



Human Resources

Dignity at Work and Study Policy

## Document History

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## Version History

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## Diversity & Equality

Due regard has been taken in the development of this document, and the final version complies with the Diversity & Equality of Opportunities Policy. For further enquiries contact [equality@liv.ac.uk](mailto:equality@liv.ac.uk)

## Glossary of Terms

*More detail on these terms is available within the policy.*

**Bullying** - Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is experienced as undermining, humiliating or which injures the recipient.

### Harassment

- Unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment.
- Use of threatening, abusive, insulting words or behaviour or disorderly behaviour or the display of any writing, sign or other visible representation which is threatening, abusive or insulting, and which is likely to cause harassment, alarm or distress.
- Sexual harassment

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## **1. Our Commitment**

- 1.1. The University of Liverpool is committed to providing a positive, professional and safe environment in which work is carried out against a background of respect for the experiences, abilities and skills of all individuals.
- 1.2. In striving towards the achievement of such an environment, the University will not tolerate bullying and harassment and appropriate disciplinary action will be taken against any individuals responsible for perpetrating such behaviour in order to create an environment where individuals have the confidence to complain of harassment without fear of intimidation or reprisals. It is the responsibility of all members of the University community to behave professionally, courteously and respectfully towards each other.
- 1.3. The University will take particularly seriously any cases involving the abuse of a position of authority. All complaints (informal or formal) will be treated confidentially. Information shall only be divulged on a need to know basis and with the knowledge of the complainant.

## **2. The Policy**

- 2.1. This policy and the procedures detailed in this document are designed to support staff and students who feel they have suffered from bullying and/or harassment. It has been drawn up as part of the University's Diversity and Equality of Opportunity Policy.
- 2.2. The policy applies to bullying and harassment by a member of staff against another member of staff, a student against another student, a member of staff against a student and a student against a member of staff. This policy also protects members of staff from harassment by third-parties such as external contractors and agencies working for the University. The procedures attached to this policy describe the action to be taken in each of these situations.
- 2.3. All members of the University community have a responsibility to help create and maintain an environment free of bullying and harassment. Staff and students who responsibly and reasonably raise concerns or witness incidents of bullying or harassment will be protected against victimisation.
- 2.4. Disciplinary action will be taken against any member of staff or student where victimisation is proven.

## **3. Impact of Bullying and Harassment**

- 3.1. Bullying and harassment are unacceptable on moral grounds. There are also legal imperatives to address bullying and harassment as both the organisation and the individual have responsibilities under the legislation. For example, under the Health and Safety at Work Act 1974, employers are responsible for ensuring, as far as possible, the physical and psychological health, safety and welfare of employees at work, which includes putting in place measures to protect employees from the risk of bullying and harassment. Paragraph 5.5 also highlights relevant equalities legislation in this area. The University is committed to meeting its responsibilities under the legislation fully.

3.2. If left unchallenged bullying and harassment can also adversely affect the business of the University by resulting in such problems as:

- Low morale and poor employee relations
- Loss of respect for supervisors, managers, University staff
- Poor performance, low degree classifications
- Lost productivity
- Absences
- Resignations
- High dropout rate
- Damage to the University's reputation
- Damage to the achievement of the University's corporate aims
- Legal action

## 4. What is bullying?

4.1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is experienced as undermining, humiliating or which injures the recipient.

4.2. Examples of bullying may include:

- Verbal or physical threats and intimidation
- Unjustified persistent negative comments or criticisms
- Humiliating someone in front of others
- Offensive or abusive personal remarks
- Threatening or abusive comments made by email or through internet forums
- Setting unreasonable and unattainable targets
- Ostracism
- Picking on one person for criticism when there is a common problem
- Making false allegations
- Shouting at people in order to get things done
- Ageist, Disability related, Homophobic, Racist, Sexist, Transphobic, or other such behaviour.

This list is not intended to be exhaustive and bullying can take other forms.

## 5. What is harassment?

5.1. Harassment is:

- Unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment
- Use of threatening, abusive, insulting words or behaviour or disorderly behaviour or the display of any writing, sign or other visible representation which is threatening, abusive or insulting, and which is likely to cause harassment, alarm or distress

- Sexual harassment

5.2. The following are some examples of what could constitute harassment. This is not a definitive list as harassment is often specific to the person:

**Verbal harassment:**

- Offensive remarks
- Personal comments
- Inappropriate humour
- Innuendo
- Unwelcome advances
- Unwanted comments on dress
- Spreading malicious gossip
- Intrusive questioning about a person's marital status, gender identity, sexual orientation, ethnic origin, religion, culture or disability
- Intrusion by pestering or unwanted telephone calls, emails or texts at home or at work

**Non-verbal harassment could include exposure to:**

- The circulation of offensive or sensitive photographs
- Offensive literature
- Graffiti
- Pinups
- Whistling or other sexually suggestive gestures

5.3. This includes exposure to offensive material through the use of all forms of equipment – the telephone, voicemail, e-mail, photocopiers, screen savers, on-line environments, PCs and videos.

**Physical harassment:**

- Touching
- Patting
- Brushing up against another person
- Standing so close to someone that they feel uncomfortable

5.4. Conduct may be harassment whether or not the person behaving in that way intends offence. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of this type is not acceptable to him or her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain banter, flirting or asking someone for a private drink after work. In these cases, first time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that

such behaviour is unacceptable to him or her. A single incident can be harassment if it is sufficiently serious.

- 5.5. All bullying and harassment is misconduct and will be dealt with under the University's disciplinary policies.
- 5.6. Certain forms of harassment will amount to unlawful discrimination. Specifically under the Equality Act 2010 harassment will amount to discrimination if it is:
  - On the grounds of age.
  - related to a person's disability or health condition
  - linked to gender reassignment or gender identity;
  - on racial grounds;
  - on grounds of religion or belief;
  - sex based;
  - sexual in nature
  - on grounds of sexual orientation;
- 5.7. Sex-based harassment means harassment of a woman or man based on the person's gender, while sexual harassment means unwanted behaviour of a sexual nature that is either based on someone's sex or gender reassignment. For an act to be considered sexual harassment it does not matter what sex the perpetrator or the victim are for example male/male, male/female, female/female, or what the sexual orientation of those individuals is.
- 5.8. A feature of discrimination legislation is that the alleged harassment does not have to relate to the equality characteristic (e.g. age, disability, gender etc.) of the individual who complains in order to be the valid basis of a claim. An individual could complain of unlawful harassment if he or she experienced:
  - harassment on the grounds that he or she is related to or associates with someone with a protected characteristic of age, disability, gender reassignment, race, religion, sex or sexual orientation (harassment by association); or
  - harassment on the grounds of a colleague's mistaken perception that a person has or does not have a protected characteristic of age, disability, gender reassignment, race, religion, sex or sexual orientation (harassment by perception)
- 5.9. The right not to be harassed extends to all students, visitors and workers, so agency temps, casual staff and contractors are protected.

## **6. Reasonable management actions**

- 6.1. Within the University it is necessary for managers to be able to manage their staff. This will involve:
  - Issuing reasonable instructions and expecting them to be carried out.
  - Setting and informing staff of expected standards of performance, using Professional Development Review and the Performance Management Procedures.
  - Disciplining staff for misconduct following the appropriate procedure.

- Implementing action in respect of the management of sickness absence in-line with the Sickness and Absence Policy.

6.2. Managers are expected to carry out these duties in a fair and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment. Abuse of this authority may, however, constitute bullying or harassing behaviour.

## 7. Student and staff responsibilities

7.1. The University's Student Charter outlines the responsibilities of both staff and students. It makes explicit some of the reciprocal responsibilities which members of the University, both staff and students, have to each other. The Charter includes the following requirements of students:

- Be prompt, efficient, effective and courteous in your dealings with the University, its staff and your fellow students.
- Help to create and maintain an atmosphere conducive to learning and an environment which encourages equality of treatment.
- Use the facilities and resources of the University, whether in departments or centrally, with respect and consideration for all other users.
- Take personal responsibility for promoting a safe, secure and healthy environment and the conservation of scarce resources.
- Comply with the terms of all University regulations and codes of practice.<sup>1</sup>

7.2. Students can expect the University to:

- Be prompt, efficient, effective and courteous in its dealings with students.
- Provide equality of treatment for all regardless of age, disability, gender reassignment, pregnancy or maternity status, race, religion or belief, sex or sexual orientation.
- Seek to provide an atmosphere conducive to learning and free from harassment and discrimination.
- Take all reasonable steps to provide a safe, secure and healthy environment.

## 8. Making a complaint

8.1. You can make an informal or formal complaint of bullying or harassment. The procedures for doing this are set out in this section. Please note that where an individual makes a complaint of bullying and harassment where the person being complained about is external to the University (e.g. a visitor, or placement supervisor) the same support will be available to you.

8.2. For further information on the process please see the Appendices:

- Procedure A: Complaint from a member of staff about a member of staff
- Procedure B: Complaint from a member of staff about a student
- Procedure C: Complaint from a student about a member of staff

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<sup>1</sup> The University of Liverpool Student Charter [http://www.liv.ac.uk/tgsd/pol\\_strat\\_cop/studchart\\_bkgnd.htm](http://www.liv.ac.uk/tgsd/pol_strat_cop/studchart_bkgnd.htm)

- Procedure D: Complaint from a student about a student

### 8.3. Informal procedure

8.3.1.If you feel that you are being bullied or harassed, you should raise your concerns with your Head of Department. For students who are experiencing bullying or harassment in halls, the Hall Warden should be contacted. Support in doing this can be sought from one of the University's Bullying and Harassment Advisors (other support services are detailed at section 11). The Bullying and Harassment Advisor will be able to advise you of whom you should speak to should your concerns relate to your Head of Department. Trade Union members can also contact their Trade Union representative for support.

8.3.2.In the event that you raise your concerns with your Head of Department, he/she will acknowledge your complaint within 5 working days. He/she will agree a time to discuss and agree with you a way of addressing them, which may include discussing your concerns with the person you feel is bullying or harassing you.

8.3.3.Should your Head of Department feel that he/she needs to seek advice, for example, from the Human Resources Department, this will only be done with your agreement.

### 8.4. Formal procedure

8.4.1.Formal complaints should be made in writing.

- Formal complaints by a member of staff about another member of staff should be made in writing to the Director of Human Resources.
- Formal complaints by students or about students (including those where a staff member is the complainant or person complained about) should be made in writing to the Chief Operating Officer. The procedure for dealing with formal complaints corresponds with the Student Complaints Policy & Procedure. This document can be found at <https://www.liverpool.ac.uk/student-administration/student-administration-centre/policies-procedures/complaints/>
- The Director of Human Resources or the Chief Operating Officer will acknowledge your complaint within 5 working days. They will then appoint an officer to investigate the complaint and may also consider a range of actions which could include processes such as mediation.

8.4.2.The investigation may include a meeting at which both the complainant and the person against whom the complaint is made would be present with the appropriate representation (for example, a colleague, a trade union representative or a Guild Officer.) The investigating officer will explain to both parties the form that the investigation will take and the sources of advice and support available.

8.4.3.If your complaint is not upheld you, your alleged harasser and your manager / Head of Department will be supported in making arrangements for all parties to resume work and repair working relationships.

8.4.4.If your complaint is upheld, this may result in disciplinary action being taken against the individual.

## **9. Review Procedure**

9.1.If, once a final decision on a complaint of harassment, discrimination or bullying has been given, the complainant or the person about whom the complaint has been made believes that the matter has not been handled fairly or properly in accordance with these procedures, they can request a review of the procedure.

### **9.2. Submitting a review request**

9.2.1.The request should be submitted in writing within 10 working days of receipt of the outcome.

- Where the original complaint has been by a member of staff against another member of staff, the request should be sent to the Director of Human Resources.
- Where the original complaint concerns a student as complainant or person being complained about, the request should be sent to the Chief Operating Officer.

9.2.2.The request must include:

- details of why you are dissatisfied with the way the case has been handled or you believe that the outcome is not reasonable.
- what resolution is sought.

9.2.3.Receipt of the request for review will be acknowledged in writing within 5 working days.

9.2.4.The Director of Human Resources or Chief Operating Officer (as appropriate) will then review the case based on the documentation available from the investigation into the formal complaint and any other relevant documents provided. They may decide to seek further information from you and/or others concerned. If it is concluded that the case has not been handled fairly or properly, they will decide on an appropriate course of action, which may include:

- Specific action to resolve the matter.
- Referral for a new investigation.

9.2.5.If it is concluded that the case has been handled fairly and properly, the review will be dismissed and reasons will be given in writing. If the complaint is dismissed there shall be no further opportunity for you to pursue this within the University.

## **10. If a complaint is made against you**

10.1. If you are approached informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or you think that the complainant is being too sensitive. Different people find different things acceptable and everyone has the

right to decide what behaviour is acceptable to him or her and to have their feelings respected. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in the future not to behave in the way that you now know may cause offence. Provided that you do not repeat the behaviour which has caused offence that may well be the end to the matter.

- 10.2. If a formal complaint is made about your behaviour, this will be fully investigated and the University may initiate disciplinary proceedings, if appropriate. In this event, the University will follow its disciplinary procedures (staff and students) and you will have the rights set out in those procedures. You will have the right to be informed of allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative, work colleague, Guild representative or friend as appropriate.

## **11. Counselling and Support**

- 11.1. It is recognised that being the subject of bullying or harassment and making a complaint can be an extremely distressing experience. Heads of Department have a responsibility to ensure that their departments are free from bullying and harassment. You can, however, discuss your situation with one of the University's Bullying and Harassment Advisors. If you are a member of staff, you may also wish to contact your Trade Union representative or if you are a student, your Personal Tutor or Hall Tutor.
- 11.2. Staff can also contact the Human Resources Business Partner for their area or Validium, the Employee Assistance Programme which offer confidential counselling services and legal advice. If appropriate, the Human Resources Business Partner may organise a referral for an independent, objective, Occupational Health assessment of fitness to work. Staff may also seek informal support from one of the Staff Equality Networks and Faith Express.
- 11.3. Students can also seek support from the University's Counselling Service, Student Support Services, the Mental Health Advisory Service, Hall Tutor or Personal Tutor, as appropriate. Students may also seek informal support from one of the relevant student societies and Faith Express.
- 11.4. The same sources of support are available to you if a complaint of bullying or harassment has been made against you.

## **12. Confidentiality**

- 12.1. All complaints (informal or formal) will be treated confidentially. Information shall only be divulged on a need to know basis and with the knowledge of the complainant.
- 12.2. It should be recognised, however, that maintaining anonymity of the complainant may limit the extent to which the procedure can be progressed. There may also be rare occasions when the legal duty of care means that the University is unable to maintain an individual's anonymity, for example where there may be risk to the individual or others.

- 12.3. The individual against whom the complaint has been made and their nominated representative shall be entitled to receive copies of the complaint against them.

### **13. Criminal Offences**

- 13.1. Some bullying or harassment constitutes unlawful discrimination, e.g. if it relates to a person's age, disability, gender reassignment, gender, race, religion or belief, or sexual orientation. Serious bullying and harassment may amount to other civil or criminal offences, e.g. civil or criminal offences under the Protection from Harassment Act 1997 and criminal offences of harassment, alarm and distress under the Public Order Act 1986.
- 13.2. In cases of alleged assault or behaviour that is considered a criminal offence, members of staff and students are strongly advised to report them to the police. Any of the services of support listed under section 11 of this policy and procedural document can help a member of staff or student report a physical attack. The University also has a Precinct Police Officer who can offer advice.

### **14. Malicious Complaints**

- 14.1. Complaints of bullying and harassment are treated seriously by the University. It should therefore be noted that anyone making mischievous or malicious complaints will be dealt with under the appropriate disciplinary procedures.

### **15. Monitoring of the Policy**

- 15.1. Data will be gathered on bullying and harassment cases on an annual basis and will be reported to the relevant committee.