

POLICY FOR ADDRESSING HARASSMENT

Statement of Intent

As part of its overall commitment to equality of opportunity, the University of Chichester ("the University") is fully committed to promoting a good and harmonious working and learning environment where every member of the student and staff community is treated with respect and dignity and in which no one feels threatened or intimidated because of his or her age, disability, marital status, political opinion, race, religious beliefs, organisational role, sex, or sexual orientation. The aim of this policy and the accompanying procedure is to prevent harassment, provide guidance to resolve any problem should it occur and prevent recurrence.

Harassment is unacceptable behaviour in the context of the University's Equality and Diversity Policy and organisational values, and will not be tolerated, permitted or condoned in any form.

Sexual, sectarian and racial harassment, as well as harassing a disabled person on account of disability, constitutes discrimination and is unlawful under the sex discrimination, race relations, sexual orientation, religion/belief and disability legislation. Harassment may also be a civil or criminal offence and may contravene health and safety legislation.

Harassment detracts from a productive learning and working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour.

Harassment is inappropriate behaviour and will be treated by the University as misconduct, which, if proven, may be treated as gross misconduct warranting dismissal. All students and staff must comply with this policy.

This policy describes internal procedures in relation to the University's students and staff.

This policy is adopted by the recognised trade unions, Academic Board, Board of Governors and the Students' Union.

Definition of harassment

Harassment is unwanted conduct related to age, disability, marital or family status, sex, sexual orientation, race or ethnic origin, religious belief or political opinion affecting the dignity of women and men, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct. Such behaviour is unacceptable:

- where it is unwanted, unreasonable and offensive to the recipient;
- where it is used as the basis for a decision relating to the person;
- where it creates a hostile working and/or learning environment.

Some examples are given below, but many forms of behaviour can constitute harassment:

- bullying, whether physical, verbal or non-verbal
- physical conduct ranging from inappropriate touching to serious assault;
- oral and written harassment through jokes, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters;
- visual displays of posters, graffiti, obscene gestures, flags, bunting or emblems, or any other offensive material;
- isolation or non-co-operation at work;
- exclusion from social activities;
- coercion, including pressure for sexual favours, pressure to participate in political/religious groups;
- intrusion by pestering, spying, following, etc.

Harassment may also be perpetrated via email or the Internet. Any misuse of the network in this manner will be considered gross misconduct under the appropriate disciplinary procedure. It should be clearly understood that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

Students' and staff's rights

All students and staff have the right to work or learn in an environment that is free from any form of harassment. The University fully recognises the right of students and staff to complain about harassment should it occur. All complaints will be dealt with seriously, promptly and confidentially. A copy of the complaints procedure, which has been agreed with the recognised trade unions and the Students' Union, is attached.

This procedure does not replace or detract from the rights of students or staff to pursue a complaint under the sex discrimination, race relations, disability, religion/belief or sexual orientation discrimination legislation.

Every effort will be made to ensure that students or staff making complaints, and others who give evidence or information in connection with the complaint, will not be victimised.

The organisation's responsibilities

The University will ensure that adequate resources are made available to promote respect and dignity in the learning and working environment and to deal effectively with complaints of harassment. This policy and procedure will be communicated effectively to all students and staff, and the University will ensure that managers, supervisors, staff and students are aware of their responsibilities under it. Appropriate training will be provided, including training on induction and management courses.

Designated postholders have been identified on the attached process document to provide advice and assistance to students and staff who are subject to harassment. The University will ensure that students and staff can raise complaints with someone who is aware of, and competent in dealing with issues of gender, religion or belief, race, disability and sexual orientation. All complaints of harassment will be dealt with promptly, seriously and confidentially.

Managers, supervisors and designated advisers will receive appropriate training so that they can perform their roles sensitively and effectively.

Managers' and supervisors' responsibilities

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment does not occur, particularly in working or learning areas for which they are responsible. Managers and supervisors have responsibility for any incidents of harassment of which they are aware. If harassment does occur, they must deal effectively with the situation.

Managers and supervisors should:

- a. set a good example by treating all students and staff with dignity and respect;
- b. explain the University's policy to all students and staff who fall within their remit;
- c. take steps to promote awareness of the procedure for dealing with complaints;
- d. be alert to unacceptable behaviour and take appropriate action;
- e. be responsive and supportive to any student or member of staff who makes an allegation of harassment;
- f. ensure that students and staff know how to raise harassment problems;
- g. provide clear advice on the procedure to be adopted;
- h. maintain confidentiality; and
- i. seek to ensure that there is no further problem of harassment or victimisation after a complaint has been resolved.

Staff and students' responsibilities

All staff and students have a responsibility to help to create a learning and working environment in which the dignity of everyone is respected. Everyone must comply with this policy and should ensure that their behaviour to colleagues does not cause offence and could not in any way be considered to be harassment.

Students and staff should discourage harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. They should alert the appropriate person (see *Dealing with Complaints* below) of any incident of harassment to enable the University to deal with the matter.

Review

The University will monitor all incidents of harassment and will review the effectiveness of this policy and procedure annually.

<p>We have conducted an impact assessment of this policy and believe it will have a positive effect on race equality</p>

Approved by Academic Board: March 2005

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Updated to reflect changes in institutional and officers' titles.

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Dealing with Complaints of Harassment **(See the attached flowcharts for guidance)**

Scope

Any student or member of staff who believes that s/he has suffered any form of harassment is entitled to raise the matter through the following procedure.

This procedure does not replace or detract from his/her statutory duties under sex discrimination, disability discrimination or race relations, sexual orientation or religion/belief legislation.

The informal approach

This stage is appropriate where the student or member of staff simply wants the behaviour to stop, where the harassment is not serious or where it has not been repeated.

The student or member of staff can seek advice or discuss concerns about harassment with an appropriate person, as indicated on the attached flowchart, who will treat the matter in total confidentiality. If the adviser needs to seek further guidance (e.g. from Human Resources or from Student Support Services) s/he will seek the agreement of the person who has confided in them to that course of action.

Having heard the facts about the incident and the context of the action or behaviour that caused concern, there are a number of informal options available to the individual to resolve the matter. For example, the person who has experienced harassment could talk to the individual on his/her own or with a fellow student, Students' Union representative, or for staff with a trade union representative or work colleague. The purpose of the conversation would be to make the alleged harasser aware of the way his/her behaviour has been perceived and ask him/her not to repeat it. Alternatively, the adviser could facilitate a meeting between both parties to give the complainant the opportunity to talk to the alleged harasser and explain his/her view of the offending behaviour. Alternatively, the advisor could talk to the alleged harasser on the person's behalf; at the informal stage, their role would be one of personal support or assistance only.

The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. If, however, an informal approach does not achieve satisfactory results, or the nature of the incident(s) prompts the person who feels harassed to take a more formal approach, a formal complaint can be made in line with the attached process.

A formal complaint

Formal action may be considered where informal action proves ineffective, or where the student or member of staff feels that an informal approach is not appropriate. A formal complaint must be registered by completing the Harassment Form as soon as possible, sending it to the relevant HR Officer for staff, or to the Pro Vice-Chancellor for students.

The completed form should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witnesses to the incident(s) should also be included.

Investigating a formal complaint

The HR Officer or the Pro Vice-Chancellor will request a meeting with the complainant, to talk the matter through and decide if/what further action should be taken.

The HR Officer or the Pro Vice-Chancellor will appoint an independent investigator where appropriate, with the permission of the complainant, and will determine what form the investigation will take in consultation with those parties.

In order to ensure that a fair investigation takes place, the alleged harasser will need to be made aware of the complaint made against him/her and will be interviewed by the investigator.

Steps will be taken to ensure that the alleged harasser and complainant are not in contact during the investigation. Where an allegation is of a serious nature which, if found, would amount to gross misconduct under the relevant Disciplinary Procedure, one or both of the parties concerned may be suspended temporarily, at the discretion of the Head of Human Resources for staff or the Pro Vice-Chancellor for students, and with the permission of the Vice-Chancellor. The procedures set out in this document do not inhibit any action that may be taken under the University's Disciplinary Procedures.

Where the investigator finds that there is no clearly evidenced case to answer, both parties will be informed of this in writing. Further action may be taken to mediate the situation and to support the parties involved in any way that is appropriate.

Where the investigator finds that there is a case to answer, the relevant Disciplinary Procedure will be invoked.

Support

The complainant and/or alleged harasser can be accompanied by a trade union representative or work colleague (for staff) or Students' Union representative or fellow student (for students), at any stage of this procedure.

Where appropriate, dedicated support will be provided to the relevant parties by the Pro Vice-Chancellor for students, or by Human Resources for staff. This person will be removed from any other involvement in the case and will act in an advisory capacity to the party concerned.

Following a formal harassment complaint, either party may be concerned about working with the other again. Due regard will be taken of such views, and appropriate action (e.g. counselling, and/or a transfer of one or both parties to another department or location) will be taken where necessary. Where a complaint of harassment is upheld, the complainant would only be transferred with her/his agreement.

Appeal

In the event that the complainant is not satisfied with the outcome of the formal meeting, they may appeal in writing to the Vice-Chancellor within 10 working days of the written notification of that outcome.

Use of non-discriminatory language

Guidelines on the use of non-discriminatory language are attached to this document at Appendix 1.

Monitoring of the Policy

Implementation of this policy will be kept under review by appropriate representatives of Academic Board and Human Resources.

APPENDIX 1

NON-DISCRIMINATORY LANGUAGE

The University recognises that both written and spoken language can be a powerful way of discriminating against groups or individuals. The University is determined to eliminate such discrimination by encouraging you, and all staff, to work at becoming aware of the way you use language.

This is not about being 'politically correct', neither is it about instantly and artificially changing the way you speak or write. Taking care about your use of language means being sensitive to other people, some of whom may be upset by a particular word or expression, even though you had no intention of causing offence. It is often the case that incidents with discrimination and language are caused unconsciously or are completely accidental.

The University appreciates that becoming aware of the way language can cause distress is a gradual process, not a sudden event. However, you should at all times be particularly careful to avoid using language which could be offensive or discriminatory in terms of gender (sex), colour, marital status, religion, HIV status, disability, race, age, nationality, ethnic origin, creed, special needs or sexual orientation.

The general rule is to be sensitive to the way individuals or groups may wish to be described, to realise that some terms are more acceptable than others and that what is acceptable changes over time. Examples of expressions helping to avoid offence in these areas would include saying or writing: 'black people' instead of 'blacks', and: 'people with a disability' instead of 'the disabled'.

NON-SEXIST LANGUAGE

In practice, most difficulties with using language involve gender (sex), status and power. In the past, positions of power were restricted to males, and a lot of language still in use implies that women have inferior status. Non-sexist language means language which includes women and treats men and women equally.

You should therefore always be careful to use terms which are gender neutral or avoid generalisations (stereotyping). Obvious examples include using 'chair' or 'chairperson' instead of 'chairman'; 'principal' or 'head' instead of 'headmaster' and 'police officer' instead of 'policeman'. You should especially avoid using 'he/him/his/himself' unless you are referring specifically to a male, as it is not acceptable to assume that 'he' also stands for 'she'. Instead, use the plural and/or re-order the sentence. For example, use 'students are responsible for their books' instead of 'each student is responsible for his books'. These are examples only, not a complete list.

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