



Dignity and Respect for Students and Staff of the University of Bath

Policy and Procedures for Dealing with Complaints



UNIVERSITY OF
BATH



1. Introduction

- 1.1 The University of Bath is committed to providing an environment where all employees and students are treated with dignity and respect, free of unlawful discrimination, victimisation, bullying or any form of harassment.

- 1.2 The following policy statement and guidelines on its implementation are designed to ensure that staff and students of the University are confident, if they bring a complaint in good faith, that the matter will be dealt with according to the agreed procedures and that they will not be subsequently victimised or disadvantaged in any way.

2. The Law

- 2.1 The University has a clear responsibility in law (Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 2005, Protection from Harassment Act 1997, Human Rights Act 1998, Race Relations (Amendment) Act 2000, Employment Equality Regulations on Religion or Belief and Sexual Orientation 2003, Gender Recognition Act 2004,

Employment Equality (Sex Discrimination Regulations 2005, Equality Act 2006, and Sex Discrimination Act 1975 (Amendment) Regulations 2008) to ensure that all forms of harassment and bullying are stopped effectively.

3. Policy Statement

- 3.1 The University of Bath aims to provide a working and learning environment which will be stimulating and supportive and free of harassment and bullying, by any person whether University employee/member or an external third party. All employees and students have a right to be treated, and have an obligation to treat others, with dignity and respect. Bullying and harassment can seriously worsen working and social conditions for staff and students at the University. The University is determined to eradicate any such behaviour and any incidents will be regarded extremely seriously and may be grounds for disciplinary action including dismissal or expulsion.
- 3.2 It is recognised that informal channels, including mediation, awareness raising, training and counselling can be the most effective means of preventing or stopping harassment. Where a formal complaint is lodged, the University's Grievance and Disciplinary Procedures will apply.

4. Harassment and bullying.

4.1 Bullying and harassment can be a source of great stress. It may be so serious that the person who is being, or has been, harassed or bullied feels compelled to change job or course of study. All members of the University are responsible for helping to ensure that individuals do not experience harassment or bullying and that they are encouraged and supported in any legitimate complaint.

4.2 Harassment is difficult to define because it can take many different forms. It may consist of behaviour taking place over a period of time, or a single incident. Generally harassment can be defined as verbal or physical conduct which shows aversion or hostility towards an individual because of a specific characteristic of that person. It may also be a form of unlawful discrimination if it is related to age, sex, race, disability, trans status, religion or faith, sexual orientation, or nationality.

4.3 The University will take reasonably practical steps to protect its employees from any form of harassment at work either by other University members or by any third parties, (for example clients or customers).



5. Definitions of harassment and bullying

5.1 Harassment

a When defining harassment the intentions of the person complained about are irrelevant. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient and would be regarded as harassment by any reasonable person. Examples of behaviour which is likely to constitute harassment are given below. The list is not exhaustive and other forms of harassment will be viewed equally seriously:

- Behaviour of a racist, sexist, homophobic, ageist nature or similar behaviour towards an individual with a disability or undergoing gender reassignment, or trans people;
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, physical abuse etc;
- The invasion of personal space;
- Displaying offensive material (on paper or electronically);
- Spreading malicious rumours or insulting someone;
- Preventing other people from progressing by deliberately blocking educational or training and development opportunities or promotion;

- Intentional isolation or exclusion;
- Persistent, unwelcome contact, that may include text messages, emails, phone calls, gifts, letters, calling at an individual's home or place of work or study;
- Stalking;
- Offensive sexual behaviour such as suggestive looks, leering and remarks, offensive flirtations, unwanted physical contact; unwanted sexual advances or demands for sex and compromising invitations;
- Offers of favoured treatment in return for sex (or threats of disadvantage if refused);
- Making public that someone is gay, lesbian or bisexual when they would prefer to keep this information private (outing);
- Drawing unwelcome attention to, or abusing, someone's religious/faith beliefs.

b If the employee tells their line manager that they have been harassed at work by an external third party who is not a member of the University (e.g. a client or customer), the manager may still need to take practical steps to prevent any further harassment from taking place. The manager will consider what specific action they may be able to take, depending upon

the nature of the employee's role, their contact with the harasser and any other relevant factors. Indeed, formal action will always need to be considered if an employee complains of harassment by a third party on two separate occasions, as in such cases the University would be potentially liable for any subsequent acts of harassment carried out by a third party.

5.2 Bullying

a Bullying can be described as threatening, abusive intimidating or insulting behaviour that may be an abuse of power, position or knowledge. What one individual may perceive as bullying behaviour may occasionally be viewed as no more than firm management or strong personality and therefore may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, de-motivated or frightened is unacceptable. Some examples of bullying are given below:

- Overbearing supervision, shouting, verbal, written or electronically transmitted abuse;
- Abuse of power or behaviour that causes fear or distress for others;
- Academic bullying, for example, asserting a position of intellectual

superiority in an aggressive, abusive or offensive manner including via electronic media;

- The deliberate undermining of an individual through unfair work allocation and/or constant criticism;
- Making unfounded or inappropriate threats and/or comments about job or course security;
- Inconsistent management style where some individuals are favoured more than others;
- Unfair allocation of work responsibility;
- Public ridicule, sarcasm or humiliation.

b Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a line manager or supervisor) or involve groups of people. It may be obvious or it may be subtle. Whatever form it takes, it is unwarranted and unwelcome to the individual.

c Any difficulty in defining what constitutes harassment or bullying should not deter staff or students from complaining of behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The University will respect the sensitivity of complaints about harassment and bullying and their

consequences as well as the need for confidentiality. However, if a formal complaint is made, the person whose behaviour is complained of will be given full details of the complaint.

- d Line managers should set clear, reasonable, job performance standards for their staff which are effectively communicated. Under these circumstances legitimate, justifiable, appropriately conducted monitoring of an employee's behaviour or job performance does not constitute harassment or bullying.

6. Procedure for dealing with complaints under this policy

6.1 Informal resolution

- a Many people are unaware that their behaviour in some circumstances is unacceptable and, if this is clearly pointed out to them, the problem can often be resolved.
- b If at all possible you should make the perpetrator/bully/harasser aware that you find the behaviour or action inappropriate or unacceptable. You may wish to make the person aware of their actions in person or through a third party to prevent any further occurrences. If you feel unable to approach the perpetrator you can seek guidance from a source of help

(see 8.a opposite) in confidence. You may be accompanied by a relevant colleague to any meetings convened with the perpetrator to resolve the matter.

- c If after explaining that the behaviour is unacceptable, the situation continues or escalates and the informal stage is not felt applicable you have redress to the formal procedure set out below.

- d In cases where the person whose behaviour is being complained about is not a member of the University, (for example, a client or customer), the matter will normally be dealt with by the Head of Department/Service involved with advice from the Human Resources department. If exceptionally that is not possible, the Director of Human Resources or the University Secretary should be consulted.

7. Mediation

- a The use of mediation may be considered at any point during the informal stage of the procedure. Details about this service can be obtained through AWARE/Mediation Services Manager or Human Resource Managers.

For further information please see the Mediation service website:

<http://www.bath.ac.uk/hr/equalities/policies/mediation.html>

8. Sources of help and advice

- a If you feel you have been subjected to behaviour that you feel is inappropriate under this policy you may contact:
- Your immediate Manager
 - Head of Student Services
 - Students' Union
 - AWARE
 - Director of Studies
 - Tutor
 - A member of the Human Resources Department
 - Departmental Research Staff Co-ordinators
 - or your Trades Union representative
- for further advice and assistance.
- b There may be circumstances where, due to the sensitivity of the matter, you might not wish to approach any of these parties initially. In these circumstances you may prefer to contact one of the University's trained confidential Mediators to support you under this procedure. For more information about the role of the Mediator see Appendix A.

9. Formal procedure

- a Formal complaints by staff will be dealt with under the University's grievance procedure. A copy of this can be obtained from the Human Resources department and is on the University's website

- b Formal complaints by students should be handled in accordance with the Student Complaints Procedure.
- c A flowchart containing information on the stages of this procedure is attached at Appendix B.
- d The University will treat as confidential all records concerning allegations or complaints of harassment. However if a formal complaint is lodged, full details will be released to the person whose behaviour is complained of, and this will inevitably mean that the person making the complaint will be identified. Allegations which are pursued through the University's grievance procedures will be investigated impartially. The alleged harasser/bully will have the opportunity to be represented and to be given a clear account of the allegation(s) so that they may state their case.
- e When formal disciplinary action is taken, complainants will be advised of the outcome. If proven it will be stated that the behaviour did constitute harassment under this policy, but no details of the sanction imposed will be disclosed. If not proven the complainant will be informed.
- f Disciplinary action may be taken against staff or students who make accusations which are not substantiated and where there are reasonable

grounds to believe that the accusations have been made maliciously or in bad faith.

10. Review of policy and procedure

- a The effectiveness of this policy and procedure will be monitored, and a formal review undertaken after a period of 3 years from implementation. The results of the review will be reported to the Equalities and Diversity Committee.

- b This policy and procedures have been agreed with all recognised trades' unions and other relevant consultative bodies within the University of Bath.

Appendix A

Role of Mediators

Mediators have been trained to:

- (a) offer a 'listening ear' and remain positive under pressure;
- (b) be non-judgemental;
- (c) maintain confidentiality
- (d) stay impartial when providing mediation
- (e) facilitate mediation session(s) between parties where appropriate
- (f) ensure that the different viewpoints are addressed

Accessing the service

Requests for mediation support should in the first instance be made either to the Mediation Service Manager (MSM), Head of Student Services, AWARE or to an HR Manager who will pass the request on to the MSM. The MSM is responsible for allocating cases to mediators and for the administrative arrangements for the mediation.

Appendix B Flowchart

Informal stage Mediation

Dignity and Respect Procedure

You feel bullied, harassed or unlawfully discriminated against



You meet with the person chosen for advice



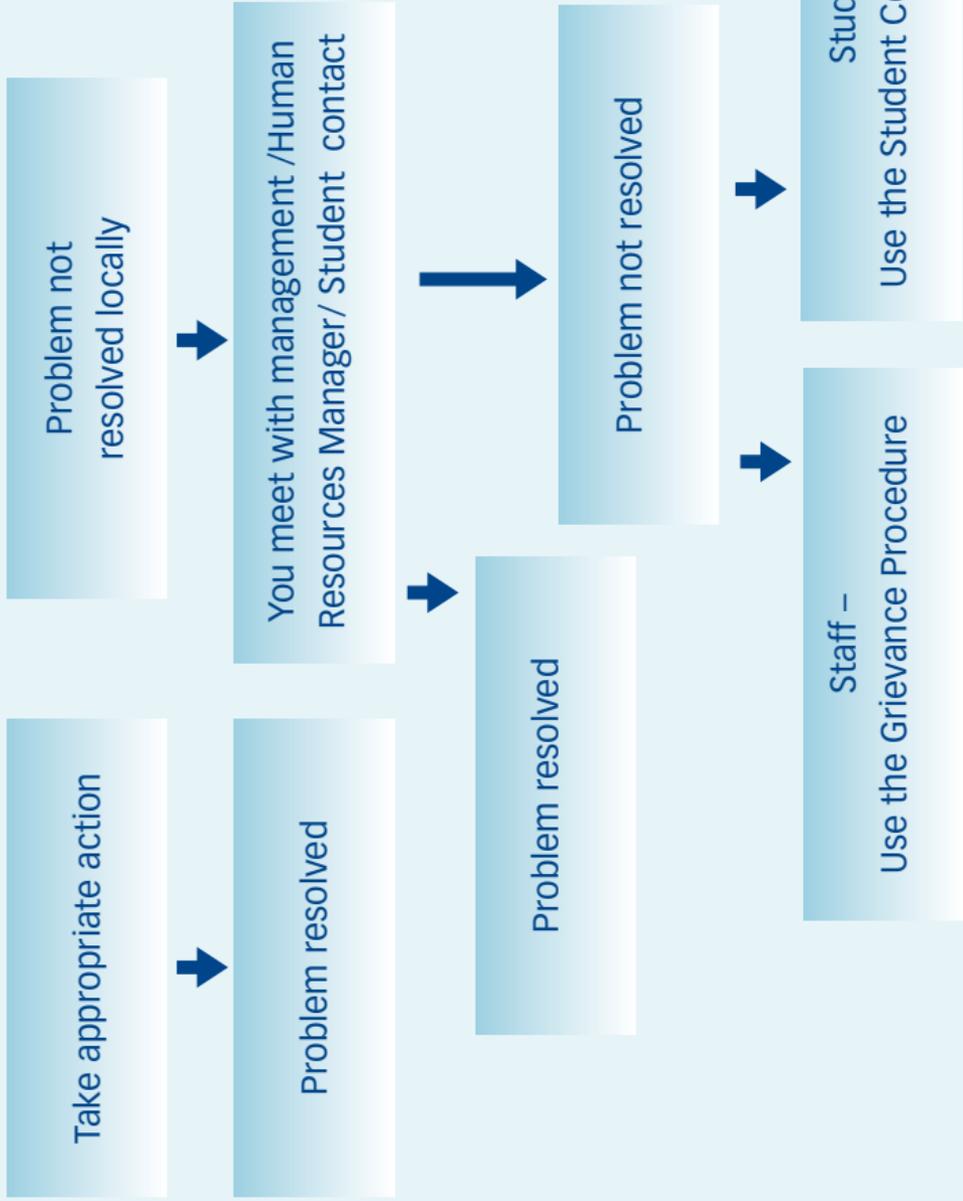
You take the advice given or choose your own solution



Keep a diary of events

may be used at this stage

Formal stage





Information can be found on the web page at <http://www.bath.ac.uk/hr/equalities/policies/dignityrespect.html> or from the Equalities and Diversity Unit.

This leaflet is available in other formats.

Please contact:

M Bertrand

(Equalities and Diversity)

on **01225 383098**

for further details.



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