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# Dignity and Respect

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## Policy

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Human Resources

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Revised: April 2012

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# Dignity and Respect Policy

## 1 Policy Statement

The University of Strathclyde is a community within which all staff, students and visitors are valued for their contribution. It is the University's expectation that all staff, students and visitors participate in the life of the University in a manner which ensures that everyone that they encounter as a member of this community is treated with dignity and respect. In particular members of the University community are expected to uphold the core values of respect for others and equality of opportunity, openness, integrity and honesty.

## 2 Purpose of Policy

The purpose of this policy is to:

- Confirm the University's commitment to providing an environment within which all staff, students and visitors are treated with dignity and respect at all times.
- Confirm the University's commitment to providing an environment which is based on a sense of community and which is free from discrimination, harassment, bullying and victimisation (for definitions of these terms please see Appendix A.)
- Ensure that the University complies with its legal requirements as defined under the Equality Act 2010.
- Outline the informal and formal mechanisms and support which are available to staff and students if they perceive that they have been harassed, bullied or victimised.

## 3 Scope

This policy covers all members of the University community including:

- All members of staff holding a contract of employment, honorary staff and staff from other organisations on placement or visiting the University.
- All students, including visiting and placement students.
- Visitors, including external persons or agencies using the University's premises.
- Contractors working at the University.
- Individuals working or acting on the University's behalf including suppliers of goods and services.

## 4 Roles and Responsibilities

### 4.1 University Responsibilities

To ensure successful implementation of this policy, the University commits to:

- Take action to ensure that all staff, students and others are aware of this policy through appropriate communication means such as the University website and other publications, as well as the provision of training, where appropriate.
- Promote a culture of community in which every member is treated with courtesy and respect, underpinned by the "One Strathclyde" approach and irrespective of protected characteristics of age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex and sexual orientation or any other irrelevant factor.
- Ensure that complaints of harassment, bullying or victimisation are treated seriously and with sensitivity.
- Monitor complaints by protected characteristics and report these annually.

### 4.2 Individual Responsibilities

To ensure successful implementation of this policy, all individuals must:

- Make themselves familiar with this policy and their responsibilities under it.
- Participate in training which supports the implementation of this policy.
- Behave in a positive manner at all times to ensure the University is a community within which all members are treated with courtesy and respect.
- Not participate in, or condone, any acts that could be perceived to constitute discrimination, harassment, bullying or victimisation.
- Modify behaviour should they become aware that they have behaved unacceptably in relation to this policy.
- Managers have a responsibility to address any incidents of bullying, harassment or victimisation that they observe or witness even though no complaint may have been made by the subject.

## 5 Support and Advice

### 5.1 Support for Staff

Staff who feel that they have been bullied, harassed or victimised or have been accused of bullying, harassing and victimising others can seek support and advice from the following contacts and services:

- [Human Resources](#)
- Dignity and Respect Advisers (see Appendix B for more information)
- [Employee Counselling Service](#)
- Trade Union Representatives
- Equality and Diversity Manager
- [Health and Safety Executive](#)
- [Equality and Human Rights Commission](#)

### 5.2 Support for Students

Students who feel that they have been bullied, harassed or victimised or have been accused of bullying, harassing and victimising others can seek support and advice from the following contacts and services:

- [Student Counselling](#)
- [ASK at the Students Association](#)
- Dignity and Respect Advisers (see Appendix B for more information)
- [The University Chaplaincy](#)
- Adviser of Studies or Academic Counsellor
- Equality and Diversity Manager
- [Equality and Human Rights Commission](#)

## 6 Seeking Resolution

**6.1** The University will treat all records concerned with allegations or complaints made under this policy as confidential and complaints will be investigated impartially and as timeously as possible. The University commits itself to treat all parties involved with fairness and sensitivity.

It should be noted that proven instances of bullying, harassment or victimisation will be treated very seriously and may result in formal action, including the issuing of disciplinary sanctions, being taken under the relevant staff or student procedures.

### 6.1.1 Personal Action

If you feel that you have been or are being harassed, bullied or victimised you are encouraged to make it as clear as you can to the person(s) causing the offence that this is the case. If you ask the person causing offence to stop this behaviour at an early stage this may be sufficient to end the behaviour. In some cases it may be that the individual is not aware that the behaviour is inappropriate or it may be the case that the individual's behaviour is being misinterpreted. Examples of personal action that may be considered include:

- A conversation with, or written correspondence to, the other person which explains what it is you consider to be unacceptable about their behaviour and requests that he/she stop behaving in this way.
- A request that bullying and harassment issues and/or the University's Dignity and Respect Policy is discussed at a team meeting to ensure that all staff within the team understand the standards of behaviour expected and their responsibilities under the policy.

Before taking personal action you may wish to seek advice or support from:

- A designated Dignity and Respect Adviser
- A colleague or friend
- An HR Manager or Adviser
- Your line manager or Head of Department/School/Directorate
- A trade union representative
- Another of the support mechanisms listed in section 5 above

### **6.1.2 Mediation**

The University has a network of trained mediators who can be engaged at an early stage to assist with issues of conflict, including issues that would be considered under this policy. Mediation is a voluntary process where an impartial third party enables two or more people to work through issues of conflict or disagreement with the aim of improving the working relationship. The focus within mediation is on moving forward rather than attribution of blame. As mediation is a voluntary process, individuals have a choice as to whether they wish to participate. Where individuals agree to mediation, they should engage in the process in a positive and constructive manner with a view to achieving resolution.

Members of staff who are interested in exploring mediation should contact Human Resources in the first instance. Students who are interested in exploring mediation should contact USSA or the Head of Department/School in the first instance.

## **6.2. Complaints against Staff Members**

### **6.2.1 Informal Complaint**

If you do not want to take personal action, or you have done so but the behaviour has continued, you may wish to make an informal complaint. Normally an informal complaint would be made orally however you may wish to make an informal complaint in writing. In doing so you should clearly indicate that you wish the complaint to be progressed through the informal process.

Informal complaints should be made to your line manager in the first instance (or your line manager's manager where more appropriate) who will then be responsible for dealing with the complaint. If a student is making a complaint against a staff member they should address the complaint to the member of staff's Head of Department/School/Director who may delegate the matter to the relevant line manager. The steps which the line manager or equivalent should follow are:

- An initial assessment should be carried out by the line manager or equivalent to ensure that the complaint falls within the scope of this policy as opposed to an alternative policy or procedure. In exceptional circumstances, where the behaviour described is considered to be an extreme breach of this policy (for example, use of violence or threats of violence or unwanted sexual advances) the complaint should be dealt with under the formal complaint procedure immediately. The complainant should be advised of this.
- If the complaint does fall within the scope of this policy the line manager or equivalent should discuss with the complainant the nature and circumstances of the complaint. The line manager should also, either in the presence of the complainant or not, advise the person or persons about whom the complaint has been made that this is the case and explore the nature and circumstances of the complaint with them.

- The line manager or equivalent should form a view as to whether the complaint merits further action. If the line manager or equivalent feels there are issues which need to be resolved they should explore with one or both parties (as appropriate) reasonable measures for addressing the concerns raised. This may include the provision of further training on bullying and harassment issues, the engagement of a trained mediator or other support such as counselling and mentoring. Notes should be taken of meetings with both individuals and stored according to relevant data protection principles.
- If parties are in agreement these measures should be put in place within a reasonable timescale.
- The issues can hopefully be resolved at this stage however if the complaint is not resolved and the behaviour complained about continues, the complainant should discuss the situation again with the line manager or equivalent. In these circumstances the complainant may decide to make a formal complaint.
- At all stages of the informal process the line manager or equivalent can engage with HR for advice and guidance.

## 6.2.2 Formal Complaint

### Stage 1

Formal complaints made under this policy should be made in writing to the appropriate person, as detailed in the relevant section below. Following the receipt of a formal, written complaint the University will take all reasonable steps to investigate and resolve the complaint as soon as practicable.

A formal complaint of bullying, harassment or victimisation against a member of staff should be made in writing to the alleged perpetrator's Head of Department/School/Director in the first instance. If the alleged perpetrator is the Head of Department/School/Director then the complaint should be made to the Dean/Chief Financial Officer/Chief Operating Officer.

Following the receipt of a formal complaint, an Investigatory Officer will be appointed by the person to whom the complaint is made. The Investigatory Officer will be supported throughout the investigatory process by a member of the HR team.

An outline of the standard process for dealing with formal complaints under this policy is detailed below:

- The person or persons against whom the complaint has been raised (the respondent(s)) will be advised of the complaint and will be provided with a copy of it and this policy.
- Investigatory meetings will be held with the complainant and the respondent. Both parties may be accompanied by a trade union representative, work colleague or dignity and respect adviser if they are members of staff. If the complainant is a student they may be accompanied by a student union representative, friend or dignity and respect adviser.
- Where the respondent(s) denies that they have behaved in a manner which would constitute bullying, harassment or victimisation it may also be necessary to interview individuals who are alleged to have witnessed the behaviour complained of to establish whether there is any supporting evidence to substantiate the complaint.
- The investigating officer will advise both parties of the outcome of the investigation in writing clearly stating whether the allegation of bullying, harassment or victimisation has been upheld and/or whether any further action is recommended.
- If the complainant(s) is dissatisfied with the outcome of the investigation or considers that the matter is not resolved they may instigate Stage 2 of the formal procedure.

### Stage 2

Complainant(s) may instigate Stage 2 of the formal procedure by writing to the Director of Human Resources within 14 calendar days of receiving the outcome from Stage 1. The complainant(s) should outline why they are dissatisfied with the outcome of Stage 1 or why they consider the matter to be unresolved.

The Director of Human Resources (or their nominee), along with another appropriate senior member of staff, will convene a meeting with the complainant(s) to consider the matter further. The purpose of this meeting will be to discuss the complainant(s)'s concerns further and establish what has been done to date to resolve the complaint. There may also be a requirement to carry out further investigations and/or meet with other relevant parties.

Following the meeting and further investigations (where required) a written response to the complainant will be prepared which sets out the decision taken and any further action required. Following Stage 2 of the formal process, the issue will be considered dealt with and there will be no further internal recourse.

## **6.3 Complaints against Students**

### **6.3.1 Informal Complaint**

If you do not want to take personal action or you have done so but the behaviour has continued you may wish to make an informal complaint. Normally an informal complaint would be made orally however you may wish to make an informal complaint in writing. If doing so you must clearly indicate that you wish the complaint to be progressed through the informal process.

Informal complaints should be made to the alleged perpetrators' Head of Department in the first instance. The Head of Department may deal with the complaint themselves or may appoint an appropriate nominee to deal with the complaint. The steps which the Head of Department or nominee should follow are:

- An initial assessment should be carried out by the Head of Department or equivalent to ensure that the complaint falls within the scope of this policy as opposed to an alternative policy or procedure. In exceptional circumstances, where the behaviour described is considered to be an extreme breach of this policy (for example, use of violence or threats of violence or unwanted sexual advances) the complaint should be dealt with under the formal complaint procedure immediately. The complainant should be advised of this.
- If the complaint does fall within the scope of this policy the Head of Department or equivalent should discuss with the complainant the nature and circumstances of the complaint. The Head of Department should also, either in the presence of the complainant or not, advise the person or persons about whom the complaint has been made that this is the case and explore the nature and circumstances of the complaint with them.
- The Head of Department or equivalent should form a view as to whether the complaint merits further action. If the line manager or equivalent feels there are issues which need to be resolved they should explore with one or both parties (as appropriate) reasonable measures for addressing the concerns raised. This may include the provision of further training on bullying and harassment issues, the engagement of a trained mediator or other support such as counselling and mentoring. Notes should be taken of meetings with both individuals and stored according to relevant data protection principles.
- If parties are in agreement these measures should be put in place within a reasonable timescale.

The issues can hopefully be resolved at this stage however if the complaint is not resolved and the behaviour complained about continues, the complainant should discuss the situation again with the Head of Department. In these circumstances the complainant may decide to make a formal complaint.

### **6.3.2 Formal Complaint**

#### **Stage 1**

Formal complaints made under this policy should be made in writing to the appropriate person, as detailed in the relevant section below. Following the receipt of a formal, written complaint the University will take all reasonable steps to investigate and resolve the complaint as soon as practicable.

A formal complaint of bullying, harassment or victimisation against a student should be made in writing to the alleged perpetrator's Head of Department in the first instance.

Following the receipt of a formal complaint, an Investigatory Officer will be appointed by the person to whom the complaint is made. The Investigatory Officer will be supported throughout the investigatory process by a member of the Faculty team.

An outline of the standard process for dealing with formal complaints under this policy is detailed below:

- The person or persons against whom the complaint has been raised (the respondent(s)) will be advised of the complaint and will normally be provided with a copy of it and this policy.

- Investigatory meetings will be held with the complainant and the respondent. Both parties may be accompanied by a student union representative, friend or dignity and respect adviser. If the complainant is a staff member they may be accompanied by a colleague or trade union representative.
- Where the respondent(s) denies that they have behaved in a manner which would constitute bullying, harassment or victimisation it may also be necessary to interview individuals who are alleged to have witnessed the behaviour complained of to establish whether there is any supporting evidence to substantiate the complaint.
- The Investigating Officer will advise both parties of the outcome of the investigation in writing clearly stating whether the allegation of bullying, harassment or victimisation has been upheld and/or whether any further action is recommended. If formal action is recommended this will be referred to the Chief Operating Officer.

### **Stage 2**

Complainant(s) may instigate Stage 2 of the formal procedure by writing to the Chief Operating Officer within 14 calendar days of receiving the outcome from Stage 1. The complainant(s) should outline why they are dissatisfied with the outcome of Stage 1 or why they consider the matter to be unresolved.

The Chief Operating Officer (or their nominee), along with another appropriate member of staff from the Education Strategy Team, will convene a meeting with the complainant(s) to consider the matter further. The purpose of this meeting will be to discuss the complainant(s)'s concerns further and establish what has been done to date to resolve the complaint. There may also be a requirement to carry out further investigations and/or meet with other relevant parties.

Following the meeting and further investigations (where required) a written response to the complainant will be prepared which sets out the decision taken and any further action required.

Following Stage 2 of the formal process, the issue will be considered dealt with and there will be no further internal recourse.

## **6.4 Complaints against External Parties**

Complaints against external parties such as contractors, consultants and visitors should be made to a member of staff's line manager or equivalent or, in the case of student, their Head of Department.

The line manager or Head of Department should seek to establish from the member of staff or student the nature and circumstances of the complaint before engaging with the external party. The external party should be provided with a copy of the complaint and asked to respond to this. The line manager or Head of Department will form a view as to what further action may be required including whether any further investigation is necessary.

In the case of external contractors, Estates Services hold a central record of which contractors the University is engaging for works within the estate. Where the person to whom the complaint has been reported is unsure as to who within the University is the main liaison for the external contractor, the line manager and Head of Department should contact Estates Services to establish this.

## **6.5 False Complaints**

Any proven instances of complaints being orchestrated with malicious intent or vexatiously will be viewed seriously with the likely outcome of disciplinary action being taken against the complainant.

## Appendix A: Definitions

This Appendix provides definitions of the terms “harassment”, “bullying” and “victimisation” for the purposes of enabling staff and students to make informed judgements about whether particular behaviours may fall under the scope of this policy.

### Harassment

Harassment is deemed to have occurred when a person engages in unwanted conduct, potentially related to a protected characteristic of another person as defined by the Equality Act 2010, which has either the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Harassment may include conduct of a sexual nature.

It is important to note that harassment may be deemed to have occurred even where there has been no intent. Members of the University community must therefore be aware that the perception of the complainant is very important and what may be deemed to be acceptable behaviour by one person may not necessarily be acceptable to another.

In defining the types of behaviour that may be judged to constitute harassment the key issue is whether the behaviour could reasonably be considered as having the effect defined above, even if others feel they would not be offended by the behaviour. The perception of the complainant does not automatically mean that the complaint will be upheld however as those responsible for managing or investigating the complaint must make an objective assessment as to whether the behaviour complained of can reasonably be regarded as harassment.

In some circumstances, such as where physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to be harassment. In other circumstances, behaviour may be deemed to be harassment where it is repeated or sustained.

In addition to the potential consequences for employment and study of breaching this policy, types of harassment may also be unlawful under the Equality Act 2010 and may even constitute a criminal offence. Individual staff members who have been deemed to have harassed others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant. The harassment may be related to a particular protected characteristic as defined by the Equality Act 2010. The protected characteristics which are relevant are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation

It is possible for the harassment to occur in a targeted manner towards an individual or group on the grounds of:

- Someone’s actual characteristics (e.g. a person may be harassed because they are disabled.)
- Someone’s perceived characteristics (e.g. a person may be harassed because it is considered that they are disabled.)
- Someone’s link to one of the personal characteristics via someone else (e.g. a person may be harassed because they have a partner or family member who is disabled.)

It is possible however that harassment is not targeted at a particular individual or group of individuals but rather that within a particular team or group a culture exists which permits offensive or stereotypical jokes. In these circumstances an individual may make a complaint on the basis that this culture creates an intimidating, hostile, degrading, humiliating or offensive environment even if no-one within the team or groups holds the particular characteristic(s) in question.

Harassment may take place face to face, by writing or in written or electronic communications including via social media such as Facebook or Twitter. Examples of the types of behaviour that may amount to harassment include:



- Racist language or jokes or derogatory comments about national origin.
- Unwelcome sexual advances which may include touching, invasion of personal space, requests for sexual favours.
- Comments which imply that gender impairs a person's ability.
- Excluding people from conversations, meetings or social events on the basis of sexual orientation.
- Jokes about a person's disability.
- Insensitivity to religious beliefs such as the use of sectarian language.
- Homophobic jokes.

## **Bullying**

Bullying is deemed to have occurred when a person engages in offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient of the behaviour. As with harassment, it is important to note that bullying may be deemed to have occurred even where there has been no intent.

Bullying is normally characterised by a pattern of behaviour. One off minor issues of impatience, pre-occupation or lack of courtesy do not constitute bullying. In some circumstances, such as where physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to constitute bullying.

Bullying should be differentiated from the legitimate exercise of management or supervisory responsibility. See Appendix C for more information.

In addition to the potential consequences for employment and study of breaching this policy, types of bullying may also be unlawful and may even constitute a criminal offence. Individual staff members who have been deemed to have bullied others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

Bullying may take place face to face, by writing or in written or electronic communications.

Examples of the type of behaviour that may amount to bullying include:

- Picking on people and unreasonably criticising their performance.
- Unreasonable withdrawal of authority and responsibility.
- Imposing unrealistic objectives and deadlines or changing objectives without reasonable justification.
- Isolation or non co-operation at work or in class; exclusions from meetings, seminars or work-related social events etc.
- Aggressive behaviour or conduct, physical or verbal.
- Reacting to a minor issue with the same vehemence as a major one.

## **Victimisation**

Under the scope of this policy, victimisation involves treating someone less favourably than another because:

- An individual has made a claim of harassment or bullying under this policy or a claim of discrimination under another policy.
- An individual has complained that they may have been discriminated against, harassed or bullied or that the University's equal opportunities policies have been breached in some way.
- An individual has assisted another who is making such a claim, through providing evidence or some other form of support for the person.

Victimisation is entirely unacceptable behaviour that can have a detrimental effect on a work and study environment and may lead to reluctance to report acts of harassment or discrimination.

In addition to the potential consequences for employment and study of breaching this policy, types of victimisation may also be unlawful and may even constitute a criminal offence. Individual staff members who have been deemed to have victimised others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

Victimisation may take place face to face, by writing or in written or electronic communications.

Examples of the type of behaviour that may amount to victimisation are similar to those contained under the bullying and harassment sections above.

## **Appendix B: Role of Dignity and Respect Advisers**

Dignity and Respect Advisers are members of University staff who are appropriately trained to help staff and students who have, or perceive that they have been, impacted by the issues raised under this policy. Dignity and Respect Advisers can provide advice on informal and formal mechanisms for addressing issues of bullying and harassment. They may also support the complainant or respondent through informal or formal proceedings.

A list of current trained [Dignity and Respect Advisers](#) is available on the website.

## **Appendix C: Acceptable Management Practice**

“Bullying”, “harassment” and “victimisation” as defined in Appendix A should be differentiated from an acceptably assertive management style. It is legitimate for a manager to provide clear feedback and take action in relation to a member of staff’s conduct or performance provided that this is done in a fair, consistent and reasonable way which is in line with existing University policies. In this case any action taken by a manager to address performance or conduct concerns will not be considered as breaching this policy.

There may also be times where a manager makes a decision or issues an instruction which the member of staff does not agree with or considers unreasonable. This may not necessarily fall into the definition of “bullying”, “harassment” or “victimisation” and may best be dealt with under alternative dispute resolution procedures. In such circumstances members of staff should be aware that even if they do not agree with the decision made or action taken it may be considered to be in the University’s best interests and therefore this needs to be balanced with any individual concerns.

## Appendix D: Guidance on Investigating Complaints

### General principles

- All matters under investigations will be treated with due confidentiality and sensitivity
- Investigations should be conducted in a consistent and equitable manner, albeit that there may be variations in process resulting from specific factors of the complaint

The complaint should be recorded in writing and include the following:

- Clear, specific allegations against named people.
- Dates, times and witnesses (if appropriate).
- Factual descriptions of events rather than assumptions or opinions.
- Direct quotes if they are remembered or relevant.
- A brief description of the context of the incident(s).
- An indication of how each incident made the complainant feel.
- An explanation why he or she considers that the complaint amounts to bullying, harassment or victimisation if this is not clear.
- Details of how the complainant has shown the harassment to be unwelcome.
- Any other documentary evidence.

### Interviewing the Complainant

- Be sensitive to the feelings of the complainant and recognise their feelings even if you personally do not think they are justified. The complainant will probably find it difficult to talk about the incident to a third party.
- Avoid questions that might imply that the complainant may have consciously or unconsciously have invited the harassment.
- Avoid pre-judging until you have heard from both parties.
- Repeating the facts may be embarrassing for the complainant so it may be advisable to get a written statement of events which would enable you to refrain from repeating questions.
- It can be useful for the complainant to have someone with them to provide support during the interview. This could be a Dignity and Respect Adviser, colleague, fellow student or trade union representative.
- Interviewing the Respondent
- The respondent should be provided with the full details of the complaint when a full statement from the complainant has been obtained.
- Avoid pre-judging until you have given the respondent an opportunity to present their side of the story.
- Avoid any suggestion that you condone the behaviour complained of or that the complainant was being over sensitive.
- It can be useful for the respondent to have someone with them to provide support during the interview. This could be a Dignity and Respect Adviser, colleague, fellow student or trade union representative.