



# **Anti-Bullying and Harassment Policy**

## **[EXTRACT]**

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## 4. Definition of Harassment

- 4.1 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.
- 4.2 Individuals are 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.
- 4.3 Harassment may be:
- Physical: unwanted physical contact, assault or gestures, intimidation, aggressive behaviour;
  - Verbal: unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the above characteristics;
  - Non-verbal: offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities;
  - Bullying: persistent, offensive, abusive, intimidating or insulting behaviour which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence.
- 4.4 The protection from Harassment extends across the 9 protected characteristics of:-
- Age
  - Disability
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and maternity
  - Race (including Caste from June 2013)
  - Religion and Belief
  - Sex
  - Sexual Orientation

## 5. Identifying Harassment

- 5.1 Different things affect us all in different ways, and therefore what one individual might think of as harmless could be felt to be harassment by another.
- 5.2 It is important to note that the question of whether or not behaviour constitutes harassment rests with the person on the receiving end of the behaviour. Friendly, welcome and reciprocated actions are fine, but great care should be taken when interacting with others to distinguish between behaviour that is viewed as welcome and behaviour that is unwanted and potentially offensive to another person. For example, someone tells a joke that they think is funny. Although it was just a bit of fun and the person did not intend to upset anyone, a colleague finds it offensive. This individual may have a valid claim that they have been harassed. Staff should also be aware of the position of power that they hold in relation to students and recognise the need for additional care when interacting with students to ensure that their behaviour is not misconstrued.
- 5.3 A single incident can constitute harassment, if it is sufficiently serious. Alternatively, a series of relatively minor incidents or actions can be collectively viewed as harassment, in particular if the behaviour persists after the individual has expressed an objection to it or asked for it

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to stop. The University's position is that no harassment of any kind should take place and all employees have a responsibility to ensure at all times that their own behaviour does not offend others.

5.4 It is important to remember that harassment:

- depends on the view of the individual on the receiving end of another person's behaviour;
- does not depend on the severity of the behaviour – a joke or a throw-away comment could be perceived as harassment by anyone who hears it;
- can include behaviour that you hear or see, even if it is not directed at you and has nothing to do with you.

## 6. Bullying

6.1 Bullying is regarded as any behaviour, by anyone that intimidates or oppresses another person. It invariably has a negative effect on the victim's self-confidence, self-esteem and general well-being. It can be subtle in nature and is intended to hurt. It can take place with your work colleagues in public or in private, at work or socially.

6.2 Examples of bullying may include:

- shouting or swearing at an individual
- persistent, excessive, unfair or unjustified criticism
- public humiliation and/or insults
- persistent undervaluing of a person's effort
- constant ignoring of opinions without justification
- withholding information without justification so as to cause difficulty or embarrassment to an individual
- unjustified, excessive monitoring and/or supervision
- setting someone up to fail – for example, setting a target/objective that cannot be achieved
- constant changing of targets for no justifiable reason
- unreasonably blocking requests for leave
- aggressive communications
- intimidating or threatening behaviour.

## 7. Victimisation

7.1 Staff with a grievance may sometimes complain that they are being "victimsed" in some way. However, victimisation within the scope of this Policy (and within the scope of equality legislation) has a specific, defined meaning.

7.2 Victimisation involves treating someone less favourably than other people because that individual has:

- made, in good faith, a claim of harassment or bullying under this Policy, (or a claim of discrimination under another Policy,);
- suggested or complained that, in some other way, they have, or may have been, discriminated against, bullied or harassed or that the University's Equality, Diversity and Inclusion policies have, or may have, been breached in some way;

- helped some other person who is making such a claim, perhaps by providing evidence or some other form of support to that other person.
- 7.3 Victimization is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report acts of discrimination or harassment.
- 7.4 It is important to note that, in addition to breaching this Policy, victimisation on most of the grounds covered by this Policy is also unlawful. Individual members of staff who victimise others can be named personally in a legal complaint and may be required to pay compensation personally to a successful claimant.
- 7.5 The law also protects people from victimisation in cases where they have disclosed certain issues to external parties under the Public Interest Disclosure Act 1998, although this is beyond the scope of this document.
- 7.6 Victimization can take many forms. The following list provides just a few indicative examples of the type of behaviour which could amount to victimisation - this list is, by no means, exhaustive:
- penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines;
  - excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate, because they have made a complaint of discrimination, harassment or bullying;
  - creating a difficult or oppressive environment for an individual because they have made a complaint - whether informal or formal - of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.

## APPENDIX 1 - LIST OF BEHAVIOURS THAT MAY CONSTITUTE HARASSMENT

### SEX-BASED

- Jokes, banter or remarks about gender+ generally which are demeaning or derogatory.
- Sexist remarks made to or about an employee.
- Calling someone by a name with a gender-bias.
- Playing pranks on someone where they are of a different gender in an otherwise all one gender workplace.

### SEX

- Unwelcome touching in any way.
- Threatened or actual sexual assault.
- Persistent sexual advances or pestering for sexual favours.
- Threatening someone that unless they give sexual favours, they will be disadvantaged in some way.
- Language of a sexual nature, whether verbal or written, eg sexual remarks made in an e-mail.
- Office gossip or detrimental speculation about an employee's private sexual activities.
- Jokes or banter of a sexual nature.
- Coarse or vulgar humour.
- Sexually suggestive gestures.
- Leering or whistling at someone in a manner that is overtly sexual.
- The display of pin-up calendars or pictures of naked people.
- Sexually explicit material displayed on computer screens.

### SEXUAL ORIENTATION

- Homophobic remarks or banter made to or about an employee with regard to their sexual orientation.
- Jokes about LGBT+ generally.
- Offensive remarks whether verbal or written directed at an employee who is, or who is thought to be, LGBT+, about their sexual orientation.
- Deliberate isolation of someone at work or non-cooperation on the grounds of the person's sexual orientation.
- Teasing directed at an employee on account of the fact they have a same-sex partner or a close family member who has a same sex partner.
- Gestures that are derogatory or demeaning.