



BISHOP GROSSETESTE UNIVERSITY

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BISHOP GROSSETESTE UNIVERSITY

DIGNITY POLICY FOR STAFF AND STUDENTS

Objectives

Bishop Grosseteste University is committed to equality of treatment and to providing an environment that is free from harassment, discrimination, bullying and victimisation. It does this by creating an environment where everyone is treated with respect and dignity, having procedures to protect employees and students from harassment, discrimination, bullying and victimisation wherever possible and having arrangements to deal effectively with complaints.

Principles

Any form of harassment, discrimination, bullying and victimisation is unacceptable. All employees and students have the right to:

- Make a complaint
- Have their complaint taken seriously
- Have their complaints dealt with in confidence
- Receive help and support during the process

Definitions

Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.(ACAS 9/10)

The Equality Act 2010 provides that employees may be able to complain about behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

The Act also makes the employer potentially liable for harassment by third parties, such as customers and clients, if the harassment has occurred on at least 2 previous

occasions and the employer is aware it has taken place and not taken reasonable steps to prevent it from happening again.

Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination can occur if there is a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of people. This kind of conduct is usually sustained. Examples of bullying are:

- Shouting at an employee/student in front of others
- Sarcastic comments deliberately aimed at an individual
- Ridiculing someone or deliberately setting them up to fail
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, displays of offensive materials, comments, language and innuendo.
- Making threats about job/course security without foundation
- Undermining a competent worker by overloading and constant criticism

Victimisation

Victimisation is less favourable treatment as a result of having made a complaint of discrimination, helping someone else to make a complaint, made an allegation or any other action in connection with the Act.

Implications

Harassment, discrimination, bullying or victimisation can lead to illness, absence, poor performance and resignation.

The Dignity Policy supplements the right of an employee to seek legal redress for harassment, discrimination and victimisation through relevant legislation.

In addition under the Criminal Justice and Public Order Act 1994 it is an offence to intentionally cause a person harassment, alarm or distress. This is where someone:

- Uses threatening, abusive or insulting words of behaviour
- Displays any visible representation which is threatening, abusive or insulting

Under the Protection from Harassment Act 1997 it is an offence for someone to:

- Behave in a way which they know, or ought to know, causes another to fear the use of violence against them
- Behave in a way which they know, or ought to have known, causes harassment.

Employees and students alleging harassment can complain to the police. Managers should also consider this where there is evidence to suggest criminal action.

Employers may be liable for what employees do during their employment, whether or not the employer knows of those acts. Employers can avoid a successful claim of unlawful discrimination if they can show they took reasonable steps to prevent the offence being committed.

The University considers harassment, discrimination, bullying and victimisation to amount to misconduct. This will be dealt with under the disciplinary procedures for staff and students and may lead to dismissal or expulsion.

Helping to prevent harassment, discrimination, bullying or victimisation

You can take positive action to protect yourself against this type of behaviour and to help to eliminate it. If you are subject to such behaviour, or witness it, try not to be afraid. Many perpetrators stop immediately when they are faced with the consequences of their actions. If the behaviour continues then complain. Also consider your own actions towards colleagues and others and ensure that you do not subject others to this behaviour. You should at all times support a culture that discourages harassment, discrimination, bullying and victimisation and support colleagues who may be subjected to it. Appendix 1 contains some additional guidance from the Equality Challenge Unit (ECU) on firm management vs. bullying.

Making a complaint

It is important to report any incident immediately to your line manager or tutor so that it can be investigated and action taken quickly. If the complaint is about your manager/tutor, you should take it to the next highest level. If you are an employee /contractor you may also refer to the Whistle Blowing Policy which is available on the University website.

You should feel able to ask for support from any of the contacts listed below at any time.

Informal Procedure

Firstly, if you feel comfortable doing so, make it clear to the person that their behaviour is unacceptable and you wish it to stop. However, it is acknowledged that asking someone to stop is often difficult and may not be the best course of action in the particular circumstances. Alternatively you may seek help from a friend or colleague or manager who could approach on your behalf the person committing the harassment.

It is important to keep a written note of the incidents so that you are able to report accurately what happened. This could include the date, time, and nature of the incident along with the names of witnesses. If you believe anyone else is subject to the same behaviour then ask them to keep a similar record. Evidence from witnesses is especially helpful to those dealing with the complaint.

Formal Procedure

You will need to make a formal complaint if:

- You are the subject of harassment, discrimination, bullying or victimisation
- If this treatment continues despite your efforts to put a stop to it
- If a single incident is, in your opinion, sufficiently serious to make it a complaint

A formal complaint will be regarded as the formal stage of the Grievance Procedure (for staff making complaints against staff); Procedures Relating to Student Disciplinary Offences (for staff and students making complaints against students); and Procedures for Dealing with Complaints by Students (for students making complaints against staff).

An investigation will begin as soon as possible in accordance with that outlined in the above procedures. The complaint will be taken seriously and dealt with sensitively. The format of any investigation and hearing will follow normal procedures, but at the Chair's discretion amended to the extent that the alleged perpetrator will not be asked to attend at the same time as the complainant or any witness without prior agreement.

After the investigation has been completed action will be taken. Disciplinary action will be taken against any proven perpetrator who is employed or studies at the University. Managers will be advised that, following the investigation and action, they should monitor the situation to ensure that the unacceptable behaviour has stopped and the employee/student who made the complaint does not suffer any victimisation or detriment.

Wherever possible the University will try to ensure that the parties involved are not required to work or study together whilst the complaint is being investigated. In serious cases the individual facing the allegations may be suspended during the investigation and disciplinary proceedings.

Whilst it is fully expected that employees and students will act responsibly it should be made clear that false accusations can have a serious effect on innocent individuals. Therefore, should investigations show that a false accusation has been made in bad faith then disciplinary action may follow which may result in dismissal or expulsion.

Outcomes of the Investigation

After an investigation has been carried out a report will be produced. Outcomes may include:

Where a complaint appears to be justified, the appropriate manager will proceed in accordance with the disciplinary procedures for staff and students. This may lead to police involvement if a criminal act is suspected.

The appropriate manager may conclude that the complaint does not justify disciplinary action. In such cases, managers should consider the effects on the individuals involved. Measures such as voluntary transfer and /or training may therefore need to be considered.

Appeals

If you are not satisfied with the outcome of the formal complaint you may raise an appeal under the Appeal stage of the Staff Grievance Policy and Procedure or the Procedure relating to Student Disciplinary Offences.

Harassment by a third party

This means anyone who you are in contact with at work or because of your work or studies who is not employed or studying at the University. It will include:

- Service users
- Employees of contractors
- University Council

Let somebody know as soon as you can that harassment, discrimination, bullying or victimisation has taken place so that an investigation can take place and action taken to prevent a re-occurrence.

If the complaint is about an employee of a company providing services to the University, this should be reported to the individual responsible for engaging the company in the first instance. HR, the SU or Student Advice should also be informed to assist in drawing the matter to the attention of the company, within the terms of the contract, to enable action to be taken within the company's rules and policies. This should be followed up to ensure action is being taken.

Where any of the institutional contacts listed below as available to give help and support have been made aware of an allegation of harassment by a third party this must be reported to HR, even if it is initially resolved informally, so that it can be monitored that reasonable steps have been taken.

Mediation

You may wish to consider using a mediator as a means of resolving the issues. Both parties must agree to the mediation and either side has the right to withdraw during the process. The mediator will be arranged via Human Resources/ Student Advice.

The purpose of mediation is to find a solution acceptable to both parties that is voluntary. The mediation service is independent and the mediator has no power to impose a decision. If mediation does not resolve the issue then the complainant has the right to make a formal complaint (see below).

The outcome of any mediation will be recorded and sent to both parties. Normally there is no direct involvement during the mediation process by management or Trade unions as the process is intended to take the matter out of the formal arena for resolving complaints.

Help and support

Suggested contacts are listed below and you are encouraged to use them:

- Your manager
- Student Advice
- Human Resources
- Your trade union
- Chaplaincy
- Senior residents

Monitoring and review

All the University's procedures are reviewed on a regular basis to identify and eliminate any processes and practices which may unlawfully discriminate (directly or indirectly) against any particular group of students or employees. In order to ensure maximum effectiveness of this policy students and employees are encouraged to give constructive feedback and make suggestions for amendments. If you believe there is action that the University needs to take in order to address harassment, discrimination, bullying or victimisation, or if you would like to speak to someone confidentially, please contact the following people who will be able to discuss your concerns with you:

- Student Advice
- Human Resources
- Student Union
- Chaplaincy

Useful sources of reference:

www.ecu.ac.uk Equality Challenge Unit

www.equalityhumanrights.com Equality and Human Rights Commission

www.acas.org.uk Advisory, conciliation and Arbitration Service

Staff Grievance Policy and Procedure

Procedures relating to Student Disciplinary Offences

APPENDIX 1

Bullying vs. firm management (amended extract from ECU website)

This guidance refers throughout to staff/ manager relationships but could just as readily be applied to the student /teacher relationship.

Bullying vs. Firm Management

Many managers are 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 organisation but for other individuals working within the manager's area of responsibility. Bullying is frequently 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.

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 to target. If you adopt the following principles you are very unlikely to be accused of bullying. If you are unfortunate to be in this position, you can be confident that you can defend your actions and your approach if you have acted appropriately and fairly at all times.

- Remember that managing other people's performance is a legitimate part of your job, and there will be times when you are required to take unpopular decisions. You should however appreciate that being told you are not performing well is stressful for the individual and do this as tactfully and sympathetically as possible.
- Address any issues in the appropriate way. You should not lose your temper or gossip about your staff's shortcomings behind their back, but discuss each specific problem in turn, before agreeing a course of action.
- Be a good listener. Make sure that your staff understand and agree with what you discuss – it needs to be a two-way conversation, not a monologue. If staff have personal issues that are affecting their work, take an interest and make a genuine effort to help them cope. Recent research suggests a link with work-related stress for staff that feel they are without a voice, or their views are not heard.
- Praise your staff as often as you can – it is very easy for managers to fall into a pattern of relating to staff in a generally negative way. If this happens, staff will regard an invitation to your office as a cause for concern, when it can just as easily be an opportunity for a positive interaction. Motivating staff is a key feature to promoting a healthy and productive culture in the workplace and thus is a primary management responsibility. People respond to positive attention much more readily than to criticism, so when you do have an unfavourable comment to make, try to use the "positive sandwich" approach whereby you start and end with something good and put the criticisms in the middle.

- Keep the communication channels open. Ask yourself if your manner is as approachable as it could be and if not, what you can do to improve it. It should go without saying that if you have a sensitive issue to address that you should take the member of staff aside and do it in private.
- Be fair and avoid favouritism. Do not allow yourself or other staff to take credit for someone else's work.
- Make sure all members of the team are included when you organise events. This should include social activities.
- Try hard not to be moody or temperamental. One of the most difficult types of behaviour to deal with for staff is that of a manager who has extreme mood swings. If you are feeling fragile, upset or simply having a bad day, don't be afraid to let people know. A self-deprecating comment is much more likely to win you sympathy and understanding than losing your temper over a trivial matter for no apparent reason.
- Finally – don't forget that everyone makes mistakes and you are no exception. No-one is perfect, so if you do get it wrong, don't be afraid to say so. An acknowledgement and an apology are often all that are needed if you have approached an issue in the wrong way or at the wrong time or place. If you are prepared to acknowledge your mistakes, it will make it easier for your staff to do so too. This will help to establish a culture that avoids blame when things go wrong, and in which everyone pulls together with a focus on putting things right rather than finding scapegoats.

The table below summarises the key differences between managers who use appropriate and inappropriate methods to get results:

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