

# Dignity at Work & Study Policy for Staff & Students

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**Section: Human Resources**

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## 1. Introduction and Scope

This Institute is committed to providing a working and studying environment for all its staff and students that is comfortable and free from all forms of bullying and harassment. The Institute adopts a zero-tolerance approach towards bullying and harassment and any employee or student who is found to have harassed or bullied a colleague or fellow student will be subject to disciplinary action, up to and including summary dismissal.

If the Institute has grounds to believe that an employee or student may have been bullying or harassing another employee or student, whether or not there has been a formal complaint, the institute will instigate an investigation into the alleged bullying or harassment.

Any employee or student who believes that another employee's or student conduct amounts to bullying or harassment has the absolute right to complain to the line manager, course leader or human resources. Furthermore, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer/student, client or supplier.

Employees are encouraged to report any incidents of bullying or harassment that they experience or witness so that the Institute can investigate and resolve the matter. The organisation will take all such complaints seriously and an employee who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

### **1.1 The aims of this policy are to:**

- provide definitions of harassment, bullying and hate incidents,
- raise awareness of the effects of harassment, bullying and hate incidents on individuals,
- provide procedures and mechanisms for reporting and addressing reports of harassment, bullying and hate incidents.

1.2 Metanoia Institute has a responsibility, not only to foster good relations between people of the same and different groups, but also to eliminate all forms of harassment and discrimination.

1.3 There is an expectation that all members of the Institute community will uphold the principles of treating each other with dignity and respect as set out in this policy which applies to:

- all members of staff,
- all registered students,
- others not directly employed by the Institute (including visiting academics, external contractors and their employees, and wholly owned or majority owned subsidiary companies),
- all visitors to the Institute.

## **2. Definitions**

This section defines the terms harassment, including sexual harassment, hate incidents, bullying and victimisation and provides examples of the types of behaviour to enable staff and students to make an informed judgement about whether a particular behaviour or incident falls within the scope of the policy.

Whilst there is a legal definition of harassment, there is no legal definition of bullying. For the purposes of this policy, all forms of harassment and bullying are considered unacceptable and will be dealt with appropriately. For the purpose of the application of this policy therefore, the terms are used interchangeably.

### **2.1 Harassment is defined under this policy as:**

Unwanted behavior towards anyone which has the purpose or effect of violating someone's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment.

2.1.1 Harassment may occur where an individual or group is targeted on the grounds of:

- an actual protected characteristic, for example, a disabled person,
- a perceived protected characteristic, for example, a manager decides not to support the advancement of a member of staff because they believe they have a disability,
- a person who is linked to one of the protected characteristics via association, for example, a student who has a disabled child is not allowed to attend a graduation ceremony because of fears about the child's behaviour.

2.1.2 Harassment may be a single event, sporadic events or a continuing pattern and includes behaviour via any means including verbal, non-verbal, physical, written or by means of electronic communication including social media.

2.1.3 In considering reports of harassment, the following will be considered:

- whether there has been a previous pattern of behaviour, and over how long a period this has been the case,
- how the individual(s) concerned have dealt with this in the past,
- the fact that previous similar behaviour may have been ignored or apparently tolerated does not automatically mean that consent was given or that the behaviour was acceptable or appropriate.

2.1.4 Examples of behaviours that may amount to harassment under this policy include but are not limited to the following:

- derogatory name-calling,
- derisory remarks, verbal abuse, insults and threats,
- ridicule or belittling of an individual,
- tone of voice such as shouting, raising one's voice unnecessarily or inappropriate or intimidating body language,
- repeated gibes in respect of personal traits or appearance, practical jokes or invasions of privacy, any or all of which may cause physical or psychological distress,
- verbal or practical 'jokes' which mock, offend or cause distress to individuals or groups,
- deliberately using the wrong gender pronoun or the birth name of a trans person, known as mis-gendering or dead-naming,
- exclusion from normal workplace / academic conversations or activities, and social events,

- unfair allocation of work and responsibilities.
- 2.1.5 In addition, factors that affect the creation of an offensive or hostile environment may include the balance of power, seniority, gender, race and cultural background of the individuals involved.
- 2.1.6 Harassment (or bullying) may not be deliberate or intentional. In some cases, the person against whom a report has been made may be unaware that their behaviour is having a detrimental impact on another person, has caused offence or has been interpreted in a particular way.
- 2.1.7 What one individual may consider as acceptable behaviour may be unacceptable to another person. Therefore, the perception of both parties should be considered as well as the impact on the person(s) reporting when investigating the report.
- 2.1.8 Whilst the perceptions and experiences of an individual who makes a report in good faith will be respected as genuine, they may not always lead to a report being upheld.

### **Sexual Harassment**

2.1.9 Sexual harassment is defined under this policy as:

An incident where a person engages in unwanted conduct of a sexualised nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment

Sexual harassment may occur between members of the same sex or of the opposite sex. It can be a single incident that may or may not be directed at an individual but may be witnessed or overheard by a third party. It may be carried out by an individual who is in a position of authority over another or to undermine the position of authority of another.

2.1.10 Examples of unwanted conduct of a sexualised nature include a range of behaviours that are not limited to the following:

- sexual comments, gestures or jokes,
- leering, staring or suggestive looks which are unwanted or unwelcome once someone has made their disinterest clear,
- unwanted touching, hugging or kissing,
- unwanted sexual advances, attention and demands for sex,
- making promises in return for sexual favours,
- intrusive questioning about a person's private sexual activity and sharing own sexual activity, which is unwanted,
- displaying sexually graphic pictures, posters or photographs, including those in

- electronic forms such as computer screensavers or posts/contacts on social media,
- sending sexually explicit emails or text messages which are unwanted,
  - sharing sexual images of another person without their consent- often referred to as revenge porn,
  - other behaviour, including offensive communications.

In addition, misogyny, which differs from harassment, defines sexist attitudes and ideology forming the basis of prejudice or discrimination towards women.

## **Bullying**

2.1.11 Bullying covers a range of behaviours and may often - but not always - be committed by a person in a position of authority. Bullying may be carried out by one individual against another, or could involve groups of people (for example a group of colleagues against one member of staff or against another group of colleagues)

Bullying may be broadly defined as behaviour which is:

- Usually persistent,
- Unwarranted and unwelcome,
- Offensive, intimidating, humiliating, malicious or insulting.
- It undermines another's confidence, reducing feelings of self-esteem and self-worth.

2.1.12 Bullying may be verbal, non-verbal, physical or by another means of communication including electronics. Examples of behaviours that may amount to bullying include but are not limited to:

- physical or verbal abuse, including threats,
- psychological intimidation, humiliation, excessive and/or unreasonable criticism,
- unjustifiable removal of areas of responsibility,
- ostracism,
- setting unreasonable and unrealistic workplace goals/targets,
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner; threats of academic failure; public sarcasm and humiliation.

2.1.13 It should also be noted that in a workplace situation proportionate, constructive and fair criticism of a member of staff to address performance concerns will not be considered to be bullying. Likewise, workplace practices such as reallocation of responsibilities and associated changes, and circumstances such as competing pressures of work and spikes in workload will not generally be considered to be harassment or bullying

## **Cyber Bullying**

2.1.14 Cyber bullying is a form of bullying which takes place online via social networking sites, messaging apps, gaming sites and chat rooms. It involves sending offensive, hostile, rude, insulting or threatening messages or sending fake information about another person that is damaging and untrue.

## **Hate Incidents and Hate Crimes**

2.1.15 Hate incidents are incidents which appear to the individual, groups or anyone else to be based on prejudice towards them because of their race, religion, sexual orientation, disability or transgender identity. Examples of hate incidents are verbal abuse, intimidation, abusive phone calls, online abuse, graffiti or threats of violence.

Hate incidents include:

- Antisemitism - discrimination, prejudice or malicious acts against individuals, communities or organisations because of their Jewish identity
- Bi-phobia - discrimination, prejudice or abusive behaviours towards bisexual people;
- Disablism - discrimination, oppression or malicious acts towards individuals with a physical, learning or mental health disability.<sup>8</sup>
- Homophobia - umbrella term defining discrimination, prejudice or malicious acts towards lesbian, gay, bisexual, queer or questioning people;
- Islamophobia - discrimination, prejudice or malicious acts against individuals, communities or organisations because of their Muslim identity;
- Racism - the discrimination, prejudice or malicious acts towards individuals or communities because of skin colour, ethnicity, nationality, language, customs or practices or place of birth;
- Transphobia - umbrella term defining discrimination, prejudice or malicious acts towards trans people and gender identities.

2.1.16 Where there is an overlap with criminal law, a hate incident may also be a criminal offence and if so, is referred to as a hate crime. Hate crimes denote criminal acts such as assault, harassment, sexual offences, criminal damage and hate mail, which is perceived to be motivated by hostility or prejudice based on race, religion, sexual orientation, disability or transgender identity.

2.1.17 Hate speech (which differs from verbal abuse) is a subset of a hate crime and is described as an offence for using "threatening, abusive or insulting words or behaviours, or displaying writing, signs or other visual representations that causes or is to cause another person harassment, alarm or distress may also be deemed a criminal

offence.

## **Victimisation**

2.1.18 Victimisation is defined in this policy as being:

- Where someone is treated less favourably because they have taken or intend to take action under this Policy.
- Where someone is supporting a colleague, who has taken or intends to take action under this policy this extends to the individual who is supporting the reporting party.

### **Examples of victimisation:**

- Penalising someone by excluding them from work activities because they have made a report of harassment or bullying.
- A student makes a report alleging that their tutor has made discriminatory remarks and as a result they are ignored by other staff members.

## **3. Confidentiality**

3.1 All evidence provided under this policy and procedure will be treated in a sensitive and confidential manner. Information will be shared on a need-to-know basis, including as appropriate with the reported staff member. Unnecessary disclosure of such allegations may result in disciplinary action. The Institute and all those involved in following this policy and procedures will comply with the principles of the GDPR (General Data Protection Regulation).

3.2 As part of the investigatory process the identity of the individual(s) providing the evidence may have to be revealed and, as appropriate, they may be requested to make a statement and/or attend an investigatory interview or be part of a fact finding process.

## **4. Anonymous Reporting**

4.1 Individuals raising a report are encouraged to identify themselves. Typically, information from reports made anonymously will only be used to monitor the levels of incidents across the Institute. However, depending on the seriousness of the issue, the credibility of the concern, and importantly, any evidence available in an anonymous report and the likelihood of being able to investigate the matter, the Institute may investigate an anonymous report and confirm the information from alternative sources.

## **5. Reports Made in Good Faith**

5.1 This policy is intended to promote a consistent approach in handling reports that are

made in good faith.

- 5.2 No action will be taken if a report which, following an investigation, proves to be unfounded and is judged to have been made in good faith. If there is evidence that allegations of harassment or bullying have been made vexatiously, that false information has been provided or that the person making the report has otherwise acted maliciously, appropriate action may be taken against them under this policy or under the relevant disciplinary procedures.

## **6. Counter Reports**

- 6.1 It is acknowledged that counter-reports of harassment, bullying and hate incidents sometimes arise when a report is made. In the event that a report gives rise to counter-reports, where appropriate, these should be considered at the same time as the original report, as an independent report.

## **7. Collective reports of Harassment, Bullying and Hate incidents**

- 7.1 Reports that are brought by more than one individual about the same issue, will be considered on a case by case basis depending on the nature of the report.
- 7.2 The same procedure will apply and, where necessary, such reports will be investigated by one Investigating Officer to ensure consistency of approach.
- 7.3 Each individual member of the collective report must provide specific details of the incident(s) as it relates to them personally. It should be noted that investigations involving a collective report are likely to take longer to investigate and therefore the indicative timescales may need to be extended.

## **8. Procedure for dealing with reports of harassment, bullying and hate incidents against Institute staff**

*Please see the Grievance Policy available from HR.*

## 9. Procedure for dealing with reports of harassment, bullying and hate incidents against students.

*Please see the complaints policy from Quality.*

## 10. Support

Wherever possible, the Institute will try to ensure that the employee or student complaining of harassment or bullying, and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving the employee or student complaining of harassment or bullying the option of working from home, where possible or remaining at home on special leave, if agreed. In the case of serious allegations, the Institute may suspend any employee or student (as a last resort) who is under investigation for harassment or bullying for a temporary period while investigations are being carried out and disciplinary proceedings are underway. Such suspension will be for as short a time as possible and will be on full pay for staff. Suspension in these circumstances does not constitute disciplinary action. Students will be sent class notes if teaching has already taken place.

As soon as possible following the conclusion of the investigation, the Institute will inform the employee or Student suspected of bullying or harassment as to the outcome. The Institute will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee or student. Any disciplinary proceedings will, where possible, be conducted by a different manager from the person who conducted the investigation.

If informal action does not succeed in resolving the report or would not be appropriate given the seriousness of the report, the Institute may consider whether 1 or more of its procedures may be appropriate for it to be referred to.

Staff may access the Employee Assistant Programme (EAP), the Academic Director or HR for extra support. Students with disability may contact the Disability Officer and in general may contract their line manager or the Head of HR.

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