



Dignity at Work Policy 2010-13

(Including Procedure for dealing with Harassment or Bullying)

1. Introduction

The University's Dignity at Work Policy covers five parts:

- 1) Introduction and aims
- 2) Responsibilities of staff, managers and Human Resources
- 3) Guidance and Good Practice
- 4) Questions and Answers
- 5) The Procedure for dealing with Harassment or Bullying is attached as an Appendix.

This Policy applies to all staff working with the University including visitors, contractors and staff from other organisations working on University premises. Students wishing to make a complaint about a member of University staff should use the Student Complaint Procedure. This policy references guidance provided by the Equality Challenge Unit, Chartered Institute of Personnel and Development, and UCEA (Universities and Colleges Employer Association).¹

The University of Chichester is committed to creating a working climate in which all employees are treated fairly and with dignity and respect. The aims of the Dignity at Work Policy are to:

- Ensure the dignity at work of all employees
- Respect and value differences
- Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours
- Demonstrate commitment to Equality and Diversity policies and procedures
- Educate employees in the development of positive behaviours
- Be open and constructive in our communications
- Deal firmly but fairly with negative behaviours, including bullying and harassment

This policy should be read in conjunction with the University's equality and diversity policies and procedures which provide further guidance on dignity at work.

The rights and responsibilities of all employees in relation to dignity at work are:

Rights	Responsibilities
To be treated with dignity and respect	To treat others with dignity and respect
To be treated fairly and without discrimination	To challenge inappropriate behaviours in others
To have contribution recognised	To thank and recognise the efforts of others
To disagree and present alternative views	To respect the authority and decisions of others
To challenge and be assertive	To deal with conflict constructively
To be consulted on decisions that affect work	To recognise the needs of the University and others

2. Responsibilities of staff, managers and Human Resources

2.1 Responsibilities of staff: All employees have a duty to assist in the creation of a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging

¹ Equality Challenge Unit 'Dignity at Work: a good practice guide for Higher Education Institutions on dealing with Bullying and Harassment in the Workplace' (2007); CIPD publications 'Bullying at Work: beyond policies to a culture of respect'; 'Tackling bullying in the workplace' (2007).

unacceptable behaviour, ensuring their own behaviour does not contribute to or collude with unacceptable behaviour, and cooperating fully in any investigation undertaken by the University in connection with a case of harassment or bullying.

Each member of staff carries personal responsibility for their own behaviour and conduct in relation to this policy. There are a number of things that staff can do to help prevent harassment or bullying, such as:

- Set a positive example by treating others with respect
- Be aware of the University's policy and comply with it
- Do not make personal comments
- Do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- Be supportive of colleagues who may be subject to bullying and/or harassment

2.2. Responsibilities of Managers: Managers have an obligation to prevent harassment or bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Managers must ensure that the workplace under their control is one where everyone has the right to be treated with dignity and respect. They should respond to complaints swiftly and sensitively, and be aware of behaviour which could cause offence, if necessary reminding employees of expected behaviour.

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of harassment and bullying. Managers will:

- Treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process
- Set a positive example by treating others with respect and setting standards of acceptable behaviour
- Promote a working environment where harassment is unacceptable and not tolerated
- Tackle, and where possible, resolve incidents of harassment and bullying
- Consult with their line manager or HR Officer at any time for advice or support

2.3 Responsibilities of Human Resources: The Human Resources Department have a responsibility to ensure that the policy is followed, fairly and consistently. The duties of HR Officers will involve:

- Advising managers on the application of the policy
- Advising managers and staff where individuals feel that they are being harassed or bullied in the course of their employment
- Ensuring the effective implementation of the policy
- Monitoring incidence of bullying and harassment, in line with Equality and Diversity policies, and taking appropriate action
- Reviewing and amending the Dignity at Work policy as necessary

3. Guidance and Good Practice

3.1 Bullying and harassment

Bullying and harassment in the workplace are serious matters and the University is responsible for taking reasonable steps to prevent such behaviour. Allowing a culture of bullying and harassment to develop unchecked can cause damage to morale and negatively impact on individuals, teams and the whole of the University (including those not directly affected).

The University will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be promptly and thoroughly investigated and, if appropriate, formal action may be taken through the appropriate procedures e.g. Disciplinary Policy and Procedure. The University will not tolerate victimisation of a person for making good faith allegations of bullying or harassment or supporting someone to make such a complaint.

Bullying and harassment can often be hard to recognise, particularly as it may not be obvious to colleagues of the person being bullied or harassed. This may be because the harassment or bullying is done in subtle ways, or staff may think it is part of the 'culture' of the workplace. An individual may also be too frightened to report an incident.

Bullying and harassment may be carried out face-to-face. However, it may be done in more underhand ways, such as by letter, electronically, by email, by phone, or at work-related social functions or a training event.

3.2 What is meant by harassment?

Although there is currently no specific legislation in the UK relating to the issue of workplace bullying, various types of harassment are covered and these and other areas of both general and employment law may also apply in cases of both bullying and harassment. The anti-discrimination legislation makes it unlawful in employment to harass someone on the grounds of sex, marital status, gender reassignment, race, disability, religion/belief, sexual orientation and age. The Sex Discrimination Act also explicitly outlaws sexual harassment.

Harassment is defined as any unwanted conduct on the grounds of race, age, disability, religion/belief, sexual orientation or age that has the purpose or effect of:

- Violating the dignity of an individual
- Creating an intimidating, hostile, degrading, humiliating or offensive atmosphere for an individual.

The definition of harassment in relation to sex is slightly broader – an employee can claim harassment even if the harassment was not actually directed at them, e.g. where a female worker overhears a colleague being verbally harassed by a male colleague and it violates her dignity. While sexual harassment is commonly committed by a man against a woman, it can also be committed by a woman against a man, by a man against another man or by a woman against another woman.

Examples of harassment include:

- Embarrassing or otherwise offensive jokes
- Unwelcome physical contact or sexual advances
- The expression of racist or homophobic views
- Lewd comments and innuendo
- The sending of offensive emails or text messages
- Displays of pornographic material

Harassment of an employee can amount to:

- Unlawful discrimination on the grounds of race, sex, marital status, gender reassignment, disability, religion/belief, sexual orientation or age
- A breach of contract, i.e. a breach of one of the implied terms of any employment contract, such as the duty to provide a safe working environment or to maintain trust and confidence in the employer
- A criminal offence

3.3 What is meant by bullying?

Bullying at work involves repeated negative actions and practices that are directed at one or more employees. The behaviours are unwelcome to the person and undertaken in circumstances where the person has difficulty in defending themselves. The behaviours may be carried out as a deliberate act or unconsciously. While it is unpleasant to be the target of someone's occasional aggressive behaviour, occasional behaviours are not normally defined as bullying. The exception is where the intimidating behaviour is so severe in magnitude (e.g. physical violence or threat of physical violence) that it leaves the victim in a permanent stage of fear.

3.4 Negative behaviours

Negative behaviours most frequently identified with bullying fall into four main groups:

- Personal insults (e.g. humiliation, personal criticism, ridiculing or demeaning comments)
- Intimidation (e.g. threats of physical violence or psychological intimidation, misuse of power or position)
- Work-related harassment (e.g. withholding information, having one's responsibilities removed, work overload, misrepresenting your work as their own)
- Social exclusion (e.g. isolation, scapegoating, victimisation)

For some people the experience of bullying goes on for months or even years before it is recognised, while for others a single negative act can be experienced as bullying (however it is unlikely that a single act would be recognised in the courts as bullying unless it involved a physical attack or severe personal threat).

3.5 Imbalance of power

Bullying can happen when an unequal balance of power exists between two individuals in a conflict situation. Sources of power include:

- Positional power – the power of a role or position
- Relationship power – the power of a group
- Resources power – the power to withhold scarce resources essential to one's role
- Psychological power – the power of recognising an individual's vulnerabilities and exploiting this knowledge to the person's detriment
- Knowledge power – the power to withhold information
- Delegated power – the power to use your relationship with someone to undermine and/or threaten others

3.6. Intent

It is not the intention of the perpetrator that is the key to deciding whether bullying or harassment has taken place. The defining principle is whether the behaviour was unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. However, the perpetrator's intention is relevant to understanding the impact of their behaviour on the target and in choosing the most effective ways to try to resolve the situation. There are three levels of intent:

- Intentional – there was a behaviour that was directed at the victim with the intention of causing actual occupational, physical or psychological harm
- Instrumental – the negative behaviour was an unintended side-effect of a behaviour that was directed at achieving another goal
- Unintentional – there was a lack of sensitivity or awareness of the negative impact of the behaviour

Much of what is written about bullying – and the focus for support groups – tends to describe individualised bullying, with a single bully involved in bullying one or more victims. The bully is often described by the victim as behaving in ways that are, at best, dysfunctional and, at worst, psychopathic. Some argue that there are ‘bullying’ and ‘victim’ personality types. But many of the bullying behaviours are common in working life. It is only when the target of the negative behaviours finds that they are regular, inescapable, intentional or an abuse of power that they become bullying.

3.7 Dispute-related bullying

Dispute-related bullying develops out of a perceived slight or conflict that has got out of hand, souring the atmosphere in the workplace. One person believes that the other has wronged them so the conflict escalates into a personal vendetta where the destruction of the opponent becomes the goal. Dispute-related conflict involves intense emotions leading each side to experience feelings of fear, suspicion, resentment, contempt and anger. An allegation of bullying is sometimes used as a tactic between the opponents. In most cases of escalating conflict, neither person is entirely passive. As each perceived negative act happens, one party will respond according to their interpretation of the intentions behind the other’s actions. As the atmosphere deteriorates, it is possible that both people come to believe that the other is responsible for the breakdown of the relationship, and either may accuse the other of bullying or harassment.

Bullying becomes far more complex in an organisational setting where there may be a number of people involved, a wide range of different motivations, hidden agendas and scores to be settled.

A certain amount of competition is normal and important in working life. However, bullying is different from normal conflicts because it involves unfair and unethical behaviours that cause extreme distress and disruption to the individual, group and ultimately the whole of the University.

The differences between healthy conflict and bullying situations can include:

Healthy conflicts	Bullying situations
Clear roles and tasks	Role ambiguity
Collaborative relations	Un-cooperative behaviour/boycott
Common and shared objectives	Lack of foresight
Explicit interpersonal relations	Ambiguous interpersonal relations
Ethical behaviour	Unethical activities
Occasional clashes and confrontation	Long-lasting and systematic disputes
Open conflict and discussion	Covert actions and denial of conflict
Straightforward communication	Oblique and evasive communication

3.8. Bullying vs firm management

The key principles for managers are to treat staff fairly, communicate effectively and use appropriate measures to deal with those who are struggling to deliver objectives and targets. Managers may be concerned about the possibility of being accused of bullying when they are required to discipline staff or deal with poor performance. This is not only unhelpful for the manager concerned, it may lead to a situation whereby staff are allowed to behave in ways which is detrimental not only to the University but for other individuals working within the manager’s area of responsibility. Bullying can be prevalent where the management style is autocratic and overbearing but may equally be a feature of departments where the management style is weak and laissez-faire.

Managers may at times be required to make unpopular decisions and give instructions that may not be welcomed by all employees, but these should not necessarily be construed as harassment or bullying. Managers are however responsible for communicating such instructions in an appropriate manner.

When managers find themselves having to deal with a low-performing team, part of their role is to motivate the team to perform more effectively. The process of bringing about changes in ways of working normally involves a number of areas, including setting standards, identifying and dealing with errors and mistakes, increasing productivity, greater flexibility of roles, changing priorities and reducing unreasonable expenditure. If these changes are introduced and managed correctly, they can bring about the necessary improvements with little or no employee distress. The key differences between managers who use appropriate and inappropriate methods to get results are:

Good Manager	Bullying Manager
Consistent	Inconsistent
Shares information	Withholds selectively
Fair	Has favourites
Truthful	Distorts and fabricates
Delegates	Dumps
Builds team spirit	Creates fear, divides
Leads by example	Sets a poor example

Where there are high levels of uncertainty, e.g. during periods of organisational change, this can lead to rising levels of stress among staff and sometimes a deterioration in working relationships, but this should not in itself lead to bullying and harassing behaviour. Organisational changes, which could impact on posts, will be dealt with through the University's Organisational Change Policy and Procedure (2010-13).

3.9 Malicious communications

A particularly unpleasant and increasingly common form of bullying or harassment is that involving malicious communications either through the post, telephone, fax, via the internet or by sending text messages to mobile phones. Under the Malicious Communications Act 1998, it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 Telecommunications Act 1984, it is a similar offence to send a telephone message which is indecent, offensive or threatening.

4. Questions and Answers

How will I feel if I am the target of bullying or harassment?

If you are subject to bullying and harassment, you are likely to feel isolated, anxious and vulnerable. You may feel powerless and believe that you are not in a position to take any action to make things better. This is perfectly normal – these feelings are common to most people in your situation. You are likely to feel that taking even the first step towards resolving the issues is beyond you and that you are completely at the mercy of events. However, if you are able to start by talking it over with a trusted friend, family member or colleague, you are on the way to taking control of a situation that is disturbing your current peace of mind and could affect your future career and wellbeing. You may wish to approach your trade union or a Human Resources Officer for help at this stage.

How do I know if I am the target of bullying or harassment?

Prior to taking action, you should consider carefully in what ways the treatment you are experiencing may constitute bullying or harassment. You should also think carefully about whether the source of your stress is related to an individual or group of people at work, or if you find yourself under stress for other, more personal reasons (in this situation, you should contact your line manager or HR Officer who will be able to recommend additional sources of advice and assistance for your particular circumstances).

However, if you feel you are experiencing bullying or harassment at work you should try to be specific about what is causing you distress, and not wait too long before taking action. Prompt action will stop situations from escalating. Although it may seem as though doing nothing is the easiest and least harmful course of action, this rarely helps to resolve the situation and may often make it worse.

What can I do if I feel I am the target of bullying or harassment?

If you ever feel that you are in a situation where you are at risk of physical assault or your personal safety is under threat, you should take immediate action by reporting the incident to your manager or the head of your department. Anyone who experiences bullying or harassment should be able to go to their line manager for help, although this assumes, of course, that the line management relationship is healthy. You may also receive support from a trusted colleague, union representative or a trained University mediator. Human Resources (involving equality and diversity, health and safety and health and well-being) are also likely sources of advice and support.

Are there other general sources of support or training?

The following list is not exhaustive but may provide a good starting point:

- ACAS has a guide for managers and employers on bullying and harassment and a guide for employees: www.acas.org.uk
- The National Bullying Helpline is a website on bullying in the workplace and related issues: www.nationalbullyinghelpline.co.uk
- Tackling bullying at work for employers on the Andrea Adams Trust website: www.andreadamstrust.org
- Guidance on dealing with bullying at work from the Chartered Institute of Personnel and Development website: www.cipd.co.uk

The University will include training on dignity at work and bullying/harassing behaviour in the Staff Development Programme. Increasing awareness of and skills in creating an environment that recognises and protects dignity in the workplace is essential to effectively tackle bullying and harassment at work. All staff are encouraged to attend regular training events.

How will the Dignity at Work Policy be communicated?

The policy will be communicated to all staff via internal publications and the University's intranet. A copy will be placed on the HR Page on Portia. The policy will be issued to all new staff as part of the recruitment/induction process.

How do I address a complaint of bullying or harassment?

An employee who feels that he/she has been harassed or bullied has a right to seek redress via Harassment and Bullying Procedure attached to this Policy.

When will the Dignity at Work Policy be reviewed and updated?

The Dignity at Work Policy and the Procedure for Dealing with Harassment or Bullying will be reviewed by the Director of Human Resources in liaison with the Equality and Diversity Committee, the Chief Executive's Team, and the Governors' Strategy and Resources Committee, no later than June 2013.

Appendix to the Dignity at Work Policy 2010-2013

Procedure for dealing with harassment or bullying

1. Scope

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

Where possible and appropriate, harassment and bullying complaints should be dealt with by using an informal approach, at least in the first instance. Using a trained mediator to resolve issues may also be an appropriate option, providing the opportunity to resolve allegations of harassment through informal discussion and mediation. Some people may not be aware that their behaviour in some circumstances is being perceived as bullying or harassment. Using an informal approach gives the alleged harasser the opportunity to stop if directly approached by an employee, manager or through a mediation process.

Should an informal approach fail to stop the harassment or bullying, or if an employee considers that that the situation is so serious as to warrant formal action, the formal approach should be taken. This involves the complainant making a written complaint.

2. Informal approach

An employee who feels that they are being subjected to harassment or bullying should, if possible, keep a record of the incident(s), including the date, time, nature of incident and the names of any witnesses. It is important that employees who feel subjected to harassment or bullying raise the issue with an appropriate person at the time the incident(s) occur, in order that matters can be dealt with swiftly and that further potential harassment is prevented.

If the employee feels able, they should raise the problem with the alleged harasser, either verbally or in writing, making it clear that the behaviour is offensive and unwelcome, and ask for it to stop. Alternatively, the issue may be raised with a line manager who can raise the allegations informally on behalf of the complainant.

Mediation is another informal option. A meeting may be held with both parties and a trained mediator, at which the mediator will give both parties an opportunity to express their viewpoints, to discuss these, and come to some understanding, leading to a mutually acceptable solution. However, this is only an option if both parties agree to undertake the process with the intention of finding a solution. Mediators will be appropriate individuals with the necessary skills and experience required of this role. Human Resources will provide a list of approved mediators on request. It should be noted that mediation may be used at any time during the informal or formal process.

Where a resolution is reached through the informal stage of the process, with both parties' agreement, a copy of the outcome should be given to both parties and a further copy placed on their personal files. An appropriate manager or mediator should make arrangements for ongoing monitoring of the situation.

Any discussions which take place during mediation remain confidential and 'without prejudice' and may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties.

In the event that mediation is not pursued at the informal stage, it will remain an option for the parties to pursue either during the formal stage, or upon conclusion of any investigation.

3. Formal approach

Where a resolution is not achieved through the informal stage of the process, an employee can pursue a complaint through the formal stage of the process. If an employee wishes to make a formal complaint they should report it in writing to their line manager. In circumstances where the alleged harasser/bully is the individual's line manager the complaint should be reported to the next most senior manager.

The manager will acknowledge receipt of the formal complaint in writing within five working days of receipt. This letter should outline the next steps to be taken, information on sources of support, and the name of the investigative officer where possible.

The investigative officer will then undertake a formal investigation, which must be carried out with due regard to the need for a swift conclusion and should normally take no longer than four weeks from the date of initial acknowledgement of the complaint. The investigating officer will keep both parties informed of the progress of the investigation, including any necessary alteration to the timescale.

Where a counter complaint is made by the alleged harasser/bully, this will be dealt with as part of the same investigation.

At any stage of the formal procedure the complainant may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, the investigating officer has a duty of care. If it is their view that informal resolution is not appropriate due to the seriousness of the allegations, or that there is a potential for serious risk to an employee, they should continue with formal action.

3. Precautionary action

In appropriate circumstances the manager will take precautionary action. This will involve either temporary redeployment or suspension of the alleged harasser/bully whilst the matter is being investigated. Taking into account the nature of the allegations involved, consideration should first be given to temporary redeployment. If this is not considered appropriate, then the employee will be suspended on full pay. No precautionary action will be taken unless a member of the Chief Executive's Team (ChET) has approved it, unless the alleged harasser/bully is a member of ChET in which case the Chair of the Governors' will approve precautionary action. Precautionary action will be without any assumption or culpability, will always be for a short a period as possible, and the need for its continuation must be reviewed regularly.

4. The Investigation

The investigating officer will interview the complainant and the alleged harasser/bully. The investigating officer will be accompanied by an HR Officer who will take notes of the meeting on behalf of the investigator. A written statement will be agreed and signed by the complainant and the alleged harasser/bully. The alleged harasser/bully will be informed of the allegations made against him/her. Both parties have a right to be accompanied (by either a Trade Union representative or a work colleague) at the first and any subsequent meetings. Meetings may also be held with any witnesses concerned with the incident(s) of alleged harassment/bullying.

On completion of the investigation the investigating officer will close the investigation by evaluating the evidence and preparing a written report. The written report will summarise the findings of the allegations of the complainant and recommend what further action should be taken. The Head of Department/Subject should then decide on the course of action to be taken, and provide formal notification to that effect to both parties.

Closing an investigation will lead to three possible outcomes:

1. Complaint not upheld

If it is decided that there is no case to answer, support will be provided for both parties, and consideration given to managing their ongoing working relationship. This might include, where practicable, the voluntary transfer of either of the employees concerned, or mediation.

2. Evidence of unacceptable behaviour that may be dealt with informally

In some cases where harassment/bullying is substantiated, but does not warrant disciplinary action, it may still be possible to agree an acceptable resolution. For example, the manager may address the situation through supervisory processes including counselling, advice, instruction, training and/or support. In such cases the manager must make it clear to the employee that their behaviour is unacceptable and that further similar instances may lead to disciplinary action.

3. Disciplinary action

Where an investigation concludes that there is sufficient evidence of unacceptable conduct, and an acceptable resolution cannot be reached or supervisor processes are inappropriate, it will be necessary to commence disciplinary proceedings in accordance with the University's Disciplinary Policy and Procedure.

In each of the above, procedures for ongoing monitoring will be put in place by the responsible manager.

Following investigation, if it is found that the complaint of harassment/bullying was false or malicious then the complainant may be dealt with under the University's Disciplinary Policy and Procedure.

5. Appeals process

If the complainant is not satisfied with the outcome of the harassment investigation, then they have a right of appeal against the decision made, which should be submitted in writing to the Head of Human Resources within 10 working days of receiving written notification of the decision. The letter should clearly set out the grounds for appeal.

Appeals will be heard as soon as is reasonably practicable, and no later than ten working days from the date of the appeal letter submitted (unless a delay is unavoidable). Appeals will be undertaken by a review panel comprising a Head of Professional Support Service or academic area who has not previously been involved in considering the matter, along with a manager from a different department to the complainant. A Human Resources Officer will provide impartial advice during the appeal hearing.

The alleged harasser/bully has a right of appeal against any disciplinary action, as set out in the Disciplinary Policy and Procedure.

6. Support

Dedicated impartial support will be provided to relevant parties by the Human Resources Department who will act in an advisory capacity to the parties concerned (both for the complainant and the alleged harasser/bully). Following a formal harassment complaint, either party may be concerned about working with the other again. Depending on the particular circumstances, appropriate action will be taken which could include a transfer of one or both parties to another University department/subject area or location.