitated Discussion

Where an individual feels unable to raise and explore a resolution to a dignity and respect at work concern on a one to one basis with the other party it may be considered appropriate to explore a facilitated discussion. A facilitated discussion involves an individual such as an employee's line manager, or a manager in the line management structure, facilitating an informal discussion, in a safe, professional environment, between both parties with an aim of them reaching resolution on the concerns raised.

# Procedure

Continued

## 6.2.3 Mediation

The University has a network of impartial trained mediators who can be engaged at an early stage to assist with issues of conflict, including issues that would be considered under this policy.

Mediation is a voluntary process where an impartial third party enables two individuals to work through issues of conflict or disagreement with the aim of improving the working relationship.

The focus within mediation is on moving forward rather than attribution of blame. As mediation is a voluntary process, employees have a choice as to whether they wish to participate. Where individuals agree to mediation, they should engage in the process in a positive and constructive manner with a view to achieving resolution.

Individuals who are interested in exploring mediation should contact the Head of HR Operations and Employee Relations. More information on mediation can be obtained from the Mediation Procedure available on HR ServiceNow.

## 6.3 Second Stage–Formal Procedure

If inappropriate behaviour continues after you have highlighted your concerns with the relevant people on an informal basis, you should raise your concerns formally in the first instance with your line manager or HR Business Partner.

**Allegations will be dealt with as follows:**

- Formal concerns relating to alleged bullying and harassment by staff against another member of staff will be dealt with according to the University Disciplinary Policy and Procedure;
- Formal concerns relating to alleged bullying and harassment by Students against Students will be dealt with through the Student Disciplinary Regulations;
- Formal concerns relating to alleged bullying and harassment by Staff against Students will be dealt with through the University Disciplinary Procedure. Concerns can be raised by a student as a student complaint;
- Formal concerns relating to alleged bullying and harassment by Students against staff will be dealt with through the Student Disciplinary Regulations.



# Procedure

## Continued

If an individual raising a dignity and respect concern is both an employee and a student they should follow the procedure/regulations applicable based on the role they were in i.e. student or employee at the time the behaviour of concern was carried out.

If a formal concern is to be dealt with through the University Disciplinary Procedure an investigation into the alleged bullying and harassment will be undertaken. Following completion of the investigation an investigation report will be produced and reviewed by an appropriate level of manager. A decision will then be reached as to whether the concerns should be progressed to a disciplinary hearing in accordance with the University Disciplinary Procedure. For further information on the disciplinary investigation process and disciplinary hearing please refer to sections 7.2 and 7.3 of the University Disciplinary Procedure.