

# **DIGNITY AT WORK AND STUDY POLICY**

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## 1 Introduction

1.1 The University of Law's Dignity at Work and Study Policy has been informed by the Office for Students consultation on Harassment and Sexual Misconduct in Higher Education (launched in January 2020).

1.2 The University of Law (the University) is committed to providing an environment conducive to teaching, learning, study, research, progression and achievement, and to the enjoyment of a positive wider student experience.

1.3 The University requires all members of the University community to respect the rights and dignity of others. Harassment, bullying or victimisation on the grounds of any of the protected characteristics laid out in the Equality Act 2010 is prohibited. Harassment as defined in the Equality Act 2010 is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment, bullying and victimisation can take a variety of different forms; for example, due to sex, gender reassignment, race (including colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, age, pregnancy and maternity and marriage and civil partnership.

1.4 The University will not tolerate any form of harassment, bullying or victimisation.

1.5 The above stems from the ethos of the University itself, as an institution which welcomes people from all backgrounds, respects individual differences, upholds equal treatment and seeks to create a culture in which everyone feels valued and able to fulfil their potential.

1.6 This policy sets out the key principles and procedures which cover potential concerns about the behaviour and actions of students, staff and all members of the University community towards each other, which may constitute a disciplinary matter, or result in a complaint.

1.7 The right to work and study without harassment is established in diversity and employment legislation and harassment may, in some circumstances, amount to a criminal offence.

1.8 This policy is in effect for all members of the university community, regardless of the programme or mode of study, or employment/contractual status. This includes but is not limited to academic and non-academic staff, governors, temporary or contracted staff and those on any University payroll. It also applies to volunteers and/or unpaid individuals.

## 2 Purpose and Scope

2.1 This Policy outlines our position on bullying and harassment in the University and provides a framework for people to follow, in order to deal with and challenge bullying and harassment without fear of ridicule or reprisal.

2.2 The University encourages a proactive approach to the early recognition and effective management of bullying and harassment and aims to resolve conflicts sensitively, effectively and speedily if they occur.

2.3 Complaints of bullying and/or harassment will be responded to promptly, in accordance with this framework.

2.4 It should be remembered that bullying and harassment are not determined by the intention of the person who has caused the offence, but by the effect it has on the recipient. It is up to individuals to raise concerns if they find behaviour unacceptable either as a recipient or an observer of an incident.

## 3 Key Aims and Principles

3.1 The aims of the University, as reflected in this Policy, are to:

3.2 Promote a positive working and learning environment in which everyone is treated fairly and with respect;

3.3 Understand that all forms of harassment are unacceptable and that all members of the University have a role to play in creating an environment free from harassment, bullying and victimisation;

3.4 Provide a framework of support for the University Community who feel they have been subject to any form of harassment, bullying or victimisation; and

3.5 Provide a mechanism by which complaints that fall within the parameters of this policy can be addressed.

3.6 The University also follows the following **key principles**:

- a) Transparency – the University provides details of who is responsible for dealing with the matter at each stage of the process, and also provides information on what action can be taken if the resolution is unsatisfactory;
- b) Speed – the University ensures matters are investigated and outcomes reached in a timely manner whilst ensuring reasonable time for preparation and proper consideration of the relevant matters by students and University staff involved in the process;
- c) Impartiality – the University ensures that no person who has any direct interest in any matter is involved in deciding its outcome;

- d) Consistency – the University ensures that outcomes are consistent across similar cases;
- e) Proportionality– the University ensures that outcomes are proportionate to the offence;
- f) Accessibility – the University ensures that all staff and students are able to access this Policy, regardless of disability or domicile;
- g) Confidentiality – the University ensures that all complaints are treated in the utmost confidentiality.

## **4 Summary**

4.1 The University believes that those within the University Community have the right to feel secure and safe at work and at study and to be treated with dignity. Bullying and harassment, including sexual harassment, in any form will not be tolerated by the University.

4.2 We are committed to providing the university community a working and study environment that is free from all forms of bullying and harassment and a procedure to follow in order to deal with and challenge bullying and harassment without fear of ridicule or reprisal. We fully support the right of all within the university community to be treated with dignity and respect and will take appropriate steps to achieve this.

4.3 Bullying and harassment can have very serious consequences for individuals and the University. Bullying and harassment may cause people stress, affect their health, family, social relationships and may affect their performance at work and in their studies for example, loss of morale, poor performance, legal claims, damage to reputations, increased staff turnover and dropping out of University. Serious harassment may be a criminal offence.

4.4 Individuals should raise concerns about behaviour that they find offensive even if it is not directed at them.

4.5 Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, as defined by the Equality Act 2010, of sex, gender reassignment, race (including colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, age, pregnancy and maternity and marriage and civil partnership.

## **5 Definitions**

Bullying and harassment can be described as inappropriate behaviour that is unwelcome and unwarranted. It can be either direct or indirect and causes a detrimental effect on someone either emotionally or physically and undermines a person's right to dignity. Bullying and/or harassment may not necessarily happen face to face: it may be by written communication, visual images, email, social media and/or phone.

### **5.1 Harassment**

5.1.1 Harassment can be characterised as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

5.1.2 Harassment also occurs where it is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

5.1.3 Harassment may also occur where a person engages in unwanted conduct towards another because they perceive the recipient has a protected characteristic, when the recipient does not.

5.1.4 Harassment can manifest itself as offensive, intimidating, malicious, threatening, demeaning or insulting behaviour.

5.1.5 It can manifest itself as shouting, sarcasm, constant criticism and belittling or derogatory remarks, ignoring or patronising attitudes.

5.1.6 It can also be the setting of impossible deadlines and workloads so the person on the receiving end fails, punishment by refusal to delegate, assigning of trivial tasks or removal of responsibilities without good reason.

5.1.7 It can be carried out face to face or by cyberbullying or cyber harassment.

5.1.8 Cyberbullying or cyber harassment are forms of bullying or harassment using electronic means. It is also known as online bullying. It is when someone bullies or harasses others on the internet and in other digital spaces, particularly on social media sites.

5.1.9 Many of our daily interactions take place via social media, or online communication platforms. Whilst these platforms offer the opportunity for connecting with a wide range of people, and offer a wealth of opportunity for building learning, work or other communities, it is prudent to consider online behaviour and the effects of this behaviour on our peers and colleagues. For this reason, it is important to remember that harassment and bullying is not only limited to face to face contact.

## **5.2 Bullying**

5.2.1 Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

5.2.2 We recognise that bullying can occur between any individuals or group of individuals, for example: from manager to team member, from student to staff member, from staff member to student, from student to student, amongst colleagues of the same level and from team member to manager.

5.2.3 Behaviour that is considered bullying by one person may be considered a firm instruction or a reasonable request by another. For this reason we have a robust process in place and will investigate each allegation on its own merit.

5.2.4 Bullying is a form of harassment and may be characterised as any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others. However, it might be obvious or it might be insidious. It may be persistent or an isolated incident.

## 5.3 Sexual Harassment

5.3.1 Sexual harassment is unwanted behaviour of a sexual nature.

5.3.2 It can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, opposite sex or anyone of any gender identity. It can still count as sexual harassment even if the person did not mean it to be. The effect of the behaviour is what matters.

5.3.3 What some people might consider as joking, 'banter' or part of their workplace culture or learning community can still be sexual harassment if the behaviour is of a sexual nature and it is unwanted.

5.3.4 Sexual harassment is different to harassment because of a person's sex. But someone could experience both types of harassment at the same time.

5.3.5 Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

5.3.6 Further examples of bullying and harassment include:

- conduct which is intimidating, physically abusive or threatening
- persistent unwelcome attention
- hate speech
- unwelcome body contact – pushing, jostling, touching, standing too close (invasion of personal space), inappropriate touching, touching someone against their will, for example, hugging somebody
- threatened or actual assault or violence
- mimicking people with disabilities or any other protected characteristic
- display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material including visual displays of poster "pin ups", calendars or cards and the transmitting of any such messages or images online or digitally
- posting rumours, threats, sexual remarks, a victims' personal information or pejorative labels
- obscene or offensive gestures, language or jokes
- victimisation, where a person is repeatedly or consistently treated less favourably than another, including picking on one person where there is a common problem
- consistently undermining someone and their ability to do their job
- persistent unwanted isolation, exclusion or alienation

- making decisions on the basis of sexual advances being accepted or rejected
- practical jokes or telling sexually offensive jokes
- shouting, swearing, using nicknames, spreading malicious rumours or being involved in malicious gossip
- humiliating or demeaning an individual in front of their colleagues – personal insults, criticisms or public reprimands, belittling or patronising comments, sarcasm
- making baseless threats or comments about job or course security
- overbearing supervision such as constant criticism without the time or support to improve
- making baseless threats or comments about progress
- cyberstalking
- Internet trolling in online communities
- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- having pornographic or sexual images on computers and phones
- sexual assault or rape
- revenge porn

(note: the above list includes examples of sexual and other forms of harassment)

**This list is not exhaustive.**

## **5.4 Victimisation**

5.4.1 The University will regard victimisation as any instance where a person is subjected to detrimental treatment because they have, in good faith:

- Made an allegation of harassment;
- Indicated an intention to make such an allegation;
- Assisted or supported another person in bringing forward such an allegation;
- Participated in an investigation of a complaint;
- Participated in any disciplinary hearing arising from an investigation;
- Taken any other steps in connection with this Policy and Procedure; or
- Is suspected of having done so.

## **6 Procedure for Addressing Allegations of Bullying or Harassment**

6.1 All reported cases of unacceptable behaviour will be taken very seriously by the University and the appropriate procedures will be used to investigate disclosures.

6.2 People who are subjected to bullying or harassment, or those who have witnessed it, may be reluctant or afraid to speak out. Generally, they want the unacceptable behaviour to stop and may suffer in silence rather than have attention focused on them or risk some form of reprisal. This means that everyone must be alert to the impact of their behaviour on others and be prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way.

6.3 People who feel that they are being subjected to any form of bullying or harassment are encouraged to keep a record of incidents that have occurred. They should be specific about the behaviour(s), date(s), time(s), place(s) and the nature of the bullying or harassment on each occasion and how it made them feel. They should note whether there were any witnesses.

6.4 The Dignity at Work and Study Informal Procedure for Staff and Students sets out the support available and the informal steps for making a complaint of unacceptable behaviour.

6.5 The Dignity at Work and Study Formal Procedure for Staff sets out the formal procedures for investigation of a complaint of unacceptable behaviour made by a member of staff against another member of staff.

6.6 The Dignity at Study Formal Procedure for Students sets out the formal procedures for investigation of a complaint of unacceptable behaviour made by a student and also for investigation of a complaint by a member of staff against a student

6.7 Similar arrangements to those set out in the procedures mentioned above will be used in dealing with complaints made by members of the public against members of the University community.

6.8 Before making a formal disclosure or complaint, staff and students are encouraged to refer to the Dignity at Work and Study Informal Procedure for staff and students.

6.9 Unacceptable behaviour may be treated as a disciplinary offence. Serious cases could result in dismissal for staff members or permanent expulsion for students.

6.10 It may be appropriate, depending on the circumstances of the complaint, to remove an individual from a situation pending the outcome of an investigation. This may involve suspending a member of staff or excluding a student under the formal dignity at work and study procedures.

6.11 Making false or unsubstantiated allegations with malicious or vexatious intent, could, if proven, lead to disciplinary action being taken. On investigation, should it be determined that a complaint has been submitted with malicious or vexatious intent then the matter will be referred for consideration under the appropriate disciplinary procedure. It must be stressed that this should in no way deter a genuine complaint.

6.12 The University will not assume guilt of either party and will support all students and staff members involved in a case of alleged unacceptable behaviour.

6.13 Every effort should be made to keep the matter confidential to those who are directly involved.

6.14 The University will work with individuals who have raised concerns of bullying or harassment and work towards a resolution within agreed timescales. However, where someone is reluctant to make a formal complaint, but the University considers there to be a risk to other members of the University community the University may act to address issues immediately, without express permission, this may be through either informal or formal procedures.

6.15 The University legitimately investigating a complaint or conducting disciplinary proceedings against a student does not constitute harassment provided the correct procedure is followed.

## **7 Confidentiality**

7.1 Subject to the requirements of this process, everything said or referred to during an investigation (including the communication of the outcome and subsequent appeal) should be treated in confidence. Parties other than those involved in the disclosure should not discuss or share information from such investigation interviews with any other party as this could prejudice the outcome. Even when the process has been completed, all people involved should continue to respect the sensitivity of the process.

7.2 In order to thoroughly investigate a complaint, information from the original allegation or subsequent investigation interviews may be put to others as part of the investigation.

7.3 The individual submitting the complaint and the person/people whom the complaint is about will have access to all relevant information affecting the case, subject to the consideration of the investigating officer who may, for example, remove personal details that may lead to the identification of any individual from statements where appropriate.

## **8 Monitoring**

8.1 The number and nature of formal complaints made by staff about unacceptable behaviour and any subsequent policy reviews or actions, will be included in the Equality, Diversity and Inclusion Annual Performance Review to the Executive Board. The University will also monitor the application of this policy through the Staff Survey.

8.2 The number and nature of formal complaints made by students about unacceptable behaviour, and any subsequent reviews or actions will be included in the Academic Registry's Annual Report to the Academic Board on Student Complaints, Appeals and Discipline cases.

## **9 Responsibility for Implementation**

9.1 Responsibility for the effective implementation of the Dignity at Work and Study Policy lies initially with the relevant Campus Dean, supported by Academic Registry, the Director of Student Experience, Wellbeing and Inclusion and the Director of HR.

## **10 The University**

10.1 The University has a corporate and moral responsibility to take active steps to stop bullying and harassment in the organisation and to promote the well-being of all members of the University community. The University aims to provide a safe working and learning environment and create an environment which is free from bullying and harassment.

10.2 The University has a responsibility to ensure that it has a suitable Policy, process and leadership to ensure a safe working and learning environment.

10.3 The University has a responsibility to ensure there is a framework and procedure to work within in order to resolve complaints of a bullying or harassment nature whether they are informal or formal and to advise and signpost all staff and students to appropriate information and support.

## **11 Managers**

11.1 All Managers have a responsibility to ensure that unfair treatment does not occur in the functions for which they are responsible and to address inappropriate behaviour in a timely fashion. Bullying and harassment cases can be complex and emotional. Managers should therefore seek support from their own manager and the HR Team.

11.2 A manager should:

- Engender a team ethos and an appropriate constructive working environment;
- Set a good example of treating their team members and any other person with whom they come into contact in the workplace with courtesy and respect;
- Be vigilant for signs of bullying and harassment and challenging inappropriate behaviour;
- Respond sensitively to, and support any person complaining about unfair treatment;
- Provide full, clear and timely advice on the procedure to be followed; and
- Use relevant procedures to ensure that no repetition or victimisation occurs after a complaint has been resolved.

## **12 Individual Members of the University Community**

12.1 The University expects all members of the Community to treat each other with respect, courtesy and consideration. All members of the University Community have the right to expect professional, respectful and inclusive behaviour from each other and have a reciprocal responsibility to behave professionally, respectfully and inclusively towards others. All members of the University Community have a personal responsibility to ensure that their conduct is in accordance with the standards set out in this policy.

12.2 All members of the University Community are expected to actively promote and foster a working and learning environment that is free from bullying and harassment. They must take reasonable measures to ensure that bullying and harassment does not occur within the University.

### **13 Monitoring and Evaluation of Provision**

13.1 Responsibility for reviewing and evaluating the effectiveness of the Dignity at Work and Harassment Policy Harassment Policy lies with the Director of Student Experience, Wellbeing and Inclusion and the Director of Human Resources.

### **14 Related Policies**

This policy should be read in conjunction with the following documents:

#### **Academic and Student Affairs Policies:**

- Overarching Policy for Appeals and Complaints Q 9
- Academic Freedom Policy Q 3.2
- Student Complaints Policy Q 9.2
- Equality, Diversity and Inclusion Policy Q 4.3
- Procedures for Academic Appeals, Student Complaints and Student Discipline Q 9.1.3
- Safeguarding Policy Q4. 8.1
- Student Voicing Concerns Policy Q 4.15

#### **HR Policies:**

- Disciplinary Policy
- Grievance Policy
- Performance and Capability Policy
- Voicing Concern Policy
- Diversity and Inclusion Policy
- Equal Opportunities Policy

## Version history

Version	Created/Amended by	Revision summary	Date
V0.1	HR Business Partner Bloomsbury, Deputy Academic Registrar and Director of Student Experience, Wellbeing and Inclusion	Initial Drafting	March 2021
V1.0	Approved by Academic Board	Approval	March 2021