



# **Dignity at Work and Anti-Bullying and Harassment Policy**

**2018-21**

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Policy Owner: Chief Human Resources Officer

This Policy has been reviewed and supersedes the 2014-17 version. It has undergone the following approvals process:

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## 1. Introduction

This policy sets out the University's commitment to support a safe and inclusive working and learning environment in which all individuals are treated fairly and with dignity and respect. All staff are responsible for ensuring that they behave in an appropriate manner, showing respect for other staff, students and those working alongside or engaged with the University of Chichester community, including visitors, contractors, consultants and staff from other organisations working on University premises.

This policy applies to all employees in full-time or part-time employment, regardless of length of service.

This policy does not form part of an employee's contract of employment and may be amended at any time.

## 2. Dignity at Work

The University is a talented and increasingly diverse community where all staff are equally valued and respected. Operating in a culture of dignity and respect facilitates trust building, an understanding of different perspectives, collaborative and productive working.

Through this Policy and related procedures, the University aims to:

- Uphold a culture of dignity and respect.
- Recognise the dignity at work of all staff.
- Ensure that differences are respected and valued.
- Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours.
- Educate employees in the development of positive behaviours.
- Deal firmly but fairly with any negative behaviours.

The University will not tolerate bullying and harassment and it recognises that such behaviour is unacceptable, potentially discriminatory and may also be unlawful.

The University is committed to creating a working climate in which all employees are treated fairly and with dignity and respect.

This Policy covers:

- 1) Dignity at Work and Anti-Bullying and Harassment Policy (Guidance)
- 2) Questions and Answers – Appendix A
- 3) Policy for Dealing with Bullying and Harassment – Appendix B
- 4) Formal Stage Two pro-forma – Appendix C

The rights and responsibilities of all employees in relation to dignity at work are:

<b>Rights</b>	<b>Responsibilities</b>
To be treated with dignity and respect	To treat others with dignity and respect
To be able to challenge inappropriate behaviour directed at self or others and to receive appropriate support.	To challenge inappropriate behaviours directed at self or others and to raise concerns with managers and Heads of Department.
To access training in relation to dignity at work and behavioural expectations around inclusivity and other matters.	To actively engage with training in relation to dignity at work and behavioural expectations around inclusivity and other matters.

### **3. Responsibilities**

Maintaining a culture of dignity and respect across the University requires a mindful and collaborative effort by all. This involves positive communication, being supportive, understanding different perspectives and working together.

#### **Managers, as part of their managerial responsibilities, will:**

- Demonstrate, and act as a role model for, high standards of behaviour to support a culture of dignity and respect.
- Promote a working environment emphasising positive behaviours and respect.
- Communicate the behaviours expected of staff, set boundaries and ensure appropriate workplace behaviours are maintained.
- Support staff to attend training sessions in relation to dignity at work and behavioural expectations around inclusivity and other matters.
- Treat complaint(s) seriously and deal with them promptly and confidentially.
- Consider all the circumstances of a complaint before reaching a conclusion.
- Consider suggesting mediation to resolve the complaint informally or deal with the situation after resolution.

#### **Employees are expected to:**

- Take responsibility for their own behaviour and conduct and treat others with dignity and respect.
- Understand how their own behaviour may affect others and, if necessary, change it.
- Engage with the University's training provision within the Professional Development Programme on dignity in the workplace and behavioural expectations around inclusivity and other matters.
- Be aware of the University's guidance and comply with it.

#### **Human Resources will:**

- Advise managers on the application of the Policy to ensure that it is followed, fairly and consistently
- Advise employees where individuals feel that they are being exposed to inappropriate behaviour at work.
- Monitor breaches of the Dignity at Work Policy.
- Review and amend the Dignity at Work Policy as necessary.

### **4. Unacceptable Behaviour**

A lack of dignity and respect can be manifested as unacceptable behaviour. Inappropriate behaviour may be verbal or written, intentional or unintentional. Behaviour may be perceived as unacceptable even if there was no intent to cause offence: behaviour that is offensive to one individual may not be to another, but it is expected that most of the time staff should be able to judge correctly how they should behave.

The Equality Act 2010 prevents those who share 'protected characteristics' from discrimination on the basis of their shared characteristic. The nine protected characteristics (or groups) are: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation. Examples of unacceptable behaviour covered by this Policy in relation to the protected characteristics include (but are not limited to) the following:

#### **Age**

- Making fun of someone based on their age.
- Questioning someone's ability purely because of their age.
- Not providing training or development opportunities because of their age.

#### **Disability**

- Name-calling, jokes, taunts, and use of offensive language.
- Speaking to a disabled person's colleagues rather than the person with the disability.
- Creating barriers that may mean that disabled colleagues are excluded from workplace events and activities.

### **Gender Reassignment**

- Transphobic comments, jokes, taunts or name-calling.
- Refusing to treat a person as of their new gender when they transition.
- Failing to address a person by their preferred name and correct gender pronouns.
- Denying people access to the appropriate single sex facilities.

### **Race**

- Displaying racially offensive material.
- Engaging in racist jokes, insults and banter.
- Deliberately excluding or marginalising someone because of their race, colour, nationality or ethnic origin.

### **Religion and Belief (including non-belief)**

- Stereotyping a particular religion or belief, or making assumptions about lifestyles or interests.
- Persistently arranging activities that may exclude people because of religious observance.
- Mocking an individual's religion, belief or non-belief.

### **Sex**

- Inappropriate physical contact, suggestive gestures and remarks.
- Derogatory or inappropriate comments about an individual's appearance and clothing.
- Displaying offensive material, such as pinups or calendars, or sharing via email/media.

### **Sexual orientation**

- Bi-phobic or homophobic comments, 'jokes' and name-calling.
- Spreading rumours or outing a person as bisexual, gay or lesbian without their consent.
- Intrusive questioning about an individual's personal life.
- Excluding a colleague from participating in team social activities, for example, excluding a same sex partner when opposite sex partners are included.

Every effort should be made to use informal means to stop the perceived unacceptable behaviour in the first instance.

## **5. What is bullying and harassment?**

Bullying and harassment in the workplace are serious matters and the University is responsible for taking reasonable steps to prevent such behaviour. Allowing a culture of bullying and harassment to develop unchecked can cause damage to morale and negatively impact on individuals, teams and the whole of the University (including those not directly affected).

The University will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be promptly and thoroughly investigated and, if appropriate, formal action may be taken through the appropriate procedures e.g. Disciplinary Policy. The University will not tolerate victimisation of a person for making good faith allegations of bullying or harassment or supporting someone to make such a complaint.

Bullying and harassment can often be hard to recognise, particularly as it may not be obvious to colleagues of the person being bullied or harassed. This may be because the harassment or bullying is done in subtle ways, or staff may think it is part of the 'culture' of the workplace. An individual may also be too frightened to report an incident. It is recognised that there can often be a significant amount of overlap between these different types of behaviour. If someone feels that they have experienced harassment, or bullying, but are unsure of which definition is the most appropriate, they should seek advice and not be deterred from reporting it.

Negative behaviours most frequently identified with bullying fall into four main groups:

- Personal insults (e.g. humiliation, personal criticism, ridiculing or demeaning comments)

- Intimidation (e.g. threats of physical violence or psychological intimidation, misuse of power or position)
- Work-related (e.g. withholding information, having one's responsibilities removed, work overload, misrepresenting your work as their own)
- Social exclusion (e.g. isolation, scapegoating, victimisation)

Bullying can be carried out by an individual or group of people and can involve the abuse of authority. Examples of being bullied include:

- Being shouted at
- Being humiliated in front of colleagues or other people
- Being criticised in an inappropriate manner or belittled about one's work, personality or personal appearance
- Being persistently ignored or isolated/excluded
- Being pressurised by a group into behaviour/actions against ones wishes
- Inappropriate use of bcc and cc on e-mails
- Use of social media to bully, harass or intimidate

For some people the experience of bullying goes on for months or even years before it is recognised, while for others a single negative act can be experienced as bullying (however it is unlikely that a single act would be recognised in the courts as bullying unless it involved a physical attack or severe personal threat)

### **5.1 Harassment is:**

-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.

-The Equality Act 2010 prohibits harassment that is related to age, disability, gender re-assignment, race, religion or belief, sex or sexual orientation.

The Protection from Harassment Act 1997 defines harassment as repeated behaviour that causes "alarm or distress". Its main purpose is to protect people from what is popularly known as "stalking" by making it a criminal offence. An example of this could be if an employee persisted in sending emails to another employee, that asserted a close, personal relationship that did not exist and that the recipient found distressing.

Harassment can take many forms – occurring in face-to-face settings, by telephone, or in written or electronic communications. This list is by no means exhaustive but sets out to provide examples of behaviour that can amount to harassment:

- Unwanted physical contact, verbal conduct or intrusive questioning
- Embarrassing or otherwise offensive jokes
- Unwelcome physical contact or sexual advances
- The expression of racist or homophobic views
- Lewd comments and innuendo
- Unwelcome written or visual communications, including unwelcome emails, notes or pictures
- Use of social media sites such as Twitter or Facebook, to ridicule, harass or bully
- Displays of pornographic material

Harassment of an employee can amount to:

- Unlawful discrimination on the grounds of race, sex, marital status, gender reassignment, disability, religion/belief, sexual orientation or age
- A breach of contract, i.e. a breach of one of the implied terms of any employment contract, such as the duty to provide a safe working environment or to maintain trust and confidence in the employer
- A criminal offence

## 5.2 Dispute-related bullying

Dispute-related bullying develops out of a perceived slight or conflict that has got out of hand, souring the atmosphere in the workplace. One person believes that the other has wronged them so the conflict escalates into a personal vendetta where the destruction of the opponent becomes the goal. Dispute-related conflict involves intense emotions leading each side to experience feelings of fear, suspicion, resentment, contempt and anger. An allegation of bullying is sometimes used as a tactic between the opponents. In most cases of escalating conflict, neither person is entirely passive. As each perceived negative act happens, one party will respond according to their interpretation of the intentions behind the other's actions. As the atmosphere deteriorates, it is possible that both people come to believe that the other is responsible for the breakdown of the relationship, and either may accuse the other of bullying or harassment.

Bullying becomes far more complex in an organisational setting where there may be a number of people involved, a wide range of different motivations, hidden agendas and scores to be settled. A certain amount of competition is normal and important in working life. However, bullying is different from normal conflicts because it involves unfair and unethical behaviours that cause extreme distress and disruption to the individual, group and ultimately the whole of the University.

The differences between healthy conflict and bullying situations can include:

Healthy conflicts	Bullying situations
Clear roles and tasks	Role ambiguity
Collaborative relations	Un-cooperative behaviour/boycott
Common and shared objectives	Lack of foresight
Explicit interpersonal relations	Ambiguous interpersonal relations
Ethical behaviour	Unethical activities
Occasional clashes and confrontation	Long-lasting and systematic disputes
Open conflict and discussion	Covert actions and denial of conflict
Straightforward communication	Oblique and evasive communication

## 5.3 Bullying vs firm management

The key principles for managers are to treat staff fairly, communicate effectively and use appropriate measures to deal with those who are struggling to deliver objectives and targets. Managers may be concerned about the possibility of being accused of bullying when they are required to discipline staff or deal with poor performance. This is not only unhelpful for the manager concerned, it may lead to a situation whereby staff are allowed to behave in ways that are detrimental not only to the University but for other individuals working within the manager's area of responsibility. Bullying can be prevalent where the management style is autocratic and overbearing but may equally be a feature of departments where the management style is weak and laissez-faire.

Managers may at times be required to make unpopular decisions and give instructions that may not be welcomed by all employees, but these should not necessarily be construed as harassment or bullying. Managers are however responsible for communicating such instructions in an appropriate manner.

When managers find themselves having to deal with a low-performing team, part of their role is to motivate the team to perform more effectively. The process of bringing about changes in ways of working normally involves a number of areas, including setting standards, identifying and dealing with errors and mistakes, increasing productivity, greater flexibility of roles, changing priorities and reducing unreasonable expenditure. If these changes are introduced and managed correctly, they can bring about the necessary improvements with little or no employee distress. The key differences between managers who use appropriate and inappropriate methods to get results are:

Good Manager	Bullying Manager
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites

Truthful	Distorts and fabricates
Delegates	Dumps
Builds team spirit	Creates fear, divides
Leads by example	Sets a poor example

Where there are high levels of uncertainty, e.g. during periods of organisational change, this can lead to rising levels of stress among staff and sometimes a deterioration in working relationships, but this should not in itself lead to bullying and harassing behaviour. Organisational changes, which could impact on posts, will be dealt with through the University's Organisational Change Policy and Procedure (2018-21).

#### **5.4 Imbalance of power**

Bullying can happen when an unequal balance of power exists between two individuals in a conflict situation. Sources of power include:

- Positional power – the power of a role or position
- Relationship power – the power of a group
- Resources power – the power to withhold scarce resources essential to one's role
- Psychological power – the power of recognising an individual's vulnerabilities and exploiting this knowledge to the person's detriment
- Knowledge power – the power to withhold information
- Delegated power – the power to use your relationship with someone to undermine and/or threaten others

#### **6. Malicious communications**

The University recognises that bullying and harassment can take place through, for example, email (direct or indirect via copying in), internet, mobile telephones, text messages, telephone or other forms of electronic communication and social media. Indecent, threatening or offensive emails or telephone calls may not only be bullying or harassment but also potentially a matter for disciplinary action, they may also breach the University's communications policies. Under the Malicious Communications Act 1998, it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 Telecommunications Act 1984, it is a similar offence to send a telephone message which is indecent, offensive or threatening.

#### **7. Intent**

It is not the intention of the perpetrator that is the key to deciding whether bullying or harassment has taken place. The defining principle is whether the behaviour was unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. However, the perpetrator's intention is relevant to understanding the impact of their behaviour on the target and in choosing the most effective ways to try to resolve the situation. There are three levels of intent:

- Intentional – there was a behaviour that was directed at the victim with the intention of causing actual occupational, physical or psychological harm
- Instrumental – the negative behaviour was an unintended side-effect of a behaviour that was directed at achieving another goal
- Unintentional – there was a lack of sensitivity or awareness of the negative impact of the behaviour

## **APPENDIX A**

### **Policy for Dealing with Harassment or Bullying**

#### **1. Introduction**

The Policy for Dealing with Harassment or Bullying describes the action that may be taken informally or formally to deal with complaints of bullying and harassment. The circumstances of each case will differ; however, the emphasis should be on supporting all individuals involved.

This policy applies to all employees in full-time or part-time employment, regardless of length of service.

This policy does not form part of an employee's contract of employment and may be amended at any time.

It is important to note that the person who makes a complaint is usually the recipient of the behaviour complained of, but that may not always be the case. The complainant can also be someone who has direct or sufficient knowledge of the behaviour to enable a complaint to be raised. For example, if they have overheard inappropriate behaviour, or racist or sexist language which, while not directed at them, caused them offence and distress. While in some circumstances, it may be appropriate for complaints to be raised initially by a Trade Union representative, a work colleague or other 'third party', it should be acknowledged that progress in resolving the complaint could be severely limited unless the person who has experienced harassment or bullying is able and willing to participate in the resolution process.

No complaint of bullying or harassment of any type made in good faith will result in detrimental action against the person raising the complaint or their advocates. Any act of victimisation or reprisal against a person complaining of bullying and harassment or supporting a complainant will be treated by the University as a disciplinary matter.

#### **2. Confidentiality**

Confidentiality should be respected and maintained by anyone dealing with a complaint of harassment or bullying. This is to protect the confidentiality of the person making the complaint, as well as the reputation of the person being complained about. It is recognised that a satisfactory resolution is more likely if the complainant and the alleged bully/harasser also maintain confidentiality and do not discuss the situation widely with colleagues. Only those who need to know should be informed because they have a role in providing support or progressing action to stop the bullying or harassment. If it is felt that the safety of an individual(s) is considered to be an unacceptable risk, confidentiality in these circumstances may be overridden by a duty of care and legal obligations to disclose.

#### **3. Vexatious or malicious complaints**

If a member of staff believes that someone has deliberately made a false complaint against them they may bring a grievance against that person (or persons) under the University's Grievance Policy. If that grievance is upheld, this may lead to disciplinary action being taken against the person or people who brought the malicious or vexatious complaint.

#### **4. Joint or collective complaints**

It is recognised that 'joint' or 'collective' complaints may be raised. These would be investigated in the same way as an individual complaint. The emphasis should be on supporting all individuals involved.

#### **5. Support**

Dedicated impartial support will be provided to relevant parties, as far as possible, by members of the Human Resources team who will act in an advisory capacity to the parties concerned (both for the complainant and the alleged harasser/bully). Following a formal harassment or bullying complaint, either party may be concerned about working with the other again. Depending on the particular circumstances, appropriate action will be taken which could include a temporary transfer of one or both parties to another University department/subject area or location.

## 6. Informal Approach – Stage One

Where possible and appropriate, harassment and bullying complaints should be dealt with by using an informal approach, at least in the first instance. Where a member of staff is concerned about a person's behaviour towards them, they should try to approach them directly, giving as full details of their concerns as possible to make it easier for them to understand why they are upset, offended or angry. Some people may not be aware that their behaviour in some circumstances is being perceived as bullying or harassment. Using an informal approach gives the person the opportunity to stop the behaviour that has caused concerns. If an employee needs support to do this, they can ask their manager to intervene on their behalf (or a more senior manager if it is their manager who is bullying or harassing them).

It is important that employees who feel subjected to harassment or bullying raise the issue with their manager at the time the incident(s) occur, in order that matters can be dealt with swiftly and that further potential harassment/bullying is prevented.

An effective management approach involves dealing with issues promptly and being impartial. The manager will hold a meeting with the complainant to assess the situation and to gather the facts on what incidents have occurred and ask whether anything in particular is causing the behaviour e.g. what happened and when, how this made them feel, how they responded. The manager may want to speak to the alleged harasser/bully to gather their side, without assuming their guilt. Talking about problems and seeing both sides may help to reach a resolution.

If there appears to be a problem, managers should seek to agree a way to address the concerns and put a plan of action in place promptly. It is advisable to keep factual records such as dates of discussions and meetings, issues raised and any suggestions by the member of staff that could alleviate their concerns. Managers will consider all of the circumstances before reaching a conclusion and agreeing appropriate actions.

Should an informal approach fail to stop the harassment or bullying, or if an employee considers that the situation is so serious as to warrant formal action, the formal approach should be taken. **This involves the complainant making a written complaint using the pro-forma in Appendix C.**

## 7. Mediation

Using a trained mediator to resolve issues may also be an appropriate option, providing the opportunity to resolve allegations of harassment through informal discussion and mediation. It should be noted that mediation may be used at any time during the informal or formal process. However, this is only an option if both parties agree to undertake the process with the intention of finding a solution.

Mediators will be appropriate individuals with the necessary skills and experience required of this role. The University may decide to appoint external or internally trained mediators to support the process. The Chief Human Resources Officer or a Human Resources Officer will be able to advise on the availability of approved mediators.

A meeting will be held with both parties and a trained mediator, at which the mediator will give both parties an opportunity to express their viewpoints, to discuss these, and come to some understanding, leading to a mutually acceptable solution and/or a written agreement.

Any discussions which take place during mediation remain confidential and "without prejudice" and may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties. "Without prejudice" can apply to any communication whether it is written or oral provided that it is made for the purpose of a genuine attempt to compromise a dispute, meaning it is 'off the record', and generally can't be referred to by either party in any Tribunal or Court proceedings.

Parties entering into mediation are agreeing to enter into a voluntary process. Where an individual wishes to rescind an agreement reached as a result of a mediation process, this is of their choosing. Mediation will be offered as an option going forward, but it is only an option if both parties agree to participate in the process and in any follow up reviews agreed with the Mediator.

In the event that mediation is not pursued at the informal stage, it will remain an option for the parties to pursue either during the formal stage, or upon conclusion of any investigation. Managers may also recommend a mediation process for the parties.

## **8. Formal Approach – Stage Two**

Where a resolution is not achieved through the informal stage of the process at stage one, an employee can pursue a complaint through the formal stage of the process. If an employee wishes to make a formal complaint under the Anti-Bullying and Harassment Policy they should report it in writing to their line manager using the form provided in Appendix C. It is the responsibility of managers to investigate any incidents of bullying or harassment that are brought to their notice. In circumstances where the alleged harasser/bully is the individual's line manager the complaint should be reported to the next most senior manager.

The manager will acknowledge receipt of the formal complaint in writing within five working days of receipt. This letter should outline the next steps to be taken, information on sources of support, and the name of the investigating manager where possible. The investigating manager will normally be an internal post holder with experience of carrying out workplace investigations. The Human Resources department will provide necessary advice and support.

The investigating manager will then undertake a formal investigation, which must be carried out with due regard to the need for a swift conclusion and should normally take no longer than four weeks from the date of initial acknowledgement of the complaint (depending on the complexity of the case and unless another timeframe is agreed). The investigating manager will keep both parties informed of the progress of the investigation, including any necessary alteration to the timescale.

At any stage of the formal procedure the complainant may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, the investigating manager has a duty of care. If it is their view that informal resolution is not appropriate due to the seriousness of the allegations, or that there is a potential for serious risk to an employee, they should continue with formal action.

Where a counter complaint is made by the alleged harasser/bully, this will be dealt with as part of the same investigation.

If an employee has a grievance or a complaint that does not fall under the Dignity at Work and Anti-Bullying and Harassment Policy, it should be dealt with under the Grievance Policy.

## **9. Precautionary action**

In appropriate circumstances the manager will take precautionary action. This will involve either temporary redeployment or suspension of the alleged harasser/bully whilst the matter is being investigated. Taking into account the nature of the allegations involved, consideration should first be given to temporary redeployment and/or a temporary change of working environment. If this is not considered appropriate, then the employee will be suspended on full pay.

During any period of suspension, a named manager will be allocated as the employee's University contact. The employee must make themselves available during this period for the University to make contact with them during working hours and to remain available to attend meetings. Depending on the circumstances involved, the employee may be advised not to make contact with their work colleagues during the period of suspension.

No precautionary action will be taken unless a member of the Vice-Chancellor's Group has approved it, unless the alleged harasser/bully is a member of Vice-Chancellor's Group in which case the Chair of the Governors' will approve precautionary action. Precautionary action will be without any assumption or culpability, will always be for a short a period as possible, and the need for its continuation must be reviewed regularly.

## **10. Sanctions**

Bullying and harassment potentially constitute gross misconduct and, therefore, if a complaint is upheld it could lead to the dismissal of a member of staff. Where dismissal is not considered

appropriate, the implications for continued work and working relationships will be given serious consideration by the Vice-Chancellor's Group and appropriate action taken. If it is advisable to separate the two parties, consideration will be given to appropriate action that provides a safe inclusive working environment for all concerned.

### **11. The Investigation: Formal Stage Two**

The investigating manager will meet with the complainant and the alleged harasser/bully. The alleged harasser/bully will be informed of the allegations made against him/her. The investigating manager will be accompanied by a member of the Human Resources team or a designated note taker who will take notes of the meeting on behalf of the investigator.

Notes of the investigation and any subsequent witness meetings do not have to be verbatim but should reflect the key issues/points discussed so that they can be referred to later in the investigation for clarification. Notes taken at meetings will be sent to the employee/witnesses to agree content. Neither the investigating manager nor an employee can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

Both parties have a right to be accompanied (by either a Trade Union representative or a work colleague) at the first and any subsequent meetings of the formal stage. Meetings may also be held with any witnesses concerned with the incident(s) of alleged harassment/bullying.

On completion of the investigation the investigating manager will evaluate the evidence and prepare a written summary which will summarise the findings of the allegations of the complainant. The investigation summary will be passed to the Head of Department (or to the Head of Department's line manager if the Head of Department is involved in the investigation) who should then decide on the course of action to be taken. The Head of Department will provide formal notification to that effect to both parties.

The findings of the complaint will lead to three possible outcomes:

#### **1. Complaint not upheld**

If it is decided that there is no case to answer and/or there is insufficient evidence, support will be provided for both parties, and consideration given to managing their ongoing working relationship. This might include, where practicable, mediation, coaching or professional development.

#### **2. Evidence of unacceptable behaviour that may be dealt with informally**

In some cases where harassment/bullying is substantiated, but does not warrant disciplinary action, it may still be possible to agree an acceptable resolution. For example, the Head of Department may address the situation through supervisory processes including counselling, advice, coaching, instruction, training and/or support. In such cases the Head of Department must make it clear to the employee that their behaviour is unacceptable and that further similar instances may lead to disciplinary action being taken under the Disciplinary Policy.

#### **3. Disciplinary action**

Where an investigation is undertaken and the Head of Department concludes that there is sufficient evidence of unacceptable conduct, it will be necessary to commence disciplinary proceedings in accordance with the University's Disciplinary Policy. This will require the individual to attend a disciplinary meeting and/or hearing under the Disciplinary Policy.

The findings of the complaint will be outlined to the individual in writing, confirming the action to be taken.

### **12. Appeals process – Stage Three**

If the complainant is not satisfied with the outcome of the investigation, then they have a right of appeal against the decision made, which should be submitted in writing to the Chief Human Resources Officer within ten working days of receiving written notification of the decision. The letter should clearly set out the grounds for appeal.

Appeals will be heard as soon as is reasonably practicable, and no later than ten working days from the date of the appeal letter submitted (unless a delay is unavoidable).

Appeals will be undertaken by a review panel comprising a Head of academic or professional service area who has not previously been involved in considering the matter, along with a manager from a different department to the complainant. A Human Resources Officer will provide impartial advice during the appeal hearing. Employees are entitled to be accompanied by a trade union representative or a work colleague.

The alleged harasser/bully has a right of appeal against any disciplinary action, as set out in the Disciplinary Policy.

**How will I feel if I am the target of bullying or harassment?**

If you are subject to bullying and harassment, you are likely to feel isolated, anxious and vulnerable. You may feel powerless and believe that you are not in a position to take any action to make things better. This is perfectly normal – these feelings are common to most people in your situation. You are likely to feel that taking even the first step towards resolving the issue is beyond you and that you are completely at the mercy of events. However, if you are able to start by talking it over with your manager, a trusted friend, family member or colleague, you are on the way to taking control of a situation that is disturbing your current peace of mind and could affect your future career and wellbeing. You may wish to approach a Human Resources Officer for help at this stage, or seek advice through your trade union officer.

**How do I know if I am the target of bullying or harassment?**

Prior to taking action, you should consider carefully in what ways the treatment you are experiencing may constitute bullying or harassment. You should consider whether the source of your concern is related to an individual or group of people at work, or if you find yourself under stress for other, more personal reasons - in this situation, you should contact your manager or Human Resources Officer who will be able to recommend additional sources of advice and assistance for your particular circumstances. If you feel you are experiencing bullying or harassment at work you should try to be specific about what is causing you distress, and not wait too long before taking action. Prompt action will stop situations from escalating. Although it may seem as though doing nothing is the easiest and least harmful course of action, this rarely helps to resolve the situation and may often make it worse.

**What can I do if I feel I am the target of bullying or harassment?**

If you ever feel that you are in a situation where you are at risk of physical assault or your personal safety is under threat, you should take immediate action by reporting the incident to your manager or the head of your department. Anyone who experiences bullying or harassment should be able to go to their line manager for help, although this assumes, of course, that the line management relationship is healthy. You may also receive support from a manager, a trusted colleague, union representative or a trained University mediator. Human Resources (involving equality and diversity, occupational health and wellbeing, professional development) are also likely sources of advice and support.

**How will the Dignity at Work and Anti-Bullying and Harassment Policy be communicated?** The policy will be communicated to all staff via internal publications and the University's intranet.

**How do I address a complaint of bullying or harassment?**

An employee who feels that he/she has been harassed or bullied has a right to seek redress via the Anti-bullying and harassment procedure attached to this Policy.

**When will the Dignity at Work Policy be reviewed and updated?**

The Dignity at Work Policy and the Procedure for Dealing with Harassment or Bullying will be updated as required by the Chief Human Resources Officer to reflect any legislative or procedural requirements. Any changes to this Policy will be reviewed by the Vice-Chancellor's Group before progressing to the Governors' Strategy & Resources Committee and the Board of Governors.

**Are incidences of bullying and/or harassment monitored?**

Monitoring is an important way of finding out whether the measures taken by the University to tackle bullying and harassment are effective. Where patterns of bullying and harassment are identified, the University will take appropriate action to address the problem.

**Related policies and procedures**

- Equality and Diversity Policies
- Grievance Policy
- Disciplinary Policy
- Policy on Managing Stress at Work

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**What are the consequences for the individual, and the University, for not tackling bullying and harassment?**

The University fully supports the right of all people to be treated with fairness, dignity and respect. If bullying and harassment are not tackled, consequences for the individual, and also the University, can include:

- Increased absence and ill-health, particularly stress-related;
- Poor performance or lower productivity;
- People leaving the University;
- Complaints to courts and Employment Tribunals, resulting in financial costs and damage to the University's reputation and image.

**Are there other general sources of support or training?**

Increasing awareness of and skills in creating an environment that recognises and protects dignity in the workplace is essential to effectively tackle bullying and harassment at work. All staff are encouraged to attend regular training and awareness-raising events.

For further guidance on this policy, contact colleagues in the Human Resources Department at Bishop Otter Campus: Helen Girling, Human Resources Manager, [H.Girling@chi.ac.uk](mailto:H.Girling@chi.ac.uk); Charlotte Meneely, Human Resources Manager (Recruitment), [C.Meneely@chi.ac.uk](mailto:C.Meneely@chi.ac.uk); Kevin Botto, HR/Staff Development Officer (for training and/or HR-related advice), [K.Botto@chi.ac.uk](mailto:K.Botto@chi.ac.uk), or the Chief Human Resources Officer, Elisabeth Whitaker, [E.Whitaker@chi.ac.uk](mailto:E.Whitaker@chi.ac.uk).

Further sources of support and guidance for managers and staff are available in the Professional Development Programme, accessed in hard copy and/or via the Human Resources page of the Intranet.

The following list of information is not exhaustive but may provide a good starting point:

- ACAS has a guide for managers and employers on bullying and harassment and a guide for employees: [www.acas.org.uk](http://www.acas.org.uk)
- Guidance on dealing with bullying at work from the Chartered Institute of Personnel and Development website: [www.cipd.co.uk](http://www.cipd.co.uk).

**Procedure for Dealing with Harassment or Bullying – Formal Stage**

This form should only be completed by a member of staff who has read the Dignity at Work and Anti-bullying and Harassment policy and normally has attempted to resolve the situation under the Informal Stage of the policy. There may be exceptions where the formal stage is the first step (e.g. sexual harassment). Please contact Human Resources for further advice/support.

Name: \_\_\_\_\_ Contact details: \_\_\_\_\_ Job Title: \_\_\_\_\_  
 Department: \_\_\_\_\_ Line Manager: \_\_\_\_\_

**What/Who are the allegations about? Please be as specific as possible.**

**Name(s) of any witnesses and contact details/department.**

**What happened?** Please details of the incidents/situations, indicating who was involved and how you responded.

**Please detail the steps taken so far to resolve the issues at an informal stage, where appropriate.**

**What would potentially help to resolve matters for you?**

**Signed:** \_\_\_\_\_ **Dated:** \_\_\_\_\_

Please submit this form under confidential cover to your line manager (unless your manager is the subject of your complaint, in which case the next line manager up). Your complaint will be acknowledged in writing outlining how it will be dealt with.  
*Please use additional sheets if necessary.*