

## **POLICY ON HARASSMENT AND BULLYING IN THE WORK PLACE**

### **Introduction**

1. The University of Bolton is committed to a policy of equality of opportunity and aims to ensure that no University of Bolton employee, student or visitor is subject to harassment or bullying of any nature in the teaching, learning, or working environments and that they are treated with dignity and respect. The University also expect sub contractors working on the University of Bolton premises to abide by the principles of this policy and supporting procedures. The policy and procedures seek to encourage staff, students and visitors to come forward with their concerns so that they can be dealt with promptly, impartially and with sensitivity.
  
2. The University will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Also the University will not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.
  
3. Harassment is:
  - Unwanted conduct related to a protected characteristic such as gender, sexual orientation, gender re-assignment or transgender status, age, ethnicity or race, religion or belief, or disability (but excludes marriage and civil partnership, and pregnancy and maternity) or any other personal characteristic or quality which:
  - Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
  - Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.
  - Harassment can be directed at an individual or a group. Any form of harassment is unwelcome and unwanted and is both stressful and intimidating for the victim.

4. Bullying is:
  - Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which undermines, humiliates or injures the person on the receiving end.
5. Bullying or harassment may be misconduct which is physical, verbal or non-verbal, e.g. by letter, e-mail or social networking media.
6. Bullying or harassment relating to a protected characteristic (see paragraph 3 and 4) is unlawful discrimination, even if it is by association or perception.
7. **Direct discrimination** occurs when a person treats one person less favourably than they would another because of a protected characteristic. For example, a manager only shortlists male job applicants for an interview because they assume women will not fit in.
8. **Associated discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (excluding marriage and civil partnership). For example, an employee is overlooked for promotion because their partner has undergone gender re-assignment.
9. **Perspective discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not have that protected characteristic (excluding marriage and civil partnership). For example, an employer decides not to promote a female employee because senior staff believe her to be pregnant irrespective of whether she is pregnant or not.
10. **Indirect discrimination** occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. For example, University bookshop asks all staff to work Saturdays, John who is Jewish refuses to work the Saturday shift so as not to break the Sabbath. The bookshop cannot accommodate the request and dismisses John.
11. **Victimisation** is deliberately treating someone less favourably than others because he/she has complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint. This would include isolating someone because he or she has made a complaint. For example, a blind employee raises a grievance that the employer is not complying with its

duty to make reasonable adjustments, and is then systematically excluded from all meetings.

12. **Mediation** is a process where a neutral person, the mediator, works with people who have a disagreement to help them to find their solution and reach an agreement that will assist them to resolve their problem, improve the situation or enable them to work together effectively. The mediator does not take sides or judge who is right or wrong. The process is voluntary and both sides would have to be in agreement to participate. The staff grievance procedure contains details of when mediation may be considered appropriate.
13. Any form of discrimination, bullying harassment or victimisation that is proven, after a formal hearing, will be treated as a disciplinary offence.

### **Policy statement**

14. This policy applies to staff, visitors and contractors.
15. It also applies to any student, visitor or contractor who is alleged to have discriminated against, harassed or bullied a member of University staff. This is known as **Third Party Harassment**.
16. This policy does not apply to students who are making a complaint of discrimination, harassment or bullying. In this instance the Student Harassment and Bullying Policy applies. The Student Harassment and Bullying policy is available from Student Services or from [www.bolton.ac.uk/Students/PoliciesProceduresRegulations](http://www.bolton.ac.uk/Students/PoliciesProceduresRegulations)
17. Implementing of this policy will be by:
  - Publicising the policy throughout the University of Bolton to staff, students, visitors and contractors.
  - Providing specialist training for managers to raise awareness and to deal with harassment and bullying issues.
  - Provide access for alleged staff complaints to seek advice and support through the University's Employee Assistance Programme provider.
18. Staff have a right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, appraisal, pay or remuneration, assigned work, or any other condition of employment or career development;
- Demeaning comments about a person's appearance;
- Unwelcome jokes, comments or unwanted nicknames related to a protected characteristic;
- The use of obscene gestures;
- Spreading malicious rumours or insulting someone by word or behaviour;
- Copying memos that are critical about someone to others who do not need to know;
- Ridicule or demeaning someone;
- Picking on someone or setting him or her up to fail;
- Making threats or comments about someone's job security without good reason or reasonable foundation;
- Isolating someone or excluding someone from social activities e.g. when organising an office social event.

19. The University will treat all complaints of harassment and bullying seriously and will investigate them promptly and sensitively.

### **Responsibilities of staff**

It is the individual's responsibility to ensure that:

- They behave in a way that is lawful and acceptable and does not cause offence, humiliation, embarrassment or distress.
- If they perceive they are being harassed or bullied should act promptly and should not wait until working conditions reach an intolerable level or their well-being is jeopardised.
- If they witness bullying, harassment or any incidents of unacceptable behaviour they should not ignore it. They should intervene or if they are not confident to do so, should contact their line manager for advice.
- Where it is the case that the behaviour of the line manager that is causing concern, to contact the next level of authority.
- That other employees, students, visitors and contractors are treated fairly and in accordance with the University of Bolton's core values identified in this policy and ensure that they do not harass or bully others.
- Understand that it is perfectly proper that their performance is evaluated by managers against fair and objective performance indicators that are not open abuse or misuse.

- Any complaints are made in good faith, are true and not vexatious or for personal gain.
- They participate in harassment and bullying awareness training.

### **Responsibilities of line managers:**

- To deal appropriately with any complaint of harassment/bullying, using the University's agreed procedures e.g. Staff Grievance or Staff Disciplinary Procedures as appropriate or if a student has been found to have harassed a member of staff, visitor or contractor follow the Student Disciplinary Procedures.
- To ensure that employees are treated fairly, in a manner that does not cause offence, humiliation, embarrassment or distress.
- To ensure that employees are treated fairly, in a manner that does not cause offence, humiliation, embarrassment or distress.
- To ensure that employees are trained in how to deal with harassment and bullying issues.
- To watch for signs of bullying by others, be aware of what is unacceptable behaviour.
- To act as a source of advice.
- Line managers who witness a bullying or harassment incident should not ignore it and should follow the University's procedures e.g. Staff Disciplinary Procedure.
- To maintain an appropriate relationship between colleagues, students and visitors based on professional ethical principles.
- To judge performance based on fair, objective and measurable criteria.
- To ensure that they and their staff participate in harassment and bullying awareness training as appropriate.

### **Responsibilities of Personnel Service staff:**

- To give appropriate advice to staff who make a complaint of harassment or bullying and ensure they are made aware of any support available.
- To support line managers in dealing with harassment or bullying complaints and investigations.
- To ensure all cases are dealt with on a consistent and fair basis and are objectively assessed.
- To ensure that all line managers are trained in dealing with harassment and bullying in line with the procedures.

### **The process to be followed after an incident**

20. Before raising a formal complaint, a member of staff is encouraged in the first instance to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is

genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. The member of staff should make a note of any action that they have taken including dates and times.

21. If, however, the member of staff feels unable to take this course of action, or if he/she has already approached the person to no avail or if the harassment is of a very serious nature, they should raise a formal complaint.
22. Where the method detailed in sections 20 and 21 above fails to resolve the harassment or bullying or serious harassment or bullying occurs, the next course of action available to the employee is to raise a formal grievance using the University of Bolton's Staff Grievance Procedure for the complaint to be investigated. Further details of the Staff Grievance Procedure can be obtained from Personnel Services or can be downloaded from the University website on [www.bolton.ac.uk/Governance](http://www.bolton.ac.uk/Governance).
23. It is established that an employee has made a deliberately false, malicious or vexatious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.
24. Staff need to be aware that once they make a complaint in writing, which includes email, the University will treat this as a formal complaint under the Staff Grievance Procedure.

#### Equality Impact Assessment

25. An Equality Impact Assessment (EIA) has been completed on this policy.
26. The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to the protected characteristics of race, sex disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity.
27. All University policies are subject to periodic review under the equality impact assessment process.

#### Monitoring and Review

28. This policy will be monitored to judge its effectiveness and updated in accordance with changes in the law via the Equality and Diversity Committee.

## Other Policies and Procedures

- Equal Opportunities Policy
- Staff Grievance Procedure
- Student Harassment and Bullying Policy
- Student Complaints Procedure
- Staff Disciplinary Procedure
- Stress Policy

### Dissemination of and Access to the Policy

29. This policy will be published on the University of Bolton's website to be available to all staff, students, visitors and contractors.

<b>Policy on Harassment and Bullying in the Work Place</b>	
Procedure Ref	
Version Number	9
Version Date	October 2013
Name of Developer/Reviewer	Sarah Bailey
Procedure Owner (School/Centre/Unit)	Personnel Service
Person responsible for implementation (post holder)	Director of HR Strategy and Personnel
Approving Committee/Board	Executive Board
Date approved	
Effective from	1 October 2010 (Equality Act)
Dissemination Method (e.g. website)	Personnel web pages – staff and students
Review Frequency	Annually
Reviewing Committee	Equality and Diversity Committee
Document History (e.g. rationale for and dates of previous amendments)	To update the policy to reflect the Staff Grievance Procedure and changes in the Equality Act and definition on harassment and discrimination

Harassment and Bullying in the Workplace Procedure

