

## DIGNITY AND RESPECT POLICY STATEMENT AND

### PROCEDURE FOR A MEMBER OF STAFF TO RAISE A COMPLAINT OF BULLYING OR HARASSMENT

#### 1. INTRODUCTION

Keele University has a long standing commitment to supporting, developing and promoting equality, diversity and inclusion in all of its practices and activities. The University aims to establish and encourage a positive culture in which differences are celebrated, discrimination is challenged and fairness and equity are promoted. This is only possible when all members of the University community treat each other with dignity and respect, and where bullying, harassment and discrimination are known to be unacceptable.

##### 1.1 Purpose

The purpose of the policy and supporting procedure is to:

- Foster a positive culture for working that supports freedom of thought and expression within the law, and within a framework of respect for the rights of other people.
- Promote an enabling and inclusive environment where all individuals are treated with dignity and respect, free from bullying, harassment, victimisation and discrimination.
- Ensure that occurrences of bullying, harassment and victimisation are taken seriously, and dealt with promptly, appropriately and sensitively.
- Set out the framework for raising, addressing and resolving concerns about individual and/or organisational behaviour experienced by staff.

##### 1.2 Scope

1.2.1 This policy applies to all University staff in relation to both individual and collective activities and dealings with others in the University. This includes staff on placement both in the UK and abroad.

1.2.2 The University will not tolerate harassment or bullying of staff. This policy and procedure covers all forms of bullying and harassment by any party, including; staff, students and third parties, such as project partners, clients, contractors or visitors. Such behaviour should be reported to the University as soon as possible.

1.2.3 The University is committed to taking action to resolve disputes and conflict early on, wherever possible, and to work in partnership with key parties, including the Students Union and recognised trade unions, to develop positive approaches to conflict and dispute resolution.

## 2. POLICY

2.1 All members of the University community should expect to be able to excel, and to be respected and valued for their unique perspectives and contributions. The failure of an individual to behave in accordance with these values can result in damage both to the parties concerned and to the functioning and reputation of the University.

2.2 Any allegation of harassment, bullying or victimisation will be treated seriously, regardless of the seniority of those involved, and anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal or exclusion from campus.

2.3 Any member of staff who has not been subjected to harassment or bullying, but has witnessed such behaviour (including line managers), may also raise a complaint. In such cases, the alleged victim will be made aware of the complaint, and will be invited to participate in the process should they wish to do so.

2.4 If an allegation is considered to be malicious or vexatious, this may result in disciplinary action being taken against the complainant. However, no action will be taken if an allegation has been made in good faith, even if it is judged to be unfounded.

2.5 Fair and reasonable criticism of staff performance or conduct will not be considered to be bullying or harassment, provided that those involved are treated with dignity, courtesy and respect.

2.6 Any information received will be handled with an appropriate level of confidentiality. Where personal information is shared or released, this will only be done to ensure compliance with this policy and procedure.

### 2.7 Definitions of the terms harassment, victimisation and bullying

#### 2.7.1 Harassment

Harassment is defined by the Equality Act 2010 as:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Staff need not possess the relevant characteristic themselves but may be subjected to unacceptable behaviour because they are wrongly perceived to have a protected characteristic, or because of

their association with a person who has a protected characteristic. In addition, staff have the right to complain about behaviour that they find offensive even if it is not directed at them.

Gender reassignment and Sex are the legal terms used in the Equality Act, we interpret these to include gender identity or gender expression more widely as well as gender transition. It is also important to note that harassment in relation to pregnancy and maternity would be treated as harassment related to sex.

### **2.7.2 Victimisation**

This occurs when an individual is treated less favourably because they have, in good faith, made an allegation of harassment, or has assisted another person in bringing forward such an allegation, or participated in an investigation of a complaint or disciplinary hearing.

### **2.7.3 Bullying**

Bullying is not defined in law but for the purposes of this policy is defined as:

“Offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient.”

Bullying is normally characterised by a pattern of behaviour but a single incident could be considered as bullying behaviour, if it is sufficiently serious. Bullying is distinguished from the legitimate exercise of managerial responsibilities where these responsibilities are carried out in a respectful, reasonable and appropriate manner.

## **2.8 Types of Unacceptable Behaviour**

The University expects all staff to treat others with dignity and respect and regards bullying, harassment or victimisation as unacceptable behaviour. The University will respond promptly and sensitively to complaints, and take appropriate action.

2.8.1 Examples of unacceptable behaviours in the workplace can include, but are not limited to:

- Unwelcome physical contact ranging from unnecessary touching to serious assault
- Intimidating or threatening behaviour, or language
- Unwelcome attention or advances of a sexual nature
- Disparaging, ridiculing or insulting behaviour, language or gestures
- Spreading rumours about someone, or making derogatory or belittling remarks about their job performance or personal attributes
- Inappropriate communication or visual display of offensive material
- Isolation, non-cooperation, or deliberate exclusion of an individual from a work situation (including work-related social events)
- Undermining of an individual through unfair work allocation or persistent unjustified criticism
- Any of the above as a consequence of someone making a complaint or supporting a colleague making a complaint

2.8.2 The University recognises that unacceptable behaviour may take place online or virtually via technology and such behaviour is also covered by this policy and procedure. The University expects

2.8.3 Serious incidents which constitute a criminal offence may go beyond the scope of this policy, for example, physical violence, sexual violence and hate crime. Details for dealing with sexual violence is detailed in the Sexual Misconduct Policy and Procedures LINK. Guidance on reporting a hate crime is available HERE (link to intranet hosted guidance based on student support guidance <https://www.keele.ac.uk/students/lifeoutsideofstudy/neverok/hatecrime/>)

### **3. ROLES AND RESPONSIBILITIES**

3.1 All members of the Keele Community are expected to act in accordance with the principles of dignity and respect and have due regard for the impact their actions and words have on others.

3.2 Line managers are expected to take all complaints of bullying and harassment seriously and seek appropriate advice and support.

3.3 The effectiveness of this procedure relies upon all parties involved being willing to deal with complaints in a prompt and sensitive manner and to maintain, as appropriate, confidentiality within and outside the University.

### **4. RELATED POLICIES AND PROCEDURES**

This procedure should be read in conjunction with the following Policies and Procedures (as may be required):

- a) Staff Disciplinary and Appeals Procedure (Non-academic)
- b) Disciplinary and Appeals Procedure for Academic Staff
- c) Investigation Guidelines
- d) Sexual Misconduct Policy and Procedures

### **5. REVIEW, APPROVAL & PUBLICATION**

5.1 The University will monitor and review its performance on promoting dignity and respect, and the effectiveness of this policy and associated procedure on an ongoing basis.

5.2 As a general principle, the Policy will be reviewed by the HR Department, in consultation with recognised Trade Unions after three years, or where operational and/or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

5.3 This Policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

### **6. ANNEXES**

Annex A – Procedure for a member of staff to make a complaint of bullying or harassment

## 7. DOCUMENT CONTROL INFORMATION

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## **A1. APPLICATION OF THE PROCEDURE**

A1.1 Staff may use this procedure to raise complaints of bullying, harassment or victimisation by staff, students or a third party (including line managers).

A1.2 All complaints of bullying, harassment or victimisation, whether informal or formal, will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.

A1.3 Every effort will be made to resolve complaints informally or failing that, at the lowest possible level under this procedure, where it is appropriate to do so.

A1.4 Staff who raise an informal complaint will be supported to address their complaint in line with section A2 of this procedure.

A1.4 All formal complaints will be fully and thoroughly considered to determine appropriate action including a formal investigation. Formal investigations will be carried out in accordance with this procedure. Where the investigation finds that there is a prima facie case for further review, the matter will be treated as a disciplinary offence and will be dealt with via the relevant University Disciplinary Procedure.

A1.5 If a grievance is raised by a member of staff which is material to a bullying, harassment or victimisation case, it will normally be considered under this procedure in the first instance (then, if applicable, the relevant Disciplinary and Appeals Procedure).

A1.6 Managers should seek advice from Human Resources prior to the application of this procedure. This will ensure a fair and equitable approach across the institution, and enable the University to fulfil its responsibility to ensure that staff have the necessary skills and support to deal with issues effectively.

A1.7 All parties involved in this procedure must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University. This does not preclude parties from seeking appropriate support and advice however, confidentiality parameters should be made clear throughout the process and any breach of confidentiality will be taken very seriously.

A1.8 To ensure fair treatment and, where appropriate, provision of support in the application of this procedure, employees should provide information about any equality or diversity issues which may be relevant and/or any reasonable adjustments that may be required.

A1.9 A member of staff from Human Resources will attend all formal meetings held under this Procedure. They will be in attendance to offer advice where necessary.

A1.10 At all formal meetings, the parties will have the right to be accompanied by a University employed colleague or an accredited trades union representative.

A1.11 The University recognises that raising, considering and investigating a complaint of bullying, harassment or victimisation can be a stressful experience for everyone involved, but it is important

that all parties treat each other with respect. A range of support provisions are available, including the University Counselling Service and Occupational Health. Further information on these services can be found on the University's website. However, abusive behaviour will not be acceptable and may be treated as misconduct under the University's Disciplinary Procedures.

A1.12 A Quick Step Guide (Appendix 1) has been developed to help summarise the procedure.

## **A2. Options for Resolution and the Informal Stage**

A2.1 Staff are encouraged, where possible, to resolve concerns informally. An informal approach can effectively address unwanted behaviour quickly and where it is appropriate the University endorses this approach.

A2.2 The options for resolution and the informal stages of this procedure apply to complaints of bullying, harassment or victimisation by staff, students or third parties.

A2.3 If a member of staff believes they are being subjected to bullying, harassment or victimisation, there are a number of possible ways to approach the matter in an attempt to resolve it.

A2.4 Where staff feel able to, they should make clear to the person causing the offence that such behaviour is unacceptable to them. In some instances, this can be sufficient to bring an end to that behaviour.

A2.5 If staff do not feel able to resolve the matter themselves, they may wish to seek advice and support from a manager, HR or Trade Union representative.

A2.6 There may be instances where a line manager instigates this procedure where a complaint has not been made but a situation requires resolution. The matter may be dealt with informally or via a formal investigation to gather factual information about matters they are aware of within the team. HR can provide guidance on the appropriate approach.

### **A2.7 Informal Stage**

A2.7.1 An informal approach can effectively address unwanted behaviour quickly and this is frequently the preferred way to deal with any issues that have arisen. However, if a member of staff feels that it is not appropriate to use the informal stage, this will in no way prejudice any complaint brought under the formal stage.

A2.7.2 Staff opting to use the informal route should keep a written record of any discussions/ correspondence and/or agreed outcomes/actions. Informal options include:

**a) Speak confidentially to an independent person about the concerns**

In the first instance staff may wish to speak confidentially and informally to an independent person about their concerns. This may be a colleague, Line Manager, member of Human Resources team or a Trade Union representative.

The "role" of the independent person will be to act as a "sounding board" only and provide advice on options/next steps in order to identify a resolution. It is not necessarily the case

that they will act as a representative in any subsequent meeting or raise the complaint on behalf of the individual.

**b) Speak to the person concerned**

In many cases speaking with the person concerned can be enough to resolve the situation as they may not realise that their conduct is causing offence.

Staff may wish to meet with the person concerned on their own, or with for support. Alternatively, staff may wish to ask someone to speak to the person concerned on their behalf.

**c) Write to the person concerned**

If a member of staff does not feel able to speak with the person concerned, they may wish to put their concerns in writing to them and ask for a written response. If using this approach, care should be taken to ensure that the concerns are raised in an appropriate manner. After the response is received, the member of staff may then feel able to meet the person concerned (with support, if necessary).

### **A3. Formal Stage**

A3.1 If the informal stage does not resolve the situation to the member of staff's satisfaction (or circumstances make the informal route inappropriate), staff should lodge a formal complaint, in writing, to their line manager. The letter should outline details of the complaint and include examples of any incidents/actions deemed inappropriate. Where the line manager is the subject of the complaint, it should be addressed to the next more senior manager in the line or to a member of staff within Human Resources who will direct accordingly.

A3.2 On receipt of a formal complaint about another member of staff or a third party, before taking any action the manager should contact HR for advice and support.

A3.3 On receipt of a formal complaint about a student, before taking any action the manager should [contact](#) the University Discipline team for investigation under [Regulation B1](#) rather than this procedure.

A3.4 All formal complaints will be fully and thoroughly considered to determine appropriate action including a formal investigation. There may be instances where more informal resolution would be appropriate and this would be discussed with all parties.

A3.5 An investigating officer will be identified to investigate the complaints. Due consideration will be given to any equality issues raised when identifying an investigating officer.

A3.6 Although it is difficult to set timescales for raising complaints of bullying or harassment, the earlier such issues are addressed, the more effective any resolution is likely to be. The investigating officer will be responsible for communicating the timescales of the investigation.

A3.7 The table below sets out individual roles and areas of responsibility of those involved in this procedure:



<b>Role</b>	<b>Rights</b>	<b>Responsibilities</b>
The Complainant	<p>To be accompanied at meetings held under this procedure, either by a colleague or a trade union representative.</p> <p>To be kept informed of the progress of their complaint at all stages.</p> <p>To have access to support services.</p>	<p>To provide full details of the complaint and to provide any further information as requested and within given timescales.</p> <p>To maintain confidentiality throughout the process.</p>
The Subject of the Complaint	<p>To be accompanied at meetings held under this procedure, either by a colleague or a trade union representative.</p> <p>To be given ample opportunity to address the complaint made.</p> <p>To have access to support services.</p>	<p>To provide a full response to the complaint and any further information as requested and within given timescales.</p> <p>To maintain confidentiality throughout the process.</p>
The Investigating Officer	<p>To be given access to relevant information as required for the purpose of the investigation.</p> <p>To receive appropriate support, training and guidance from HR.</p>	<p>To investigate thoroughly any complaint of bullying, harassment or victimisation, gathering all the necessary information to make an informed decision.</p> <p>To maintain confidentiality and impartiality throughout the process.</p> <p>To retain accurate and comprehensive records/notes.</p> <p>To comply with timescales where stipulated within the Procedure where possible and communicate any unavoidable delays.</p> <p>To keep the all parties informed of progress at all stages of the investigation.</p> <p>To produce an investigation report and establish whether the complaint is upheld.</p>
HR Representative		<p>To oversee the implementation of the procedure.</p> <p>To support the Investigating Officer throughout the investigation.</p> <p>To provide advice and information to all parties as appropriate.</p>

University employed colleague or accredited trades union representative	To accompany parties involved to meetings held under this Procedure as appropriate.	To provide support to the individual they are supporting or representing.  To maintain confidentiality throughout the process.
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A3.8 Investigation Guidelines have been produced by the University to assist the Investigating Officer to conduct an appropriate investigation. Investigations will be conducted thoroughly and within a reasonable timescale. Progress of investigations will be reviewed by Human Resources.

#### **A4. Investigation Outcomes**

A4.1 Following the investigation, as set out in this procedure or in [Regulation B1](#), the Investigating Officer will report the outcome of their findings both to the complainant, and the subject of the complaint. The outcome may conclude:

##### **a) The complaint was not upheld**

Where the complaint is not upheld the complainant will be advised of their right of review. (See section 5)

Where the complaint is not upheld, there may be no further action necessary. However, in many cases, there may be a need to put in place actions to repair/ improve working relationships between the parties involved.

##### **b) Recommendation of informal action through line management.**

Possible actions / recommendations may include:

- Apology;
- Conciliatory approaches if both parties agree to this;
- Training (e.g. assertiveness skills, equality and diversity, etc.);
- Mentoring/ Coaching;
- Counselling;
- Monitoring.

##### **c) There is a prima facie case of misconduct.**

Where the investigation establishes that there is a *prima facie* case of misconduct, the relevant University Disciplinary Procedure will then be followed (this procedure will not be applicable from that point). The investigation undertaken in accordance with this procedure will form the basis of the case to be referred for review under the disciplinary procedure i.e. a separate investigation need not be conducted providing all the required information has been collected).

#### **A5 Review Stage**

A5.1 A review can be lodged by a complainant where they believe:

- a review of the decision/recommended action is required;
- to consider additional support/action to support themselves;
- there has been a procedural irregularity.

A5.2 Reviews must be lodged in writing to the Director of Human Resources within 10 working days of the notification of the outcome of the formal stage being received and should specify the grounds for the review.

A5.3 Reviews will be heard by a more senior manager, who will be supported by a member of Human Resources staff, neither of which will have had previous involvement in the case. The review stage will not re-investigate the complaint, but will consider the appropriateness of the outcome and recommendations based on the information gathered.

A5.4 The complainant will be notified of the date of the review meeting within ten working days of the receipt of the review request (the meeting itself will not normally take place within this timescale, although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreement. The complainant will normally be given at least five working days written notice of the date of a review meeting.

A5.5 The manager considering the review will meet with the complainant (and any other relevant individuals) and will determine whether the Outcome actions determined by the Investigating Officer at the formal stage are sufficient or if further action is required.

A5.6 The outcome of the review stage is final.

### **Quick step guide - what to do if you think you are being bullied, harassed or victimised**

- Keep a note of the time and date of any incidents/actions that you feel were unacceptable. This will be important if you decide to speak to someone about the situation.
- Look at the examples of unacceptable behaviour referred to in the Policy (page 3). Are any of the examples similar to the behaviour/ treatment you are concerned about?
- Consider speaking to an independent person who can act as a “sounding board” and can advise you of the routes available to you. This may be your Line Manager or a colleague. You can also speak to a HR Advisor or Manager, who will act independently and objectively to offer suggestions on the options available.
- Are you a member of a trades union? If so, you may wish to speak to them confidentially about your concerns. Contact details can be found on the University’s website.
- Could you talk to the person whose behaviour you feel is unacceptable? In some cases, it may be that the behaviour is unintentional or they are unaware that it is causing you offence or making you feel uncomfortable. Making them aware of how their behaviour is making you feel may be enough to make them re-consider their behaviour. If you feel able to speak to the person concerned do so calmly and politely, cite examples where you can, describing what happened, how it made you feel and why you feel it is unacceptable. It is usually appropriate to take someone with you for support if you decide to take this option.
- If you don’t feel able to raise your concerns with the person concerned face-to-face, could you write to them to explain how their behaviour is making you feel? If you decide to do this you should be mindful that sometimes the tone of a letter can be interpreted differently to how it was intended. With this in mind, you may want to consider asking someone else to read through your letter before you give it to the person concerned.

*Should you decide to speak to or write to the person concerned, it is important to remember that the aim of raising concerns informally is to resolve the situation quickly and with as little distress to all concerned as possible. How you approach the person concerned can impact on the effectiveness of using these informal routes, so if you decide to try and resolve the situation informally, you may find it useful to speak to your Manager, Union Representative or a HR Manager/Advisor to get advice on the most effective way of approaching the person concerned.*

- Raising concerns regarding bullying, harassment and victimisation can be a stressful experience for all parties involved. Additional, confidential support can be accessed through the University’s Occupational Health Service or Counselling Service
- If you feel unable to approach the person concerned or feel that the informal route is not appropriate for your situation, you should put your concerns in writing to your line manager (if your line manager is the subject of your complaint, you should write to the person that your line manager reports to or a member of staff from Human Resources) and lodge a formal complaint in accordance with this procedure.



Feeling unable to approach the person concerned does not imply that you consent to their behaviour and will not prejudice any formal complaint. The University encourages all staff who feel they are being bullied, harassed or victimised to take positive steps to resolve the situation, whether that be direct with the person involved or with the support of a manager or colleague. It is important to understand that if you do not take any action to address the situation, it is unlikely to change and may even get worse.