

BULLYING AND HARASSMENT POLICY

Human Resources Service

NB. This policy is available on the University of Cumbria website and it should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.

POLICY SCHEDULE	
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A. POLICY

1. Introduction

As an equal opportunities employer, the University of Cumbria supports a working environment for individuals in which dignity and respect at work are paramount. This is reinforced through the University's Mission, Vision and Values. The purpose of this policy is to support a working environment and culture in which bullying and harassment are unacceptable.

The University is legally obliged to provide a safe place and safe systems of work for its employees. This includes providing a work environment free of bullying, harassment, discrimination and victimisation.

2. Policy Statement

The University recognises that on occasions, the right to be treated with dignity, integrity and respect may be infringed through inappropriate behaviour namely bullying, harassment, discrimination or victimisation. The University also recognises that such behaviour can and does sometimes occur and can have a serious detrimental and negative effect on those who are subjected to it and therefore on operational efficiency. The University's policy is:

- The University will not tolerate bullying, harassment, discrimination or victimisation by employees against other colleagues, students or others with whom they come into contact as part of their work.
- The University will not tolerate bullying, harassment, discrimination or victimisation of our employees by people (third parties) who are not employees of the University such as customers or clients.
- The University is committed to eliminating all forms of bullying, harassment, discrimination and victimisation. To this end, the University expects all its employees to maintain acceptable standards of conduct.
- The University is committed to seek to create a working environment that supports the dignity of all employees and is free from bullying and any other forms of harassment.

3. Policy Implementation

This policy is supported by, and has been developed with, the trade unions representing employees.

All employees will be made aware of the University's policy on forbidding the bullying and harassment of any employees or student by another employee, and will be expected to comply with the policy.

The policy will be communicated to employees using a variety of methods including posters, leaflets and training.

4. Definitions

The following definitions are in line with the Equality Act 2010. The Act provides protection of nine “protected characteristics”, namely: age; gender; race; gender reassignment; religion or belief (or a lack of belief); pregnancy and maternity; marriage/civil partnerships; sexual orientation and disability.

Bullying or harassment may be by an individual against an individual (eg possibly by someone in a position of authority such as a manager or supervisor or by another colleague) or involve groups of people. It may or may not be obvious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

4.1 Definition of Harassment

The University defines Harassment 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.

Harassment applies to all protected characteristics. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

4.2 Definition of Third Party Harassment

Third party harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Third party harassment applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.

4.3 Definition of Bullying

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (ie more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour, unfair use of sanctions. This makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self-confidence.

While there is no statutory definition of bullying, the conciliation service ACAS defines it as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”.

4.4 Definition of Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. Victimisation may also occur when an employee is treated badly due to being a member of a trade union or for being involved in trade union activities.

4.5 Definition of Discrimination

Treating someone more or less favourably on the grounds of a protected characteristic. There are four types of unlawful discrimination which can occur.

4.5.1 Direct Discrimination

Direct discrimination is where a person is or would be treated less favourably from another because of a protected characteristic they have or are thought to have i.e. gender, gender reassignment, race, religion or belief (or a lack of belief), pregnancy and maternity, marriage/civil partnership, sexual orientation, disability or age.

4.5.2 Associative Discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic (i.e. gender, gender reassignment, race, religion or belief (or a lack of belief), sexual orientation, disability or age)

4.5.3 Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic (i.e. gender, gender reassignment, race, religion or belief (or a lack of belief), sexual orientation, disability or age). It applies even if the person does not actually possess that characteristic.

4.5.4 Indirect Discrimination

Indirect discrimination is where a condition, rule, policy or practice is applied to everyone but particularly disadvantages people who share a protected characteristic (i.e. gender, gender reassignment, race, religion or belief (or a lack of belief), marriage and civil partnership, sexual orientation, disability or age)

5. University Approach to Inappropriate Behaviour

In summary, the University's approach is:

- a zero-tolerance approach to bullying, harassment, discrimination and victimisation at work;
- to seek to implement early intervention strategies to ensure bullying, harassment, discrimination and victimisation do not occur and there is dignity and respect in the workplace (eg. provision of relevant training and support mechanisms);
- a requirement that leaders and managers should lead by example and take steps to address prima facie cases of bullying, harassment, discrimination and victimisation in order to promote a working environment where there is dignity and respect;
- to treat any allegations of inappropriate behaviour seriously and with discretion. The University also undertakes to protect individuals from intimidation, victimisation, discrimination or bullying arising from a complaint or assisting with an investigation.
- to take all reasonable steps to prevent third party harassment from happening.

6. Roles, Rights and Responsibilities

6.1 All Employees

All University employees have a right to be treated with dignity and respect in the work place. Equally, there is the responsibility of every employee to operate at all times in a professional manner demonstrating dignity and respect for others and showing transparency, integrity and honesty in their interactions at all times.

As such, all employees have a clear role to play in helping to create a climate at work in which bullying behaviour is unacceptable. In particular, employees should:

- Understand what is meant by bullying and harassment;
- Be aware of and comply with this policy;
- Set a positive example by treating others with dignity and respect;
- Be aware of their own conduct;

- Not make inappropriate personal comments;
- Avoid colluding with inappropriate behaviour;
- Not accept inappropriate behaviour directed against themselves or others but take action to ensure it is challenged and/or reported to the appropriate manager, trade union representative, or Human Resources Service employee;
- Co-operate fully in any investigation into a complaint;
- Be supportive of colleagues who may be subject to bullying or harassment.

Appropriate disciplinary action, including warnings and even dismissal for serious offences, may be taken against any employee who violates this policy.

Employees subject to investigation, whether the allegations are founded or not, will be offered appropriate support (emotional and professional), both during and following an investigation, to help their reintegration to work. This may take the form of:

- Occupational Health support (eg counselling);
- Human Resources Service Support;
- A reintegration plan agreed with the line manager (or other manager as appropriate) with support from the Human Resources Service. This may include the appointment of a mentor to further support the employee during the reintegration process.

6.2 Managers

All managers have a right and a responsibility to manage including setting and managing appropriate performance standards. Whatever the circumstances, they must do so in an appropriate manner respecting individuals' dignity and right to be treated with respect.

Specifically, managers and supervisors have a responsibility to:

- Set a positive example by treating others with dignity and respect and setting appropriate standards of acceptable behaviour;
- Implement this policy and to bring it to the attention of employees in their work area, in order to establish and maintain a work environment free of bullying and harassment;

- Raise awareness of the issue of bullying and harassment;
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- Implement performance management policies and initiatives in an appropriate manner;
- Challenge and stop unacceptable behaviour in the workplace;
- Respond positively to any complaints;
- Treat any complaint seriously and deal with it promptly and confidentially;
- Seek advice and support from the Human Resources Service as appropriate.

6.3 Role of the Human Resources Service (HR)

The HR Service will ensure that the policy is implemented fairly and consistently. The Service's role is to:

- Advise managers on the application and effective implementation of the policy;
- Offer advice to managers and employees where individuals feel that they are being harassed or bullied in the course of their employment;
- Ensure support mechanisms are in place for employees who feel they are being harassed or bullied;
- Monitor incidences of bullying and harassment;
- Implement, in conjunction with the Occupational Health Service, appropriate action / initiatives to ensure dignity and respect in the work place;
- Review the policy as necessary.

7. Equality, Diversity and Inclusion (with particular reference to disability reasonable adjustments) and Equality Impact Assessment Statements

- 7.1 The Equality Act 2010 harmonises, and in some cases, extends discrimination law covering the "protected characteristics" of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation. It addresses the impact of recent case law and the ban of "disabled by association" is extended to all protected characteristics. The University has developed a Single Equality Scheme to implement the Equality Act within the University practices and procedures.
- 7.2 Within the Equality Act It remains permissible to treat a disabled person more favourably than a non-disabled person. It remains lawful to make reasonable adjustments in relation to employment, education and services to ensure that there is true equality of opportunity for disabled people, namely:
- Where a manager believes that an employee may be disabled within the meaning of the Act or may nonetheless need additional support, advice must be sought from the Human Resources Service before any action is taken.
- 7.3 This Equality Scheme and its implementation will be monitored in line with relevant legislation for its impact on different equality groups. This process will provide a check on whether there are any differences and allow the University to assess whether these differences have an adverse impact on any particular group such that appropriate action is taken.
- 7.4 These are important issues and further information should be sought from the University's LISS Manager (Equality, Diversity & Inclusion Policy) as required.

8. Links with Other Policies

Other University policies relevant to this one include:-

- Equality, Diversity and Inclusions Scheme
- Well Being at Work Policy
- Grievance Policy
- Public Interest Disclosure Policy (Whistleblowing) Policy
- Disciplinary Policy
- Student Harassment and Bullying Policy.
- Third Party (Equality and Diversity Statement)

9. Contact Details

- 9.1 For procedures to be followed in relation to this policy please consult the Procedural Guidelines in the next section.

To access related HR policies and procedures, please look at the HR Policies Handbook on the University website.

If you require further guidance or information or require this document in another format (eg CD, audio cassette, Braille or large type), please contact the relevant member of the Human Resources Service (see <http://staff.cumbria.ac.uk/StaffSupport/HumanResources/HRContacts.aspx>)

UNIVERSITY OF CUMBRIA POLICY DOCUMENT CONTROL SCHEDULE

All University of Cumbria Policies must include a completed Policy Document Control Schedule consisting of the Policy Schedule (see front cover) and Review Schedule and (see below) which should be completed as appropriate.

REVIEW SCHEDULE				
Version no.	Review interval	Reviewed by	Approved by	Date of Approval
V01	2008/2009	HR	EPC	May 2008
V02 – 290311	2012/2013	HR	EPC/JNCC	24 June 2011
V03 – 231012	2016/2017	HR	EPC/JNCC	23 October 2012

B. PROCEDURAL GUIDELINES

The normal expectation is that the following procedural guidelines will apply. However, on occasions, and for exceptional / other good reasons, there may be the need to vary the procedures to suit individual cases / circumstances, and accordingly the University reserves the right to amend the procedures. The University will consult with the recognised union(s) regarding any proposal to vary the procedure.

1. Breaches of Policy/Dealing with Incidents

An individual can deal with bullying in various ways, ranging from asking the person to stop their bullying behaviour, to informal discussions with an appropriate person (eg their line manager, an HR Service representative or a trade union representative), or by making a formal complaint.

Some people are unaware that their behaviour in some circumstances can be perceived as bullying or harassing. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of bullying.

Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. Once a conclusion has been reached this will be formally communicated, normally within 14 calendar days. The University will ensure that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint.

Bullying and harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.

1.1 If you feel you are the victim of bullying, harassment, discrimination or victimisation

Employees have recourse to the University's Grievance Policy and are encouraged to report any incident experienced by them while in the course of their employment (either from a colleague or student at the University or someone connected with work eg a contractor). There are both formal and informal procedures for dealing with such instances.

If appropriate, the University's Disciplinary Policy and Procedure will be invoked to deal with an alleged perpetrator

Where an employee makes a complaint of bullying, harassment or inappropriate behaviour by a student, then this will be referred to the Learning Information and Student Services for consideration and for taking forward under the Student Harassment and Bullying Policy and Process.

If employees are subject to bullying or harassment but feel unable to talk about it in the first instance, then they should make notes including dates and details which will help them to recall events clearly at a later date.

1.2 If you believe or suspect a colleague, student or someone connected with work of perpetrating an incident of bullying, harassment, discrimination or victimisation

Employees are reminded that while there is a duty to report any suspected incidents of bullying, harassment, discrimination or victimisation perpetrated by others, under the University's Public Interest Disclosure Policy (Whistleblowing), employees are assured protection from possible reprisals or victimisation if they make such a disclosure in good faith and with a reasonable belief that the incident has occurred.

If you believe or consider a colleague, a student or someone connected with work (eg a contractor) of carrying out bullying, harassment, discrimination or victimisation against a colleague or student, you should report this immediately to your line manager, your Executive Dean/Head of Service/Faculty Business Manager, or to the Director of Human Resources, so that the matter can be investigated.

As stated above, where a student is alleged to have behaved inappropriately, referral will be made to the Learning Information and Student Services and investigated through the Student Harassment and Bullying Policy and Process.

1.3 Student Complaints Against an Employee

Where a student raises a complaint of bullying or harassment against an employee, this will be raised in the first instance under the Student Harassment and Bullying Policy and Process. Where it is deemed appropriate for an investigation to take place, then the matter will be referred to the Human Resources Service so that the matter can be taken forward under the University's Disciplinary Policy for Employees.