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Dignity at Work: Policy for Dealing with Bullying or Harassment 2022-25

#### Introduction

##### The Policy for dealing with Bullying or Harassment 2022-25 relates to incidents of bullying or harassment and applies to all University staff: academic and professional service employees, managers, members of the Senior Management Team, agency workers, temporary staff, volunteers, contractors, research staff, and students undertaking paid work for the University.

##### This policy should not be used for allegations or incidents of sexual misconduct or sexual assault. The University’s Policy on Sexual Misconduct and Sexual Assault, applicable for students and staff, can be accessed via the Policies and Procedures page of the University’s website.

##### This policy sets out the University’s commitment to supporting a safe and inclusive working and learning environment in which all individuals are treated fairly and with dignity and respect. This policy has three purposes:

###### to assist in developing an institutional ethos in which bullying and/or harassment are unacceptable;

###### to empower individuals to deal with any incidents that occur; and

###### to provide a process whereby complaints relating to bullying and/or harassment may be resolved.

##### 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 does not form part of an employee’s contract of employment and may be amended or updated from time to time.

##### 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 a working climate in which all employees are treated fairly and with dignity and respect. This policy covers:

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

###### Formal Stage Two Pro-forma

###### Dignity at Work Guidance (Appendix A)

###### Questions and Answers (Appendix B)

**Policy for Dealing with Bullying or Harassment**

#### Introduction

##### The Policy for Dealing with Bullying or Harassment 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.

##### 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 UCU or Unison 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.

#### Confidentiality

##### Confidentiality should be respected and maintained by anyone dealing with a complaint of bullying or harassment. 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.

#### Vexatious or malicious complaints

##### Where 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.

#### Joint or collective complaints

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

#### 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.

#### Informal Approach – Stage One

##### It is expected that, initially and where appropriate, complaints of bullying and/or harassment will be resolved informally, at least in the first instance. 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.

##### 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.

#### Bullying

##### Using a trained mediator to resolve issues may also be an appropriate option, providing the opportunity to resolve allegations of bullying and harassment through informal discussion and mediation. It should be noted that mediation may be used at any time during the informal or formal process.

##### 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 Manager will be able to advise on the availability of qualified 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 employee 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

#### In summary, the following options are available to resolve complaints informally:

###### Direct approach by the complainant: this usually involves the complainant outlining to the respondent their complaint with a view to stopping the perceived unwelcome behaviour.

###### Facilitated approach involving a third party: the complainant may request that a third party, for example, a manager, work colleague, an HR lead contact or a Union colleague, facilitates a meeting between them and the respondent to try and resolve the problem.

###### Mediation undertaken by a trained mediator. Any agreement comes from those in dispute and not the mediator.

##### Taking informal action as a first step to resolve issues or concerns is appropriate in most circumstances, but it will not always be possible or appropriate to attempt to resolve a complaint through informal action. In some cases, an informal approach may have been tried and proven unsuccessful and in other cases, the alleged incident(s) may be so serious that it is not appropriate to attempt informal resolution.

##### If an employee has a grievance or a complaint that does not fall under the Policy for dealing with Bullying or Harassment, it should be dealt with under the Grievance Policy. If an employee has a complaint of sexual harassment or sexual assault, this should be dealt with under the Policy on Sexual Misconduct and Sexual Assault.

#### 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 Bullying and Harassment Policy this must be made in writing using the form provided. Complaints made in another format may require further clarification by the recipient. It is the responsibility of managers to investigate any incidents of bullying or harassment that are brought to their attention.

##### Formal complaints must be lodged with the appropriate recipient (i.e. line manager, Head or Director of Department/Institute) not more than **three months** from the date of the incident, or if there have been a number of incidents over a period of time, not more than **three months** from the date of the last incident. Staff are encouraged to raise incidents with their line manager as soon as possible, rather than leaving it for a longer period.

##### The recipient will formally acknowledge receipt of the complaint to the complainant within **five working days** of receipt or as soon as possible thereafter. The acknowledgement should be in writing and the letter will outline the next steps to be taken, information on sources of support, and the name of the investigating manager. The investigating manager will normally be an internal post holder with experience of carrying out workplace investigations.

##### The recipient will formally notify the respondent that a complaint has been made. The letter will confirm next steps, including the name of the investigating manager who will investigate the complaint. The nature of the complaint will be outlined.

##### In circumstances where the alleged harasser or bully is the individual’s line manager, the complaint should be reported to the next most senior manager.

##### The investigating manager will then undertake a formal investigation, which must be carried out with due regard to the need for a 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 confirm to the complainant and the respondent that they can be accompanied by a workplace colleague or Unison or UCU representative at any formal meetings at which the matter is to be discussed.

##### To substantiate the complaint the post holder should be able to supply evidence and will provide the investigating manager dealing with the complaint with any evidence in support of the complaint no later than **three working days** before the investigation meeting. Any additional evidence provided by the post holder after this point or within the meeting itself will be evaluated by the investigating manager, who will consider evidence which is relevant to the complaint. Evidence that is presented, but established not to be relevant to the initial complaint, will be highlighted within the summary outcomes.

##### Where the complainant or the respondent is persistently unable or unwilling to attend a formal meeting, the investigating manager will make a decision on the evidence available, and the post holder will be informed that this is the case.

##### Neither the investigating manager nor the post holder can insist on making an electronic recording of any meeting/interview. Disciplinary action may be taken where illicit recording has taken place.

##### 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.

#### 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 consideration 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 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 contact 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.

##### Where the Vice-Chancellor has reason to believe that there is a risk to the personal safety, either of the complainant or of another person, or where it is believed that a criminal offence has taken place, the Vice-Chancellor or their designate may inform the Police and/or take legal advice, before proceeding with any internal action.

#### Sanctions

##### Bullying and harassment potentially constitute gross misconduct and, therefore, if a complaint is upheld if 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 and inclusive working environment for all concerned where this is possible.

#### 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 them. The investigating manager will be accompanied by a Human Resources Manager or Human Resources Officer 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.

##### The parties have a right to be accompanied (by either a recognised Trade Union representative (UCU or Unison) 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 report which will summarise the findings of the allegations of the complainant. The investigation report will be passed to the Head or Director of Department/Institute (or to the Head or Director of Department/Institute’s line manager if the Head or Director of Department/Institute is involved in the investigation) who should then decide on the course of action to be taken.

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

###### **Complaint not upheld**

###### If it is decided that the complaint is not upheld 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. Where the complaint is not upheld, the Head or Director of Department/Institute will make sure the reasons for this are carefully explained. Where possible, they will meet with the Complainant to talk them through the investigation findings and any recommendations made to resolve the situation, and will write to the Complainant and Respondent and inform them of the decision.

###### **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 or Director of Department/Institute may address the situation through supervisory processes including counselling, advice, coaching, instruction, training and/or support. In such cases the Head or Director of Department/Institute must make it clear to the employee that their behaviour is unacceptable and that further similar instances will lead to disciplinary action being taken under the Disciplinary Policy.

###### **Disciplinary action**

###### Where an investigation report concludes that there is sufficient evidence of unacceptable conduct and the complaint is upheld, the Head or Director of Department/Institute will write to the Complainant and Respondent within **five working days** of receiving the investigation report, or as soon as possible thereafter. The Head or Director of Department/Institute will advise that the matter has been referred to the disciplinary process. Where it is 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 and arrangements will be made for this to take place.

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

#### Appeals process – Stage Three

##### Where the complainant is not satisfied with the outcome of their complaint and they wish to appeal, they should set out the grounds for their appeal in writing. The appeal should be sent to the Chief Human Resources Officer within **five 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, usually within **ten working days** from the date of the appeal letter submitted, unless a delay is unavoidable or another timescale is agreed. Appeals will be undertaken by a review panel comprising a Head or Director 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.

##### An appeal hearing should be arranged as soon as possible by the Chief Human Resources Officer or a Human Resources Manager. The Panel will receive the full set of documentation that was available to the investigating manager. The complainant will receive the same documentation.

##### The complainant will be informed of the date, time and place of the appeal hearing. A Human Resources Manager or Human Resources Officer will provide impartial advice during the appeal hearing. Employees are entitled to be accompanied by a Unison or UCU trade union representative or a work colleague. The complainant should advise whether the Chair of the panel should copy the post holder’s representative into relevant documentation/communications.

##### The appeal panel may change the decision of the investigating manager in relation to the outcomes of the investigation. The outcome of the appeal may therefore impact on the recommendations made by the original investigating manager and any action already taken as a result of those recommendations may also need to be reviewed.

##### The decision of the appeal panel should be provided in writing as soon as possible, explaining the reasons for the decision, normally within **five working days** of the appeal hearing unless another timeframe is agreed.

##### The decision of the appeal panel will be final and there is no further right of appeal.

**Policy for dealing with Bullying or Harassment – Formal Stage notification**

**(Formal Approach – Stage 2)**

This form should only be completed by a member of staff who has read the Policy for dealing with Bullying and Harassment and Dignity at Work guidance and has attempted to resolve the situation informally under the Informal Stage of the Policy.

**Name:**

**Contact details (office and mobile contact numbers and email):**

**Department/Institute:**

**Line Manager:**

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| **Indicate the steps you have taken so far to resolve your concerns/complaint and the actions you have taken under Informal Approach Stage One:** |
| **Indicate why it was not possible for you to resolve your complaint at an informal stage:** |
| **Outline the nature of your complaint providing a description of the reasons for your complaint. Provide details of the incident/situation. Indicate dates/timing and who was involved and how you responded.**  |
| **Provide details of any witnesses to the complaint:** |
| **Indicate remedy sought – indicate the outcome you are seeking as a result of pursuing a formal complaint through the Policy for dealing with Bullying and Harassment:** |
| **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.*

**Dignity at Work Guidance (Appendix A)**

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

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| **Rights**  | **Responsibilities**  |
| 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, unconscious bias and other matters. | To actively engage with training in relation to dignity at work and behavioural expectations around inclusivity, unconscious bias and other matters. |

#### 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 Bullying and Harassment Policy.

##### Review and amend the Bullying and Harassment Policy as necessary.

#### 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.

##### Questioning whether an applicant is suitable 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.

##### Creating barriers for disabled people to carry out their roles as effectively as others.

###### **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.

#### 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.

##### 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, copying in team members or staff unnecessarily

##### 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)

##### 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.

##### 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

##### 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:

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| **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  |

##### 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:

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| **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 (2022-25).

##### 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

#### 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.

#### 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

**Questions and Answers (Appendix B)**

**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 Manager for help at this stage, or seek advice through your UCU or Unison trade union representative.

**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 Manager 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, UCU or Unison representative or a trained University mediator.

**How will the Policy for dealing with Bullying or Harassment be communicated?** The policy will be communicated to all staff via internal publications on the Human Resources page of the Staff Intranet and the University’s policies and procedures page of the website.

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

An employee who feels that they have been harassed or bullied has a right to seek redress via the Bullying and Harassment Procedure.

**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’ Finance & 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**

* Policy for dealing with Sexual Harassment and Sexual Assault
* Grievance Policy
* Disciplinary Policy
* Policy on Managing Stress at Work

**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: Chief Human Resources Officer, Elisabeth Whitaker, E.Whitaker@chi.ac.uk, Helen Girling, Human Resources Manager, H.Girling@chi.ac.uk; Charlotte Meneely, Human Resources Manager (Recruitment), C.Meneely@chi.ac.uk; Kevin Botto, HR/Professional Development Manager, K.Botto@chi.ac.uk.

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. Training is available.