



# **HARASSMENT & BULLYING POLICY**

This policy defines the sorts of behaviour that the University will consider as harassment and bullying, and confirms the University’s position and approach to any incidents of potential harassment, bullying and victimisation within our staff and student community.

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## **1 PURPOSE AND SCOPE**

- 1.1 The University is committed to providing its staff and students with an environment which is free from bullying and harassment where staff and students are treated, and treat others, with dignity and respect.
- 1.2 The purpose of this policy is to state the University's position on harassment and bullying, to raise awareness of behaviour that may be considered to amount to harassment and bullying within the work or learning environment and to provide guidance on informal and formal means of dealing with harassment and bullying when it does occur.
- 1.3 The policy detailed below is applicable to all University staff and students, including honorary staff and visiting lecturers. Whilst agency workers, contractors, volunteers, members of the Board of Governors and any individuals working for the University on a self-employed basis are not covered by this policy in terms of seeking redress for any harassment and bullying they may believe they are experiencing, nevertheless they are expected to be aware of the behaviours that the University consider to amount to bullying and harassment and to refrain from such behaviours themselves.
- 1.4 This policy covers harassment or bullying which occurs at an individual's place of work or study, during the course of them carrying out their work duties or studies and outside of the work/study place, such as on work or study trips or at work or study-related events or social functions.
- 1.5 Individuals whose concerns relate to actions or behaviour that may amount to sexual harassment should instead refer to the [University's Prevention of Sexual Misconduct and Sexual Harassment Policy](#) as any such concerns will be managed in accordance with that procedure if appropriate.
- 1.6 This policy is not contractual but is intended as a statement of current University policy. The University therefore reserves the right to amend this policy as necessary to meet any changing requirements and legal obligations, or where it is appropriate in any particular case.

## **2 UNIVERSITY POLICY STATEMENT ON HARASSMENT AND BULLYING**

- 2.1 The University believes that harassment and bullying are detrimental to the working and learning environment and to individuals' wellbeing, health, morale and performance. The University is committed to creating an environment that is free from harassment, bullying and victimisation, and instead promotes equality of opportunity and a culture of respect and collegiality.
- 2.2 All University staff and students are expected to uphold these principles and to support and promote a bullying and harassment-free working environment. Individuals are reminded that bullying does not just occur in scenarios of one person against another or a group of people against an individual. Bullying can also occur in less obvious scenarios e.g. a member of staff may be bullied by a student or a manager by another member of staff. Such behaviour will also not be tolerated at the University.

- 2.3 The University strongly encourages any staff member or student who considers they are being harassed or bullied to utilise the procedures and support services laid out in this policy. No individual will be treated unfavourably or suffer any detriment for having raised or supported an allegation made in good faith. In turn, the University commits that any allegations of harassment or bullying will be treated seriously and, if proven, this may result in disciplinary action being taken against the perpetrator, up to and including dismissal or expulsion where deemed appropriate.
- 2.4 If an individual believes they are being subjected to harassment, bullying or victimisation, very often an informal approach can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance wherever possible and appropriate and at the earliest opportunity after the incident or unwanted behaviour. Section 5 contains further details on potential routes for seeking informal resolution.
- 2.5 This Policy defines what is meant by the terms ‘harassment’, ‘bullying’ and ‘victimisation’. On their own, the following will not normally amount to bullying, harassment or victimisation: legitimate and reasonable criticism of a staff member or student’s performance or behaviour; reasonable steps taken to manage and improve performance; the provision of feedback or constructive criticism, providing it is done in a reasonable manner; or making or providing reasonable management requests or instructions.
- 2.6 If, at any time, there is evidence that allegations of harassment or bullying have been made maliciously or that false information has knowingly been provided by the complainant or a witness to the investigation, disciplinary action may be taken in accordance with the University’s Staff or Student Disciplinary Procedure.

### **3 RESPONSIBILITIES**

- 3.1 Managers have the responsibility to ensure that harassment and bullying is not permitted, by leading and setting standards of behaviour that are appropriate for a healthy and productive working or learning environment and by ensuring that any incidents that do arise are dealt with swiftly, fairly and confidentially.
- 3.2 All members of staff and students have a personal responsibility to ensure that their own conduct does not cause offence or contravene this policy in any way. Concerns relating to any behaviours that may be deemed to amount to potential harassment or bullying under this policy should be raised in a timely manner (preferably within no more than 3 months from the most recent incident of concern) in order that any investigation can be carried out at the earliest opportunity.

## 4 DEFINITIONS

### 4.1 Harassment

4.1.1 Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it. For the purposes of this Policy the University will use and apply the following definition of Harassment:

‘Unwanted conduct which has the purpose or effect of:

- violating a person’s dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.’

4.1.2 Typically, for behaviour to be considered harassment it will be persistent and continue or develop over time. However, a one-off incident that is particularly serious can potentially, in and of itself, constitute harassment.

4.1.3 Harassment can be communicated verbally, expressed in writing (e.g. via letter, email, text message, on social media, in graffiti or posters/signs etc.) or be physical in nature. It may be expressed directly to the individual concerned, occur in their presence or be communicated about them to a third party.

4.1.4 This list is not exhaustive but examples of behaviour which may amount to harassment are:

- Insults, name-calling, inappropriate jokes and offensive language, gestures images and/or literature;
- Pestering, stalking or spying;
- Physical assault or threats of physical assault;
- Intimidating, coercive or threatening behaviour;
- Ridiculing and undermining behaviour;
- Isolation, non-cooperation or deliberate exclusion;
- Inappropriate comments about a person’s appearance;
- Intrusive questions or comments about a person’s private life; or
- Disclosing or threatening to disclose any sensitive personal information or special category data about an individual, and which relates to an actual or perceived protected characteristic (see paragraph 4.1.8 below), without their permission to do so – e.g. disclosing without their permission an individual’s actual or perceived sexual orientation, their religion or beliefs etc.

4.1.5 Examples of potential sexual harassment specifically are detailed in the [University's Prevention of Sexual Misconduct and Sexual Harassment Policy](#).

4.1.6 Conduct may be harassment whether or not the person intends to offend and whether or not it is directed at the individual who is harassed. Relevant factors in determining whether behaviour

amounts to harassment where it is not intended to have that effect and where it is unacceptable to the recipient are:

- the perception of the recipient;
- whether it could reasonably be perceived or considered to amount to harassment;
- the severity and/or frequency of the conduct; and
- any other relevant circumstances.

4.1.7 The University will therefore consider the factors above in assessing any allegations of harassment.

4.1.8 Harassment related to a protected characteristic is unlawful. Under the Equality Act 2010 (“the Act”), there are nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

## **4.2 Bullying**

4.2.1 Bullying can be defined as ‘unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’. Bullying can take the form of physical, verbal and non-verbal conduct.

4.2.2 Typically, bullying is one person against another or group of others, or a group of people against an individual. Bullying can also occur in less obvious scenarios however e.g. a member of staff may be bullied by a student or a line manager by a member of their team.

4.2.3 This list is not exhaustive but examples of behaviour which may amount to bullying are:

- Ridiculing or demeaning someone, in public or in private;
- Shouting or screaming at someone, in public or in private;
- Using an aggressive style or tone in written correspondence to someone e.g. unnecessary or excessive use of capital letters, underlining or punctuation;
- Isolation or non-cooperation e.g. unnecessarily withholding required information, equipment or facilities;

- Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual;
- Making threats or comments about someone's job security or academic success or failure without good reason;
- Undermining a competent worker or student by the setting of unrealistic workloads or deadlines and/or constant criticism; or
- Conduct that is derogatory, patronising, belittling or humiliating to others.

4.2.4 As with harassment, in assessing any allegations of bullying the University will consider whether it could reasonably be perceived or considered to amount to bullying, the severity and/or frequency of the conduct, and other relevant circumstances. Conduct may still be deemed to be bullying whether or not the person intends to offend.

### **4.3 Victimisation**

4.3.1 Victimisation is subjecting someone to a detriment because they have (or are perceived to have), in good faith, complained or may complain (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence about a complaint.

4.3.2 This list is not exhaustive, but examples of victimisation may include:

- refusal to provide a reference once the working or learning relationship has ended, or providing a negative reference without substance or evidence to support it; or
- preventing individuals progressing by intentionally blocking their promotion or training/learning opportunities.

4.3.3 If victimisation relates to a complaint under the Equality Act 2010, it may constitute unlawful victimisation.

## **5 PROCEDURES FOR RESOLUTION**

### INFORMAL RESOLUTION/ACTION

5.1 In cases of potential sexual harassment, it is recognised that informal resolution is unlikely to be appropriate, even more so when either party is a student. Therefore, any individuals who believe they are subject to behaviour that may constitute sexual harassment should instead refer to the [University's Prevention of Sexual Misconduct and Sexual Harassment Policy](#) for further advice on potential next steps.

5.2 If an individual believes they are being subjected to any other form of harassment, bullying or victimisation, it is recommended that, where possible and appropriate those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed.

- 5.3 Whichever approach is chosen, it is recommended that a written record of any incident is made as soon as possible after it occurs. This should include:
- Details of when and where the incident took place, including dates and times;
  - Details of the behaviour; and
  - Details of any witnesses to the behaviour.
- 5.4 There are a number of informal approaches that can be adopted as outlined below:
- Individual Action – the University recommends that anyone who believes they are being subjected to harassment, bullying or victimisation should consider raising their concerns directly with those involved. This may be through a discussion or, if more suitable, in writing to them. It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.
  - Facilitated conversation – an individual may feel anxious about raising the matter directly with the other person involved, especially doing so alone. In such situations a facilitated conversation may be an appropriate alternative. A facilitated conversation is a confidential discussion between all parties concerned and provides a safe, confidential, environment to discuss concerns in a supportive, constructive way. For staff, such a conversation may be facilitated by a line manager, another senior manager from within the same department/business area or a member of Human Resources. For students, it may be a personal tutor and/or senior member of their School. It would not normally be appropriate to engage the support from fellow students. The purpose of the meeting will be to try and ensure that, through the involvement of the facilitator, all parties are given the chance to explain the situation from their perspective, and are encouraged to listen and seek to understand each other's perspectives. The facilitator may seek to offer solutions to resolve the problem should they feel able, and it is appropriate for them to do so. Following any discussions, the facilitator concerned should provide to the individual/s a written summary of the meeting, including what was discussed, just in case further action should be necessary.
  - Third-party intervention – if approaching the person directly, alone or through a facilitated conversation, does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Asking an appropriate person who is not directly involved in the situation to speak with the alleged harasser can often help get the right message across. For staff, an appropriate third party would be their line manager, another senior manager or a member of HR. As above, for students, it may be a personal tutor and/or senior member of their School but it would not normally be appropriate to engage the support from fellow students. Although asking someone to act as a third party in this way may be helpful,

individuals should avoid involving too many people in the situation to ensure confidentiality of all parties concerned.

- **Mediation** - mediation is a more in-depth and structured process which is proven to be highly effective at resolving matters, particularly where such an issue relates to a breakdown in relationships. If all parties concerned agree to take part in mediation, where the matter involves staff members then the issue will be referred to an external, accredited mediator. For students the issue will be referred to a trained mediator from Student Services, appointed by the Director or Assistant Director of Student Life. The mediator will contact both parties and explain the principles and processes of mediation. The mediation process will include, in the first instance, a separate private meeting with the mediator and each concerned party followed by a facilitated face to face meeting with all parties concerned. Mediation is a voluntary and confidential process. The mediator will help the parties have an open and honest conversation with the aim of identifying a mutually acceptable outcome. If this is the case, the mediator will encourage parties to draw up an agreement. After mediation has finished individuals concerned may agree that, if appropriate, others can receive a copy of this final written agreement.

#### **FORMAL PROCEDURES**

- 5.5 In the situation where the matter cannot be addressed informally, or where an attempt at informal resolution is not appropriate, due to the nature, severity or extent of the harassment, bullying or victimisation, for staff members the matter should be dealt with in accordance with Sections 5 and 6 of the [University's Resolution Procedure](#). For students, where the matter relates to the alleged behaviour of a fellow student it will be dealt with in accordance with the [Student Disciplinary Procedures](#), and where the matter relates to the alleged behaviour of a member of staff it will be dealt with in accordance with the [Student Complaints Procedures](#).

## **6 SUPPORT AVAILABLE**

- 6.1 There are a number of support options available for individuals who feel that they are being subjected to harassment, bullying or victimisation. The University recognises that such matters may not be easy to raise, either informally or formally. Managers, colleagues or fellow students who are involved in seeking to resolve the matter may also need support at times.
- 6.2 For staff those sources of support are:
- **Human Resources** – All employees can seek support and advice from the relevant HR Business Partner on the application of this policy and procedure at any stage, including after a resolution has been reached if needed.
  - **Trade Unions** - Trade union representatives are available to provide support including suggestions on how to resolve matters informally. Should an individual's concerns progress to

the formal procedure, Sections 5 and 6 of the University's Resolution Procedure advise employees of their right to be accompanied by a trade union representative (or a workplace colleague) if they wish to.

- Counselling Support - Confidential counselling is available to all employees through the University's Employee Assistance Programme (EAP) helpline, provided by PAM Assist. PAM Assist provide a 24-hours a day, 365 days a year confidential counselling telephone helpline (0800 884 4102), which is free and staffed by trained counsellors. Details of any conversations are not disclosed to anyone at the University. Alternatively, employees can also access other helpful resources on [www.pamassist.co.uk](http://www.pamassist.co.uk) or via the PAM Assist app. Further details of the service are available on the HR website: <https://www2.worc.ac.uk/personnel/658.htm>.
- Resolution Support Officers - Resolution Support Officers are available as an additional point of contact and source of confidential support for employees. They will act as a signpost for staff to sources of guidance and support, as well as acting as a 'friendly ear' when an individual first identifies that they may be subjected to harassment, bullying or victimisation and may wish to talk through their perspective of the matter with an impartial individual. Discussions with Resolution Support Officers will remain confidential and will not be disclosed to anyone else without the employees' consent. Employees should be aware that, unlike investigation interviews, there will be no agreed written record of any discussion with the Resolution Support Officer that will be used in any subsequent formal process.

### 6.3 For students those sources of support are:

- Student Services – students can access support and advice from the Student Support and Wellbeing Service by emailing [studentlife@worc.ac.uk](mailto:studentlife@worc.ac.uk), or through **firstpoint**. The Advisers can provide help with the process and options, as well as personal support and signposting. They can also refer to Counselling and Mental Health for more specialist support when necessary.
- Students' Union – The Students' Union (SU) operates a free, independent, confidential and impartial Help and Advice Service for students (<https://www.worcsu.com/helpandadvice/>). The service's Advice and Welfare Advisor can offer guidance on a range of issues and, also, arrange for a representative to accompany students to meetings where they feel would like support. An appointment can be made with the Advisor by calling the SU's Welcome Desk on 01905 54 3210, by emailing [studentsunion@worc.ac.uk](mailto:studentsunion@worc.ac.uk), or by completing a confidential on-line form at <https://www.worcsu.com/helpandadvice/adviceform/>.
- External information and advice is also available, for example on cyberbullying. Links can be found on the Student Support pages: [www.worc.ac.uk/studentssupport/bullying-and-harassment.html](http://www.worc.ac.uk/studentssupport/bullying-and-harassment.html).

## 7 GUIDANCE

### Guidance for individuals witnessing harassment, bullying or victimisation

- 7.1 Where bullying or harassment occurs in a group situation, if there is a person in authority (e.g. a line manager) then it is their responsibility to recognise this behaviour and to take appropriate action to stop it. It is important that it is made clear to the individual who is behaving inappropriately (privately, if appropriate) that such actions are unacceptable and could result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which harassment, bullying or victimisation is deemed to be 'acceptable'.
- 7.2 If the person in authority (e.g. the line manager) is the individual who is behaving inappropriately, or if there is no identifiable person to take the lead on the matter (e.g. the behaviour is occurring in a student residence), others within the group should support the individual who is subject to such behaviour to help them identify the appropriate course of action from the options as outlined in Section 5 above.
- 7.3 Any individuals who think they may have witnessed harassment, bullying or victimisation can also seek help and advice from the sources listed in Section 6 above.

### Guidance for individuals accused of harassment, bullying or victimisation

- 7.4 Individuals who are approached about their behaviour are advised to consider what is being said carefully, to step back and reflect on their behaviour and not to dismiss the concerns out of hand. Even if it was not the intention to cause offence, actions can still constitute harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If an individual believes the accusation against them to be unfounded, they should still participate willingly and openly in any discussions so that the situation can be resolved as soon as possible.
- 7.5 In many cases individuals who have been approached about their behaviour may feel that there has been a misunderstanding, and that they did not intend to cause any upset or harm. In this case, where the individual complaining about the behaviour has genuine cause for concern, the individual should explain that the behaviour would not be repeated and both parties should seek to come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.
- 7.6 In situations where an individual is subject to a formal allegation of harassment, bullying or victimisation however, they should not contact the complainant or any potential witnesses to try and resolve the matter informally. An individual who has been formally accused will have their opportunity to respond to the allegations against them as part of any formal process necessary.

7.7 Individuals who are accused of harassment, bullying or victimisation, whether that be informally or formally, can seek support and advice from the sources listed in Section 6 above.

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Related Policies, Procedures, Guidance, Forms or Templates	Staff Resolution Procedure – September 2021 Student Complaints Procedure – September 2018 Prevention of Sexual Misconduct and Sexual Harassment Policy – February 2022
Policy/Policies Superseded by this document	Dealing with Harassment and Bullying Policy – 19 <sup>th</sup> December 2011 Dealing with Harassment and Bullying Procedure – 19 <sup>th</sup> December 2011 Flowchart detailing the Harassment and Bullying Procedure for Staff – January 2012