

## Dignity and Respect (Harassment) Policy and Procedures

### 1. Introduction and Statement of Intent

1.1 BU is committed to a working and learning environment that is free from unlawful discrimination, bullying, harassment or victimisation and treats staff and students with dignity and respect. All members of the BU community have a right to be treated with dignity and respect, providing a positive and satisfying learning and working environment.

**1.2 Harassment, bullying or victimisation within the University will not be tolerated. Harassment, bullying or victimisation can seriously damage the working environment for staff and students of the University and can be extremely detrimental to their wellbeing and performance.**

1.3 BU will seek to further develop and enhance a culture which values the dignity, diversity and equality of all individuals. BU will strive to uphold and, where possible, exceed the provision of equality legislation to reflect sector best practice. All members of the BU community have a duty to comply with this Policy and Procedure 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. Staff and students should refer to the relevant Social Media Policy and Procedures

1.4 The expectations and requirements relating to general conduct are stated on the Staff Intranet and University Rules for students.

1.5 All members of the BU community have the right to 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.

1.6 Where staff and or students make a complaint in good faith, the matter will be dealt with in accordance with this Policy and Procedure and those bringing the complaint 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 Chief Operating Officer.

1.7 All information in respect of making a complaint will be treated in strict confidence. These discussions will remain confidential and will not normally be taken further without the complainants express permission unless the circumstances

mean that the University has a legal responsibility to act. 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.

1.8 Where an investigation has taken place and there is appropriate evidence to substantiate that bullying, harassment or victimisation is found to have occurred, this is likely to constitute misconduct under the appropriate Disciplinary Procedures.

1.9 BU will ensure adequate resources are made available to promote dignity and respect to deal effectively with complaints of bullying, harassment or victimisation.

## **2. Scope and Purpose**

2.1 BU has a legal obligation to deal with allegations of bullying, harassment and victimisation promptly and efficiently.

2.2. This Policy and Procedure applies to all members of the BU community including staff and students, visitors and workers, agency and temporary staff, casual staff and contractors.

2.3. This Policy and Procedure includes definitions of key terms, identifies responsibilities and provides information on sources of advice, support and guidance for individuals who perceive they may be experiencing bullying, harassment or victimisation.

2.4 This Policy and Procedure provides guidance on how to raise complaints or concerns about bullying, harassment or victimisation at BU.

## **3. Malicious Complaints**

3.1 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.

## **Links to other BU Documents**

**4.1 Unlawful discrimination on the grounds of harassment, bullying or victimisation is a breach of this Policy and Procedure. In support of the implementation of this Policy and Procedure a range of BU Policies, Procedures and Codes of Practice should be referenced.**

### **Staff:**

- **Equality and Diversity Policy**
- **Grievance Procedure**
- **Disciplinary Procedure**
- **Suspension Procedure**
- **General Conduct**
- **Health & Wellbeing at BU A Guide for Managers**
- **Transgender Inclusion Policy and Procedure**

- **Social Media Policy and Procedures – EMPLOYEES**
- **Investigation Procedure**

**Students:**

- **Equality and Diversity Policy**
- **University Rules**
- **Student Disciplinary Procedures**
- **Fitness to Practice Procedures**
- **Social Media Policy and Procedures**
- **Transgender Inclusion Policy and Procedure**

## **5. Definitions - Harassment, Bullying and Victimisation**

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

### **5.2 Harassment**

5.2.1 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”)

5.2.2 The Equality Act 2010 outlines three definitions of harassment:

- i) Unwanted conduct that has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading and humiliating or offensive environment for a person that is related to age, disability, gender re-assignment, race, religion or belief, sex or sexual orientation.
- ii) Unwanted conduct of a sexual nature (sexual harassment).
- iii) Treating a person less favourably than another person because they have been the subject of, or have reacted to, sexual harassment or harassment related to sex or gender re-assignment.

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

- i) **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.
- ii) **Association with someone who has a protected characteristic** – for example, harassment because a relative has a disability.
- iii) **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).
- iv) **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.

5.2.4 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.

5.2.5 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.

5.2.6 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.

5.2.7 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.

### 5.3 Bullying

5.3.1 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.

5.3.2 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.

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

5.3.4 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.

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

5.3.6 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.

## **5.4 Victimisation**

5.4.1 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.

5.4.2 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.

5.4.3 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.

## **6. Responsibilities**

### **6.1 All Members of the BU Community**

6.1.1 All members of the BU community have a personal responsibility for their own behaviour and are responsible for ensuring that their conduct is in line with the standards set out in this, and related Policies and Procedures. There are several things members of the BU community can do:

- Set a positive example by treating others with dignity and respect at all times.
- Be aware of the Policy and Procedure and comply with it.
- Do not make personal or offensive comments.
- Do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and or reported.
- Be supportive of colleagues who may be subject to bullying and or harassment.
- Listen if someone tells you that they feel bullied by you and take action to address their concerns.

- Co-operate with measures to address bullying and harassment in a positive way.

6.1.2 Members of the BU community are encouraged to report incidents of bullying and or harassment to a senior manager, Student Services or the Equality and Diversity Adviser, even if they are not the victim.

6.1.3 Staff and students can contact the sources of advice/support and guidance as detailed in section 10 below.

## **6.2 Managers and Supervisors**

6.2.1 Managers and Supervisors have a duty to implement this Policy and Procedure and to ensure staff are aware of their obligations. Managers and Supervisors must make every effort to ensure that harassment, bullying or victimisation does not occur, particularly in work areas for which they are responsible, and to take responsibility for any issues of which they become aware. It is particularly important that managers provide a positive role model and working environment and take action to ensure that any complaints are dealt with appropriately.

## **7. Procedures for Raising Complaints and Concerns about Bullying, Harassment and Victimisation**

### **7.1 Informal Stage**

7.1.1 In taking all allegations of bullying, harassment and victimisation seriously, BU encourages resolution on an informal basis in the first instance, where possible and appropriate. This stage is appropriate if you simply want the behaviour to stop, is of a less serious nature and there is a reasonable prospect of reaching a swift resolution.

7.1.2 Any person who feels that they are being bullied, harassed or victimised can seek to resolve the matters informally by making the alleged harasser aware (either orally or in writing) that they find their behaviour offensive, and/or unwelcome and asking that it stops. Sometimes people are not aware of their behaviour and do not know that it is unacceptable until they receive appropriate feedback.

7.1.3 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 of a trusted friend, a sympathetic colleague, or any of the contacts as detailed in [section 10](#) of this Policy and Procedure. Any discussion will be confidential and further action involving you will not normally be taken without your express permission. Other potential interventions include mediation; this can be instigated at any stage, informal or formal with a view to seeking a resolution. [Section 8](#) provides further detail.

7.1.4 At any time staff may seek a meeting with a representative from Human Resources or with a Dignity & Wellbeing Adviser, and students may contact the Student Advice Centre. The complainant has a right to be accompanied by a fellow member of staff, student or recognised union representative if desired.

7.1.5 These discussions will remain confidential and will not normally be taken further without the complainant's express permission unless the circumstances mean that the University has a legal responsibility to act.

7.1.6 This action may, in some instances, be sufficient to stop the unwanted behaviour. If you feel unable to approach the person concerned this does not constitute consent to the harassment, bullying or victimisation nor will it prejudice any formal complaint that may be raised subsequently. If you feel unable to speak to the person concerned, or if having spoken, the behaviour persists, it is important to begin to keep a note of the details of any relevant incidences which distress you including a note of the ways in which the incidents cause you to change the pattern of your work or social life.

7.1.7 [Section 10](#) outlines the various sources of support and guidance available to assist members of the BU community who feel subjected to harassment and or bullying.

## **7.2 Formal Stage**

7.2.1 If the harassment, bullying or victimisation does not cease or becomes worse, or, if the allegations are of a serious nature then the formal stage of the complaints procedure should be invoked. The contacts in [section 10](#) of this Policy and Procedure can provide advice and support.

**Students – for formal stage the Student Complaints Procedure applies.**

7.2.2. Students wishing to make a formal complaint about alleged bullying, harassment or victimisation by another member of the BU community should do so in accordance with the Student Complaints procedure.

**Staff – for formal stage the procedure is detailed below.**

7.2.3 Any member of staff wishing to raise a formal complaint about alleged bullying, harassment or victimisation should put their complaint in writing to their Executive Dean or Director of Professional Service or any other member of management you feel able to approach.

### **7.2.4. Submission of the Complaint**

7.2.4.1 All formal complaints will be investigated by the University as soon as possible with the format of the investigation being determined by the Executive Dean or Director, in conjunction with HR, to objectively and fairly establish the facts.

7.2.4.2 The complainant should set out as clearly and succinctly as possibly (i) the nature of the behaviour/allegation that is of concern and the effect that this is having on the individual, (ii) together with the dates, times and place of incident, name/s of person/s involved including any witnesses (together with any documentary evidence) and whether any attempt at resolution has been made; (iii) the resolution that the complainant is seeking.

7.2.4.3 Every effort will be made to achieve a prompt resolution to the complaint, the aim being to conclude the complaint as soon as possible. Both the complaint and

the person who is the subject of the complaint will be expected to co-operate with the University in achieving that result.

7.2.4.4 Both parties have the right to be accompanied and supported by a recognised Trade Union representative or workplace colleague from the University at a meeting held under the Formal Stage of this Policy and Procedure. These people must maintain appropriate confidentiality.

7.2.4.5 There may be circumstances in which an aggrieved party is not willing or able to make a formal complaint but the Executive Dean or Director together with the Associate Director of HR considers that the implications for the aggrieved person or others actually or potentially affected are serious. In this case the Executive Dean/Director following consultation with the Associate Director of HR may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

### **7.2.5. Action by the Executive Dean/Director on Receipt of the Complaint**

7.2.5.1 On receipt of a complaint the Executive Dean/Director or their nominee will, in consultation with HR, take such step/s which they consider to be necessary or appropriate to understand the nature of the complaint and the outcome sought including;

- (i) informing the person against whom a complaint has been made and the allegations including any supporting documentation against him or her;
- (ii) in conjunction with Human Resources appoint an appropriate individual to investigate the complaint and associated allegations;
- (iii) the investigating manager (with support from Human Resources) will normally meet separately with the complainant and the person who is subject to the complaint (at which meetings they should be provided with the right to be accompanied);
- (iv) speak to other relevant individuals on a confidential basis and/or obtain further relevant information;
- (v) the investigating manager will submit a written report of key findings and recommendations to the Executive Dean/Director who will review all information and decide whether any further action is necessary.

### **7.2.6 Possible Outcomes of a Complaint**

7.2.6.1 Depending upon the nature of the complaint and the evidence found, including the findings of any investigation report, the Executive Dean/Director, in consultation with HR, will either;

- (i) Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between the parties. This approach will normally be appropriate where the claim(s) of bullying, harassment or victimisation are considered to be unfounded and where there is a continuing relationship between the parties.

(ii) Initiate resolution of issues (e.g. by requiring that certain individuals undergo specific development or implementing practical arrangements to improve working relationships between the parties). If a successful resolution is achieved the case will be closed but the situation will be monitored for an appropriate period. This approach will normally be appropriate where the evidence does not support a claim of bullying, harassment or victimisation but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if left unresolved.

Or

(iii) Initiate proceedings, in accordance with the BU Disciplinary Procedure, where the Executive Dean/Director in conjunction with HR, is reasonably satisfied that there is sufficient evidence to support allegations of bullying, harassment or victimisation of a sufficiently serious nature as to merit disciplinary action.

7.2.6.2 Where bullying, harassment or victimisation has or may have occurred the University will provide support mechanisms, as outlined in [section 10](#), for example independent professional counselling.

7.2.6.3 If an allegation is upheld and further action against the alleged harasser is taken, that outcome will remain confidential. However, regardless of the outcome there will be communication, as appropriate, with the person who has made the complaint to ensure closure is achieved.

### **7.2.7. Records**

7.2.7.1 The University and all those involved in the process must comply with the principles of the Data Protection Act 1998. These include ensuring that all personal data is kept accurate and up-to-date, held securely, not passed on to unauthorised third parties, and not kept for longer than necessary. Those involved in the course of any investigation will be asked to review the notes of their discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

7.2.7.2 Legal Services should be consulted about filing and retaining any notes and documents all of which must be held in confidence.

7.2.7.3 Records will not be kept if allegations are not upheld.

## **8. Mediation**

8.1 In some situations it may be appropriate to ask the parties to consider entering into the mediation process. Mediation involves an independent and impartial third party with the aim of reaching a mutual agreement between the person who is allegedly being bullied or harassed and the person who is subject to the complaint. An experienced mediator will normally be nominated by Human Resources and/or Student Services. Mediation will only be considered where both parties agree to enter into the process. There is flexibility as to how mediation can be used to suit specific circumstances. Additionally, mediation can be used at any stage of the process.

8.2 Mediation can help to explore issues, feelings and concerns and rebuild relationships using joint problem solving. It can provide an insight into own behaviour and others, encouraging communication seeking to provide as swift response to conflict. The mediator is not there to judge but is in charge of the process seeking to resolve the problem but not the outcome. Mediation is voluntary and morally binding but normally has no legal status and is owned by the relevant parties.

### **Students**

8.3 For further advice and guidance on mediation refer to Student Services.

### **Staff**

8.4 For further advice and guidance on mediation refer to the guide on Workplace Mediation.

## **9. Case of Assault**

9.1 If you have been assaulted or attacked, seek help immediately. In particular you are strongly advised to report the attack to the Police, your Executive Dean or Director of Professional Service, designated adviser or a representative of Human Resources or Students' Union Advice Centre (students) as appropriate who will give you support and will help you contact appropriate external professional bodies who will help you decide what to do. For your own protection and for the protection of others it is important that any offender is dealt with. If you decide to go to the Police, you will be accompanied by a senior member of staff or representative of the University, for example a member of the Chaplaincy, unless you prefer to go alone.

9.2 Where a criminal investigation is required, and in order not to prejudice police inquiries, it may not be possible for the University to take any action until such time as the investigation is concluded, unless the police indicate otherwise.

## **10. Sources of Advice/Support and Guidance**

10.1 If you consider you are being subjected to harassment, bullying or victimisation in any form you should not be made to feel it is your fault and you should not have to tolerate it. There is a formal route you can follow, however you may want to initially seek support through the informal procedure. It is advisable to talk to someone before taking any action either informally or formally. You can contact any of the following for support, advice or assistance:

### **10.2 Contacts for Staff**

- Your Line Manager or Any Senior Manager within BU
- Human Resources

Members of staff can seek support and advice from Human Resources at any stage of this procedure; please click this [link](#) to access a list of HR staff.

Members of staff who have been accused of harassment, bullying or victimisation have the option to be provided with an HR representative not involved in the case to provide procedural guidance. Refer to [section 11](#).

- Trade Union Representation and Support

During the informal stages of a complaint, Trade Union representatives are available to provide support and at formal stages of this procedure the members of staff are entitled to representation or assistance from a Trade Union representative or a workplace colleague.

- Employee Assistance Programme

Confidential counselling is available to all BU staff through the University's Employee Assistance Provider, Workplace Wellness.

- Health, Safety and Wellbeing Team, including Occupational Health

Members of staff can seek support from the Health, Safety and Wellbeing Team (including Occupational Health) at any stage of this procedure.

- The Dignity and Wellbeing Advisers

The Dignity and Wellbeing Advisers are an integral part of the support network for BU employees; additional information is attached in [Appendix 2](#). The remit of the Dignity and Wellbeing Advisers is solely BU employees and does not extend to other members of the BU community. The support network available for students is outlined in section [10.3](#) and [10.4](#) of this Policy and Procedure.

Dignity and Wellbeing Advisers are matched with individual members of staff who feel that they may be experiencing any form of harassment, bullying or victimisation at work. The role of a Dignity and Wellbeing Adviser is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support. The Dignity and Wellbeing Advisers champion equality and diversity and wellbeing within the University and are positive role models.

- Support from Dignity and Wellbeing Advisers can be accessed via [dignityandwellbeing@bournemouth.ac.uk](mailto:dignityandwellbeing@bournemouth.ac.uk)

Dignity and Wellbeing Advisers attend initial and refresher training. They are involved in monitoring and evaluating systems, ensuring confidentiality and privacy are not breached.

- The Health and Safety Executive (HSE)

The Health and Safety Executive (HSE) guidelines provide further relevant information <http://www.hse.gov.uk/stress/furtheradvice/bullyingharassment.htm>

### **10.3 Contacts for Staff and Students**

- The Equality and Diversity Adviser

Staff and students can seek support and advice from the Equality and Diversity Adviser regarding any aspect of diversity and equality.

- The Chaplaincy

Staff and students can seek support and advice from the Chaplaincy.

### **10.4 Contacts for Students**

- Programme Leader/Framework Coordinator
- Programmes Administrator
- Students Union Advice Centre
- Student Wellbeing Service
- askBU

## **11. Support and Guidance for Those Accused of Harassment, Bullying or Victimization**

11.1 If you are approached informally by a member of staff or student about your behaviour, you should not dismiss the complaint but take the matter seriously. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.

11.2 Any member of staff or student who is accused of harassment, bullying or victimisation can contact any of the sources of advice/support and guidance as detailed in section 10 of the Policy and Procedures.

11.3 Those who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.

11.4 Any person subject to allegations that they believe to be unfounded should specify this from the outset. However, even where the allegations are believed to be unfounded you should participate willingly in any investigation, so that the situation can be resolved informally or formally. This may also involve participation in mediation if this is identified as an appropriate solution.

11.5 Any person subject to investigation under the formal procedure can be accompanied by a work colleague or a Trade Union representative (staff) or a friend or representative not acting in a legal capacity (student).

11.6 Wherever possible, the University will try to ensure that during investigations the relevant parties are not required to work/study together. Staff or students may be suspended as a precautionary measure and will not be prejudicial to the outcome of the investigation. Suspension will be on full pay, where applicable. Any suspension will be carried out in line with the BU Suspension Procedure (staff) or Student Disciplinary Procedures (students). Suspension is a neutral act; it does not constitute a disciplinary measure and does not imply guilt or misconduct.

11.7 Should an investigation conclude that harassment, bullying or victimisation has taken place, it is likely that the matter will be treated as an offence under the appropriate Disciplinary Procedure and a disciplinary sanction may be applied where appropriate. Ultimately this may include summary dismissal for staff or withdrawal from the University for students. If the complaint is upheld, but you are not dismissed, in the case of staff, the University could decide to transfer you to an alternative role. Any member of staff or student who is found to have engaged in behaviour which is considered by the University to constitute bullying, harassment or victimisation may be required to undergo guidance, development, counselling, coaching or conflict resolution activities as part of the disciplinary outcome. Both the perpetrator and the University may be subject to prosecution under criminal as well as civil law, and the perpetrator could be personally liable for compensation.

11.8 If, following investigation, an allegation is not upheld, the University may take action to restore reasonable working/study relationships between all parties. Any person who was subject to allegations made in good faith should not take any action against those raising the allegation. If, the evidence suggests that an allegation was malicious or vexatious, disciplinary action may be taken against the complainant (up to and including dismissal/expulsion from the University).

## **Appendix 1 – Frequently Asked Questions**

### **1. Who can raise a complaint?**

Members of the BU community have the right to complain to the University about alleged harassment, bullying or victimisation should it occur at the University or be committed elsewhere by a member of the BU community.

### **2. When does this Policy and Procedure apply?**

When a student has a concern with reference to bullying, harassment or victimisation, should it occur at the University, or should it be committed elsewhere by a member of the University community.

When a member of staff has a concern with reference to bullying, harassment or victimisation, should it occur at the University, or should it be committed elsewhere by a member of the University community.

When a member of staff, student or third party (i.e. trade union) observes what they consider to be harassment, bullying or victimisation. In this situation the contacts referenced in [section 10](#) can offer advice/support as to the best way forward, depending upon the situation.

### **3. Will confidentiality be maintained?**

The University will treat all complaints or allegations about harassment, bullying or victimisation in confidence, unless it has a duty to notify another agency (e.g. the Police) or where the complaint compromises the Universities legal responsibilities. Should this situation arise, this would be discussed with the individual before any action is taken.

### **4. Who can I talk to for further advice/support?**

You can contact the sources of advice/support and guidance as detailed in section 10 of this Policy and Procedure.

### **5. What is the role of the Dignity and Wellbeing Adviser?**

Refer to [Section 10](#) of this Policy and Procedure for details.

### **6. What is the role of the Employee Assistance Programme (EAP)?**

The Employee Assistance Programme provides a free and confidential support service to staff, offering unlimited access to advice and information on any matter. This is available 24 hours a day, 365 days a year. Support (including counselling where necessary) is available on the telephone, online and face to face.

## **7. If I raise a formal complaint how long would it take for me to know the outcome?**

Allegations of harassment, bullying or victimisation will be dealt with seriously and promptly and in accordance with the Investigation Procedure. In order to investigate the allegation fully it will be necessary to speak to those to whom the allegations relate and possibly to a number of other individuals as appropriate. The complexity of the allegations and the number of individuals involved will determine the length of time needed for the investigation. However, the University is mindful of the impact of this process on all parties therefore will always seek for investigations to be completed within the shortest possible timeframe. If an allegation is upheld and further action against the alleged harasser is taken, that outcome will remain confidential. However, regardless of the outcome there will be communication, as appropriate, with the person who has made the complaint to ensure closure is achieved.

## **8. Will my colleagues be made aware that I have raised a complaint of harassment or bullying?**

Confidentiality will be maintained except in cases where the University has a legal responsibility to act. Colleagues will not be informed of confidential information. Where colleagues may have been witness to events, it may be necessary to speak with individuals.

## **9. How will the case be dealt with?**

Complaints of harassment, bullying or victimisation will be dealt with seriously and promptly. In order to respond to a complaint it will be necessary to investigate the allegation which will involve talking to the recipient and other individuals, as appropriate. Depending upon the complexity of the complaint and the number of individuals whom need to be spoken with will determine the length of time.

## **10. I have been accused of bullying and or harassment, bullying or victimisation what should I do?**

Refer to [Section 11](#) of this Policy and Procedure for further information.

## **11. Will the person I have made the complaint about be moved?**

In certain situations it may be necessary to remove one or more of the parties from the working environment during the investigation or whilst a decision is being made. BU may consider options such as:

- i) Suspension, in line with the BU Suspension Procedure (staff) or Student Disciplinary Procedures (students). It should be noted that suspension is a neutral act to facilitate investigation of the facts; it does not itself constitute a disciplinary measure and does not imply guilt or misconduct.
- ii) Moving one or more individuals to a different area/department.

There should be no automatic assumption about who should be moved. In making this decision, the operational needs of the organisation and practical arrangements should be considered.

## **12. What is the potential action following an upheld formal complaint made by an employee?**

Should an investigation conclude that harassment, bullying or victimisation has taken place, it is likely that the matter will be treated as an offence under the appropriate Disciplinary Procedure and a disciplinary sanction may be applied where appropriate. Ultimately, this may include summary dismissal for staff or withdrawal from the University for students. Any member of staff or student who is found to have engaged in behaviour which is considered by the university to constitute bullying, harassment or victimisation may be required to undergo development, coaching or conflict resolution activities as part of the disciplinary outcome. An outcome may also be for individuals or groups to engage in facilitated conflict resolution activities which may include mediation and or conciliation. Refer to [section 8](#) of the Policy and Procedure for further information.

## **13. Is mediation a possible outcome, if so what would this involve?**

Mediation may be used to address concerns if considered appropriate and if all parties involved in the complaint are in agreement. The usual approach is that a trained internal or external mediator meets both parties individually before advising on next steps of the mediation process which might include a facilitated meeting between both parties, facilitated after the recipient has made it clear by words or conduct that such behaviour is unacceptable to him or her. Refer to [section 8](#) of the Policy and Procedure for further information.

## **14. How will the case be reported?**

Monitoring and equality analysis is an important way of finding out whether the measures taken by the University to tackle bullying, harassment and victimisation are effective. Information on the prevalence and distribution of bullying, harassment victimisation will be collected via anonymous staff and student surveys. In addition, anonymous statistics will be collected from a range of sources including the Dignity and Wellbeing Advisers, and Workplace Wellness (EAP – see section 10.2) and reported to the Health and Safety Committee, the Equality and Diversity Steering Group and included as part of the Equality and Diversity Annual report.

## **15. What additional information sources are available?**

The Health and Safety Executive (HSE) guidelines provide further relevant information <http://www.hse.gov.uk/stress/furtheradvice/bullyingharassment.htm>

## Appendix 2 - Dignity & Wellbeing Advisers Guide

### 1. Introduction

This guide should be read in conjunction with the Dignity and Respect (Harassment) Policy and Procedures and all other relevant BU policies and procedures.

### 2. Dignity & Wellbeing Adviser Network

The establishment of the Dignity and Wellbeing Advisers is an integral part of the Dignity and Respect (Harassment) Policy and Procedures and is anticipated to enhance the existing sources of support which is available for staff to access. The remit of the Dignity and Wellbeing Advisers is solely BU employees and does not extend to other members of the BU community. The support network available for students is outlined in section 10.3 and 10.4 of the Dignity and Respect (Harassment) Policy and Procedures.

### 3. Purpose

The Dignity and Wellbeing Advisers are staff who have undertaken a programme of development to provide support and advice if staff feel they may be experiencing any form of harassment, bullying or victimisation or have concerns relating to their general wellbeing at work.

The Dignity and Wellbeing Advisers attend initial and refresher training and Dignity and Wellbeing Advisers are also involved in monitoring and evaluating systems, ensuring confidentiality and privacy are not breached.

The role of a Dignity and Wellbeing Adviser is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support. The Dignity and Wellbeing Advisers are also expected to promote equality and diversity and wellbeing within the University and to be a positive role model.

The Advisers are **not** expected to resolve the issues but support employees to help empower them to take control of the situation, within an open and supportive culture. The Dignity and Wellbeing Adviser Network will meet regularly throughout the year to facilitate mutual support and share their experience for best practice.

A report on the work of the Dignity and Wellbeing Advisers will be included annually as part of the Equality and Diversity the Health and Safety Annual Reports.

### 4. Appointment of Advisers

The Dignity and Wellbeing Advisers are members of staff who **volunteer** to be part of the network and are accountable to the Head of Health, Safety and Wellbeing. This role is carried out in addition to an employee's substantive post and therefore

does **not** attract any remuneration but remission will be given as deemed to be reasonable.

## **5. Development**

The Dignity and Wellbeing Advisers undertake a programme of development via ACAS on how to support an employee who feels they may be experiencing any form of harassment, bullying or victimisation. Additionally, the Dignity and Wellbeing Advisers undertake development on Mental Health First Aid. The development includes understanding and developing active listening skills and how to advise on the options available to help them address the situation. The Dignity and Wellbeing Advisers are also required to attend refresher training as necessary.

The Dignity and Wellbeing Advisers are expected to attend termly meetings of the Dignity and Wellbeing Advisers network which will be facilitated by the Head of Health, Safety and Wellbeing and attended by the Equality and Diversity Adviser and a Human Resources Manager. The aim of these meetings is to discuss trends, patterns, concerns in relation to current cases, in confidence (and provide peer support to colleagues).

A report of these meetings will be provided to Equality and Diversity Steering Group and the Health and Safety Committee.

## **6. Role and Responsibilities**

The following describes the expectations of the Dignity and Wellbeing Advisers:

- To be a point of contact for any employee who feels they may be experiencing any form of harassment, bullying or victimisation in the workplace or any other matter affecting their wellbeing at work.
- To be available to employees either in person or via the telephone, during normal working hours.
- To actively listen and discuss the situation in a non-judgmental manner, from an independent perspective.
- To help the individual identify and summarise the key aspects of the situation.
- To provide clear information and outline possible options to the individual. To support the individual in choosing the appropriate course of action for them.
- To provide information and advice to the individual on the organisational policies and procedures.
- To act as a signpost for information, putting employees in touch with the appropriate resource(s) within and outside BU to gain help and advice.
- To refer the member of staff to the appropriate place if the individual wishes to take the matter further.
- To monitor and review contact with the individual, checking that they have received the appropriate assistance and establishing any requirement for further contact.
- To regularly provide to the Associate Director of HR, the Head of Health, Safety and Wellbeing, the Equality and Diversity Adviser and Human Resources

Manager, the numbers of staff seen with brief details of the issues and if known, how the issue was resolved.

- To act as a “buddy” to other Advisers for the purpose of mutual support.
- To keep all information shared confidential unless there is a risk to others.
- To attend all development in relation to the Dignity and Respect (Harassment) Policy and Procedures.
- To keep brief confidential records of all allegations of harassment, bullying or victimisation and wellbeing issues.

The Dignity and Wellbeing Advisers are expected to have:

- A clear commitment to the principles of dignity, diversity, equality and wellbeing.
- Experience of working with staff or students from diverse cultural backgrounds.
- Experience of dealing with sensitive issues.
- Excellent interpersonal skills.
- Effective listening skills.
- The ability to work autonomously.
- The ability to maintain confidentiality in accordance with existing BU Policies and Procedures and Codes of Practice.
- The ability to deal dispassionately with sensitive issues.
- Commitment to attend appropriate development and network meetings.

A Dignity and Wellbeing Adviser is **not** expected to act in a counselling, managerial or advocate role and should **not** take personal responsibility for resolving any cases. It is anticipated that the Dignity and Wellbeing Adviser is a member of staff from outside the Human Resources Department and not a Trade Union Representative to enable staff to have access to an alternative support network. This does not prevent staff from seeking advice from Human Resources or Trade Union Officials.

## **7. Responding to a Staff Member**

If an employee approaches you for advice because they feel they may be experiencing harassment, bullying or victimisation or raises concerns about their wellbeing at work, you should:

- Tell them that the conversation is confidential unless where you consider, which will be in exceptional circumstances, that there is an unacceptable risk to either the employee or another employee or student of the University.
- Listen carefully to the points that are made. Reassure the employee that sharing their problem is the right thing to do and that harassment, bullying or victimisation is not their fault.
- Allow the person to explain the way they feel.
- Seek clarification on exactly what aspect(s) of the behaviour are felt to be unacceptable.
- Explore what changes in behaviour they believe are required.
- Remain calm and avoid aggravating what may be a difficult situation.
- Discuss options available to the employee - which could include:
  - doing nothing if the employee feels this was a one off and out of character.

- keeping a written record of all relevant incidents to include date, time and any witnesses.
- approaching the person directly. This may involve role playing a particular situation and possible assertive responses.
- invoking the appropriate Policy.
- agree whether another meeting with the employee is needed .

If a formal allegation of bullying, harassment or victimisation is made, the alleged harasser may approach an Adviser for support. If this occurs you must not pre-judge the situation and reassure the individual that they will be given the opportunity to respond fully to the complaint in conjunction with a member of HR.

The alleged harasser will normally be provided with a copy of the complaint but HR will advise on process. Again as an Adviser you should:

- Listen carefully to the points that are made.
- Allow the person to explain the way they feel.
- If they do not dispute the complaint seek clarification on exactly what aspect(s) of their behaviour may be considered unacceptable. Explore what changes in behaviour they believe are required and how this might enable them to work more effectively with the complainant.
- Try to remain calm and avoid aggravating what may be a difficult situation.
- Remember the person being accused is likely to be upset, may feel that the complaint is unfounded or may not have realised/intended that their behaviour would have this effect on someone else. If appropriate it could be treated as a learning opportunity rather than a fault or something to be blamed for.
- If there is a conflict of interest the Adviser should ask the member of staff to approach another Adviser.

### Appendix 3: Equality Analysis

Screening	Please provide explanatory comments
1. What activity is being analysed?	A review of the Dignity and Respect (Harassment) Policy and Procedures
2. Who likely to be affected by the activity?	Staff, students and the wider community
3. Who led the analysis?	Dr James Palfreman-Kay, Equality and Diversity Adviser
4. Who contributed to the analysis?	Karen Butters, Head of Health Safety and Wellbeing and Vicky Clarke, HR Manager
5. What information has been used to inform the analysis?	A review of the existing policy as it was due to be reviewed. Student and staff Equality and Diversity complaint data. Equality and Diversity programme of work for 2016/17 and 2017/18.
Analysis	Please provide explanatory comments
<b>6. How does the activity promote good relations/equality/inclusion in relation to:</b>	
6.1 Age	Please see section 8 below
6.2 Disability	Please see section 8 below
6.3 Gender Reassignment	Please see section 8 below
6.4 Marriage and civil partnership <sup>1</sup>	Please see section 8 below
6.5 Pregnancy and maternity (including paternity)	Please see section 8 below
6.6 Race (colour, ethnic or national background)	Please see section 8 below
6.7 Religion or belief (including non-belief)	Please see section 8 below
6.8 Sex (Female/Male)	Please see section 8 below
6.9 Sexual orientation	Please see section 8 below
<b>7. Does the activity have an actual or potential adverse impact in relation to?</b>	None have been identified. The Dignity and Respect (Harassment) Policy and Procedures outlines how BU responds to incidents of bullying, harassment and victimisation.
7.1 Age	No
7.2 Disability	No
7.3 Gender Reassignment	No
7.4 Marriage and civil partnership <sup>2</sup>	No
7.5 Pregnancy and maternity (including paternity)	No
7.6 Race (colour, ethnic or national background)	No
7.7 Religion or belief (including non-belief)	No
7.8 Sex (Female/Male)	No
7.9 Sexual orientation	No
<b>8. Comment on the good practice identified</b>	Please see sections 5 and 7 above. Please note the Equality and Diversity programme of work shows how BU looks to create a culture of respect for students, staff and visitors to BU.
<b>9. Comment on the actions to mitigate actual or potential adverse impact</b>	None. The updated policy reflects changes to other relevant BU policies
<b>10. Decision/Feedback/Approval</b>	

<sup>1</sup> Marriage and civil partnership are protected under the legislation but only for the need to eliminate unlawful discrimination in employment.

<sup>2</sup> Please see footnote 1.

10.1 What is the analysis outcome? (See Table 1 to assist here)	Please circle	Level 1			
10.2 Have you consulted with EDSG?	No				
10.3 When will the analysis be reported to EDSG?	At its next meeting as part of the report on EA activity.				
10.4 Which Committee will approve the analysis?	Equality and Diversity Steering Group/Chief Operating Officer				
10.5 Date of approval	TBC				
10.6 When and how will the analysis be reviewed?	May 2019				