

University of Plymouth

Anti-harassment and anti-bullying policy and procedure

Summary

This document outlines:

- Our policy and procedures in relation to harassment and bullying of members of the university community;
- Information on the procedures for reporting concerns to us and the responsibilities of everyone involved in investigating and dealing with harassment and bullying concerns, either informally or formally;
- The support that is available, including from harassment advisors, and who to contact for advice and support; and
- Information on how harassment and bullying are defined, and some examples of behaviour that could be considered to be harassment or bullying.



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1. Policy statement

We are committed to the principles of equal opportunities and respect for individuals in creating and maintaining an inclusive environment. We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. We work to recruit and develop staff and students from a wide range of backgrounds and promote an inclusive culture where:

- We provide a supportive and inclusive learning, working and social environment in which everyone feels that they are valued and can work to achieve their potential;
- We treat all staff and students fairly and equally, and with dignity and respect; and
- The opportunities we provide are open to everyone, and decisions are based on merit and not on people's personal circumstances.

We will not tolerate bullying or harassment of one member of the university community by another, and aim to provide an environment where people know that we take such allegations seriously and we all have the confidence to report harassment or bullying without fear of victimisation.

This policy applies to employees, students and anyone else directly working on our behalf.

2. Guiding principles

If you believe that you, or someone else, are being harassed or bullied by another employee, student, visitor or contractor, we will provide support to investigate the allegations and deal with any behaviour we find to be unacceptable.

We use the following guiding principles to help us provide an appropriate solution as soon as possible.

We will provide access to support to try to allow early action and an informal solution to the problem wherever possible. Where this is not effective or appropriate, it may be necessary to take formal action.

- Witnesses, as well as people who are the victims of harassment or bullying, can raise a concern under this policy.
- Our procedures have been developed to try to avoid people feeling that they have no course of action other than to make a formal complaint, and to make sure people are not asked to repeat information unnecessarily.

- As well as the internal university procedures and remedies for dealing with any harassment and bullying, people responsible for such behaviour may be breaking the law and may be prosecuted in the courts.
- We will consider the severity of cases of harassment and bullying and decide whether to refer the matter to the police in line with the [Protection from Harassment Act 1997](#).
- If a case is being investigated by the police, we will suspend any internal proceedings until after the outcome of their investigations.
- When dealing with cases of alleged harassment or bullying, we will keep to the [Data Protection Act 1998](#). We will handle information sensitively and discreetly, and only reveal it to those who need it for the purposes of considering the case. If we decide to take formal action, we will reveal it to the person (or people) responsible for the behaviour the complaint is about.

We can take disciplinary action against people who are found to have made complaints based on information they knew to be false, or with malicious intent. This action could include dismissing employees or expelling students. We will not take this action against anyone who makes a complaint in good faith, even if that complaint is not upheld.

3. Applying this policy

This policy applies to Plymouth University employees and students and affects the working, learning and social environment of our university. It can include the way employees and students behave towards each other outside university premises on university-related social occasions. It can also include behaviour towards people who are not members of the university, such as applicants, contractors, and members of the public who visit our sites or use our services.

As part of our procurement processes, we will draw this policy to the attention of consultants and contractors and make it clear that we will not tolerate harassment of our staff or students. We expect organisations providing work and study placements for our students to make sure that they are aware of our policies, and that they make students aware of any specific policy of their own that they expect students to keep to while working or studying with them.

4. Responsibilities

All members of the university, employees, students and anyone working on our behalf have a duty to make sure that people do not suffer any form of harassment or bullying and that, if they do, they are supported in trying to stop it through informal or formal resolution procedures.

Although the ultimate responsibility for this policy rests with the Board of Governors, the Vice-Chancellor and University Executive Group (UEG) will make sure that it is applied effectively by all university employees who hold positions of authority over others.

On a day-to-day basis, people who hold positions of authority over others are expected to:

- Make sure that the people they are responsible for, including students and visitors, are aware of this policy and the procedures to follow (as set out in appendices B and C), and to take immediate action if they suspect or identify harassment or bullying, whether or not a formal complaint has been made;
- Work to promote a positive and inclusive work and study environment through setting a good example to others and doing their best to treat everyone with dignity and respect; and
- Complete any specific extra training they need to help them to follow this policy effectively.

All employees and students are expected to:

- Encourage a person who says they have been bullied or harassed to contact a harassment advisor or other suggested point of contact;
- Be sensitive to the feelings of that person; and
- Not take part in, and actively discourage other people from taking part in, gossip about cases of alleged or actual harassment or bullying.

5. Definitions of harassment and bullying and victimisation

5.1 Harassment

The Equality Act 2010 defines harassment as being '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 Equality Act 2010 bans three types of harassment. These are:

- a) Harassment related to the 'protected characteristics' (as defined by the Equality Act 2010);
- b) Sexual harassment; and
- c) Treating an employee or student less favourably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

Appendix A of this policy sets out the protected characteristics and provides more information about how harassment and unwanted behaviour is defined, as well as some examples of behaviour that is likely to be harassment.

5.2 Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another, and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. In appendix A we have provided some examples of behavior that may be considered to be bullying.

5.3 Victimization

Victimization is when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment or bullying), or have helped another person to make a complaint under the Equality Act 2010 by providing evidence or information.

Victimization can count as unlawful discrimination and result in disciplinary action, regardless of the outcome of the original complaint.

6. Hate-crime incidents and reporting

We will not tolerate homophobic, biphobic, transphobic, racist or disablist hate incidents. This includes racial hatred, encouraging racial hatred, and any form of violence or encouraging violence.

We have [separate procedures](#) for reporting and responding to any alleged hate incidents or hate crime related to racism, biphobia, transphobia, homophobia and disablism, whether this takes place on or off campus.

If you are the victim or a witness of hate crime, we encourage you to report the incident using the online form which is available for employees and students on our website. You do not have to give your name. Printed copies of the form are also available at front-line locations across the university (such as the university reception). You may also want to contact the [Equality and Diversity Team](#) or an [harassment advisor](#).

7. Harassment advisors

We have a network of trained, voluntary harassment advisors whose role is to support employees and students who feel that they are being harassed or bullied.

We strongly urge you to contact an advisor to discuss or report (or both) any situation which may be harassment or bullying at work or study.

Meetings are confidential and it is better to meet with an advisor from a different faculty or department. It may help to keep a record of exactly what happened and when and whether any other people witnessed the behaviour.

In almost every circumstance, if you report alleged harassment or bullying to an advisor, it will be your decision whether or not any further action is taken.

Details of your discussions with an advisor will only ever be passed on to others if you give your permission. No action will ever be taken without your permission; unless your safety or the safety of others is at risk (in this case the advisor would still consult you before passing on information).

The role of advisors is to offer advice and help you achieve an informal solution in line with the relevant procedures outlined in this policy. Whether you are an employee or a student, advisors are available to offer support ranging from a single advisory meeting to a series of meetings that may offer support in taking either informal or formal action. Advisors have received training on policy, procedure, skills and relevant legislation, and are happy to give you advice on a wide range of issues related to harassment and bullying.

There is a list of harassment advisors on the Equality and Diversity intranet community, intranet.plymouth.ac.uk/equality/, or you can ask the [Equality and Diversity Team](#) for one.

8. Reporting and monitoring

We have outlined our reporting procedures in appendices B and C to this policy.

Harassment advisors monitor informal complaints and their outcomes confidentially and anonymously. They never record any information on the monitoring forms which would allow any individual to be identified.

The Equality and Diversity Team will analyse the monitoring forms to monitor the success of the informal complaints procedure and identify any areas of particular concern. This means that, even if a complaint of harassment or bullying is not taken further, the complaint will still have been recorded in a way which makes sure your details are kept confidential.

In circumstances where bullying and harassment claims are dealt with through other procedures and methods, we will record the details in line with the relevant procedure.

We will work with other organisations, such as the police, to support people to report hate crime.

9. Further information and contact details

If you need more information or advice about this policy, please contact the Equality and Diversity Team.

Phone: 01752 582060 (extension 82060)

Email: equality@plymouth.ac.uk

Website: www.plymouth.ac.uk/equality

There is a list of harassment advisors on the Equality and Diversity intranet community, intranet.plymouth.ac.uk/equality/ or you can ask the [Equality and Diversity Team](#) for one.

10. Review of this policy

We will review this policy and linked procedures as necessary, taking into account feedback from users, evaluation methods and any changes to regulations that may be relevant. If you have any feedback or comments that could help us improve the policy and procedure, please give these to the Equality and Diversity Team.

Appendix A – Further information on the definitions of harassment and bullying and associated behaviour

Harassment

The Equality Act 2010 defines harassment as being ‘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 Equality Act 2010 bans the following three types of harassment.

- a) Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):
 - Age;
 - Disability;
 - Race;
 - Sex;
 - Gender reassignment;
 - Religion or belief; or
 - Sexual orientation.
- b) Sexual harassment.
- c) Treating an employee or student less favourably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

Behaviour that is acceptable to one person may be unwanted by another. When assessing whether behaviour is harassment, we must look at if the behaviour, whether unintentional or deliberate, is unacceptable to the person on the receiving end and would be judged as harassment by any reasonable person. The word ‘unwanted’ means the same as ‘unwelcome’ or ‘uninvited’. The person the behaviour is directed toward does not have to expressly object to the behaviour before it is considered to be unwanted.

If the person responsible for the behaviour did not intend to create a negative environment, the behaviour will still be harassment if it has the effect of creating such an environment. When deciding whether behaviour has had a negative effect, we will take account of each of the following.

- The view of the person who made the complaint. For example, whether they feel the behaviour has created an intimidating environment. (This part of the

test is a subjective question and depends on how the person who made the complaint regards the treatment.)

- The other circumstances of the case.
- Whether it is reasonable for the behaviour to have the stated effect. This is an objective test.

Whether you are an employee or student, you can make a complaint of harassment if you find behaviour offensive and it relates to a protected characteristic. This applies even if the behaviour is not directed at you. You do not need to have the relevant characteristic yourself to make a complaint.

The Equality Act also protects people from harassment because of perception and association. This means it is still harassment even if the person does not have the characteristic but is wrongly considered to have the characteristic or is harassed because of their association with someone who has the characteristic, such as a family member, friend or partner.

Harassment may take many forms and includes behaviour related to a protected characteristic. However, harassment is not always related to any of the above. Examples of behaviour which is likely to be considered harassment are given below. This is not a full list, and we will view other forms of harassment equally seriously.

- Behaviour of a racist, sexist, homophobic, biphobic, transphobic, ageist or disablist nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, physical abuse.
- Abuse through email, texts, websites or social media.
- Invading someone's personal space.
- Displaying offensive material. This can be on paper or electronically (for example, on social media).
- Spreading malicious rumours or insulting someone (particularly because of that person's age, race, sex, disability, sexuality, religion or belief, or because they are transgender).
- Preventing other people from progressing by deliberately blocking their educational progress or training and development opportunities or promotion.
- Intentionally isolating or excluding someone.
- Persistent, unwelcome contact, which may include text messages, emails, phone calls, gifts, letters, and calling at a person's home or place of work or study.
- Stalking.
- Offensive sexual behaviour such as suggestive looks, leering and remarks (including on social media and electronic communication devices), offensive

flirting, unwanted physical contact, unwanted sexual advances or demands for sex and compromising invitations.

- Offers of favourable treatment in return for sex (or threats of disadvantage if the person refuses).
- Making it public that someone is gay, lesbian, bisexual or transgender when they would prefer to keep this information private (known as 'outing').
- Drawing unwelcome attention to, or abusing someone's, religious beliefs.

Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable.

Bullying can take many forms, and we consider all types to be equally serious. We have given a number of examples below.

- Overbearing supervision, shouting, or verbal, written, online or other published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- Academic bullying, for example, asserting a position of intellectual superiority in an aggressive, abusive or offensive way, including by electronic media (for example, by email or on social media).
- Deliberately undermining someone by not allocating work fairly or constantly criticising them.
- Inconsistent management style where some people are favoured more than others.
- Public ridicule, sarcasm or humiliation.

Appendix B – Procedures for employees

Informal action

If possible, you should make it clear to the person causing the offence that the behaviour is unacceptable, and ask them to stop. It may be helpful to talk to a trained harassment advisor before approaching the person. A colleague or harassment advisor may accompany you to a meeting with the person causing the offence. In some cases this will be enough to deal with the situation.

If you are not able to speak to the person concerned, or if the behaviour continues after you have spoken to them, you should keep a note of details, dates, times, circumstances and witnesses, including a note of any ways in which the incidents have caused a change to patterns of work. A harassment advisor could help with this.

If you do not want to approach the person concerned, we will not interpret this to mean that the behaviour is acceptable, and it will not affect the outcome of your complaint. If you are not able to approach the person, or if you have tried but this has not been enough to deal with the issue, you should talk informally to any one of the following.

- [A trained harassment advisor](#)
- Your manager
- [An employee relations specialist](#)
- [The Employee Assistance Scheme](#)
- [A trade union representative](#)
- [A mediation specialist](#)

Sometimes it may not be appropriate for your manager to act as an advisor. If this is the case we will support you to find someone else to advise you.

Any discussion with a person listed above will be confidential and we will not take any further action without your permission, unless your safety or the safety of others is at risk, in which case you will be fully involved in the process. If we do take further action, the person you initially asked for advice will normally continue to offer support throughout the process.

If this informal discussion does not help to deal with the issue, you (and the person who is supporting you if this is what you want) should consult your manager or an employee relations specialist, if they are not already involved, for more guidance on

options for dealing with problems through the grievance procedure. You can do this in person or in writing.

If the person responsible for the unacceptable behaviour is a student, the manager or the employee relations specialist will involve that student's head of school in the discussions. The matter may then be dealt with informally or the next step may be to start formal action, which we would normally only do with your permission.

If the person responsible for the alleged behaviour is a contractor or third party, we will work with our Procurement Team to deal with the concerns informally or formally.

Formal action

In situations where informal action has not been successful or where informal action is not appropriate, we may take formal action. For an employee, this would be through the [Grievance policy and procedure](#). We will tell the employee relations specialist what steps we have already taken as part of the informal action to reduce the need for victims and witnesses of harassment and bullying to repeat information unnecessarily.

If the allegations relate to a student's behaviour, we would use our [Disciplinary Procedure for Students](#).

Appendix C – Procedures for students

Informal action

If possible, you should make it clear to the person causing the offence that you find the behaviour unacceptable and ask them to stop. It may be helpful to talk to a trained harassment advisor before approaching the person.

You may want to ask someone from [UPSU Advice](#), your personal tutor, a research supervisor, your programme leader or your head of school, someone from [Advisory Services](#), a friend, colleague or [harassment advisor to go](#) with you. In some cases this will be enough to deal with the situation.

If the person offering advice is also your personal tutor, programme leader or head of school, he or she may have to play a different role in any later proceedings. If this is the case, we will support you to find someone else to advise you.

If you are not able to speak to the person concerned, or if the behaviour continues after you have spoken to them, you should keep a note of details, dates, times, circumstances and witnesses, including a note of any ways in which the incidents have caused a change to any pattern of study. Any harassment advisor will be able to help you with this.

If you do not want to approach the person concerned, we will not interpret this to mean that the behaviour is acceptable, and it will not affect the outcome of your complaint.

If you are not able to approach the person, or if you have tried but this has not been enough to deal with the issue, you should talk informally to a trained harassment advisor, if you have not done so already. Your discussion with the harassment advisor will be confidential and we will not take any further action without your permission, unless your safety or the safety of others is at risk, in which case you will be fully involved in the process. If you decide to take further action, the person you initially asked for advice will normally continue to offer support throughout the process.

If this informal discussion does not help to deal with the issue, you (and the person who is supporting you, if this is what you want) should consult the head of school or the head of service responsible for the person whose behaviour is found to be unacceptable. You can do this in person or in writing. Any harassment advisor will be able to help identify the appropriate head of school or head of service, or the Equality and Diversity Team can provide this information.

If the person responsible for the unacceptable behaviour is an employee, their head of school or head of service will be involved in the discussions. The matter may then

be dealt with informally or the next step may be to start formal action, which we would normally only do with your permission.

Formal action

We may take formal action in situations where informal action has not been successful or where the nature of the complaint means that informal action is not appropriate.

If we are considering formal action, we will follow our [Disciplinary Procedure for Students](#).