

Dignity at Work and Study Policy

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Dignity at Work and Study

1. Introduction

- 1.1 The policy applies to all staff and students at Leeds Beckett University and the scope of the policy extends to visitors and contractors working at our University.
- 1.2 This policy has been produced by the Dignity at Work and Study Policy Working Group, whose membership includes colleagues from the Registrar and Secretary's office, Human Resources, Leeds Beckett Students' Union, the Dignity and Respect Network and the recognised Trade Unions, Unison and UCU.
- 1.3 Leeds Beckett University is committed to providing an inclusive and supportive environment in which the diverse population of students and staff can learn and thrive, using their talents to the full, free from discrimination, bullying and harassment.
- 1.4 Our University recognises that such a culture cannot exist if, individually and collectively, staff and students are subject to unwanted or unwelcome behaviour. The intention of this policy is to positively encourage a culture which does not tolerate bullying and harassment. All staff and students have the right to be treated with dignity and respect.
- 1.5 Our University has both a legal and moral obligation to recognise that bullying and harassment are serious issues. If not, the consequences can be damaging for both individuals and the institution.
- 1.6 Our University will regard any complaint of alleged harassment as a serious matter which could, if substantiated, lead to penalties under our University's staff or student disciplinary procedures being invoked.
- 1.7 Our University has a responsibility to investigate any complaints of alleged bullying and harassment and to ensure that all staff and students are aware of this policy and the related informal and formal procedures that align with it.
- 1.8 Our University will treat seriously, any such allegations which are deemed to be malicious and without foundation. The person responsible for such allegations, or any parties involved in the support of such allegations, are also likely to be the subject of disciplinary action further to this policy.

2. Aims of the Policy

2.1 To assist in developing a safe working and learning environment in which bullying and harassment are known to be unacceptable and not tolerated. To develop a culture whereby individuals are able to raise concerns about bullying and harassment, confident that their issues will be dealt with appropriately, consistently, fairly and without fear of ridicule or victimisation.

- 2.2 To foster a working and learning environment where individuals and groups treat one another with dignity and respect.
- 2.3 To eliminate all forms of offensive and inappropriate conduct and raise awareness of the impact of such conduct on individuals and their environment.
- 2.4 To prevent acts of discrimination, exclusion, unfair treatment, bullying and demeaning behaviours. To have adequate and accessible mechanisms in place for handling bullying and harassment effectively.
- 2.5 To ensure that all staff and students are aware of behaviour that may constitute bullying and harassment and their responsibilities for avoiding and/or preventing such behaviour.
- 2.6 To ensure that all staff and students understand that bullying and harassment are unacceptable, that such behaviour will be challenged and that disciplinary action may be taken in circumstances where there is a management concern.
- 2.7 To provide arrangements to enable complaints of alleged bullying and harassment to be fully investigated in a manner that recognises the sensitivity of the issues raised, appropriate confidentiality and the rights of the parties involved.
- 2.8 To encourage, wherever possible, the internal and informal resolution of complaints.
- 2.9 To raise awareness by educating staff and students in the development of positive relationships and strategies for challenging inappropriate behaviour effectively.
- 2.10 To ensure that effective monitoring and evaluation systems are in place.

3. General Principles

- 3.1 Bullying and harassment can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of bullying and harassment include physical threats or violence. Bullying and harassment may consist of a single incident or a series of incidents.
- 3.2 Behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated.
- 3.3 Bullying and harassment behaviour may not always be intentional, but is always unacceptable, whether intentional or not. Differences in individuals' attitude, background or culture can mean what is perceived as bullying and harassment by one individual may not seem so to another.

4. Responsibilities

4.1 Our University

- 4.1.1 In addition to its moral obligation our University has legal obligations under antidiscrimination legislation.
- 4.1.2 Our University will ensure that adequate resources are made available to promote dignity and respect in our University, and to deal fairly and equitably with complaints of alleged bullying and harassment.

4.1.3 Our University will:

- communicate the policy to all staff and students;
- ensure that those with responsibilities for students and staff are aware of their responsibilities under this Policy, the related student/ employee procedures, our University Equality Schemes, the complaints, grievance and disciplinary procedures as they relate to both staff and students;
- explain and promote the policy and related procedures to students and staff;
- ensure that complaints of alleged bullying and harassment are dealt with promptly, seriously and with appropriate sensitivity and confidentiality;
- raise awareness of how to make complaints about alleged bullying and harassment;
- explain and promote the role of the Dignity and Respect Network contacts;
- provide specific and appropriate training for those involved in the operation and implementation of this policy and related procedures so that both the informal and the formal stages of complaints, investigations, disciplinary hearings and appeals can be administered seriously and sensitively;
- resource the implementation and maintenance of this policy and related procedures, especially through the appointment and support of the Dignity and Respect Network and the resourcing of the Students' Union;
- review the effectiveness of the policy and procedures regularly, and at least once each year; and
- report regularly to the Equality and Diversity Committee, Corporate Management Team and Board of Governors on implementation of the policy and procedures.

4.2 <u>Vicarious Liability</u>

4.2.1 Our University is responsible for the acts of its staff and others engaged in University business, whether or not carried out with our University's knowledge or approval. Our University, through developing this policy seeks to prevent bullying and harassment across the institution.

4.3 Individuals

- 4.3.1 Every individual at Leeds Beckett University is personally liable under The Equality Act (2010) for their conduct.
- 4.3.2 Everyone, regardless of status, has a responsibility to read and be aware of this policy and associated procedures and to ensure they do not behave in a way that could be intimidating or offensive to others.
- 4.3.3 Managers have a responsibility to ensure that their staff are aware of the content of this policy and associated procedures.
- 4.3.4 Staff in positions of authority have both a right and a responsibility to undertake managerial duties. In doing so, they should take care not to demean, devalue or intimidate staff and students. The power attached to their position should never be abused.
- 4.3.5 Individuals in supervisory and managerial roles have a responsibility to promote a culture that is free from bullying and harassment and to ensure that behavioural standards are acceptable. Any allegations or knowledge of inappropriate behaviour should be addressed promptly by the relevant manager.

5. Equality and Diversity Adviser (Dignity and Respect Network)

5.1 To support this policy our University has appointed a 0.5FTE Equality and Diversity Adviser. The Equality and Diversity Adviser is responsible for co-ordinating, recruiting and developing the Dignity and Respect Network. In addition, the Equality and Diversity Adviser will deal with casework and allocate casework to the network members.

6. Allegations of Harassment

- 6.1 Any allegations or concerns of harassment must be taken seriously, considered carefully, addressed speedily and, where possible, in confidence.
- 6.2 If they feel able to do so, staff and students should:
 - make it clear, if they observe others behaving in a harassing way, that such behaviour is unacceptable;
 - support those who are being subjected to such behaviour and are considering making a complaint; and
 - with the consent of the individual being subjected to such treatment, draw this to the attention of any of the following:
 - Equality and Diversity Adviser (Dignity and Respect Network);
 - Dignity and Respect Network Contact;
 - an appropriate officer within the School or Service area;
 - Students' Union Advice Centre;
 - Trade Union representative;
 - Human Resources representative;

- Occupational Health.
- 6.3 Support can also be sought from the Employee Assistance Programme for staff and the Counselling Service for students.

7. Informal Resolution

- 7.1 Prior to the invocation of any formal procedures, an individual is encouraged, where appropriate, to attempt to resolve an issue informally. Support will be offered from the Dignity and Respect Network and other support services to achieve this aim.
- 7.2 To avoid further escalation of issues it is recommended that informal issues should be dealt with at a local level wherever possible.

8. Formal Resolution

- 8.1 In serious cases and in cases where the informal procedure has not been successful it may be necessary to invoke formal procedures.
- 8.2 A member of the Dignity and Respect Network may be present at any formal stage of the proceedings.
- 8.3 Allegations of bullying and harassment will be dealt with as follows:
 - issues relating to alleged bullying and harassment by staff against another member of staff will be dealt with in accordance with our University Grievance Procedure;
 - issues relating to alleged bullying and harassment by students against students will be dealt with through the Student Code of Discipline;
 - issues relating to alleged bullying and harassment by staff against students will be dealt with through the Student Complaints Procedure with, if appropriate, the Staff Disciplinary Procedure being invoked;
 - issues relating to alleged bullying and harassment by students against staff will be dealt with under the Student Code of Discipline.

9. Victimisation

- 9.1 Staff and students should not be treated less favourably as a result of raising a matter of concern or for providing evidence in a case of alleged harassment.
- 9.2 Once a complaint of bullying and harassment has been made, any form of victimisation arising out of the complaint will be taken seriously by our University and can itself lead to disciplinary action

10. Staff Development

- 10.1 Briefing sessions will take place to ensure the content of this policy has been conveyed to our University.
- 10.2 Training will be provided to managers and supervisors to ensure they have the knowledge and skills to operate this policy effectively.
- 10.3 Awareness sessions and on-going promotion of good practice will be provided.
- 10.4 Information about bullying and harassment along with sources of help and advice will be offered to students and staff at induction sessions.

11. Monitoring and Evaluation

- 11.1 Dignity and Respect Network Contacts will record anonymous data on the cases that they personally deal with, which include:
 - the nature of complaint;
 - the outcome of the case; and
 - progress on any follow up action.
- 11.2 This data will not identify the individuals involved and will be stored confidentially by the Equality and Diversity Adviser responsible for co-ordinating the Dignity and Respect Network
- 11.3 The service will also be evaluated through user questionnaires/ feedback forms so that services can be continuously improved and modified as appropriate.
- 11.4 The statistics will be collected on an annual basis by the Dignity and Respect Officer. The Dignity and Respect Officer will collate the data in an anonymised form, and report them to the Board of Governors.
- 11.5 The effectiveness of the Dignity and Respect Network will be evaluated. Monitoring information will be used to identify trends, patterns and will enable our University to identify the areas in which resource should be allocated.
- 11.6 The Equality and Diversity Adviser will report to our University's Equality and Diversity Committee and keep the group advised on the operation and outcome of the Dignity at Work and Study Policy and procedures.
- 11.7 Monitoring will also be undertaken in accordance with requirements of our University's staff and student disciplinary procedures, the staff Grievance Procedure and the Student Complaints Procedure.

12. Operation of the Policy

- 12.1 All documentation relating to the Dignity at Work and Study Policy shall be kept with the Equality and Diversity Team in accordance with Data Protection legislation.
- 12.2 Individuals who feel that they may be victims of bullying and harassment should pursue the issue by using the appropriate procedure.
- 12.3 The Dignity at Work and Study Policy is effective from November 2007.
- 12.4 The working and content of this policy will be reviewed on an annual basis in the light of experience, changes in legislation and other relevant factors, but any new policy will normally be implemented at the start of an academic year unless urgency dictates otherwise.
- 12.5 Students and staff will be informed of any consequent changes through usual methods of publication within our University after consultation with the recognised staff trade unions, Leeds Beckett Union, the Dignity and Respect Network and the Equality and Diversity Team.

Definition of Bullying and Harassment

Bullying

Bullying is most commonly associated with the abuse and exploitation of power and/or position. It can be characterised as the exercise of power over another person through negative acts or behaviours that undermine an individual personally and/or professionally.

Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour, which places inappropriate pressure on the recipient or has the effect of isolating or excluding them.

Bullying can take the form of shouting, sarcasm, derogatory remarks concerning performance or constant criticism. Equally, deliberate isolation and exclusion constitutes offensive treatment.

It creates a threatening or intimidating environment in which individuals feel fearful and stressed.

Bullying may also occur in a peer group such as a workplace team or student group.

Bullying may be face to face or via electronic means, including text messages, voicemail, email and social networking sites.

Conduct may be physical, verbal or non-verbal.

Examples of bullying behaviour may include the following:

- a. spreading malicious rumours,
- b. insulting someone (copying e-mails that are critical about someone to others who do not need to know);
- c. ridiculing or demeaning someone, for example picking on them or setting them up to fail;
- d. exclusion or victimisation;
- e. unfair treatment;
- f. overbearing supervision;
- g. unwelcome sexual advances, for example touching, standing too close, display of offensive materials:
- h. making threats or comments about job security, assessments without foundation;
- i. deliberately undermining a competent individual by overloading and constantly criticising;
- j. preventing individuals progressing by intentionally blocking promotion or training opportunities;
- k. ignoring an individual or subjecting them to unwelcome attention/ intimidation.

This is not an exhaustive list.

Any difficulty in defining what constitutes bullying or harassment should not deter individuals from raising concerns about behaviour that causes distress.

Harassment

Harassment is unacceptable behaviour, which can range from violence and bullying to more subtle behaviour such as ignoring an individual at work or study. It subjects an individual or a group to unwelcome attention, intimidation, humiliation, ridicule, offence or loss of privacy. It is unwanted by the recipient and continues after an objection is made, although a single incident may be serious enough to constitute harassment and justify a complaint

Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another. The behaviour may be intentional or not intentional; the significant factor is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Harassment is defined in law by two pieces of legislation:

The Equality Act (2010) outlines three definitions of harassment:

- unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person that is related to age, disability, gender reassignment, race, religion/ belief, sex, or sexual orientation;
- unwanted conduct of a sexual nature (sexual harassment);
- treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.

Harassment related to association and perception

The law now covers the terms associative and perception harassment which applies in the following ways:

- It protects a person from harassment that is based on a perception of their personal identity that is protected by the Act for example, their religion or belief; this protection remains in place even if that perception is wrong.
- It protects an individual from harassment that is prompted by their association with someone else who has that protected characteristic – for example, a friend or close relative who is disabled.
- It gives people the right to complain of behaviour they find personally offensive even
 when they are not the target of that conduct. For example, a male worker can complain
 about sexist remarks or jokes that are made about a female colleague, whether or not
 she is present when the remarks are made.
- The Act protects people from harassment that is related to, but not necessarily because of, an aspect of their personal identity. This apparently small distinction between 'related to' and 'because of' significantly extends the rights of victims of harassment. For example, a work group takes a dislike to a young colleague so they decide to taunt him repeatedly about being gay. Even though they know he is straight, he would be entitled to complain, under the Act, of harassment that is related to sexual orientation.

The Protection from Harassment Act (1997)

In this act harassment is defined as repeated behaviour that causes "alarm or distress". Its main purpose is to protect people from what became popularly known as 'stalking' by making it a criminal offence. An example of this form of harassment would be if a student persisted in sending emails to another student, or member of staff, that asserted a close, personal relationship that did not exist and that the recipient found distressing. In such cases, our University may report the matter to the police immediately.

Examples of harassment

Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, lewd comments, sexual advances, innuendo or the display or distribution of sexually explicit material, physical contact, demands for sexual favours or assault.

Racial harassment may include jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.

Harassment related to disability can take the form of individuals being ignored, disparaged or ridiculed because of their impairment. The disability rather than their ability can become the focus of attention. Harassment can include inappropriate personal remarks, reference to an individual's appearance making threats or patronising comments (such as repeatedly drawing attention to a person's disability).

Harassment related to a person's sexual orientation may include homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation, outing someone as gay without their permission or offensive behaviour/abuse relating to HIV or AIDS status. Religious belief is not a basis on which harassment can be defended.

Harassment related to age may include offensive remarks, nicknames, teasing or jokes relating to age. It may be about the age of the individual or the age of those with whom the individual associates. It may consist of a general culture where ageist jokes are tolerated.

Harassment related to religion, belief (including no belief) includes offensive comments, jokes which are related to an individual's religion or belief. Comments may not necessarily be directed at an individual but may consist of a general culture which is intolerant of other peoples' religions and beliefs.

Harassment related to gender may include offensive comments or less favourable treatment relating to pregnancy, maternity/paternity leave, marriage.

Harassment related to gender reassignment relates to remarks, comments, less favourable treatment towards someone who either intends to or has undergone a gender reassignment.

Examples could also include:

Intrusive questioning. This may include gossip, as well as questions, about a person's sexual orientation, their sex life, or their religious beliefs – either directly with the target of the discussion or with others.

Unwelcome written or visual communications. This may include unwelcome emails, notes or pictures, displaying or sending pornographic material.

Exclusion. The deliberate exclusion of an individual from work-related activities, including social activities related to work, or conversations in which they have a right or legitimate expectation to participate.

The Dignity and Respect Network

- 1. The Dignity and Respect Network is a volunteer group of members of staff, each of whom have received specialist training to enable them to offer support in cases of alleged bullying and harassment, in a sensitive and constructive manner.
- Dignity and Respect Network Contacts work in a variety of roles across our University.
 Network members are recruited through a selection process which ensures that they possess key skills. The main similarity is that they volunteer to improve the wellbeing of staff and students who may be experiencing difficulties in our University.
- 3. Dignity and Respect Network members are not counsellors, mediators or conflict resolution professionals. The role of the Dignity and Respect Network Contact is to give confidence, support and guidance to students and staff who make allegations of bullying and harassment. They are trained to listen effectively, clarify options open to the complainant, and assist in the achievement, if possible, of an informal resolution. They may also give guidance on relevant University policies and procedures. The network should not be not be confused with an advocacy service that is provided by Trade Unions.
- 4. It is recommended that any individual requiring support from the Dignity and Respect Network should seek this before formal proceedings have commenced. The Dignity and Respect Network is accessible to:
 - a. individual(s) who is /are being bullied/harassed;
 - b. witnesses to bullying and harassment;
 - c. individuals who have been accused of bullying/harassment;
 - d. individuals who have concerns or queries about their own behaviour;
 - e. individuals seeking general information;
 - f. individuals who are managing/dealing with a difficult situation who are in need of support.
 - 5. To avoid any conflict of interest and to maintain impartiality, it is recommended Dignity and Respect Network members undertake casework outside of their own area of work/study.

Guidance on dealing with bullying and harassment by electronic means

1. Refer to the Dignity at Work and Study Policy

Bullying or harassment via electronic means (for example via email, social networking sites, the Web and mobile phones) is not acceptable and is covered by the Dignity at Work and Study policy.

2. What additional action could you take?

It is important that you save any evidence of bullying/ harassment that has taken place. For example, you could take screen-shots of offending posts or images and save any emails.

You could also consider the following (where appropriate):

- Blocking or banning the user from contacting you
- Ensuring any personal contact details available on the web are made private, or only accessible to people you trust.

3. Get support

Contact the Dignity and Respect Network for confidential and impartial support Tel: (0113) 8125474, www.leedsbeckett.ac.uk/diversity

Guidance for those against whom allegations are made

If you are told that a person views your own behaviour as offensive and demeaning, or an act of victimisation, you could consider the following:

- You may wish to consult the Dignity and Respect Network if you are the subject of an allegation. This can be helpful by offering you the opportunity to talk through the issue and consider your options. The Network may be able to help you find positive ways of resolving any conflict.
- Read the Dignity at Work and Study Policy in full and note your own obligations under the Policy
- Respect the right of all members of staff to work in an environment that is free from harassment, victimisation or bullying.
- Remain calm and listen carefully to the complaint and to the particular concerns expressed – remembering that, in the first instance, it is the other person's reaction to the behaviour which is important, not the reaction you think they should have had.
- Try to agree, on how to deal with the situation productively, taking full account of this Policy and the associated complaints procedures.
- Consider whether the complaint can be justified in any way, and whether it is appropriate for you to change your behavior.
- Make sure that, if you are in a position to change your behaviour or conduct easily, you
 do so immediately rather than persist with something the other person considers
 unwanted

You should also bear in mind that:

- the first indication you may have that there is a problem is when a colleague tells you
 that they are offended or upset by certain aspects of your behaviour and want you to
 stop behaving in that way.
- all staff and students have the right to ask a person to stop behaving in a manner which
 is unwanted
- If approached by someone informing you that an informal or formal complaint has been made against you, remember that the complainant does not have a responsibility to raise the issue with you first and may actually feel unable or unwilling to do so.
- Differences of attitude, background, or culture may lead to a misinterpretation of social signals, so what is perceived as offensive or degrading by one person may not be or seem so to another even though you may consider your behaviour harmless. Ultimately, what is important is what a third person might reasonably consider to be the nature of your conduct.

•	If an allegation is found to be malicious and without foundation the person responsible for such allegations, or any parties involved in the support of such allegations, are also likely to be the subject of disciplinary action further to this policy.

Sources of advice and support for staff and students

Our University provides a number of services which are available to support staff and students experiencing any of the issues identified in this policy. These include:

Dignity and Respect Network

The network comprises of trained staff volunteers from across the university who are able to provide support and advice to anyone with a query regarding a dignity at work or study issue.

0113 812 5474

http://www.leedsbeckett.ac.uk/diversity/

Mediation Service

The mediation service is open to all staff and students and is an informal means of resolving conflict between individuals or groups. It provides a platform for a safe, comprehensive discussion between those experiencing conflict and is facilitated by two trained mediators.

0113 812 5474

http://www.leedsbeckett.ac.uk/diversity/

Occupational Health (for staff)

Occupational Health provides professional, specialist advice to employees and managers on the effects of health, at work and in general. They can help identify ways to improve wellbeing in the workplace, and develop strategies to prevent illness and injury arising from work activity

• Student Wellbeing Team

The Student Wellbeing Team offers a free and confidential service aimed at providing you with information, practical and therapeutic support to help you manage any difficulties you are experiencing.

http://www.leedsbeckett.ac.uk/studentwellbeing/

• **Employee Assistance:** Health Assured provides staff at Leeds Beckett with free, confidential access to a range of counselling and legal services, provided by an independent health and wellbeing provider.

0800 030 5182 - 24 hours a day - 7 days a week

Counselling and Legal Advice

Other external sources of advice and support

There are a range of external sources of advice and support for students on issues relating to harassment, bullying and victimisation. For example, these include:

 ACAS (Advisory, Conciliation and Arbitration Service) You can call the national Acas helpline for free and impartial advice. They can provide clear and confidential guidance about any kind of dispute or query about relationship issues within the workplace. Monday-Friday, 8am-6pm, Tel: 0300 123 1100 http://www.acas.org.uk/ • The Equality and Human Rights Commission (EHRC) is a statutory body charged with enforcing anti-discrimination legislation. The Equality and Human Rights Commission helpline can provide information and guidance on discrimination and human rights issues to employers and employees.

Tel: 0845 604 6610

www.equalityhumanrights.com

- Citizens Advice Bureau (CAB) can provide free and impartial advice. www.citizensadvice.org.uk/
- **Stop Hate UK** is a charity that provides independent and confidential support to people affected by Hate Crime. www.stophateuk.org/
- GIRES a charity with the purpose of improving the lives of trans and gender nonconforming people, including those who are non-binary and non-gender. www.gires.org.uk
- Nightline a confidential, anonymous listening and information service. http://www.leedsnightline.co.uk/
- **Samaritans** is an organisation which provides confidential non-judgmental emotional support. Tel: 116 123 www.samaritans.org
- **Stonewall** is an organisation working towards the advancement of the rights of lesbians, gay men and bisexuals. Tel: 08000 502020 www.stonewall.org.uk
- Women's Aid a national charity working to end domestic violence against women and children. Tel: 0808 2000 247 (24 hours)
 www.womensaid.org.uk
- Victim Support a national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else effected.
 Tel: 08 08 16 89 111 www.victimsupport.org.uk
- **Mind** is the leading mental health charity for England and Wales providing information to help promote understanding of mental health Tel: 0300 123 3393 www.mind.org.uk.
- NHS Advice If you are feeling unwell and need a telephone health assessment, please
 call the NHS 111 service free of charge from any phone by dialing "1 1 1"
 http://www.nhs.uk/symptomcheckers/Pages/Symptoms.aspx