





Respect at Work and Study Policy





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# Introduction

The University is committed to developing and maintaining an environment in which all employees, students and visitors can experience university life free from any form of bullying, harassment or victimisation. The University is committed to dealing quickly and efficiently with any incidents that arise. All members of the University community are entitled to be treated with dignity, fairness and respect.

Any incidents of bullying, harassment or victimisation (definitions and examples can be found in Appendix A) will be regarded extremely seriously and will result in formal action, including the issuing of disciplinary sanctions, being taken under the relevant employee or student procedures.

1. **Purpose**
   1. The purpose of this policy is to:

* Confirm the University’s commitment to providing an environment within which all employees, students and visitors are treated with respect at all times.
* Confirm the University’s commitment to providing an environment which is based on a sense of community and which is free from discrimination, harassment, bullying and victimisation.
* Ensure that the University complies with its legal requirements as defined under the Equality Act 2010.
* Outline the informal and formal mechanisms and support which are available to employees and students if they perceive that they have been harassed, bullied or victimised.

1. **Scope**
   1. This policy covers:

* All employees holding a contract of employment, casual employees and visiting lecturers, honorary employees, employees from other organisations on secondment, placement or visiting the University, volunteers and voluntary workers
* All students, including visiting and placement students.
* Visitors, including external persons or agencies using the University’s premises.
* Contractors working at the University.
* Individuals working or acting on the University’s behalf including suppliers of goods and services

1. **Roles and Responsibilities** 
   1. The University will:

* Take action to ensure that all employees, students and visitors are aware of this policy through appropriate communication means such as the University website and other publications, as well as the provision of training, where appropriate.
* Promote a culture of community in which every member is treated with courtesy and respect, irrespective of protected characteristics of age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and those who have caring responsibilities and care experienced or any other irrelevant factor.
* Ensure that complaints of harassment, bullying or victimisation are treated seriously and with sensitivity.
* Deal with malicious, vexatious or spurious allegations in the appropriate manner.

4.2 Individual

All members of the University community are expected to:

* Treat others with respect.
* Participate in training to support the implementation of the policy where appropriate.
* Challenge harassing or bullying behaviour as and when appropriate.
* Escalate incidents of harassment of bullying to people managers, HR & OD or the Student Discipline Team, as appropriate.
  1. People Managers

People Managers have an additional responsibility to:

* Address any incidents of bullying, harassment or victimisation that they observe or witness even though no complaint has been made by the individual.

**5. Personal Action**

5.1 If a student /employee feels they have been or are being bullied, harassed or victimised they are encouraged to make it clear to the person(s) causing the offence that this is the case. Doing this at an early stage may be sufficient to end the behaviour. In some cases it may be that the individual is not aware that the behaviour is inappropriate or it may be the case that the individual’s behaviour is being misinterpreted.

5.2 Examples of personal action that may be considered include:

* A conversation with, or written correspondence to, the other person which explains what it is that is considered to be unacceptable about their behaviour and requests that they stop behaving in this way.
* A request that bullying and harassment issues and/or the University’s Respect at Work and Study Policy is discussed at a team meeting to ensure that all employees within the team understand the standards of behaviour expected and their responsibilities under the policy.

**5.3** Before taking personal action, individuals may wish to seek advice or support from:

**Students:**

* Personal tutor
* A member of [Student Support Services](https://www.stir.ac.uk/student-life/support-wellbeing/student-support-services/)
* A colleague or friend
* A supportive Lecturer or other academic employee
* The University [Chaplaincy](https://www.stir.ac.uk/student-life/support-wellbeing/student-support-services/chaplaincy/)
* The Students’ [Union](https://www.stir.ac.uk/student-life/students-union/)

**Employee:**

* Line manager or Head of Department/Faculty/Directorate
* Human Resources
* A trade union representative
* A colleague or friend

**6. Procedures**

**Complaints from Students**

6.1 A student who wishes to make a formal complaint against another student or employee, should follow the University of Stirling Complaints Handling Procedure. This is available on the University website at [www.stir.ac.uk/complaints](http://www.stir.ac.uk/complaints)

6.2 Allegations of student conduct which could represent a breach of the University’s Code of Student Discipline (Ordinance 2) will be investigated by the University. [The Code of Student Discipline](https://www.stir.ac.uk/media/stirling/services/academic-registry/documents/ordinances-code-of-student-discipline.pdf) is set out in full in the University Calendar. As outlined in the Code of Student Discipline, if such allegations are confirmed by the University, penalties may be applied to the student accordingly.

6.3 If an allegation of bullying or harassment is made by a student against an employee, the matter will be addressed under the University’s Employee Disciplinary Procedures.

**Complaints from Employee**

6.4 An employee can take forward a complaint about bullying, harassment or victimisation from another employee through the [Grievance Procedure](https://www.stir.ac.uk/media/stirling/services/internal/hr/documents-moved/Grievance-Procedure.doc) (Ordinance 68, Part II, Schedule III) which will be used to deal with the complaint through the initial and appeal stages.

6.5 An employee can take forward a complaint about bullying, harassment or victimisation by a student by submitting a complaint in line with the Code of Student Discipline.

6.6 Allegations of bullying or harassment against an employee will be investigated fully. If the allegations are upheld, the employee will be subject to disciplinary action, as set out in the [Disciplinary Policy](https://www.stir.ac.uk/internal-staff/human-resources-and-organisation-development/policies-and-guidance/?#panel13622-2) (Ordinance 68, Part II, Schedule II).

6.7 Bullying, harassment and victimisation should be differentiated from an acceptably assertive management style. It is legitimate for a line manager to provide clear feedback, issue instruction, make decisions and take action in relation to an employee’s conduct or performance provided that this is done in a fair, consistent and reasonable way which is in line with existing University policies. In this case any action taken by a line manager to address performance or conduct concerns will not be considered as breaching this policy.

**7. Complaints against External Parties**

7.1 Complaints against external contractors, consultants and visitors from students will be dealt with under the University Complaints Handling Procedure (as above).

7.2 Complaints against external parties such as contractors, consultants and visitors from employees should be made to a member of employee’s line manager or equivalent.

The line manager or equivalent should seek to establish from the member of employee, the nature and circumstances of the complaint before engaging with the external party.

The external party should be provided with a copy of the complaint and asked to respond to this. The line manager or equivalent will form a view as to what further action may be required including whether any further investigation is necessary.

Failure to take any action to prevent harassment by a third party from taking place or continuing, may result in an employment tribunal claim relating to constructive dismissal for a fundamental breach of contract and/or a claim for direct discrimination under the Equality Act along with a general breach of the anti-harassment provision in the Equality Act 2010.

**8. False Complaints**

8.1 Employees and students should be aware that making malicious, vexatious or spurious allegations of bullying and harassment are viewed seriously with the likely outcome of disciplinary action being taken against the complainant.

8.2 Students who wish to inform the University of a malicious or vexatious allegation should follow the Complaints Handling Procedure at [www.stir.ac.uk/complaints](http://www.stir.ac.uk/complaints).

8.3 Employees who wish to inform the University of a malicious or vexatious allegation made by a student should inform the Student Discipline team who can be contacted by emailing [studentdiscipline@stir.ac.uk](mailto:studentdiscipline@stir.ac.uk).

8.4 Employees who wish to inform the University of a malicious or vexatious allegation made by another employee member should inform their line manager who should then seek advice from their HR Partner.

1. **Risk to the wider community**

9.1 It is important to be aware that allegations of bullying, harassment or victimisation that are assessed as presenting a risk to members of the University or wider community will be escalated in line with the University’s duty of care to protect the safety and wellbeing of all parties.

1. **Equality Impact Assessment**

9.1 A full Equality Impact Assessment has been carried out for this policy.

**10.** **Monitoring**

10.1 Student and employee complaints which fall under the policy are monitored by the University.

10.2 The policy will be reviewed regularly and in accordance with statutory and legislative provisions.

**Appendix A – Bullying, Harassment and Victimisation**

This appendix provides examples of the terms harassment, bullying and victimisation for the purposes of enabling employee and students to make informed judgements about whether particular behaviours may fall under the scope of this policy.

**Harassment Definition**

* Harassment is deemed to have occurred when a person engages in unwanted conduct, potentially related to a protected characteristic of another person as defined by the Equality Act 2010, which has either the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.
* Harassment may include conduct of a sexual nature. It is important to note that harassment may be deemed to have occurred even where there has been no intent. Members of the University community must therefore be aware that the perception of the complainant is very important and what may be deemed to be acceptable behaviour by one person may not necessarily be acceptable to another.
* In defining the types of behaviour that may be judged to constitute harassment the key issue is whether the behaviour could reasonably be considered as having the effect defined above, even if others feel they would not be offended by the behaviour.
* The perception of the complainant does not automatically mean that the complaint will be upheld however as those responsible for managing or investigating the complaint must make an objective assessment as to whether the behaviour complained of can reasonably be regarded as harassment. In some circumstances, such as where physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to be harassment.
* In other circumstances, behaviour may be deemed to be harassment where it is repeated or sustained. In addition to the potential consequences for employment and study of breaching this policy, types of harassment may also be unlawful under the Equality Act 2010 and may even constitute a criminal offence. Individual employees who have been deemed to have harassed others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

**Equality Act 2010**

The harassment may be related to a particular protected characteristic as defined by the Equality Act 2010. The protected characteristics which are relevant are:

* Age
* Disability
* Gender Reassignment
* Race
* Religion or Belief
* Sex
* Sexual Orientation

**Targeted**

It is possible for the harassment to occur in a targeted manner towards an individual or group on the grounds of:

* Someone’s actual characteristics (e.g. a person may be harassed because they are disabled.)
* Someone’s perceived characteristics (e.g. a person may be harassed because it is considered that they are disabled.)
* Someone’s link to one of the personal characteristics via their association with someone else (e.g. a person may be harassed because they have a partner or family member who is disabled.)

**Not Targeted**

It is possible however that harassment is not targeted at a particular individual or group of individuals but rather that, within a particular team or group a culture exists which permits offensive or stereotypical jokes. In these circumstances an individual may make a complaint on the basis that this culture creates an intimidating, hostile, degrading, humiliating or offensive environment even if no-one within the team or group holds the particular characteristic(s) in question.

Harassment may take place face to face, by writing or in written or electronic communications including via social media such as Facebook or Twitter. Examples of the types of behaviour that may amount to harassment include:

* Racist language or jokes or derogatory comments about national origin
* Unwelcome sexual advances which may include touching, invasion of personal space, requests for sexual favours and stalking (note some of these behaviours could in fact constitute sexual misconduct which may constitute a criminal offence)
* Threats of academic failure/promises of high marks in return for sexual favours, or because a student failed to submit to sexual advances.
* Comments which imply that gender impairs a person’s ability
* Excluding people from conversations, meetings or social events on the basis of sexual orientation
* Jokes about a person’s disability
* Insensitivity to religious beliefs such as the use of sectarian language
* Homophobic jokes.
* Other.

**Bullying Definition**

* Bullying is deemed to have occurred when a person engages in offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient of the behaviour. As with harassment, it is important to note that bullying may be deemed to have occurred even where there has been no intent.
* Bullying is normally characterised by a pattern of behaviour. One off minor issues of impatience, preoccupation or lack of courtesy do not constitute bullying. In some circumstances, such as where physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to constitute bullying.
* Bullying should be differentiated from the legitimate exercise of management or supervisory responsibility. See section 6.7 for more information.

In addition to the potential consequences for employment and study of breaching this policy, types of bullying may also be unlawful and may even constitute a criminal offence. Individual employees who have been deemed to have bullied others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

**Bullying Examples**

Bullying may take place face to face, by writing or in written or electronic communications such as social media. Examples of the type of behaviour that may amount to bullying include:

* Picking on people and unreasonably and persistently criticising their performance.
* Public humiliation
* Unreasonable withdrawal of authority and responsibility.
* Imposing unrealistic objectives and deadlines or changing objectives without reasonable justification.
* Isolation or non co-operation at work or in class; exclusions from meetings, seminars or work-related social events etc.
* Aggressive behaviour or conduct, physical or verbal.
* Reacting to a minor issue with the same vehemence as a major one.
* Gossip, or making defamatory comments.
* Other

**Victimisation Definition**

Under the scope of this policy, victimisation involves treating someone less favourably than another because:

* An individual has made a claim of harassment or bullying under this policy or a claim of discrimination under another policy.
* An individual has complained that they may have been discriminated against, harassed or bullied or that the University’s equal opportunities policies have been breached in some way.
* An individual has assisted another who is making such a claim, through providing evidence or some other form of support for the person.

Victimisation is entirely unacceptable behaviour that can have a detrimental effect on a work and study environment and may lead to reluctance to report acts of harassment or discrimination.

In addition to the potential consequences for employment and study of breaching this policy, types of victimisation may also be unlawful and may even constitute a criminal offence.

Individual employees who have been deemed to have victimised others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

**Victimisation Examples**

Victimisation may take place face to face, by writing or in written or electronic communications. Examples of the type of behaviour that may amount to victimisation are similar to those contained under the bullying and harassment sections above.

**Sexual and Gender Based Misconduct**

The University is strongly committed to preventing and responding robustly to incidents of gender based and sexual misconduct by employees, students and visitors. Definitions of Sexual Misconduct are set out in the Code of Student Discipline. The University will respond to reports of any form of sexual misconduct by students or employees using the Code of Student Discipline or the University’s Employee Discipline Procedures respectively.

In some cases, incidents of sexual or gender based misconduct may also constitute a criminal offence. In those cases, employee, student or visitors who perpetrate these behaviours may also be subject to police investigation and legal action. If the University becomes aware of behaviours that may also constitute a criminal offence, it may share relevant information with the Police.

Further information on the University’s work to prevent and respond to gender based and sexual violence is provided on[**our website**](https://www.stir.ac.uk/student-life/support-wellbeing/student-support-services/sexual-violence/)**.**