

## ANTI-BULLYING AND HARASSMENT IN THE WORKPLACE POLICY

### Introduction

1. The University of Bolton strives to ensure an environment where everyone is treated with dignity and respect. All members of the University community have the right to a fair, welcoming and inclusive environment.
2. The University does not tolerate bullying or harassment of any kind and strongly encourages those who have experienced or witnessed this in any form to report such incidents and take action through this policy and procedure.
3. There is an expectation that all members of the University community will uphold the principles of dignity and respect set out in this document. This includes all members of staff, students, partners, visitors, and contractors.
4. This policy and procedure will be published on the University of Bolton's website and be made available to all staff, students, partners, visitors and contractors. Everybody within the University community is expected to familiarise themselves with and comply with this policy and procedure.
5. This policy and procedure is to be used where an individual has been subjected to bullying and / or harassment by another individual. Students who wish to make a complaint of bullying or harassment should refer to the Students' Dignity at Study Policy and Procedure [here](#).

### Bullying

6. Bullying will not be tolerated by the University. Although there is no legal definition of bullying, the Advisory, Conciliation and Arbitration Service (ACAS) defines this as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient".
7. Bullying can be physical, verbal or non-verbal, e.g. by letter, email, text, or social media.
8. Examples include:
  - Physical conduct such as assault;
  - Comments or behaviour which intimidates, demeans or humiliates;
  - Making unwelcome jokes or spreading malicious rumours;
  - Shouting or threatening behaviour;
  - Deliberately ignoring or excluding somebody;

- Setting unrealistic targets or imposing unfair sanctions;
- Persistent unjustified criticism.

9. Please note that the following actions do not amount to bullying:-

- Fair and reasonable criticism of your performance or behaviour;
- Constructive feedback;
- Being subject to performance management by your line manager.

## **Harassment**

10. Harassment is unlawful and will not be tolerated by the University. It is defined by the Equality Act 2010 as unwanted conduct related to one of the following protected characteristics: sex; sexual orientation; gender re-assignment; age; race; religion or belief; or disability, which has the purpose of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

11. Examples include:

- Insulting or offensive comments or jokes;
- Threatening words or body language;
- Physical violence;
- Ignoring or excluding somebody;
- Unfair allocation of work and responsibilities.

12. Although the protected characteristics of pregnancy and maternity are not protected under the harassment provisions in the Equality Act 2010, harassing somebody because of pregnancy or maternity would be harassment related to sex.

## **Sexual Harassment**

13. Sexual Harassment is unlawful and will not be tolerated by the University. It is defined as unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

14. An individual can experience unwanted conduct from someone of the same or a different sex.

15. Conduct "of a sexual nature" includes a wide range of behaviour such as:

- Sexual comments or jokes;
- Displaying sexually graphic pictures, posters and photos;
- Suggestive looks, staring or leering;
- Propositions and sexual advances including touching, standing too close, asking for sexual favours or making decisions on the basis of advances being accepted or rejected;
- Making promises in return for sexual favours;

- Threats for rejecting sexual advances, e.g. suggestion that refusing advances will adversely affect the employee's employment, performance review, pay, work, development or any other aspect of employment;
- Sexual gestures;
- Intrusive questions about a person's private or sex life or a person discussing their own sex life;
- Sexual posts or contact on social media;
- Spreading sexual rumours about a person;
- Sending emails or text messages of a sexual nature;
- Unwelcome touching, hugging, massaging, kissing or assault.

16. Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

### **Victimisation**

17. Victimisation is unlawful and will not be tolerated by the University. It is defined by the Equality Act 2010 as treating an individual less favourably because they have done a protected act. This may include treating an individual less favourably for making a complaint of harassment and/or bullying under this policy and procedure.

18. Victimisation can also mean subjecting an individual to a detriment because it is believed they have done or are going to do a protected act; they need not actually have done it.

19. Examples of victimisation include:

- Penalising an individual by excluding them from work activities because they have made a report of bullying or harassment;
- Denying a promotion because the individual has supported another colleague with their complaint of bullying or harassment;
- Penalising a student who has made a report of bullying or harassment.

### **Third Party Behaviour**

20. The University recognises that bullying and / or harassment of staff members or students may take place within the wider University community, i.e. such behaviour may be perpetrated by partners, contractors or visitors.

21. This policy and procedure will be published on the University of Bolton's website. The relevant Head of School / Head of Service shall ensure that relevant third parties are aware of the principles.

22. The University will not tolerate any kind of third party abuse towards our students or staff members. Individuals are encouraged to report such incidents and take action through this policy and procedure.

## **PROCEDURE**

### **Early Resolution of Complaints**

1. Where possible and appropriate, the University encourages individuals to resolve complaints of bullying or harassment informally before using the formal process. Employees may wish to do this with the support of their line manager or HR. If the complaint is about their manager, they can discuss with the next level of management.
2. Informal resolution is not intended to take away from the seriousness of the issue. However, early informal resolution of complaints can help to reduce stress and worry for all concerned. The other person may be unaware of their behaviour and the impact it is having upon others. Informal feedback can help to give that person a better understanding and opportunity to change or stop their behaviour.
3. In the first instance, it is often helpful for the individual to speak to the other person to explain the situation and how it has made them feel. This can help the other person to understand their concerns and change their behaviour accordingly. Where employees feel unable to do this, they are encouraged to contact their line manager or HR. Contractors or visitors should discuss their concerns with their designated contact at the University.
4. Mediation is another way that employees can resolve issues informally. A neutral person, the mediator, works with individuals who have a disagreement to help them to find their solution and reach an agreement that will assist them to resolve their problem, improve the situation or enable them to work together effectively. The mediator does not take sides or judge who is right or wrong. The process is voluntary and both sides need to agree to participate.

### **Making a Formal Complaint**

5. The University recognises that informal efforts may not always resolve the situation or may not be appropriate in the circumstances. In this event, an employee is able to raise a formal grievance using the University's Grievance Procedure.
6. The University recognizes that the decision to make a formal complaint is not easy so we encourage employees to contact Human Resources should they have any queries. A copy of the procedure can be found here [Grievance](#)
7. Should an employee decide to raise a formal complaint, this will be investigated thoroughly under the University's Grievance Procedure.

### **Possible Outcomes following Investigation**

8. There are many outcomes which could follow an investigation into bullying, harassment, or victimisation which may include mediation; training; coaching; or disciplinary proceedings. If

the outcome is that there is a case to answer of bullying, harassment, or victimisation this will be taken seriously by the University and the Staff Disciplinary Policy may be invoked. Depending on the circumstances, this could potentially lead to a formal warning being issued, demotion or even dismissal.

9. Disciplinary action may be appropriate in cases of bullying or harassment or victimisation committed:
  - in a work situation;
  - during any situation related to work such as at a social event with colleagues;
  - against a colleague or other person connected to the employer outside of a work situation, including on social media; or
  - against anyone outside of a work situation where the incident is relevant to their suitability to carry out their role.
10. The University will take into account any aggravating factors (e.g. abuse of power over a more junior colleague) when deciding whether to instigate disciplinary action and when considering the potential outcome.
11. In all cases of proven inappropriate behaviour, the University will ensure that it is made clear to the relevant individual that their behaviour is unacceptable and must stop.
12. The University expects everybody involved in the investigation process to act in good faith and with honesty at all times. An individual will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld. However, the University may take disciplinary action if there is evidence that an allegation is false and made in bad faith.
13. In the case of visitors or contractors who are found to have committed bullying and / or harassment, the University may make specific recommendations. For example, visitors may be prevented from returning to the campus. The University may decide that it no longer wishes to engage contractors who have committed such acts.

### **Support for Impacted Individuals**

14. The University recognizes that impacted individuals may wish to access support and guidance. There are a number of sources available to employees including the 24 hour free advice line provided by Spectrum (Employee Assistance Provider). This is a confidential service and they can be contacted on 08081962016 (UK free phone), 0035315180277 (International), +447700185685 (SMS and WhatsApp) or [app.spectrum.life/login](https://app.spectrum.life/login) (online platform). Alternatively, employees can contact their line manager or a member of the HR team.

### **Shared Responsibility**

15. The University recognises that we all share responsibility for ensuring a safe working environment for ourselves and others.

## **All Staff**

16. All individuals should ensure that they:

- Behave in a way that is lawful and acceptable and does not cause offence, humiliation, embarrassment or distress to others.
- Act promptly if they perceive they are being harassed or bullied.
- Raise concerns if they witness bullying, harassment or any incidents of unacceptable behaviour.
- Treat others fairly and in accordance with the University of Bolton's core values ensuring that they do not harass or bully others.
- Understand that their performance can be evaluated by their line manager against fair and objective performance indicators.
- Act honestly and in good faith at all times, i.e. do not make any vexatious statements or act in bad faith.
- Participate in harassment and/or bullying awareness training as and when required.

## **Line Managers:**

17. All line managers should ensure that they:

- Promptly address any complaint of harassment or bullying, using the relevant procedure.
- Treat employees fairly and in a manner that does not cause offence, humiliation, embarrassment or distress.
- Watch for signs of bullying by others, be aware of what is unacceptable behaviour.
- Act as a source of advice.
- Maintain appropriate relationships between colleagues, students and visitors based on professional ethical principles.
- Assess performance based on fair, objective and measurable criteria.
- Take part in harassment and/or bullying awareness training as and when required (and ensure their staff members are appropriately trained).

## **Human Resources:**

18. Human Resources will:

- Offer advice to impacted staff and ensure they are made aware of any support available.
- Support line managers in addressing harassment or bullying complaints.
- Manage all cases fairly, consistently, and objectively.
- Ensure that line managers are appropriately trained in addressing issues of harassment and/or bullying.

## **Relevant Policies**

19. The University has a separate policy relating to Equal Opportunities which sets out the specific procedure for seeking support or making a complaint in relation to other acts of discrimination. A copy of the Equal Opportunities Policy can be found [here](#).
20. This document refers to other policies such as the Staff Grievance Procedure and Disciplinary Procedure. These documents can be found on the HR website [here](#).
21. Should employees require any guidance on policy application, they should contact a member of the HR team for further advice.

## **Monitoring and Review**

22. An Equality Check has been completed on this policy.
23. All University policies are subject to periodic review under the equality impact assessment process.
24. This policy will be monitored to assess its effectiveness and updated from time to time.

<b>Policy on Bullying and Harassment in the Work Place</b>	
Version Number	10
Version Date	May 2022
Name of Developer/Reviewer	Chris McClelland / Claire Symons
Procedure Owner (School/Centre/Unit)	Human Resources
Person responsible for implementation (post holder)	Executive Director of HR
Approving Committee/Board	Executive Board
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Review Frequency	Three Years
Reviewing Committee	Organisation Development and Equality and Diversity Committee, Resources Committee, the Board of Governors.
Document History (e.g. rationale for and dates of previous amendments)	To review and update the policy



If you feel you have been bullied or harassed, speak to one of the following people:

Line Manager (or another appropriate Manager)

Human Resources

Work Colleague

Spectrum

Trade Union Representative

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You can speak to somebody at any point during the process.

Complaint made by an employee regarding another employee, student, or third party

#### INITIAL ACTION

If it safe to do so and you feel able, tell the person that you are unhappy with the behaviour. You may wish to talk this through with one of the above contacts.

Mediation  
can also  
help at  
the  
informal  
stage

#### FORMAL COMPLAINT

Where informal action has not resolved the issue, a formal complaint should be submitted under the University's Grievance Procedure.

#### INVESTIGATION

A thorough investigation will be undertaken by an Investigating Officer.

#### OUTCOMES

Both parties will be informed in writing of the conclusion of the investigation, the Investigating Officer will decide upon the appropriate action.

Where a finding of bullying, harassment or victimisation is made against another employee, the University's Staff Disciplinary Procedure may apply.

Where a finding of bullying, harassment or victimisation is made against a student, the University's Student Disciplinary Procedure may apply.

Where a finding is made against a third party, the University may take appropriate action, e.g. excluding the third party from the premises or ending the relationship.