











9.1 If the aggrieved staff member is not satisfied by the response to the 'Stop' message; the outcome of the mediation; or considers that an informal approach under the Dignity and Respect ~~XLGDGH~~ is not appropriate, a formal grievance can be considered at any time in accordance with the University of London policy which can be found here: **LINK**

9.2 The staff member/s concerned may also consider whether it would be suitable to submit a confidential complaint in accordance with the [Public Interest Disclosure \('whistleblowing'\) policy](#).

9.3 Internal and external support mechanisms for staff members in this situation are outlined in the Appendix at page 8.

## **10. Legal considerations**

10.1 The Equality Act (2010) defines Higher Education Institutions (HEIs) as public authorities and sets out their obligations under Section 149 and the Public Sector Equality Duty (PSED). The PSED requires institutions to have due regard to a number of general and specific duties. In summary, the University is obliged by the Act to eliminate discrimination, advance equality of opportunity and foster good relations in respect of nine defined 'Protected Characteristics'<sup>1</sup>.

10.2 This ~~XLGDGH~~ is one of the ways in which the University seeks to discharge its duties under the Equality Act (2010).

## **11. What is bullying and harassment?**

11.1 Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

11.2 Under the terms of the Equality Act (2010), harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

11.3 Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different

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<sup>1</sup> The Equality Act (2010) defines the Protected Characteristics as: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their 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 that type is not acceptable to them, 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 them.

11.4 Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, wife is pregnant or friend is a devout Christian.

11.5 There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to an employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others by an employee will be dealt with through the disciplinary procedure.

11.6 A single incident can be harassment if it is sufficiently serious.

11.7 All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Disciplinary Procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

11.8 Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault. However, the University accepts that bullying and harassment may not relate to one of the protected characteristics (i.e. it can happen to anyone). Some examples of bullying and harassment can be found in Appendix C page 10.

*What is victimisation?*

11.9 Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

11.10 Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you. Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **12. Confidentiality and record keeping**

12.1 This Guidance suggests an informal route to dispute resolution. So whilst individual staff members may save correspondence, no formal record of correspondence is retained by the University. However, the University will keep an anonymised record of requests for advice made under this Dignity and Respect Guidance. This will be to facilitate trend analysis and reporting purposes only.

## **13. Policy Ownership and Review**

13.1 This Dignity and Respect Guidance sits within the HR Directorate policy suite and updating it will be the responsibility of the Director of HR Services. Initially adopted in April 2018, this policy will be reviewed in April 2020, unless external events or legislation necessitate an earlier date.

13.2 This policy was developed in accordance with the UoL Diversity and Inclusion Strategy (2016/19) and in recognition of the University's obligations under the terms of the Equality Act (2010). An Equality Impact Assessment was completed in February 2018 and the identified actions assigned to responsible officers for completion.



## **APPENDIX – A: SUPPORT OPTIONS**

### **i) INTERNAL SUPPORT**

#### **Dignity and Respect Contacts:**

Will provide impartial advice and guidance on the options that are available to staff without making a judgement on whether any alleged behaviour is, or is not acceptable. A list of Contacts can be found here **LINK**.

#### **Line Manager:**

A staff member may initially discuss their concerns with their line-manager if possible and appropriate

#### **The Human Resources Department:**

The HR Team can supply guidance to staff members on the operation of this policy and other employment matters. The HR intranet site page provides contact details for staff members. Please contact your designated HR Partner: [Human-Resources](#)

#### **The Employee Assistance Programme: [EAP link](#)**

#### **Union Representatives:**

Staff can also contact their trade union representative: [UNISON@london.ac.uk](mailto:UNISON@london.ac.uk) or [UCU@london.ac.uk](mailto:UCU@london.ac.uk)

### **ii) EXTERNAL SUPPORT**

#### **Camden Safety Net: [Call 020 7974 2526 \(office hours\)](tel:02079742526)**

CSN provide support to the victims of sexual and domestic abuse who live work and study on the London Borough of Camden. This includes all UoL students regardless of where they live.

#### **Equality Focus: <http://www.equalityfocus.co.uk/>**

Equality Focus work with the University to provide high-quality specialist Non-Medical Help (NMH) support staff to enable students with a diverse range of needs to fulfil their academic potential.

#### **GALOP: <http://www.galop.org.uk/> (London's LGBT anti-violence & abuse charity)**

#### **The Gender Trust: [www.gendertrust.org.uk](http://www.gendertrust.org.uk)**

The Gender Trust provides support and an information centre for anyone with any question or problem concerning their gender identity, or whose loved one is struggling with gender identity issues.

#### **National stalking helpline: <http://www.stalkinghelpline.org/> or 0808 802 0300**

09:30 – 16:00 Weekdays (except Wed 13:00 – 16:00)

**The Rights of Women Helpline: 020 7490 2562**

The Rights of Women Helpline provides legal advice for women.

**The Samaritans: 08457 909090**

Available 24 hours a day providing support through trauma.

**Survivors UK** (male survivor organisation): <https://www.survivorsuk.org/>

**Women's Aid:** (domestic violence support): <http://www.womensaid.org.uk/> or call **0808 2000 247**

**Men's Advice Line:** (domestic violence support): <http://www.mensadviceline.org.uk/>

## **APPENDIX B: Examples of bullying or harassment**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal. Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities

Please note that the appropriate fulfilment out of legitimate line-management duties (e.g. performance management) would not in itself constitute bullying or harassment.

## **APPENDIX C: FLOW CHART**

The Dignity & Respect process may include **some or all** of the following steps dependant on the wishes of the staff member initiating the process. **No stage** is dependent on the successful completion of the previous step in this sequence:

**Incident causing  
distress**



**Issue raised with  
Dignity & Respect  
Contact/HR/Line  
Manager**



**Stop message  
delivered**



**Mediation  
Facilitated**



**Formal Grievance  
considered**

**If you need this document in an alternative  
format please contact:  
diversity@london.ac.uk**