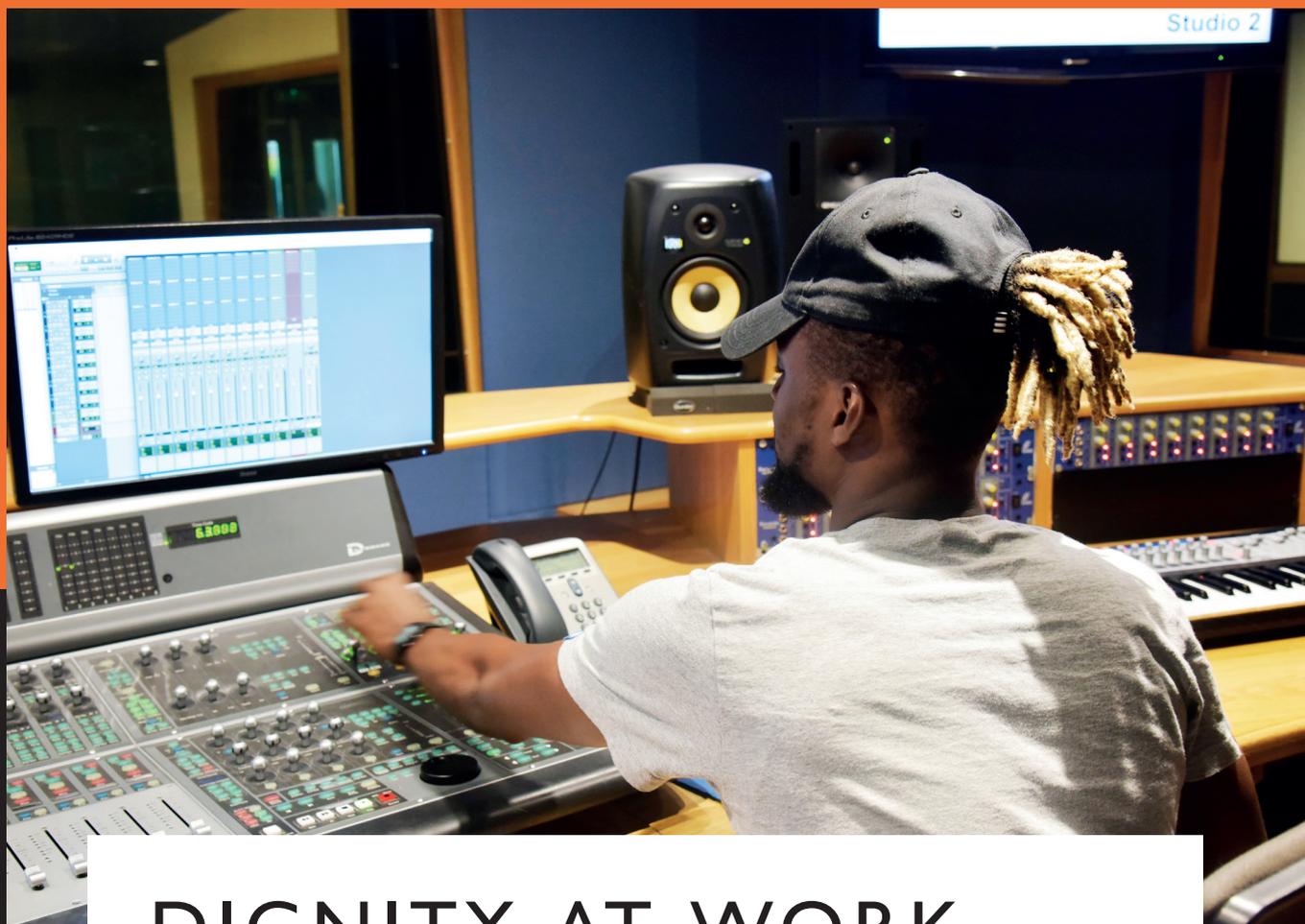




BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



DIGNITY AT WORK

Bullying and harassment

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Introduction

- 1 This policy /procedure should be read in conjunction with the equality & diversity statement on the Bucks website. The University is committed to creating a work environment free of harassment and bullying, where everyone is treated in line with the University values of Dynamic, Responsible, Inclusive, Visionary and Empathy (DRIVE for Excellence) .
- 2 Each individual within the University has a right to be treated with respect. Behaviour which is derogatory or which displays negative attitudes towards others¹, however subtly conveyed, is unacceptable and will be challenged. We will treat seriously incidents of discrimination, bullying, harassment or, other inappropriate behaviour which shows lack of respect for others or which leads to people feeling uncomfortable or threatened. We will provide support to those affected by inappropriate behaviour and, where necessary, take appropriate disciplinary action.
- 3 The effects of bullying and harassment can be wide-ranging. Some people may become anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Definitions

- 4 **Dignity at work:** Where everyone is treated in line with the University's DRIVE values.
- 5 **Inclusive environment:** The provision of working conditions, arrangements and practices that are free from all forms of discrimination and harassment and that promote and foster good relationships between different groups.
- 6 **Discrimination**²: "Less favourable treatment to a person (or persons) that is not capable of being justified". It is unlawful to discriminate against any person on the grounds of their 'protected characteristics'³. Examples of different types of discrimination may be found in Appendix 1.
- 7 **Harassment:** 'Unwanted behaviour which has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating, or offensive environment'.⁴ Harassment applies to:
 - Actions or behaviours related to a 'Protected Characteristic'³. (Note this currently excludes pregnancy and marital status)
 - Actions or behaviours considered to be offensive even if it was not directed at, or does not apply to, the person who is offended by the behaviour
 - Physical, verbal, written and non-verbal actions or behaviours

¹ 'Others' are Bucks employees, students, job applicants, course applicants, freelancers, contractors and members of the public who have dealings with us.

² Source: *The Equality Act 2010*

³ See: Equality and Diversity Policy Statement or web for further details

⁴ Source: Equality and Human Rights Commission

- Harassment by third parties. Under certain circumstances, Bucks New University is responsible for harassment committed by people who are not employees of the University, e.g. contractors and members of the public who have dealings with us
- Single or repeated incidents.

Examples of harassment may be found in Appendix 1.

- 8 **Bullying** is offensive, intimidating, malicious or insulting behaviour or an abuse of power, which is meant to undermine or humiliate the recipient (see Appendix 1).

Bullying is a serious form of harassment. Bullying behaviour can occur in many different types of working relationships. It is possible, for example, for a junior colleague to bully a person in a senior role (upward bullying), for a student to bully an employee, or a woman to bully a man. Electronic bullying can also occur when inappropriate messages or images are sent by electronic means, including social network sites.

- 9 **Victimisation** occurs when an employee is treated less favourably on the grounds that they have made, supported or are suspected of making a complaint, such as a complaint of discrimination or harassment.

What we expect of Bucks' employees

- 10 It is the responsibility of everyone in the University to uphold the principles of this policy and values to ensure that individuals do not experience harassment.
- 11 We expect employees to challenge behaviour which may marginalise or exclude others.
- 12 Behaviour which is acceptable and normal in one culture may be offensive in another and may contribute to misunderstandings. All members of the University should respect the points of views of others.
- 13 Behaviours or actions which contravene this policy should be reported in accordance with the procedures outlined below.
- 14 When individuals see offensive graffiti they should report it to the relevant Customer Service Team to arrange erasure and for further investigation where appropriate.

Procedures for dealing with complaints of discrimination, harassment or bullying

- 15 At any stage of the process either party may be accompanied by a work colleague or trade union representative.
- 16 An employee who believes that they or others have been bullied, harassed or discriminated against may make a formal complaint by using the University's Grievance Procedure. However, it is nearly always preferable to attempt to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

- 17 If the individual experiencing harassment feels able to they should talk directly to the person whose behaviour is causing them concern. The perpetrator may not know that his or her behaviour is unwelcome or upsetting. It may be helpful at this time to discuss the situation or be accompanied at the meeting. The person should be informed of the behaviour that is found offensive and unwelcome and that it should cease.
- 18 If the individual does not feel able to talk directly to the person or they would like some advice about the situation, they should approach anyone they feel comfortable with (such as their line manager, Human Resources officers or Trades Union representatives) who could help by:
- listening
 - providing information (about policy, procedures, other sources of advice, rights)
 - providing advice about possible avenues to pursue
 - accompanying the individual when they meet with the person whose behaviour is unacceptable
 - speaking to the person on behalf of the person experiencing harassment.
- 19 Counselling and Mediation can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action and will be offered to all parties. Details of the support these services can provide and their contact details can be found on the Health and Wellbeing pages on the intranet.
- 20 Employees can also access the employee assistance helpline [here](#).

Responsibilities for implementation

- 21 Everyone who has a connection with the University shares responsibility for promoting and upholding the principles of this policy. A summary of key responsibilities is shown below.

Vice Chancellor, University Executive Team, Heads of Schools and Directors of Services (University Management Group):

- Demonstrate visible commitment to promoting an inclusive working environment within the University.
- Development of policies, procedures, and measures
- Monitoring and reviewing the University's progress.

Managers and Employees:

- Putting the University's policies into practice.
- Promoting inclusivity and discouraging exclusion.
- Reporting of actions or behaviour which breach our Policies and Values.
- Investigating and acting upon complaints. (Managers only.)

Information and training

- 22 The University provides regular training, which aims to create a harassment free environment and to develop appropriate skills for those who have a responsibility for dealing with harassment cases. Training will be provided for investigators and disciplinary panel members, in addition advice and guidance on dealing with preventing harassment will be provided in supervisory and management training whilst employee induction programmes include advice on maintaining a harassment-free environment. All employees are required to complete online modules on 'challenging behaviour' and 'understanding bias'. The completion of this training is reported to The Equality & Diversity working group at regular intervals.

Monitoring

- 23 The Human Resources Directorate will keep confidential records of cases, which will be published annually in an anonymised format.
- 24 The University will collect information relating to employee experience, through surveys and specific questions relating to harassment will be included where appropriate. Indications that harassment may be the underlying cause of a problem will lead to further investigation and management action to improve the situation.
- 25 Statistics and analysis of the requests for advice, method of resolution and outcome of complaints, will be provided to the Equality & Diversity working group on an annual basis.

Dealing with vexatious complaints or criminal offences

- 26 If it comes to light that an individual has intentionally raised a vexatious or malicious allegation against another person, this may lead to disciplinary action.
- 27 **Sexual assault, rape and physical violence** are criminal offences and will be dealt with under criminal law.

Confidentiality

- 28 Complaints of bullying and or harassment, or information from employees relating to such complaints, will be dealt with fairly, confidentially and sensitively and will comply with the Data Protection Act (1998) and the University Data Protection Policy and Guidelines.

Further Advice

- 29 Further information, advice and guidance can be obtained from:
- Human Resources Directorate
 - Equality & Diversity Service
 - Recognised Trades Unions

Appendix 1: Examples of discrimination, harassment and bullying

Discrimination

- Direct discrimination: deliberately selecting people of one sex for a particular course.
- Indirect discrimination: where our policies, activities or actions indirectly affect people who have different 'protected characteristics' e.g. where an employee takes a decision or puts in place a policy which appears to treat everyone equally, but which in practice leads to people from a particular protected group being treated less favourably than others.
- Harassment: this can be unwanted conduct which affects the dignity of employees in their workplace or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment includes acts performed by third parties e.g. members of the public, contractors etc.
- By Association: where an employee is treated less favourably because their partner has undergone gender reassignment.
- Victimisation: this could occur when an employee is subjected to detriment, such as being denied a training opportunity because they have made or are suspected of making a complaint under the Equality Act 2010.
- By Perception: this could be where a member of staff is perceived to be gay / not gay and is teased about it - irrespective of the person's actual sexual orientation.

Harassment

Note: these are examples, not a definitive list of types of behaviour which could be found to constitute harassment

- Shunning or deliberately excluding people from normal workplace conversations or social events, because he/she is associated or connected with someone with a protected characteristic. For example his/her child is gay, spouse is black or parent is disabled.
- Insensitive jokes and remarks (however intended)
- Offensive or threatening e-mails or telephone text messages
- Unnecessary copying of e-mails or other communications to others
- Placing of inappropriate, demeaning or offensive remarks or images on social networking web sites (both internally and externally)
- Distribution or displaying (electronic or otherwise) offensive or obscene materials or images however intended
- Threatening behaviour - physical or verbal including unfounded threats about job security
- Spreading malicious rumours
- Constant criticism
- Unwelcome physical or sexual advances which includes remarks, staring, touching and invasion of physical space
- Making homophobic insults and threats
- Intentionally 'outing' an individual as Lesbian, Gay, Bisexual or Trans (LGBT) without their permission
- Spreading rumours or gossip about an individual's sexual orientation
- Using religious belief to justify anti-gay bullying and harassment

- Excessive supervision or unfair allocation of work load

Bullying

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer
- Preventing an individual progressing by deliberately blocking promotion or training opportunities
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets in work or study
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.

Upward Bullying

Note: this occurs when a junior person bullies a more senior person, such as when an employee bullies their line manager, or a student bullies an employee.

Examples of Upward Bullying:

- Attempting to undermine a manager in front of his/her team.
- Sabotaging initiatives or ideas.
- Disruptive behaviour such as during team meetings.
- Not passing on important messages.
- Unnecessary escalation of issues or copying of e-mails.
- Public criticism.
- Refusal to carry out legitimate requests.
- Hostile or aggressive communication style.

Electronic bullying

Note: This is a term used to refer to bullying through electronic media, usually through instant messaging, emails (so called 'flame-mail'), or text messages. In sending emails employees should consider the content, language and appropriateness of such communications.

The use of online social networking sites for appropriate purposes has grown considerably over the last few years.

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on individual will be much the same
- avoid the use of provocative or inappropriate images
- avoid forming or joining an online group that isolates or victimises fellow colleagues or students
- ensure that you never use such sites to access or share illegal content.

If online bullying or harassment is reported it will be dealt with in the same way as if it had taken place in a face-to-face setting.

Employees should ensure they comply with the University regulations governing the use of computing facilities and data management.