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| Owner: Version number:Date of approval:Agreed by: Due for review: | Human Resources1.024th May 2023BU and Recognised Trade Unions24th May 2026 |



**Dignity and Respect (Harassment) Policy and Procedures**

**Keywords:** Dignity, Respect, Harassment,Sexual Harassment, sexual violence, reporting, investigation, misconduct,

**Audience:** Staff and Managers

1. **Purpose**
	1. BU is committed to providing a positive working environment for all our employees which includes a zero-tolerance approach to discrimination, bullying, harassment, or victimisation and treats all staff with dignity and respect.
	2. BU is committed to both the elimination of unlawful discrimination and positive promotion and celebration of equality, diversity, and inclusion throughout all aspects of its work.
	3. The University will not tolerate unfair or unlawful treatment on the grounds of a protected characteristic as defined in the Equality Act 2010 in respect of the application of this procedure or any other circumstances.
	4. BU commits to dealing with cases promptly, efficiently, and sensitively when we become aware of them. BU commits to supporting those raising such concerns.
	5. BU will take seriously and investigate any reports and/or complaints of discrimination, harassment, or victimisation, using the agreed [Investigation,](https://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx) [Grievance](https://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx)  and [Disciplinary](https://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx) procedures.
	6. BU is committed to a working environment and culture that is free from unlawful discrimination, bullying, harassment, or victimisation and treats all employees with [Dignity and Respect.](https://intranetsp.bournemouth.ac.uk/policy/Dignity%20and%20Respect%20Policy.docx)

**2. Scope**

2.1 This Policy applies to all employees working within the BU community including staff, workers, agency and temporary staff, casual staff, and contractors. All members of the BU community have the right to report or bring a complaint to the University about bullying, harassment, or victimisation, should it occur at the University, or should it be committed elsewhere by a member of the University community.

2.2 For the purposes of this Policy, ‘employees’ are defined as any individual either

employed or engaged by BU on a paid or unpaid basis to carry out work

for the University under any type of employment contract. This includes:

* Students undertaking paid work
* Part Time Hourly Paid
* Agency workers
* Contractors working on behalf of the university
* People working on a voluntary basis
* Honorary appointments

2.3 All ‘employees’ have the responsibility to comply with this policy and our Dignity, Diversity and Equality guidance and principles and will need to be aware of their personal obligations in eliminating all forms of what the University considers to be unacceptable behaviour, and to conduct themselves appropriately on a face-to face basis, and, with reference to social media.

2.4 The Chief Operating Officer has overall responsibility for Dignity, Diversity and Equality at BU.

2.5 The Equality and Diversity Committee has overall responsibility for developing and embedding BU’s commitment to zero tolerance towards bullying, harassment, or victimisation.

2.6 The Director of Human Resources has overall responsibility for the daily operation of this policy, as well as ensuring that the university is complying with statutory duties under existing equality legislation and relevant codes of practice.

2.7 The Director of Human Resources has responsibility for staff discipline.

2.8 Line managers must ensure that all employees are aware of this policy; and understand their own and their employer’s responsibilities.

2.9 Line managers have a particular responsibility to ensure that within their area of control, everyone is treated with dignity and respect.

2.10 All line managers should:

* always challenge any unacceptable behaviour in the workplace
* make every effort to ensure that harassment, bullying or victimisation does not occur,
* respond to reports and/or complaints of harassment, bullying or victimisation swiftly, sensitively, and objectively

**3. Definitions - Harassment, Bullying and Victimisation**

3.1 This section defines the terms “harassment,” “bullying” and “victimisation,” and provides some examples of each form of behaviour.

**3.2 Harassment**

3.2.1 Harassment is defined under the Equality Act 2010, as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are listed below:

* Age
* Disability
* Gender Reassignment
* Marriage/Civil Partnership
* Pregnancy/Maternity
* Race
* Religion or Belief
* Sex
* Sexual Orientation
* Or because the person has made a disclosure in the public interest (“whistleblowing”)

3.2.2 The Equality Act 2010 makes three types of harassment unlawful:

1. Harassment in which a person is subjected to unwanted conduct related to a protected characteristic (age, disability, gender re-assignment, race, religion or belief, sex, or sexual orientation) with the intentional or unintentional effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
2. Sexual harassment, in which a person is subjected to unwanted conduct of a sexual nature (for example, displaying a pornographic screen saver, telling jokes about sexual intercourse etc, and as detailed below) where this has the same ‘purpose’ or ‘effect’ as the first type of harassment).
3. Harassment in which a person is subjected to unwanted conduct of a sexual nature, or which is related to sex, and which has the same ‘purpose’ or ‘effect’ as the first type of harassment and that person is treated less favourably because s/he they have either submitted to or rejected the harassment concerned. For example, a woman not being promoted or afforded any other benefit because they have turned down a sexual advance.

3.2.3 The Equality Act protects a person from harassment in relation to:

1. **Perception of their personal identity** – for example Sam is 40 but looks younger, he is not allowed to represent the University at a conference because the Dean perceives him to be too young.
2. **Association with someone who has a protected characteristic** – for example, harassment because a relative has a disability.
3. **The right to complain of behaviour they find personally offensive even when they are not the target of that conduct** – for example, a female worker can complain about sexist jokes that are made about a male colleague (whether or not they are present when the remarks are made).
4. **Conduct related to a relevant protected characteristic not necessarily because of a person’s identity.** For example, Jo is continually being called gay by fellow students. Although Jo is heterosexual and this is widely known, he would still be able to claim harassment relating to sexual orientation.

3.2.4 Harassment is defined under the Protection from Harassment Act as conduct which occurs on at least two occasions; and is targeted at the claimant; and is calculated in an objective sense to cause alarm or distress; and is objectively judged to be oppressive and unreasonable.

3.2.5 Harassment can take many forms; it can be physical, verbal, or non-verbal. It can occur in face-to-face settings, by telephone, or in written or electronic communications. Some examples may include the following, but the list is not exhaustive:

* Unwelcome physical contact ranging from someone’s “personal space” where this is unnecessary, touching or brushing against another person, intimidating behaviour, physical coercion to physical assault.
* Unwanted verbal conduct. It includes making remarks and comments about another person’s appearance, unfounded criticism, offensive comments or jokes, crude language, open hostility, suggestive remarks, malicious gossip, shouting at staff, persistently picking on staff in front of others or in private.
* Intrusive questioning. This may include gossip, as well as questions, about their religious beliefs for example. This could be directly with the person or in discussions with others.
* Unwelcome written or visual communications, including unwelcome emails, notes, or pictures, displaying, or sending inappropriate materials.
* Use of cyber or social media sites such as twitter, Facebook etc to ridicule, harass or bully.
* Non-verbal conduct, such as making abusive or offensive gestures. This includes wolf-whistles, explicit posters/calendars, pornographic material (both paper-based and generated on a computer).
* The deliberate exclusion of an individual from work-related activities or conversations in which they have a legitimate right or expectation to participate.
* Excessive monitoring and repeatedly setting unrealistic objectives.

3.2.6 Harassment can occur regardless of intent. What is perceived by one individual as harassment may not similarly be perceived by another where differences of attitude or culture apply. When seeking to define harassment, the intentions of the respondent are irrelevant and if actions or comments are perceived to be demeaning and unacceptable to the complainant then they could be deemed as harassment.

3.2.7 Any difficulty in defining what constitutes harassment should not deter members of the BU community from complaining of behaviour that causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation.

3.2.8 In addressing harassment, we will refer to internationally recognised definitions, including the International Holocaust Remembrance Alliance working definition of antisemitism, which is that “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” Racial harassment can be aimed at any race or ethnicity and the university is committed to addressing all racial harassment including, but not limited to:

• Anti-semitism – defined as offensive actions or statements fuelled by prejudice or stereotyping of Jewish people. The IHRA definition is “a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

**3.3 Bullying**

3.3.1 Bullying is not defined by law; however, it is a form of harassment and shares many of the characteristics with harassment although it does not need to be equality related. Bullying can be defined as offensive unwanted behaviour which violates a person’s dignity or creates an intimidating, hostile, degrading, threatening or offensive environment. Bullying can be carried out by an individual or group of people and can involve the abuse of authority.

3.3.2 Some examples of bullying are included below but the list is not exhaustive:

* Personal insults and name calling.
* Public humiliations, put downs or ridiculing.
* Covert features of bullying can also occur and can include;
	+ Unreasonable and persistent blocking of leave, training, or promotion.
	+ Constant unfounded criticism of the performance or work tasks.
	+ Spreading of malicious rumours.

3.3.3 However, the occasional outburst of anger should **not normally be** interpreted as bullying.

3.3.4 It is also important to make a distinction between bullying and firm management where a manager or employee is carrying out their job properly and fairly. Legitimate management actions could include the issuing of reasonable instructions and expecting them to be carried out, the setting and monitoring of expected performance standards, taking action where unsatisfactory work or levels of absence have been identified.

3.3.5 Bullying can occur regardless of intent. What is perceived by one individual as bullying may not similarly be perceived by another.

3.3.6 Any difficulty in defining what constitutes bullying should not deter members of the BU community from complaining of behaviour that causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation.

**3.4 Victimisation**

3.4.1 Victimisation is treating someone unfavourably (to their disadvantage or detriment) because they have done a ‘protected act’ (or because you believe that a person has done or is going to do a protected act), for example:

* Bringing proceedings under the Equality Act, 2010.
* Giving evidence or information in connection with proceedings brought under the Equality Act.
* Doing anything which is related to the provisions of the Equality Act.
* Making an allegation (whether or not express) that another person has done something in breach of the Equality Act.
* Making or seeking a relevant pay disclosure to or from a colleague (including a former colleague).
* Participated in the investigation of a complaint or a disciplinary hearing arising from the investigation.
* Made an allegation against another person that they have harassed them.

3.4.2 The Equality Act states that it is unlawful to instruct someone to discriminate against, harass or victimise another person because of a protected characteristic or to instruct a person to help another person to do an unlawful act which would be unlawful even if it were not acted upon. It is also unlawful to cause or induce, or attempt to cause or induce, someone to discriminate against or harass another individual because of a protected characteristic or to victimise a third person because they have committed a protected act.

3.4.3 Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working and learning environment and lead to a reluctance to report discrimination, harassment, or bullying.

**4. Principles**

4.1 All employees are responsible for ensuring that their own conduct is in accordance with the [University’s](http://intranetsp.bournemouth.ac.uk/policy/dignity-diversity-and-equality-policy.doc) [Sexual Harassment and Sexual Misconduct Policy](https://intranetsp.bournemouth.ac.uk/policy/Sexual%20Harassment%20and%20Sexual%20Misconduct%20Policy.docx), [Dignity & Respect (Harassment) Policy and Procedure](https://intranetsp.bournemouth.ac.uk/policy/Dignity%20and%20Respect%20Policy.docx).

4.2 Staff requiring support/assistance in connection with this policy (e.g., due to reasons relating to disability or the need for translation from English) should contact the HR Department. The University is committed to making reasonable adjustments for staff to ensure this policy is accessible. The University is committed to considering making reasonable adjustments for staff who may have a disability as defined under the Equality Act.

4.3 The expectations and requirements relating to [general conduct](https://intranetsp.bournemouth.ac.uk/policy/general-conduct.docx) are stated on the Staff Intranet.

4.4 Victimisation of any individual reporting or making a complaint under this Policy will not be tolerated and will be dealt with under BU’s [Disciplinary Procedure](https://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx).

4.5 All members of the BU community are strongly encouraged to report or bring a complaint to the University about of harassment, bullying or victimisation, should it occur at the University, or should it be committed elsewhere by a member of the University community.

4.6 Where staff report or make a complaint in good faith, the matter will be dealt with in accordance with this Policy and either the BU [Grievance Procedure](https://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx) and/or [Disciplinary Procedure](https://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx) and those bringing the complaint or making the report will not be subject to a detriment as a result. Should staff or students be concerned that they will suffer a detriment they should raise this to the HR department or the Chief Operating Officer.

4.7 Within the formal [Grievance Procedure](https://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx) or [Disciplinary Procedure](https://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx), employees have the right if they wish, to be accompanied by a fellow member of staff or by an appropriate representative of an independent trade union (recognised or non-recognised) as defined in the Employment Relations Act 1999 or an official employed by a trade union.

4.8 All information in respect of making a complaint or report will be treated in strict confidence and consent will be sought if a decision is made to consider the complaint under BU procedures. All individuals involved in such complaint are required to maintain confidentiality. Failure to do so is likely to constitute misconduct under the appropriate Disciplinary Procedure.

4.9 There may be circumstances in which an affected individual is not willing or able to make a formal complaint but the Executive Dean or Director together with the Director of Human Resources considers that the implications for the individual or others actually or potentially affected are serious. In this case the Executive Dean/Director following consultation with the Director of HR will initiate a disciplinary investigation.

4.10 Any party may seek advice and guidance from HR, Health Wellbeing and Safety, or Trade Unions at any stage.

4.11 Where an allegation of bullying, harassment or victimisation is found to have been made maliciously or for vexatious purposes and there is appropriate evidence to substantiate this, disciplinary action may be taken against the complainant.

**5. Reporting Channels**

5.1 Any member of BU is encouraged to report cases of harassment, bullying or victimisation whether they are the recipient of the behaviour or are witness to it as soon as reasonably practicable.

5.2 You do not have to be the recipient or target of harassment, bullying or victimisation to make a report about it. If you see it happening or become aware of a problem, you have the right to report it.

5.3 If you are uncertain of what action to take you could make a third party aware of the behaviour, and/or seek the help or advice from any of the contacts as detailed in [section 7](https://intranetsp.bournemouth.ac.uk/policy/Dignity%20and%20Respect%20Policy.docx#_10._Sources_of) of this Policy. Any discussion will be confidential and further action involving you will not normally be taken without your express permission.

5.4 We encourage all issues of concern to be reported so that BU and/or Police are aware. Employees can report the concerns they might have, and they will be supported throughout. Reports and/or complaints can be raised with:

1. Their Director/Head of Professional Service
2. Their Executive Dean
3. Their Line manager
4. A member of HR
5. A member of Health, safety, and wellbeing
6. In an emergency and where you feel at immediate risk of harm, call Dorset Police on 999
7. If the matter is not an emergency you can report to the Police via 101, through the Bournemouth Campus Police, or via the Dorset Police online Hate Crime reporting tool.
8. Reporting the incident anonymously.You can report online to Crimestoppers by calling 0800 555 111.

5.5 Reports can be made anonymously, although the action that can be taken in these circumstances may be more limited.

5.6 If the Police decide to take further action they will normally need to speak to the alleged victim, if known.

5.7 There may be circumstances where the University may act if the reported incident could be considered a breach of BU’s [Dignity & Respect (Harassment) Policy and Procedure](https://intranetsp.bournemouth.ac.uk/policy/Dignity%20and%20Respect%20Policy.docx) or Sexual Harassment and Sexual Misconduct Policy. Reports and/or complaints of harassment, bullying or victimisation will normally be progressed through BU’s [Disciplinary Procedure](https://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx) or BU’s [Grievance Procedure](https://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx).

5.8 If an employee becomes aware of harassment, bullying or victimisation between a colleague and student or another employee, advice and further information may be sought from:

1. Their Director/Head of Professional Service
2. Their Executive Dean
3. their Line Manager, if appropriate
4. the [HR department](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/)
5. [trade union representatives](https://staffintranet.bournemouth.ac.uk/workingatbu/staffunions/)
6. by contacting the [Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/eap/)
7. by contacting BU Faith and Reflection
8. A member of Health, safety, and wellbeing

5.9 Harassment, bullying or victimisation can also give rise to situations where there is coercive or predatory behaviour. If intimate relationships arise between colleagues and any

person has concerns about any predatory or coercive element to such

relationship, they are encouraged to report or disclose this to their line manager,

or other relevant senior manager, who is obliged to ensure that such reports are

recorded in accordance with the [Conflict of Interest Policy and Procedure](https://intranetsp.bournemouth.ac.uk/policy/Conflicts_of_Interest_Policy_and_Procedures%20v4.doc).

5.10 A report of all anonymised reports and/or complaints will be presented as part of the Equality and Diversity Annual report. This report will be presented to the Equality and Diversity Committee.

**6. Investigations into Reports and/or Complaints or Allegations**

6.1 Any investigations into allegations of harassment, bullying or victimisation by employees will be conducted under BU’s [investigation procedure](https://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx)  .

6.2 Harassment, bullying or victimisation may also lead to a criminal investigation being instigated into the actions of an employee. Where there are concerns that a criminal act has

taken place, advice must be taken from the HR department.

6.3 Confidentiality will be maintained, subject to any requirement to involve external

agencies where a criminal offence may have been committed or where maintaining

confidentially would pose a risk to the person making the report, or to others.

**7. Sources of Help and Support**

7.1 We want to support anyone who has been affected by harassment, bullying or victimisation as we recognise the personal and emotional impact such incidents can have, and how difficult these experiences can be

7.2 BU recognises that raising an allegation of harassment, bullying or victimisation can be extremely difficult for the person raising it.

7.3 BU will manage each case as quickly as possible, ensuring that all parties are treated with dignity and respect.

7.4 Please see below support available for anyone who has reported or is considering reporting harassment, bullying or victimisation in accordance with this policy or anyone who is subject to a complaint.

1. Their Director/Head of Professional Service
2. Their Executive Dean
3. their Line Manager, if appropriate
4. the [HR department](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/)
5. [trade union representatives](https://staffintranet.bournemouth.ac.uk/workingatbu/staffunions/)
6. by contacting the [Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/eap/)
7. by contacting BU Faith and Reflection
8. A member of Health, safety, and wellbeing

7.5 BU will ensure that all parties are updated regularly in respect of timelines and progress. All parties will be provided with a point of contact within HR or the Faculty or Service who will be responsible for this throughout.

7.6 BU recognises that cases can be difficult and complex and that those investigating and / or hearing them may also want support, this can be discussed with a line manager (providing confidentiality is not compromised) or access one of the sources of support listed.

**8. Related Policies**

8.1 This Policy should be read in conjunction with the following University documents

and policies:

* Equality and Diversity Policy
* Grievance Procedure
* Conflict of Interest Policy
* Dignity and Respect Policy
* Disciplinary Procedure
* Suspension Procedure
* General Conduct
* Health & Wellbeing at BU A Guide for Managers
* Transgender Inclusion Policy and Procedure
* Social Media Policy and Procedures
* Investigation Procedure