



UNIVERSITY OF HULL

BULLYING AND HARASSMENT POLICY AND PROCEDURE

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University of Hull - Policy and Procedure for Dealing with Bullying and Harassment

1. **Introduction.** The University of Hull is committed to promoting a diverse and inclusive community, which offers equality and opportunity for all by eliminating unlawful discrimination, advancing equality of opportunity and promoting respectful relations on campus¹. The Policy and Procedure for Dealing with Bullying and Harassment is one of a number of University policies designed to protect the student and staff population from unlawful and unacceptable behaviour.
2. The University requires all staff and students to respect the rights and dignity of others. Staff and students are required to refrain from unwanted physical, verbal and non-verbal conduct, bullying and any other conduct which denigrates, ridicules, intimidates or is physically abusive of an individual or group. Bullying or harassment will not be permitted or condoned by the University. Staff and students have a right to complain should it occur. In the event of failure to adhere to the University's requirements disciplinary action may be a consequence of any reported or alleged activity that constitutes behaviour of bullying or harassment.
3. It should be borne in mind that anyone found responsible for harassment may also be held personally liable should the person who has been harassed undertake legal proceedings. Some forms of harassment may be criminal and punishable by prison sentences and fines. Where the University believes this to be the case it will not hesitate to inform the appropriate authority.
4. **Purpose.** The purpose of this policy is to state the University's position on bullying and harassment, to raise awareness amongst the University staff and student community of behaviour that would be considered bullying or harassment, and to provide guidance on informal and formal means of dealing with bullying or harassment behaviour when it occurs.
 - 4.1 This policy applies to all registered students of the University, students on a leave of absence, external resit students, research students, all members of University staff, including honorary staff and all visitors to the University.
 - 4.2 Copies of this policy are available on the University website through Human Resources Directorate or the Equality, Diversity and Inclusion office (or in hardcopy format from Human Resources, Equality, Diversity and Inclusion office, Registry and Student Services).
5. **Harassment.** Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it. For the purposes of this policy, the University will use and apply the following definition of harassment as being - unwanted conduct related to a protected characteristic which has the purpose or effect of:

- Violating a person's dignity; or

¹ Public Sector Equality Duty - requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

- Creating an intimidating, hostile, degrading, humiliating or
- Creating an offensive environment for them².

5.1 Harassment may take place for any number of reasons. A person may be subjected to harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the alleged harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that harassment can occur in less obvious scenarios and outside of traditional power relationships. For example a staff member could be harassed by a student or a manager by a member of staff. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment by association) or it is directed at them but they do not have the protected characteristic but are perceived to have it (harassment by perception).

6. **What Constitutes Harassment?** As the definition of harassment makes clear, any behaviour that is unwanted and could reasonably be considered as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially harassment. Typically, for behaviour to be considered harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute harassment.

6.1 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages and graffiti. It may be expressed directly to the complainant, occur in their presence or be communicated about them to a third party. Often harassment is targeted at a particular individual. However, a prevailing workplace or learning culture, where, for example, the telling of racist jokes or homophobic comments is tolerated, can also constitute harassment³.

6.2 Harassment related to the protected characteristics⁴ as set out in the Equality Act 2010 is unlawful.

7. **Responsibilities.** Line managers have the responsibility to make reasonable requests of staff in an appropriate way. The proper and efficient conduct of the University's business cannot in itself constitute harassment. However, all staff are required to maintain good standards of conduct in their dealings with each other and to take note that harassment as defined above may not be used in the conduct of the university's activities, including work-based social activities.

² Section 26 of the Equality Act 2010.

³ Behaviour amounting to Harassment may include: Insults, name-calling and offensive language and gestures. Inappropriate jokes. Ridiculing and undermining behaviour. Inappropriate or unnecessary physical contact. Physical assault or threats of physical assault. Intimidating, coercive or threatening actions and behaviour. Unwelcome sexual advances. Isolation, non-cooperation or deliberate exclusion. Intrusive questions or comments about a person's private life and malicious gossip. Offensive images and literature. Pestering, spying or stalking.

⁴ The protected characteristics: Age, disabilities, race, sexual orientation, religion or belief, marriage and civil partnerships, gender re-assignment, sex and pregnancy and maternity.

7.1 Issues raised under this policy must be done so in good faith. The University will seek to deal with matters raised in a timely way. Individuals should note that in invoking the policy the issues identified will be raised with relevant members of staff, including the individual(s) concerned. This will be done as soon as reasonably practicable.

7.2 The University recognises harassment is distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst staff and students will clearly hold a range of views on a variety of issues, they would be expected to treat all members of the University community with dignity and respect and ensure that the expression of their views do not manifest in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

Examples of types of harassment are found at Appendix 1.

8. **Bullying.** Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient⁵. Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, as an example, a member of staff may be bullied by a student or a manager by a member of staff.

9. **What Constitutes Bullying?** Behaviour generally accepted as amounting to bullying includes:

- Ridiculing a person, shouting or screaming at a person.
- Setting someone up to fail, for example, withholding necessary information or deliberate work overload.
- Unwarranted or invalid criticism and criticism that lacks the necessary constructive support to help the recipient improve their performance.
- Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual.
- Making threats or comments about job security or academic success or failure without foundation.

9.1 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University.

9.2 When considering allegations of bullying, the University will apply the test of 'reasonableness' to determine if bullying has taken place. The test will be applied as outlined in paragraphs 8 and 9 above with due regard in particular to the perception of the complainant and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the complainant.

⁵ ACAS - Bullying and Harassment at Work: A Guide for Managers and Employers.

9.3 Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

9.4 What to do if you feel you are being harassed or bullied by others – Appendix 2.

10. **Addressing Harassment or Bullying and Sources of Support**

10.1 The University encourages staff, students and visitors to take action against harassment or bullying using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

10.2 If a person believes they are being subjected to harassment or bullying it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. It is, however up to the complainant to decide how they wish to proceed. Staff or students may approach University Dignity and Respect Advisers (DARA), a Trade Union representative and/or a colleague to raise their concerns in the first instance.

10.3 Whichever approach is chosen, it is recommended that a written record of any incident of Harassment is made as soon as possible after an incident occurs. The DARA or Trade Union representative and/or colleague will make a record of the incident and offer support to staff or students who believe they are being harassed or bullied. This should be signed, dated and kept for future reference and should include: Details of when and where the harassment took place, including dates and times. Details of the behaviour and details of any witnesses to the behaviour.

10.4 DARAs and Trade Union representatives can provide guidance on the informal and formal options available and assist individuals in thinking those options through whilst DARAs are volunteers with limited training they offer a confidential and supportive role in any incident of harassment and bullying.

10.5 Staff may also wish to make an appointment with their Union representative.

11. **Informal Procedures for Addressing Harassment or Bullying**

11.1 If a person believes they are being subjected to harassment or bullying there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures.

11.2 Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need

for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. In the first instance the individual may approach a third party, for example, DARA, Trade Union representative, Equality, Diversity and Inclusion office or HR adviser who may recommend mediation or act as an appropriate person who could act as a third party intervention on behalf of the complainant. Third party intervention, for example the DARA or mediator, would seek to resolve the situation quickly and with minimal disruption through mediation.

12. **Mediation** The University's independent mediation service is available to members of staff seeking to resolve issues in an informal way. The University encourages individuals to engage with this process as far as possible and as soon as possible.

12.1. Whilst it may be possible to resolve some cases of harassment and bullying informally this may not always be the case. Where it has not been possible to resolve matters through the informal route, or where the matter is too serious to be considered informally, either the individual concerned or the University may invoke the University's policies and procedures on grievance and discipline.

13. **Formal Procedures for Addressing Harassment or Bullying** If informal methods do not resolve the matter, or if the harassment is particularly serious, a formal allegation of harassment or bullying should be submitted.

13.1 Formal allegations of harassment or bullying should be made in writing and include:

- The complainant's personal details (including staff or student ID number).
- An outline of the allegation (including dates, times and places) and details of the alleged harasser.
- Details of any witnesses and details of any informal attempts which have been taken to resolve the situation and the outcome(s).

13.2 Members of staff should address their letter in accordance with the requirements of the relevant formal grievance procedure. This is whether their allegation is against a member of staff or a student. Formal complaints for staff and students are made under the relevant complaints procedure and will involve a formal investigation into the allegations.

13.3 Further guidelines are provided at Appendix 2 for the person accused of harassment or bullying and any witnesses to the alleged harassment or bullying behaviour.

14. **Reasonableness** On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. The intention of the person engaging in the behaviour – whether or not they meant to harass – is not a primary factor in determining if harassment has taken place.

14.1 When considering allegations of harassment, the University will therefore apply a test of 'reasonableness' to determine if harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the complainant, could the behaviour in question 'reasonably be considered' to cause harassment, e.g. could it reasonably be considered to: violate the complainant's dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment for them.

15. **Electronic bullying and the use of Social Media** (Blogs, Wikis, Forums, Email). Electronic bullying is a term used to refer to bullying through electronic media. In sending emails all staff and students should consider the content, language and appropriateness of such communications.

15.1 The use of social media for appropriate purposes is the norm in any societal setting. The University's general conditions of use of computing and network facilities must be followed. The following guidance is also relevant for both students and staff:

- Avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on an individual will be much the same.
- Avoid forming or joining an online group that isolates or victimises students or colleagues.

If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

16. **Victimisation** Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes they have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.

16.1 Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.

16.2 Victimisation is unlawful under harassment and discrimination legislation and will be treated as a form of harassment under this policy.

17. **Hate Crimes** The University accepts the following definition of hate crime and intolerance, put forward by Universities UK and the Equality Challenge Unit:

‘Crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence.’

17.1 The University reaffirms its belief that the diversity of its staff and students is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.

17.2 Any hate crime will be treated as a form of harassment under this policy and the University reserves the right to report incidents to the police, where it believes and act may constitute a criminal offence.

18. **Rehabilitation** Serious cases of harassment or bullying may result in dismissal. Where the misconduct is less serious, however, it may be sufficient for the harasser or bully to commit to participating in awareness training or be assigned a mentor, to not reoffend, and to be warned as to their future conduct.

18.1 Sometimes it will be considered not to be appropriate for the harasser and the person who has been harassed to continue working in close proximity. In such cases, it will, wherever possible, be the university’s practice to relocate the harasser rather than the person who makes the complaint.

19. **Communication and Training** The University aims to raise awareness for all staff on their rights and responsibilities under this policy. Training will be provided to managers to ensure that they gain the knowledge, skills and experience necessary to be able to operate the University’s policy and relevant legislation effectively, and to disseminate it to staff. Bullying and harassment awareness training is included in induction training for new starters.

20. **Data protection** The information collected in the course of following this policy will be used for the purposes of ensuring that the University’s equality objectives are met and to ensure that the University’s duty of care to a member of staff is maintained. Data will be stored only on an individual’s central HR file. Only staff who need the information in order to carry out the duties of their post will have access to this data. The information will be kept for the life of those records, details of which can be found in the policy on data protection for members of University staff.

20.1 The University will not pass personal information directly to any representatives who may be assisting a member of staff, unless a written instruction to do so is received from that member of staff.

21. **Monitoring.** The effectiveness of this policy will be ensured by continuous monitoring, annual review and consultation with staff groups. The results of the monitoring process will be published.

21.1 It will be the responsibility of the HR Director with support from the Head of Equality, Diversity and Inclusion and other Human Resource staff to monitor the effectiveness of this policy. This will include

- Assessing the nature and frequency of complaints or cases and identifying any patterns which need to be addressed.
- Monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs.
- Monitoring and evaluating the confidential advice provision to enable the development of best practice.

21.2 The operation of the HR policies will be monitored by the HR Director reporting through the University policy working group, the Joint Negotiating Group and where appropriate the University Executive Group. As part of the process, and prior to the reports being finalised, the HR Director will discuss key issues with the trade unions and incorporate their views accordingly.

Appendix 1

Sexual harassment

1. Sexual harassment is unwanted or inappropriate behaviour normally shown towards members of the opposite sex. Although this most often involves women being harassed by men, this policy applies equally well to harassment occurring between people of the same gender, or of men by women.

Examples

- Any behaviour which patronises, intimidates or offends, e.g. remarks, looks, jokes or offensive language
- The display or dissemination of pornographic, semi-pornographic or suggestive or sexually explicit material, whether by electronic means or on paper
- Unwanted physical contact, including touching, patting, pinching or brushing against another member of staff
- Assault, rape, inappropriate relationship with a minor and coercing sexual intercourse which are examples of gross misconduct
- Threats of academic failure, or promises of success or other rewards in exchange for sexual favours

Racial harassment

2. Racial harassment is any behaviour, deliberate or otherwise, pertaining to race, colour, nationality, ethnic or national origin, which is directed at an individual or a group and which is found to be offensive or objectionable to the recipient/s.

Examples

- The use of derogatory names, insults, practical and/or racist jokes, or ridiculing cultural difference
- The display or circulation of offensive material, including racist graffiti, email or information published through the internet
- Physical harassment, such as assault or pestering
- Isolation or non-cooperation at work

Religion or belief

3. Critical analysis of religions may be regarded as a legitimate academic exercise, however, harassment on the grounds of religion or belief (excluding political belief) is any behaviour, deliberate or otherwise, which is directed at an individual or a group and which is found to be offensive or objectionable to the recipient/s or creates a hostile or intimidating environment. The harassment may not necessarily be targeted at an individual but may consist of a general culture which is intolerant of people's religion or belief, for example, deliberately preventing dietary tradition or obstructing religious observance.

Examples

- The use of derogatory names, insults, jokes, or ridicule of someone's faith or belief

- The display or circulation of offensive material, including graffiti, email or information published through the internet, which attacks someone's faith or belief or lack of belief.
- Physical harassment, such as assault or pestering
- Isolation or non-cooperation at work

Disability

4. Harassment on the grounds of disability is behaviour that makes direct or indirect inappropriate reference to disability or impairment, which causes discomfort, patronises, insults or offends people with a physical, sensory or mental impairment

Examples

- Refusal to work alongside a disabled colleague
- Communicating via a third party rather than directly with the disabled member of staff, where it is inappropriate to do so
- Patronising or unnecessary assistance with work
- Interference with personal aids or equipment
- Deliberately ignoring or refusing reasonable adjustments.

Sexuality and sexual orientation

5. This is unwanted behaviour that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone on account of their sexual orientation or perceived sexual orientation. Harassment may also be about the sexual orientation, real or perceived, of people with whom the recipient associates. The harassment may not be targeted at an individual but may consist of a general culture which is intolerant of people's sexual orientation. Sexuality and sexual orientation refers to orientation towards people of the same sex (lesbians and gay men) orientation towards people of the opposite sex (heterosexual) and orientation towards persons of the same and the opposite sex (bisexual).

Examples

- Homophobic language or jokes
- Ignorance and transphobic behaviour
- Mockery or teasing
- Name-calling
- Gossip
- Threats of unwanted disclosure of sexuality
- Other undermining behaviour

Age

6. This is unwanted behaviour that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone on

account of their age. An example of this would include unwelcome jokes or comments about an individual's age.

Appendix 2

Guidance for Persons Accused of Harassment (the Alleged Harasser)

1. Persons who are accused of harassment, either under the formal procedure or who are approached informally about their behaviour can seek support and advice from Human Resources, Trade Union
2. Persons who are approached about their behaviour are advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.
3. In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause harassment. In this case the alleged harasser should explain that the behaviour would not be repeated and parties should come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.
4. Persons subject to a formal allegation of harassment should not contact the complainant or any named witnesses as this is unlikely to solve, and may aggravate, the situation.

Guidance for Persons Witnessing Harassment

5. In the case of staff, when harassment occurs in a group situation the person in authority in that group has the responsibility to recognise this behaviour and to take action to stop it. This may mean reporting the behaviour to a more senior colleague or, if they are the line manager of the person, by speaking with the alleged harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which Harassment is deemed to be 'acceptable'.
6. If the person in authority is the alleged harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the harassment in taking one of the courses of action outlined in this Policy.
7. Students who believe they may have been a witness to harassment may want to consider; speaking to the 'victim' of the harassment to ask how they felt about the behaviour and to offer support in pursuing the matter as outlined in this policy; speaking to the alleged harasser to see if they understood that their actions were potentially hurtful.