

## **Dignity and Respect Policy**

### **1. POLICY STATEMENT**

The University of Bath is fully committed to fostering an inclusive and supportive working and learning environment, where difference is celebrated and seen as a strength and where all members of the University community (i.e. staff, students, students undertaking staff roles, members of Court & Council and alumni involved in University activities), volunteers, visitors and third parties have mutual respect for each other.

We believe that where diversity and inclusion are valued, people work and study in a more rewarding and stimulating environment, which allows them to unlock and fully utilise their skills and talents.

Instances of bullying, harassment, discrimination and / or victimisation hinder the development of such an environment and negatively impact on the individual's self-worth and wellbeing, as well as on our wider community. As such, the University has adopted a zero-tolerance approach towards any behaviour or action which undermines a person's value and dignity. This means that the University will not condone or ignore any incidents it becomes aware of, will take any allegation of inappropriate behaviour extremely seriously and will take any necessary action, while providing support to all parties involved.

#### **1.1 Purpose of Policy**

The Dignity and Respect Policy (hereafter referred to as "this Policy") supports the University's wider aim to promote an inclusive environment where people treat each other with respect; where instances of bullying, harassment, discrimination and / or victimisation are not tolerated and where people feel confident in reporting allegations without fear of reprisal or victimisation, knowing that all reports will be handled seriously, appropriately, confidentially and fairly.

This Policy includes definitions and examples of unacceptable behaviour. The examples of behaviour listed in this Policy may vary greatly in terms of severity and type, ranging from what could constitute a minor disagreement among peers/colleagues to cases of sexual harassment and violence.

The Policy also provides details of advice and support available within and outside the University, to anyone who has experienced, witnessed or has been accused of, inappropriate behaviour.

This Policy should be read in conjunction with the [Dignity and Respect Procedure](#) (hereafter referred to as "the Procedure"), which includes information on how reports under this Policy will be dealt with, both at a formal and an informal level. The Procedure seeks to ensure that people feel supported in taking early action and seeking informal resolution wherever possible. Where this is not effective or appropriate, for instance if there is a repetition of the behaviour, or it does not cease after informal action or in cases of serious misconduct such as sexual harassment or physical violence, we will support people through formal procedures.

Any behaviour that contravenes this Policy may be grounds for disciplinary action, including dismissal, expulsion or termination of contract for third parties.

## 1.2 Scope

This Policy and the Procedure that accompanies it, apply to behaviour by all members of the University community, i.e. students, staff (including casual and voluntary workers) and alumni involved in University activities. They also apply to behaviour by volunteers, visitors and third parties (including contractors, non-executives, clients or customers of the University).

The University seeks to ensure that third parties, such as consultants and contractors, comply with the required standards of behaviour in this Policy by way of contract. We also expect organisations providing work and study placements for our students to be aware of this Policy, and to make students aware of any equivalent policy of their own.

This Policy and the [Procedure](#) that accompanies it, apply to behaviour both on and beyond the University premises, such as in private areas (e.g. private rented student accommodation, pubs and clubs); during conferences, trips, events and placements as well as online and outside usual business hours. They can apply to behaviour that has a connection, either directly or by reasonable inference, to the University and / or may bring the University into disrepute, including that which happens off campus. If it is unclear whether identified behaviour comes under this Policy and the Procedure that accompanies it, advice should be sought from the Director or Deputy Director of HR or HR Business Partner (for staff, alumni or third party respondents), the Director of Student Services or the Director of Policy, Planning and Compliance (for student respondents) or another appropriate Director if those named have a conflict.

## 1.3 Terminology

In this Policy and also in the Procedure, we use the following terms to describe the individuals involved:

- **The Reporting Party** – the individual(s) who is / are raising allegations of bullying, harassment, discrimination and / or victimisation against another individual or individuals for their behaviour against them. Other organisations may refer to individuals in this situation as the alleged victim or complainant.
- **The Respondent** – the individual(s) against whom allegations have been raised. Other organisations may refer to individuals in this situation as the alleged perpetrator.
- **The Witness** - the individual(s) who has witnessed the behaviour of one individual towards another (or others) that may be described as bullying and harassment, discrimination and / or victimisation or other related evidence.

## **2. ROLES & RESPONSIBILITIES**

### **2.1 University of Bath**

The University of Bath has the legal responsibility under [the Equality Act 2010](#) to prevent and eliminate unlawful bullying, harassment, discrimination and / or victimisation and other behaviour prohibited by the Act, on the grounds of someone's race, sex, sexual orientation, age, religious belief (including no belief), trans status or history, disability, marital or civil partnership status, and pregnancy and maternity status. This will include fulfilling the requirements of the statutory Code of Practice on sexual harassment and harassment at work (when this is issued by the Government). Under the Public Sector Equality Duty, the University must also advance equality of opportunity and foster good relations among all members of our community.

The University of Bath will ensure that all reports under this Policy will be treated seriously and in a sensitive manner, with due regard to confidentiality and the rights of all parties involved; and that all parties will receive support through internal and/or external systems. It will also review outcomes from reports to identify any areas of concern and to improve practice.

Furthermore, the University will ensure that this Policy is widely promoted using a variety of methods to make sure that it is accessible to all. This Policy will be highlighted in the induction process and reinforced in training programmes and packages.

### **2.2 Members of the University's Community**

All members of the University's community have the right to feel safe and comfortable whilst working, studying or visiting the University of Bath. All members have a responsibility to:

- Engage positively with each other, treating each other with dignity and respect;
- Help to prevent and tackle unacceptable behaviour by being sensitive of the reactions and needs of others, by calling out or reporting discriminatory statements, attitudes and behaviour, and by supporting colleagues and peers who have experienced or witnessed unacceptable behaviour;
- Undertake relevant training as part of their induction as well as their continuous personal and professional development and apply this to their ongoing practice.

Members with a direct responsibility for or contact with students (undergraduate or postgraduate) also have the responsibility to:

- Treat students with equity in line with University policies and procedures;
- Signpost students to advice and support services (see section 3 of this Policy);

### **2.3 Heads of Department and Line Managers**

As part of their leadership and management role, all senior leaders, Heads of Department<sup>i</sup>, line managers and supervisors each have a personal responsibility to undertake the following (in addition to 2.2 above):

- Lead by example in implementing this Policy, being a role model for positive inclusive behaviour;
- Promote, implement and communicate this policy, making sure that everyone in their area of responsibility is aware of it, has received appropriate training and understands their responsibility in relation to it – utilising advice and support from HR, Student Services, The SU (the Students' Union), E,D&I and other relevant University services. This includes drawing the attention of all contractors, secondees and agency workers to this Policy as part of their induction;
- Manage their staff fairly and in line with all University Human Resources (HR) policies and procedures and take action to ensure that their working/studying environment is free from harassment and bullying;

- Seek and take account of advice on managing dignity and respect issues from HR, Student Services and Equality, Diversity & Inclusion (D&I) and provide support to students, staff and visitors, either directly or by signposting them to advice and support (see Section 3 of this Policy). This may also include being involved in any reviews of outcomes from reports and identifying and implementing any improvements to practice;
- Ensure that their teams or departments meet all the requirements of the statutory Code of Practice on sexual harassment and harassment at work in their practice, when this is issued by the Government – utilising advice and support from HR, Student Services, The SU (Students' Union, E,D&I and other relevant University services);
- Undertake actions to help resolve issues informally wherever possible and appropriate;
- Learn from any issues raised (where these are founded e.g. following an investigation) and to take appropriate action to prevent or mitigate any reoccurrence;
- Address concerns relating to harassment, bullying, discrimination or victimisation as promptly and effectively as possible, within the timescales of the Procedure.
- Attend and engage fully with identified training. Members of Investigative Panels (see section 8.5 of the Dignity & Respect Procedure) are required to attend and engage fully with all specific training offered to develop their knowledge and skills in investigating dignity and respect-related matters.

### **3. SUPPORT AND ADVICE**

#### **3.1 Support:**

The aim of approaching the support services is to receive emotional and practical support. The University will provide support for any person navigating the Dignity and Respect process. University support services can be found [here](#).

If both parties to the allegations have approached and requested support from the same service, the University will ensure that their cases will not be dealt with by the same person. In these instances, respect of confidentiality will be given utmost attention.

All members of the University community can also access external support, either in combination with University services or on its own. You can consult a full list of support agencies [here](#)

#### **3.2 Advice:**

The aim of approaching the advice services is to understand how to navigate the Dignity and Respect Procedure. Reporting Parties can discuss what options are available and what they would like to happen. Respondents can also receive advice on the procedure which may follow an allegation being made against them. This advice will be given in a confidential environment – as will be specified by the service.

The University will provide advice on how to navigate the Dignity and Respect Procedure. University advice services can be found [here](#).

## 4 EXAMPLES OF UNACCEPTABLE BEHAVIOUR

This section provides definitions and examples of unacceptable behaviour under this Policy as well as other relevant definitions under sections 4.1 to 4.7. Please note that this is not an exhaustive list. The following bullet points should be borne in mind when considering these definitions and examples:

- Any difficulty in defining what constitutes bullying, harassment, discrimination and / or victimisation should not deter any member of the University's community from reporting behaviour which causes them or another person distress.
- The University of Bath encourages reports of unacceptable behaviour from any of its community members. Individuals are encouraged to report even if they were not the intended target of the behaviour.
- It should be remembered that the reasonable perception of the Reporting Party in response to the behaviour of a Respondent needs to be properly considered in determining if bullying, harassment, discrimination and / or victimisation has occurred.
- The University recognises that it is possible for staff/students to harass, bully, victimise and / or discriminate against their manager/supervisor as well as for managers/supervisors to harass, bully, victimise and / or discriminate against their staff/students. Whilst managers and supervisors may use other processes to deal with this situation, they may raise a concern against their staff/student under this Policy and Procedure.
- Line managers should set clear, reasonable job performance standards for their staff, which are effectively communicated, and should manage staff equitably. Under these circumstances legitimate, justifiable, proportionate and appropriately conducted monitoring of a member of staff's behaviour or job performance does not constitute bullying, harassment, discrimination and / or victimisation.
- Academic supervisors/tutors/lecturers should provide reasonable and proper review of a student's work and/or performance. Under these circumstances legitimate and justifiable monitoring and feedback of a student's work would not constitute bullying, harassment, discrimination and / or victimisation when delivered in accordance with the University's Quality Assurance Code of Practice.
- The University is committed to promoting and fostering a learning and working environment which embraces and supports diversity and belonging. To ensure this, the University will not condone or ignore any incidents it becomes aware of, and will regard any allegation of inappropriate behaviour extremely seriously.

### 4.1 Discrimination

The University expects everyone to be treated with dignity and respect regardless of any aspects of their identity. Additionally, the Equality Act 2010 protects people from being discriminated against because of one or more protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership status Pregnancy and maternity/paternity
- Race (including skin colour, nationality, ethnic or national origin) Religion, belief or lack of it
- Sex
- Sexual orientation

Discrimination can be:

**Direct** – when someone is intentionally treated less favourably than others because of their protected characteristics.

**Indirect** – when rules and regulations/arrangements apply to everyone, but put people with protected characteristics at an unfair disadvantage.

**By perception** – when someone is perceived to have a protected characteristic and is treated unfairly because of it. This type applies to all protected characteristics except marriage and civil partnership.

**By association** – when someone is discriminated against due to their association with someone who has a protected characteristic. This type applies to all protected characteristics except marriage and civil partnership.

## 4.2 Bullying

Bullying is behaviour involving misuse of power which undermines the integrity and confidence of a person or a group of people, causing them to feel vulnerable, humiliated, degraded, offended or frightened. Power can be considered as a position of authority, physical strength, knowledge and the power to coerce through fear, threats, blackmail and intimidation. Bullying can be physical, verbal or social and can be conducted openly or in a secretive manner. Bullying is not limited to the protected characteristics within the Equality Act 2010.

Bullying can take many forms, including but not limited to:

- spreading rumours, public ridicule or insulting, sarcastic or humiliating comments/behaviour ignoring, refusing to communicate or cooperate (stonewalling)
- constant criticism without constructive support
- overbearing supervision or other misuse of power or position
- preventing, or threatening to prevent, someone's promotion, training or future career opportunities
- unfair work allocation
- gaslighting - i.e. psychologically manipulating somebody by instilling doubt in them in order to make them question their own memory, perception and reality.

These types of behaviour can be face to face, in written communication, and through means of electronic communication (including emails, phone and on social media), in what is referred to as cyberbullying.

## 4.3 Harassment

Harassment is unwanted physical, verbal or non-verbal behaviour that has the purpose or effect of violating a person's dignity, creating an intimidating, hostile, degrading, humiliating or offensive environment for them, which interferes with an individual's learning, working or social environment. Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. It may be persistent or a single incident.

Harassment may involve behaviour of a sexual nature or it may be related but is not restricted to a person's age, disability, gender reassignment, gender expression or identity, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. The University of Bath will not tolerate any form of harassment even if it does not fall within any of these categories. Harassment can include but is not limited to:

- jokes, 'banter', offensive remarks or names, or intimate questions conveyed orally or in writing
- producing, sending or displaying inappropriate and/or offensive material in paper or electronically
- abuse, threats, intimidation or deliberate staring

- damaging, defacing or removing property
- breaching a person's confidentiality by disclosing their sensitive personal information, including disclosing someone's sexual orientation, transgender status or medical condition without their consent
- unwanted physical contact, such as touching or hitting sexual or hate motivated misconduct.

A person may feel harassed or distressed even if they are not the intended target of the behaviour and/or if the perpetrator is unaware of, or has not intended this to be, the effect of their actions.

Harassment is both a criminal offence and a civil action. As with bullying, harassment can happen face to face or by electronic means of communication, in what is referred to as online harassment.

#### 4.4 Sexual misconduct

For the purposes of this Policy, sexual misconduct is a broad term encompassing any unwelcome behaviour of a sexual nature, which is carried out without consent, or by force, manipulation or coercion. Sexual misconduct affects people of all gender identities and sexual orientations and raises issues of unequal relationships, power and consent.

Sexual misconduct can include, but is not limited to, violence and assault, bullying, harassment and the creation of an atmosphere of discomfort, stalking and grooming behaviours:

- **Sexual violence** – a non-legal term to refer to different sexual offences and to any unwanted sexual act or activity. This includes, but is not limited to: rape, sexual assault, child sexual abuse, sexual harassment, unwanted touching, coercion, gaslighting, rape and assault within marriage or relationships, female genital mutilation, trafficking and sexual exploitation, forced marriage and so-called honour-based violence and ritual abuse, which can also be forms of domestic violence. Sexual violence can be psychological and/or physical.
- **Sexual harassment** – unwanted behaviour of a sexual nature which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It can be verbal, for example catcalling, whistling, sexual comments/innuendos, telling sexual jokes or stories and spread gossip or rumours about someone's sexual life. It can also be non-verbal, such as sending emails with sexual content, displaying images of a sexual nature, making sexual gestures, staring / looking someone up and down, 'up-skirting', encroaching on someone's personal space or asking or implying sexual favours. Sexual harassment overlaps with criminal law where there is touching which is sexual in nature, or where there is harassment, stalking or revenge porn
- **Stalking** – persistent, unwanted, obsessive and/or controlling behaviour which has the effect of making the person targeted feel pestered, distressed, scared or harassed. Stalking can happen in person or through electronic means of communication (online stalking).
- **Boundary blurring and 'grooming' behaviours** – this Policy uses the term 'grooming behaviours' to describe when members of staff use their position of power to blur the boundaries between professional and personal relationships in order to gain control over, and sexual access to, students or other staff members.

#### **4.5 Hate motivated misconduct**

For the purpose of this Policy, hate motivated misconduct refers to instances of behaviour often referred to as hate incidents and hate crimes. Hate incidents are expressions, actions or behaviour which are motivated by hostility or prejudice towards a person's race, religion, disability, sexual orientation or gender identity. When the behaviour amounts to a criminal offence, a hate incident is referred to as a hate crime.

Hate incidents/crime can take many forms, for instance:

- Being ignored or excluded from conversation or group activities  
Derogatory comments or behaviours; micro-aggressions
- Display of racist/homophobic/Islamophobic/anti-Semitic/disablist/transphobic material  
Encouraging others to engage in offensive, prejudiced and hateful behaviour
- Incitement to racial/religious hatred
- Anti-Semitism, Islamophobia and other forms of religious hatred
- Name calling, insults, 'banter' or 'jokes'
- Verbal abuse
- Unwanted touching and physical assault

#### **4.6 Online misconduct**

This Policy uses the term online misconduct to indicate any behaviour in breach of this Policy taking place on online platforms (including those beyond University platforms) such as social media, web content and discussion sites, search engines, messaging services, blogs, dating websites and apps, comment sections of media and newspapers, chat rooms of online video games, but also includes communication via text message and phone calls.

Examples of online misconduct include but are not limited to online harassment and abuse, sharing or disclosing private sexual images or films without the consent of the individual(s) featuring in the material, cyberstalking, sending unwanted explicit messages or images, hate speech and hate crime.

#### **4.7 Victimisation**

Victimisation is when a person is mistreated or put at disadvantage because they have made or intend to raise a concern about discrimination, bullying and/or harassment, sexual or hate motivated misconduct, or have helped/intend to help another person raise a concern by providing information or evidence.

Victimisation is unlawful under the Equality Act 2010 and if proven, it may result in disciplinary measures, including dismissal.

## 5 PROCEDURES FOR DEALING WITH ALLEGATIONS UNDER THIS POLICY

If you have experienced or witnessed a behaviour which breaches this Policy you can report it confidentially in person or online via our [Report and Support tool](#).

The University will deal with any report of behaviour in breach of this Policy and the [Procedure that accompanies it](#). This Procedure sets out processes that seek to ensure that individuals feel they have the choice to request that an issue is considered informally or formally, that they are supported in going through their preferred path of resolution, and that they are not asked to repeat information unnecessarily.

The Procedure provides guidance on how to deal with allegations and reports against those identified in the scope at section 1.2 above (including students, staff members, alumni involved in University activities and visitors / third parties).

In the case of an anonymous report, there are likely to be limitations in what the University will be able to do. Nonetheless, these reports will be carefully considered and monitored to identify any areas of concern for which more general interventions (e.g. by HR, E,D&I, Student Services, Students' Union or others) for a team or department might be taken. Upon making an anonymous report, students and staff will be able to self-refer and access support services within or outside the University.

**Burden of proof** - It should be noted that the burden of proof required for any formal investigation will be on the balance of probability (not beyond reasonable doubt as required by a criminal court).

### 5.1 Confidentiality

The University of Bath will treat all reports made under this Policy and its accompanying Procedure in a sensitive and confidential manner, subject to legal requirements. Where there is a need to share this information, for example if the Reporting Party and / or other members of the University community are at risk of harm, this will be provided only to those who require the information and wherever possible in communication with the person raising the concern.

## 11 DOCUMENT CONTROL INFORMATION

The effectiveness of this Policy will be monitored regularly and a formal review will be carried out in line with University practice, or sooner if required. The results of the review will be reported to the Equality and Diversity Committee.

This Policy and its accompanying Procedure have been consulted on with all recognised Trade Unions and with the Students' Union, prior to their adoption by the University.

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| Linked Policies     |  |

<sup>1</sup> Head of Department covers academic and professional service Heads of Department and Heads of Service