

Dignity at Work and Study Policy

Updated March 2011

1. Our commitment

SGUL values diversity and is committed to creating a positive working and learning environment free of harassment and bullying, where all people are treated with dignity and respect. SGUL wants to enable staff and students to fulfill their personal potential and will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be promptly and thoroughly investigated and, if appropriate, disciplinary action will be taken.

Harassment or bullying can have very serious consequences for individuals and the University. Harassment or bullying may make people unhappy; cause them stress, affect their health and family and social relationships; may affect their attendance, work or learning performance and could cause them to leave their job or programme of study.

Effects on the University may include loss of morale, poor work performance and increased turnover of staff, leading to potential negative impact on teaching delivery, legal claims and damage to SGUL's reputation.

The university will therefore treat allegations of bullying and harassment seriously and all claims will be promptly and thoroughly investigated, and if appropriate, disciplinary action will be taken.

Employees or students found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal/expulsion. They could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected.

Serious harassment may constitute a criminal offence.

SGUL will not tolerate victimisation of a person for making good faith allegations of bullying or harassment, or supporting someone else to make such a complaint. Victimisation is a disciplinary offence (see point 10 for a definition of victimisation).

2. The purpose of this policy

The purpose of this policy is to assist in developing and encouraging a working and learning environment in which harassment is known to be unacceptable and where individuals have the confidence to deal with harassment without fear of ridicule or reprisals.

3. Application of this policy

This policy applies to the conduct of staff and students in the context of their university work or study, or other activities which affect the working, learning or social environment of the institution. It covers bullying and harassment in the workplace and in any work or study-related setting outside the workplace, e.g. business trips, or work/study-related social events, or locations such as placements or fieldwork. This includes bullying/harassment of students by fellow students outside of university (e.g. in halls of residence or in private accommodation).

It will also apply to complaints about employees made by agency staff, contractors and workers working within, but not directly employed by, the institution.

4. Harassment Definition

Harassment is unwanted and unwelcomed conduct which has the purpose or effect of;

1. violating the dignity of a person or group ; or
2. creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Harassment constitutes the inappropriate introduction of inappropriate comments or activities into teaching, learning, living and working environments.

Harassment can range from violence and bullying to more subtle behaviour.

Note that:

- a single act can constitute harassment;
- harassment is defined by its impact on the complainant and not simply by the intention of the harasser.

Harassment is based on membership of any legally protected minority group. Harassment can occur on a variety of grounds which may include, but are not limited to:

- sex or gender reassignment
- race, ethnic origin, nationality or skin colour
- disability
- sexual orientation
- age
- religion or belief.

4.1 Examples of harassment include:

-These examples are not intended to be exhaustive but to illustrate the types of behaviours which many will find unacceptable.-

On the grounds of sex

- remarks or innuendoes which ridicule, embarrassing or insulting jokes of a derogatory nature, leering or whistling,
- unwanted physical contact ranging from unnecessary touching, pinching and brushing against another's body to sexual assault and rape
- unwelcome sexual advances, propositions or pressure for sexual activity; suggestive remarks, innuendoes, lewd comments or unwanted comments about appearance
- the display of pornographic or sexually suggestive pictures, offensive e-mails/text messages/ videos

On the grounds of race

- racially derogatory remarks or jokes, banter, ridicule or taunts
- graffiti or slogans or the display of pictures, posters or web-sites with racial overtones, even if not directed at a particular person
- using a disparaging or offensive tone when communicating with people from certain racial groups

On the grounds of disability

- jokes about disability, disabled people or people with HIV/AIDS
- mimicking the effect of a disability or speech impairment
- use of inappropriate terms (e.g. cripple, spastic)
- excluding individuals with disabilities from professional and social events by act of commission or omission

On the grounds of sexual orientation

- homophobic remarks or jokes
- threats to disclose sexuality
- asking intimate questions about sexual activity
- outing someone as lesbian, gay or bisexual without their permission

On the ground of trans status

- refusing to associate with or ignoring someone because they are trans
- refusing to address the person using their new name and gender pronoun
- failure to keep confidential information about that person's trans status
- refusal to allow use of sanitary facilities appropriate to the gender in which the person is living

On the grounds of age

- use of ageist stereotypes
- making assumptions about abilities or fitness on grounds of age
- basing selection for training or development on the grounds of age (e.g. excluding those approaching retirement)

- correlating career progression with age (e.g. the assumption that someone should have reached a certain career point by age 40)

On the grounds of religion or belief

- offensive remarks or jokes about religion or belief
- refusal to work with a person because of their religion or belief (or lack of religion or belief).

On the grounds of association with someone with a protected characteristic

- making assumptions about an individual's commitment to their work because they care for a disabled person.

On the grounds of pregnancy or maternity

- criticising an individual because they need to take a break to express breast milk.

On the grounds of marriage or civil partnership status

- treating an individual differently because they have a same sex or opposite sex partner.

Harassment often, but not always, arises between people of unequal status and the university will regard the abuse of a position of authority very seriously. Explicit examples of such abuse might include:

- promise of rewards for compliance - such as higher assessment marks for a student, or recommendation for promotion of a member of staff;
- threats of penalties where there is non-compliance such as a refusal to provide appropriate support or resources, or denial of a request for appropriate training.

However, harassment of people in more senior position by people in a less senior position, or by people in a peer position does occur. All are equally unacceptable.

5. Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, or misuse of power which undermines, humiliates, or injures the other party. It may be an abuse of power, position or knowledge. Unlike harassment it is not based on membership of any legally protected minority group.

Bullying can happen in public or private. Bullying can be unpredictable, irrational and sometimes unseen by others. It can cause an individual to feel isolated with physical and mental health consequences.

Bullying can be carried out by an individual, or a group of individuals.

It may involve someone in a position of authority bullying someone in a less senior position but bullying of people in a senior position by people in a less senior position, or by people in peer positions does occur. All are equally unacceptable.

5.1 Examples of bullying behaviour include:

Detailed examples of actions or behaviours which may constitute bullying are set out below. These examples are not intended to be exhaustive but to illustrate the types of behaviours which the institution finds unacceptable.

- spreading malicious rumours, or insulting someone, personal insults and name calling
- sending e-mails or hard copy documents that are critical of someone to others who do not need to know
- repeatedly shouting or swearing or humiliating at an individual in public or private
- persistent criticism or constantly undervaluing effort
- ridiculing or demeaning someone – picking on them or setting them up to fail
- derogatory or belittling remarks in front of others as regards appearance, work or personal attributes
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- setting unrealistic deadlines for an increased workload

- increasing responsibility whilst decreasing authority
- overruling, ignoring, marginalising, or excluding an individual
- removing areas of responsibility and imposing menial tasks
- deliberately sabotaging or impeding work performance
- preventing individuals progressing by intentionally blocking promotion or training opportunities or withholding work related information
- dispensing unfair punishment out of the blue
- victimisation.
- excluding individuals from work or team events or isolating an individual by refusing to speak to them.

5.2 Reasonable management practices

Reasonable management and academic guidance is defined as legitimate, constructive and fair criticism of staff or student performance/conduct. This will not be considered bullying or harassment provided that those involved are treated with dignity, courtesy and respect. Firm management or academic guidance - the use of reasonable measures to improve the quality of work or study- is not bullying.

6. Examples of reasonable management practices include:

- setting realistic work objectives, targets and deadlines
- monitoring output and supporting staff to enable them to develop
- setting reasonable standards for work and conduct and monitoring for compliance.

Vigorous speech and comments, academic debate and legitimate management of the performance of staff or students can be distinguished from bullying behaviour. However care should be taken to ensure that neither staff nor students are made to feel intimidated.

7. Test of reasonableness

The university will apply a 'test of reasonableness' in responding to reports of harassment consistent with the Protection from Harassment Act 1997. This Act states that it is not necessary to prove an intention to harass; rather a court would have to be satisfied that the harasser had pursued a course of conduct which amounted to harassment of another and which the harasser 'knows or ought to know amounts to harassment of the other.'

This test also protects individuals against frivolous or vexatious complaints from the oversensitive. This means that harassment will have occurred if any independent, reasonable individual deems it to have occurred.

The University has an equal duty of care to both the individual alleging harassment and the alleged harasser and an allegation cannot be presumed proved until properly investigated and tested against this principle of reasonableness. There may be occasions where there are no witnesses to an incident of alleged harassment and it is one individual's word against another. Where this is the case the balance of probability can be taken into account.

8. Vexatious complaints

If it is established during the investigation that an individual has knowingly raised a mischievous or malicious accusation against another person, they will be the subject of disciplinary action. The deliberately false defamation of another person's character is equally unacceptable to the University.

9. Criminal offences

SGUL expects members of staff and students to exercise their legal rights so as to protect themselves in cases where a criminal offence may have been committed. If a criminal offence such as harassing phone calls, physical assault, indecent exposure or rape takes place, nothing in any of SGUL's policies is intended to prevent or dissuade an individual from contacting the police.

10. Victimisation

Victimisation occurs when a person is put at a disadvantage or suffers reprisal for making, in good faith, a complaint of bullying or harassment (or for supporting someone else who has made a complaint).

Victimisation can constitute unlawful discrimination, and result in disciplinary action, regardless of the outcome of the original complaint.

11. Rights and Responsibilities

SGUL has a duty of care to its staff, students and visitors; it is legally responsible for ensuring that the behaviour and conduct of staff and students in the course of their work or study is acceptable. Failure to recognise or investigate incidents of unacceptable behaviour does not excuse the university from liability and could have serious legal consequences under Health and Safety, employment, and anti-discrimination legislation.

All staff and students are personally responsible for their behaviour towards others and are expected to demonstrate active commitment to this policy and its aims. They may be held personally liable as well as, or instead of SGUL, for any unlawful discrimination. Staff and students who commit serious acts of harassment may be guilty of a criminal offence.

Everyone has a responsibility to acknowledge that views, opinions held by others and decisions made by managers and supervisors may not always coincide with their own; such differences in themselves do not constitute harassment.

All staff as individuals and as managers with line management or supervisory duties have a responsibility to promote a culture free from unacceptable behaviour. This includes identifying unacceptable behaviour in themselves and others when it occurs, and taking reasonable corrective or preventative action. It is not acceptable for any manager to ignore unacceptable behaviour.

Senior managers have the responsibility to communicate this policy to their staff and ensure that where it is necessary to take remedial or disciplinary action against a member of staff or a student, this is done fairly and in accordance with the University procedures.

Likewise students have a responsibility to acknowledge and respect the duties of members of staff and should not demean, devalue or intimidate them. The Students' Union fully supports this policy.

There are professional as well as ethical reasons for staff to maintain an appropriate formal relationship between themselves and students. All members of the university should manage their relationships in an appropriate manner in line with the **code of conduct** which can be found on the portal under the Human Resources Department policies and procedures.

12. Informal action: finding help

The University encourages the solution of all complaints on an informal basis wherever possible. In some cases it may be possible for matters to be resolved informally. Staff and students have the right to access the policy and procedures for dealing with breaches and complaints, and be supported in a sensitive manner by member of the university who has been given relevant training.

In the first instance, for staff:

- this may be a dignity advisor or a human resources manager, a trade union representative or a staff representative.

for students;

- this may be a dignity advisor or the students union Vice-President (Education, Welfare & Representation).

For suggestions on how to deal with complaints informally staff should see:

- **harassment and bullying: complaints procedure for staff**

students should see;

- **harassment and bullying: complaints procedure for students.**

13. Formal action: making a complaint

If it is not possible to resolve concerns informally, a formal grievance may be lodged.

If staff wish to raise concerns about an infringement of their dignity at work, staff may implement the grievance procedure under their terms and conditions of service available on the portal under the Human Resources Department, Terms and Conditions, section: statements of terms and conditions.

If students wish to raise concerns about an infringement of their dignity at students may implement **the student complaints procedure**. This is available on the portal on the Student Union's pages.

14. Confidentiality

Information will be kept in trust and only those people directly involved in the resolution of a complaint will be provided with information about a complaint.

There may be a need to disclose confidential information in circumstances where a matter is considered to involve a criminal action or breach of the University's duty of care and in such cases the information will be divulged only to those who need to know.

15. Freedom of information

St George's, University of London is committed to providing all information requested by way of the Freedom of Information Act 2000 wherever possible. However, any information provided will be statistical and completely anonymised. Any requests for information where there is a possibility of indirectly identifying an individual will be referred to the Data Protection Act 1998 and treated accordingly.

16. Data Protection

All information will be handled sensitively. SGUL needs to keep certain personal data, for example about its staff and students, to fulfill its purpose and to meet its legal obligations to funding bodies and government.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. This requires St George's to comply with the 8 Data Protection Principles which are set out in the Data Protection Act (DPA), 1988. (More information on SGUL's data protection policy is available on the SGUL portal pages).

17. Communicating the policy

This policy will be communicated to all staff via internal publications, intranet site, equality and diversity training and will be issued to all staff at induction.

The policy will be communicated to all students via student union page of the portal, the SGSU welfare handbook and will be issued to all students at the matriculation process.

18. Review

The Director of Human Resources or his/her nominee and the Secretary & Academic Registrar or his/her nominee as appropriate will review all formal cases annually to ensure procedures have been followed and any learning points noted and incorporated.

This policy and associated procedures will be reviewed 2 years after implementation.

19. Monitoring

All formal complaints of bullying and harassment will be reported to the Principal as soon as a written complaint is received by the Director of Human Resources or the Secretary & Academic Registrar, as appropriate.

Human Resources or Registry will compile the personal details such as race, gender, age and disabled status of all individuals raising a claim of harassment irrespective of whether the disciplinary process was subsequently invoked as a result of the claim. This information will be kept confidentially by Human Resources or Registry and will be used for no other purpose than to enable the university to fulfill its obligations for monitoring equal opportunities.

The level of complaints will be monitored - data for each Division will be compared to the rest of the institution. Positive action will be taken in Divisions which have high levels of complaints about bullying or

harassment. This data will be fed back to the Division and discussed with the link personnel staff member for that Division.

Data on individual Division as well as the number and type of cases (anonymised), level of action and outcomes will be reported annually to key Committees:

- the Human Resources committee
- the Equality and Diversity Committee
- the Strategy, Planning and Resource Committee
- the Council.

20. Training and awareness

The institution offers training and support to assist staff and managers to comply with this policy. All staff should ensure they receive SGUL's **equality and diversity training**. To find out more or enrol on the training, please contact the staff development team.

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