

October 2016

## **1 ABOUT THIS POLICY**

- 1.1 The University is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 All University staff are responsible for ensuring that other members of our University community are treated with dignity and respect. All managers are responsible for seeking to prevent any breach of this policy amongst the staff for whom they are responsible.
- 1.3 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.
- 1.4 Unacceptable behaviour by students is outside the scope of this policy (except where the student is also employed by the University and is acting in that capacity) but will be dealt with under the Student Disciplinary Policy.
- 1.5 The University is mindful that some complaints result in the identification of other employees and workers and could result in serious damage to their professional reputation. The University is committed to handling grievances in a fair and balanced way. However, employees who, after investigation, are shown to have deliberately made false or vexatious statements and/or made statements in bad faith will be subject to action under the University's Disciplinary Procedure.
- 1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **2 WHAT IS HARASSMENT?**

- 2.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 2.2 It also includes treating someone less favourably because he or she has submitted or refused to submit to such behaviour in the past.
- 2.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.4 Harassment may include, for example:

- 2.4.1 unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
  - 2.4.2 unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
  - 2.4.3 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - 2.4.4 outing or threatening to out someone as gay or lesbian;
  - 2.4.5 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - 2.4.6 isolation or non co-operation at work, exclusion from social activities;
  - 2.4.7 offensive e-mails, text messages or social media content;
  - 2.4.8 mocking, mimicking or belittling a person's disability.
- 2.5 A person may be harassed even if he or she was not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

### **3 WHAT IS BULLYING?**

- 3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- 3.2.1 physical or psychological threats;
  - 3.2.2 overbearing and intimidating levels of supervision;
  - 3.2.3 inappropriate derogatory remarks about someone's performance;
- 3.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **4 IF YOU ARE BEING HARASSED OR BULLIED**

- 4.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or the Human Resources department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 4.2 If informal steps are not appropriate, or have not been successful, you should raise the matter formally. Please see the 'Submitting a Formal Grievance' section of our Grievance Procedure.

- 4.3 We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.
- 4.4 In accordance with our Grievance Procedure, once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

## **5 PROTECTION AND SUPPORT FOR THOSE INVOLVED**

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure. Employees are able to access confidential support through AXA ICAS who provide an Employee Assistance Programme for all AUB employees.

## **6 RECORD KEEPING**

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. Please refer to the Grievance Procedure regarding notes.