

Health and Wellbeing Framework

University Bullying & Harassment Guidelines for Staff and Students

1. Purpose

The purpose of the bullying and harassment guidelines is to ensure a culture in which everyone is treated with dignity and respect. The University will not tolerate any form of bullying and harassment and individuals should have the confidence to deal with and challenge this without fear of repercussion.

These guidelines apply to all Abertay University students and staff and covers bullying and harassment across the University campus, including residences, and in any setting outside the campus, e.g. business trips, field trips and University-related social events. While this Policy is common to both staff and students who feel that they have been or are being harassed, the procedures to be adopted are slightly different and further information is provided in this document.

The guidelines do not form part of any employee's contract of employment and it may be amended at any time. The University may also vary any parts of this guideline, including any time limits, as appropriate in any case.

2. Definitions

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.

Examples of bullying

Bullying can take various forms, this can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone. Bullying can occur face to face, in writing, online, over the phone as well as in other ways:

- Shouting or swearing at people in public and private.
- Persistent, unfair criticism.
- Ignoring or deliberately excluding people.
- Persecution through threats and instilling fear.
- Spreading malicious rumours.
- Constantly undervaluing effort.
- Spontaneous rages, often over trivial matters.

- Withholding information or supplying incorrect information.
- Deliberately sabotaging or impeding work performance.
- Setting individuals up to fail by imposing impossible deadlines.
- Unjustifiably removing areas of responsibility and imposing menial tasks (staff).

The actions listed must be viewed in terms of the distress they cause to the individual¹.

Harassment is unwanted conduct related to relevant protected characteristics, which are age, disability, gender, marital status, pregnancy and maternity, race, religion or belief, sexual orientation, 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.

Examples of harassment

Individuals must recognise that what is acceptable to one person may not be acceptable to another².

Examples of harassment include:

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs.
- Non-verbal – wolf-whistles, obscene gestures, pornographic or sexually suggestive posters/calendars and other material (both paper-based and generated on a computer, including offensive screen-savers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects.
- Physical – unnecessary touching, patting, pinching or brushing against another person's body, intimidating behaviour (including encroaching on personal space), assault and physical coercion.
- Coercion – pressure for sexual favours (e.g. to get a job, be promoted or to get a better grade) and pressure to participate in political, religious or trades union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion – following, pestering, spying, etc.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are age, disability, gender, marital status, pregnancy and maternity, race, religion or belief, sexual orientation. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

It is recognised that evidence of bullying and harassment can present themselves through use of social media. Individuals are advised to refer to the appropriate staff and student policies on the acceptable use of social media.

3.0 Responsibilities

¹ Provided it is reasonable for the conduct to have that effect in all the circumstances.

² It should be taken into account whether it would appear to a reasonable person that the conduct would amount to harassment.

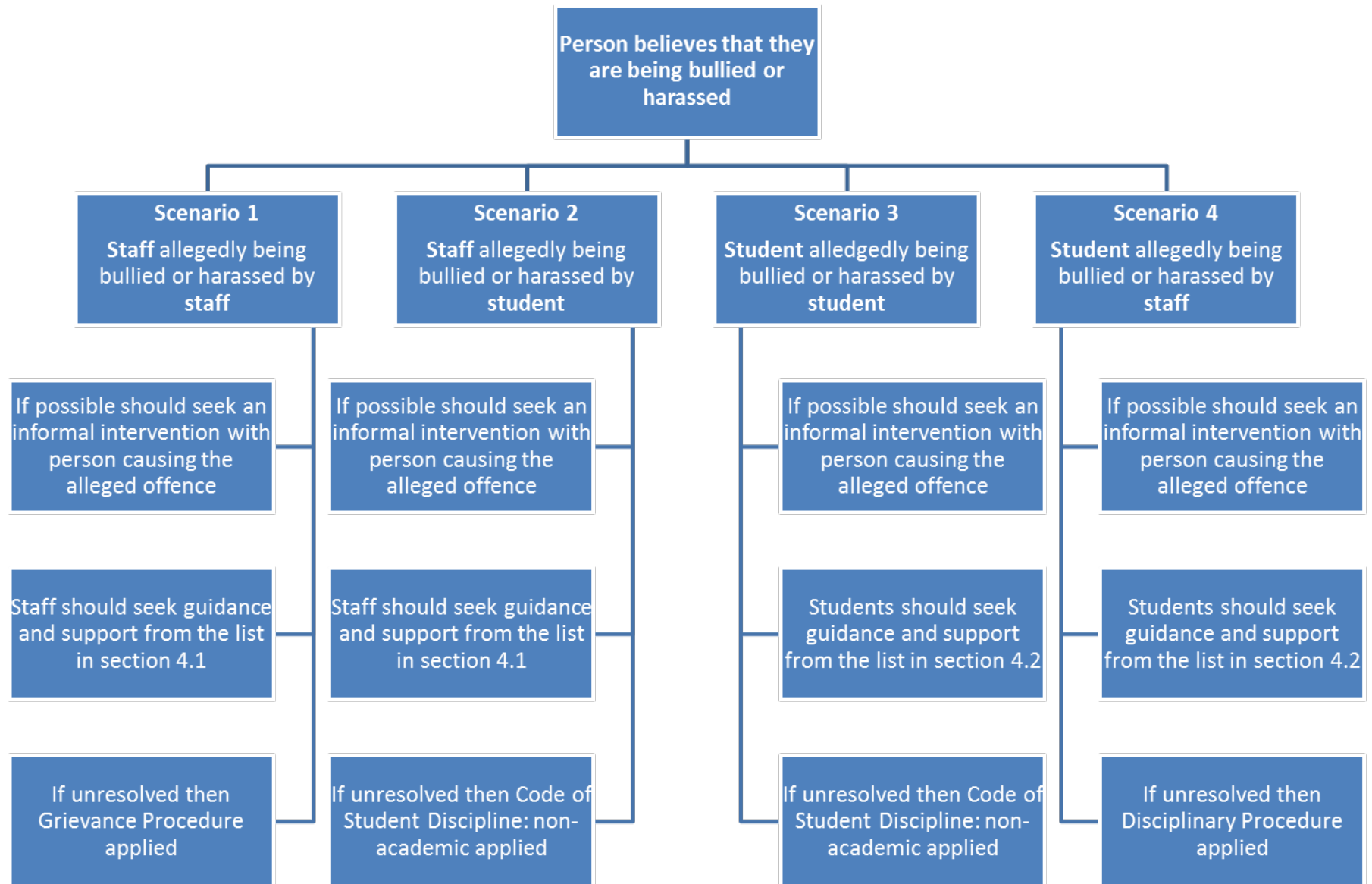
We all have a responsibility to help create and maintain a learning environment free from bullying and harassment. You can help to do this by:

- reporting harassment or bullying appropriately and supporting the University in the investigation of complaints
- treating your peers and classmates with dignity and respect;
- being aware of how your own behaviour may affect others and change it, if necessary - you can still cause offence even if you are "only joking";
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients; and
- when a complaint of harassment or bullying is made, not prejudging or victimising either the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that individuals know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- take prompt action through the appropriate procedures in relation to any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

Figure 1: Bullying and harassment flowchart



4.0 Procedure

Confidentiality will be maintained as far as possible. If an individual decides not to take any action to deal with the problem and the circumstances described are very serious, e.g. an alleged threat to self or others, the University reserves the right to investigate the situation. It has an overall duty of care to ensure the safety and health of all staff and students.

If you have been assaulted or threatened with assault you should seek help immediately. You should contact your Head of School/Service who will offer you support and help you decide what to do. In cases of hate crime or physical assault you are advised to report the matter to the police as soon as possible.

4.1 Procedures for staff

Informal procedure

The University's Informal Grievance Procedure should be used when trying to resolve the issues informally. Through this procedure the University will be able to offer counselling, mediation or any other informal approach to help resolve the issue.

If the employee feels able to, then often the quickest and most effective means of dealing with an issue is to raise the matter informally with the person or persons concerned, explaining that their behaviour is offensive or unacceptable.

The employee will be able to get support by choosing to contact:

- their Line Manager and/or Head of School/Service
- their Designated Senior HR Officer/HR Manager
- the Occupational Health Adviser
- the Staff Counselling Service
- a relevant trades union representative

The Trades Unions have indicated that their representatives are also willing to be contacted by employees who are not union members in relation to bullying or harassment matters.

Formal Procedure

The University's Formal Grievance Procedure should be followed where there is a complaint against another employee where informal procedure has been ineffective.

An employee should keep a written record of any incidents, such as what happened, when and where it occurred, whether there were any witnesses or names of others who have been treated in a similar way.

Where a member of staff is raising a complaint against a student, informal discussion should take place with the individual's line manager and the Code of Student Discipline should be followed.

Grievance Procedure

It is important to note that all clauses of the University's Grievance Procedure apply to the employee raising a concern through the Bullying and Harassment policy, which includes:

- Right to be accompanied
- Right to Appeal
- Confidentiality and Data Protection

- Disciplinary Action for malicious complaints

4.2 Procedures for students

If a student feels able to, then often the quickest and most effective means of dealing with an issue is to raise the matter informally with the person or persons concerned, explaining that their behaviour is offensive or unacceptable.

The student will be able to get information and support from the University by choosing to contact:

- Abertay Student Association
- Support Enquiry Zone (SEZ)
- Student Services (including Student Counselling)

If a student feels unable to raise the matter informally with the person or persons concerned, or is unable to resolve the matter informally, they should raise the matter with their Head of School who will alert the University's Student Disciplinary Officer (SDO). The SDO will then investigate the issue using the Code of Student Discipline: non-academic. Any investigation into staff conduct which may lead to disciplinary action must meet the requirements of a staff disciplinary investigation.

A student should keep a written record of any incidents, such as what happened, when and where it occurred, whether there were any witnesses or names of others who have been treated in a similar way to assist the SDO in their investigation.

4.3 False Accusation

An individual who brings a complaint in good faith or assists in an investigation will be protected from any form of victimisation regardless of the outcome. Complaints brought with malicious or mischievous intent may provide grounds for disciplinary action against the complainant.

Document Information

Author	HR and Secretariat
Equality Impact Assessment	HR and Secretariat
Approved by	University Court
Approval date(s)	February 2016
Review by	February 2019
Version	V20161005
Document Type	Guidelines
Activity/Task	Policies & Procedures:
Keywords	Bullying, harassment
Document Location	This document is available via the HR Web/intranet pages. It should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.
Confidentiality	Available via the HR Web/intranet
Source	Z:\HR\H2-Policy-Procedures

Version Control Table

Version No.	Purpose / Changes	Author	Date
V1	First joint staff/student guidelines – replace staff Dignity at Work policy and student harassment policy.	HR/Secretariat	
V20161005	Formatting Changes	HR	20161005