

## **DIGNITY AT WORK AND STUDY POLICY**

### **1. POLICY STATEMENT**

- 1.1 Leeds Trinity University aims to provide a compassionate, respectful and inclusive working and learning environment which is free from harassment, bullying or unfair discrimination. The University expects that all individuals will be treated with respect and consideration.
- 1.2 The University recognises that harassment can have a detrimental effect upon the performance, morale, confidence, health and learning of those who are affected by it. The University has a zero tolerance approach to harassment, bullying or victimisation and any breach of this policy could lead to formal disciplinary action being taken, which may include dismissal or expulsion from the University.
- 1.3 The purpose of this policy is to minimise the possibility of harassment, bullying or victimisation occurring and to ensure that adequate procedures are available when needed.

### **2. SCOPE**

- 2.1 This policy applies to bullying, harassment or victimisation by a member of staff against another member of staff, a student<sup>1</sup> against a student, a member of staff against a student and a student against a member of staff. This policy also aims to protect members of staff and students from harassment by third parties, such as external contractors and agencies working for the university.

### **3. DEFINITIONS OF HARASSMENT**

#### **3.1 General definition:**

Harassment is unwanted physical, verbal or non-verbal conduct which subjects an individual or group of individuals to unwelcome attention, intimidation, humiliation, ridicule, offence or loss of privacy. It is usually characterised by persistent behaviour, although a single incident may be serious enough to constitute harassment and justify a complaint.

Harassment of one person by another, whether based on any of the characteristics below, or not, is deemed to be unacceptable at the University and should be reported under this policy.

Under the Equality Act 2010, harassment will amount to discrimination if it is:

- On the grounds of age
- Related to a person's disability or health condition (including mental health)
- On racial grounds
- On grounds of religion or belief (including none)
- Sexual in nature
- On grounds of sexual orientation

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<sup>1</sup> The term "student" applies throughout the policy to all those studying with us, whether full or part- time, including apprentices.

On the basis of gender  
On the basis of pregnancy or maternity

Harassment may also amount to discrimination where an individual experiences:

- Harassment on the grounds that they are related to, or associate with someone with a protected characteristic (ie age, disability, gender, race, religion, sexuality, gender reassignment or identity). This is known as harassment by association.
- Harassment on a mistaken perception that a person has or does not have a protected characteristic (ie age, disability, gender, race, religion, sexuality, gender reassignment or identity). This is known as perceptive harassment.

The University will not tolerate harassment or discrimination of any kind.

### **3.2 Sexual or Gender-based Harassment**

- 3.2.1 Sexual harassment is unwanted conduct of a sexual nature which is offensive to the recipient.
- 3.2.2 Gender-based harassment is unwanted physical, verbal or non-verbal conduct on the basis of an individual's gender or gender identity which is offensive to the recipient.
- 3.2.3 Sexual harassment often, but not always, arises between people of unequal organisational status. The University will regard the abuse of a position of authority very seriously.
- 3.2.4 The most common form of sexual harassment is of women by men, but sexual harassment of men by women or within the same sex does occur. All are equally unacceptable.
- 3.2.5 Examples of sexual or gender-based harassment include the following:
- Unnecessary and unwanted physical contact
  - Sexual innuendo and sexual expletives
  - Unwelcome advances, attention, invitations or propositions
  - Unwelcome or lewd references to a person's physical features, figure or dress
  - Suggestive and unwelcome comments, looks, attitudes or jokes
  - Sexist graffiti or the display of pornographic, degrading or indecent material
  - Electronic transmission of pornographic, degrading or indecent material

- Threats of academic failure or promises of promotion/training in exchange for sexual favours
- Any criminal behaviour, such as indecent exposure, sexual assault or rape (see section 6)

### **3.3 Racial or religious harassment**

3.3.1 Racial or religious harassment is conduct based on race, religion, colour, nationality or ethnicity, which is offensive to the recipient(s), and can include hostile or offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act. Racial harassment can also arise from exclusion and/or omission.

3.3.2 Examples of racial or religious harassment include the following:

- Derogatory name-calling
- Insults, racist or religious-based jokes
- Racist graffiti or the display or transmission of offensive material
- Verbal abuse or intrusive questioning about racial or religious issues or racial origins
- Gestures or physical threats or attacks
- Deliberate exclusion from activities, social or otherwise
- Ridicule of an individual for cultural differences such as appearance, dress, diet, or ethnic background

## **4 BULLYING**

4.1 Bullying is threatening, abusive, intimidating or insulting behaviour which may be an abuse of power, position or knowledge, which can result in the recipient feeling threatened, undermined, belittled and can erode an individual's confidence.

4.2 Examples of bullying behaviour include the following:

- Shouting
- Sarcasm
- Threatening behaviour or remarks
- Derogatory or belittling remarks regarding appearance, job performance or personal attributes
- Persistently ignoring or patronising a person/persons
- Subjecting someone to unreasonable group pressure

- 4.3 Bullying is not confined to open, derisory remarks or aggression, but can also be subtle and devious, resulting in an individual being singled out, demeaned and devalued.
- 4.4 Bullying can be carried out by an individual or a group of individuals. It frequently involves someone in a position of authority bullying someone in a more junior position. However, bullying of people in a more senior position by people in a more junior position and between people in equal positions could occur. All are equally unacceptable.
- 4.5 Vigorous speech and comment, academic debate can be distinguished from bullying behaviour. However, care should be taken to ensure that neither staff nor students are made to feel intimidated.
- 4.6 In relation to staff, managers are entitled to provide constructive feedback, to outline areas where improvement is needed and to instigate formal procedures where necessary. This does not constitute harassment and bullying.

## **5 RESPONSIBILITIES**

- 5.1 All University staff and students are expected to comply with the requirements of this policy and to take steps to ensure that they display appropriate, professional and respectful behaviour at all times.
- 5.2 The University recognises that harassment, bullying and discrimination are sometimes linked to equality and diversity issues. All staff are responsible for familiarising themselves with the University's Equality and Diversity Policy.
- 5.3 Managers have a particular responsibility for taking all reasonable steps to ensure that harassment does not occur in the area of work for which they are responsible. Managers should also be responsive and supportive to any member of staff who complains about harassment, provide full and clear advice on the procedure to be adopted and ensure that there is no further problem of harassment or victimisation after the complaint has been resolved.

## **6. PROCEDURES FOR DEALING WITH HARASSMENT**

Anyone who believes that he/she is the subject of harassment in any form can take the following steps:

### **6.1 Informal action:**

- 6.1.1 If at all possible, those who believe they are the subject of harassment should tell the person(s) concerned that their behaviour is causing offence and ask them to stop. It may be useful to have a note of incidents including times and dates in order to be able to give examples of the behaviour that may have caused offence.
- 6.1.2 If an individual has attempted to address the issues or alternatively does not feel able to do so without support and assistance, he/she may seek confidential help and advice from any of the following:
- Their personal tutor, or any member of academic staff

- Their line manager or Head/Director of their School/Department
- An appropriate trade union representative
- A member of the Human Resources Department or, for students, the Director of Student Services
- The Student Union

## 6.2 Formal action:

- 6.2.1 If the problem persists, or if an incident is sufficiently serious, the individual will provide a written statement, which should include details of what has happened and how this is affecting the individual. Complaints of harassment, bullying or victimisation should be referred to the appropriate person, as set out in the table below.

Type of Complaint	To be referred to
Complaint about a colleague's behaviour	The complainant's line manager, their Trade Union or Human Resources
Staff complaint about their line manager	The line manager's line manager, their Trade Union, or Human Resources
Student complaint about another student	Student Union, or Student Services
Student complaint about a member of staff	The Head/Director of School/Department, Student Services or the Student Union
Staff complaint about a student	Their Head/Director of School/Department.

- 6.2.2 Human Resources, or Student Services will advise on and support the coordination of the investigation, which will include the identification of an appropriate Investigating Officer. The Investigating Officer will carry out a thorough investigation and make recommendations for action to Human Resources or Student Services.
- 6.2.3 The Investigating Officer will meet with the complainant to discuss their findings and will confirm these in writing, subject to third party rights and data protection. The investigation process should be completed within 30 days of receipt of the written complaint wherever possible.
- 6.2.4 In most cases the individuals concerned will be able to continue working or studying pending the outcome of the investigation. In exceptional circumstances it may be necessary for the Director of Human Resources or Director of Student Services to review these arrangements with the individuals concerned.
- 6.2.5 If, at the conclusion of the investigation, it is judged that the matter is of a sufficiently serious nature as to warrant consideration of disciplinary action, then no such action will be taken without invoking the appropriate disciplinary procedure.

- 6.2.6 However, in cases where there is a prime facie case of gross misconduct, the University reserves the right to proceed directly with an employee or student disciplinary process, in order to prevent unduly lengthy and duplicated investigations.

**7. CONFIDENTIALITY**

- 7.1 Issues of harassment will be dealt with in a confidential manner and the decision as to whether or not a complaint should be taken forward will rest with the complainant.
- 7.2 It must be recognised that there may be instances in which confidentiality cannot be maintained. In exceptional circumstances action may be taken against the wishes of a complainant in order to address an unacceptable risk. Where possible, confidentiality will not be compromised without the complainant being consulted and having the opportunity to take advice.

**8. CRIMINAL OFFENCES**

If a criminal offence such as harassing phone calls, physical assaults, indecent exposure or rape take place, the individual will be advised to report the matter to the police and the University will refer such cases automatically to its Disciplinary Processes.

**9. VEXATIOUS COMPLAINTS**

Complaints of harassment are treated seriously by the University. It should therefore be noted that anyone found to be making mischievous or malicious complaints will be subject to the appropriate disciplinary procedures.