

**DIGNITY AT WORK AND STUDY POLICY**

<b>Approved by</b>	Board of Governors		
<b>Date approved</b>	28/06/18	<b>Status</b>	Final
<b>Policy owner</b>	Head of HR Operations & Support Director of Student Life	<b>Impact assessed</b>	Yes
<b>Version</b>	1	<b>Date of next review</b>	June 2021

## **1. Policy Statement**

- 1.1 The Robert Gordon University is committed to creating and promoting a working and learning environment where everyone is treated with dignity and respect. We aim to support an inclusive culture in which differences are respected and any form of bullying, harassment or victimisation is considered to be unacceptable. The University recognises that unacceptable behaviours can have a detrimental effect upon the confidence, health and morale of those affected by it and therefore any behaviour of this kind will not be tolerated. As such, all members of the university community, including staff, students, visitors, contractors and members of the public, are expected to promote and contribute to a tolerant and supportive environment by treating others with dignity and respect at all times and not acting in a way that would be considered offensive to others.
- 1.2 The University recognises that individuals have varied backgrounds, attitudes and experiences which may lead to differing perceptions in what is thought of as unacceptable behaviour. Different people find different things acceptable and everyone has the right to decide what is acceptable to them and have their feelings respected by others. Circumstances will vary in each case, therefore each case will be judged on an individual basis.
- 1.3 To deliver the aims of this policy, the university will:
- Encourage all members of our community to participate in shaping an organisational culture which enhances wellbeing for all.
  - Consider incidents of unacceptable behaviours as serious and ensure that allegations are addressed fairly, sensitively and that we treat those who are subject to such behaviour with respect;
  - Provide a framework of support for staff and students who have been subject to bullying, harassment, victimisation or hate crime;
  - Ensure there are consistent, fair and effective procedures to safeguard the health, safety and wellbeing of our university community;

## **2. Roles & Responsibility**

- 2.1 The University has a responsibility to ensure that:
- 2.1.1 All members of our university community are treated with dignity and respect, regardless of who they are or any protected characteristic.
- 2.1.2 Any incidents of bullying or harassment are taken seriously and dealt with promptly.

- 2.1.3 Any form of unacceptable behaviour which impacts on the work and studying environment by external parties will not be tolerated and will be dealt with promptly.
- 2.1.4 No one is subjected to victimisation as a result of reporting an incident of bullying, harassment or any other form of unacceptable behaviour.
- 2.2 All staff and students have responsibility for:
- promoting a culture of tolerance and respect that enhances the wellbeing of all;
  - managing their own behaviour and understanding how it may affect others;
  - treating others with dignity and respect;
  - challenging unacceptable behaviour as and when it arises;
  - ensuring they are aware of the University's policies and procedures concerning bullying, harassment and other forms of unacceptable behaviour and participate in training where appropriate;
  - reporting any complaint of unacceptable behaviours or any incident of unacceptable behaviour that they witness.
- 2.3 All contractors, visitors, Governors and members of the public on University premises are subject to, and protected by, the principles of this policy.

### **3. Definitions of unacceptable behaviour**

- 3.1 **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.
- 3.2 **Bullying**, can be characterised as offensive, intimidating, malicious or insulting behaviour. An abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying behaviour is very similar to harassment, but it is not related to a protected characteristic.
- 3.3 **Hate Crime**, is any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity.
- 3.4 **Victimisation**, is defined as treating a person negatively because they have claimed discrimination under the Equality Act, supported someone who has done so, done any other thing related to the Equality Act or claim that someone has acted unlawfully under the Act.
- 3.5 A list of illustrative examples of the above behaviours can be found at appendix A of this policy. Individuals who are unsure if they are being subjected to any of these behaviours should seek guidance from an appropriate member of staff and refer to section 4 of this policy.

3.6 This policy also covers unacceptable demands placed on university staff by third parties that impact on their dignity at work.

#### **4. Procedures**

4.1 The university aims to ensure that individuals who have experienced bullying, harassment or other unacceptable behaviours can raise their concerns in a safe and supportive environment and have those concerns addressed appropriately. It is important that individuals do not feel at fault for being a victim of these behaviours and do not feel required to tolerate it. If an individual feels that they are being subjected to bullying, harassment or any other form of unacceptable behaviour they can choose to raise the issue in a number of ways. For matters involving external third parties refer to appendix B.

4.3 There are a number of facilities available for a student who is seeking confidential support and guidance in relation to an incident of unacceptable behaviour. In the first instance students may wish to have an informal discussion with their personal tutor. Alternatively the below resources are available for confidential support:

- Student Well Being Advisor
- Student Counsellor
- Student Reps
- Other Student Life Staff
- Personal Tutors
- Academic Staff
- Student Union

4.4 Staff members may seek confidential support and guidance through:

- Fair treatment advisors in the HR department<sup>1</sup>
- Head of School/Department and/or line managers
- Trade Union representatives<sup>2</sup>
- Employee assistance programme help line

4.5 There are formal procedures in place to protect individuals as follows:

##### **4.5.1 For students:**

- University Complaints Procedure<sup>3</sup>
- Academic Regulation A3, student misconduct procedure. This will normally be addressed through non-academic misconduct procedures<sup>4</sup>.

##### **4.5.2 For staff:**

- Continuous support by fair treatment advisors
- Grievance policy and procedure<sup>5</sup>
- Mediation

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<sup>1</sup> <https://you.rgu.ac.uk/org/hr/SitePages/Staff%20Relations%20and%20Communication.aspx>

<sup>2</sup> <https://you.rgu.ac.uk/org/hr/SitePages/Trade%20Unions.aspx>

<sup>3</sup> <https://www.rgu.ac.uk/file/guide-to-the-complaint-handling-procedure-for-students-pdf-44kb>

<sup>4</sup> <http://www.rgu.ac.uk/file/a3-2-student-misconduct-procedure-2016-17-pdf-260kb>

<sup>5</sup> <https://www.rgu.ac.uk/file/grievance-policy-and-procedure-pdf-158kb>

## **5. Accused of unacceptable behaviours**

- 5.1 The University considers bullying, harassment, victimisation and other instances of unacceptable behaviour to be a serious issue and therefore mischievous or malicious complaints will result in appropriate disciplinary action being initiated against the complainant.
- 5.2 Those accused of unacceptable behaviours should not dismiss the complaint out of hand. Different people find different things acceptable and everyone has the right to decide what is acceptable to them and have their feelings respected by others. Staff who find themselves in this situation should seek fair treatment advice whereas students should contact their personal tutor or student union.

## **6. Confidentiality**

- 6.1 The University will respect the sensitive nature of these issues and the need for confidentiality. Consequently, the University will treat all complaints, associated records / correspondence and interviews, in strict confidence. Any breaches in confidentiality may result in disciplinary action.
- 6.2 While the University would always seek consent of individuals, the vital interests of an individual would override the need for confidentiality if safety and well-being of self and others was thought to be at risk.

## **7. Criminal Action**

- 7.1 Where an individual's behaviour constitutes criminal action, the University will reserve the right to involve the police. Criminal action by a student will be dealt with under the non-academic misconduct procedures, however if a criminal process is ongoing then disciplinary action will be halted until this process is at an end. Precautionary measures may be put in place to protect all parties involved while criminal procedures are ongoing. Criminal action by a member of staff will be dealt with under the disciplinary procedures. Any investigation made by HR will not be disrupted by a criminal process.

## **8. Review**

- 8.1 This policy will be reviewed on a 3 year basis or as required should there be any legislative changes.

## **Appendix A – Definitions of Harassment, Bullying, Victimisation & Hate Crime**

**A1.** These examples are intended to be an illustrative list of bullying and harassing behaviours. If you are unsure if you are subject to bullying and harassment please seek help from the support procedures outlined in section 5 of the policy.

**A2. Harassment**

The Equality Act 2010 specifically prohibits three types of harassment:

**A2.1 1. Harassment related to a relevant protected characteristic**

Age  
Disability  
Gender Reassignment  
Race  
Religion or Belief  
Sex  
Sexual Orientation

A2.1.1 Harassment due to perception or association of a protected characteristic is also prohibited. For example, a person may be harassed due to a perception that they have a certain characteristic even if they do not. This definition also covers harassment on the basis of a person's association with another person who has a protected characteristic such as a friend or family member.

**A2.2 2. Sexual Harassment**

This is defined as "*unwanted conduct of a sexual nature, 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.*"

A2.2.1 Examples of sexual harassment may include:

- Sexual comments or jokes
- Displaying sexually graphic pictures, posters or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life, and discussing your own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing
- Criminal behaviour including sexual assault, stalking, indecent exposure and offensive communications.

A2.3 **3. Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex**

It is unlawful to treat a student less favourably because they either submit to or reject sexual harassment or harassment related to sex. For example, a tutor makes an unwanted sexual advance on a student. The student may be offended by this behaviour but doesn't push the tutor away. In the same example, the student pushes the tutor away and tells them they are behaving in an inappropriate manner. If the student is then given poor marks undeservedly or refused to take part in activities, this would constitute less favourable treatment.

A2.4 Although the Equality Act 2010 does not include protection against pregnancy & maternity, and marriage and civil partnership under the definitions, the University is committed to eradicating harassment on any grounds.

A2.5 Harassment may manifest in various forms, but not limited to, the examples below. It should be noted that the defining feature of harassment is that the behaviour is offensive and/or intimidating to the recipient.

- Spoken or written words of abuse. This includes offensive emails, tweets or comments on social networking sites;
- Gossip, malicious rumours or insults;
- Inappropriate jokes intended to cause offense;
- Display of inappropriate or offensive materials;
- Abuse in relation to an individual's age, disability, gender identity, race, religion or belief, sex or sexual orientation;
- Physical abuse or violence;
- Unwanted comments about physical appearance;
- Unwanted physical contact;
- Unwanted sexual advances;
- Incitement to commit any of the foregoing behaviours;
- Physical gestures or facial expressions intended to cause distress;
- Sharing private sexual images without consent.

**A3. Bullying**

A3.1 Bullying is an abuse or misuse of power or position, real or perceived, through means intended to undermine, denigrate or injure the recipient or force an individual in an uncharacteristic manner.

A3.2 Bullying may manifest in various forms, but not limited to the examples below:

- Ignoring, excluding or isolating a person;
- Setting unachievable tasks or 'setting a person up to fail';
- Spreading rumours or gossip;
- Physical violence;
- Making threats relating to academic progression, promotion or ongoing employment;
- Giving a person meaningless tasks or unpleasant jobs;

- Making belittling remarks;
- Undermining a person's integrity;
- With-holding information deliberately;
- Humiliating others in public;
- Undervaluing a person's contribution – not giving credit where it is due.

#### **A4. Victimisation**

A4.1 Victimisation refers to bad treatment towards an individual who has or is believed to have:

- Made a claim of discrimination (Under the Equality Act);
- Helped someone else make a claim by giving evidence or information;
- Made an allegation that you or someone else has breached the Equality Act.

A4.2 An individual who gives false information or evidence or makes an allegation in bad faith would not be protected against victimisation under the Equality Act.

#### **A5. Forms of Hate Crime**

Hate crimes are crimes that are motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity.

A5.1 It may manifest in various forms, but not limited to, the descriptions below:

- Verbal abuse like name-calling and offensive jokes;
- Harassment;
- Bullying or intimidation by people of any age;
- Physical attacks such as hitting, punching, pushing, spitting;
- Threats of violence;
- Hoax calls, abusive phone or text messages or hate mail;
- Online abuse, for example, on Facebook or Twitter;
- Displaying or circulating discriminatory literature or posters;
- Harm or damage to things such as your home, or a pet or car;
- Graffiti;
- Arson;
- Malicious complaints.



## **Appendix B: Unacceptable Demands on University Staff**

### **B1. Purpose of Procedure**

- B1.1 This procedure sets out the University's approach to dealing with demands placed on university staff by third parties that impact on their dignity at work. This procedure shall apply to all staff, students, members of the public and any individual who comes in to contact with an individual employed by the university acting in that capacity.
- B1.2 This procedure aims to ensure that University staff and the work of the University itself does not suffer as a result of unacceptable actions and to make clear what action can be taken to manage this.

### **B2. Definitions**

- B2.1 Unacceptable demands. A demand becomes unacceptable when it impacts substantially on the work of the University, or any of its constituent parts. Examples of what may constitute an unacceptable demand include:
- Repeatedly demanding responses within an unacceptable timescale;
  - Insisting on seeing or speaking to a particular member of staff when it has been explained that it is not possible.
  - Repeatedly changing the substance of an issue raised with the University.
- B2.2 Unacceptable levels of contact. On occasion the volume and duration of contact made to the university by an individual can be deemed to be unacceptable. This might be over a short period, for example a number of calls or e-mails in one day or one hour. Alternatively, it may occur over a longer period of time, for example when an individual makes long telephone calls to the university. Individual's should have due regard to staff working hours.
- B2.3 Unacceptable use of policies and procedures. When the effect of using the University's policies and procedures is to harass; to prevent the University from pursuing a legitimate aim or from implementing a legitimate decision.

### **B3. Management of unacceptable actions**

- B3.1 The University has to take action when an individual's actions impairs the functioning of the University or one of its schools or departments or impairs the work of staff.
- B3.2 A member of staff who experiences or is witness to unacceptable actions as defined at section B2 may wish to deal immediately with this in a manner appropriate to the situation. This will be on an individual case-by-case basis.

- B3.3 With the exception of immediate decisions made at the time of an incident, any decisions taken to manage unacceptable actions should be made by the relevant Head of School or Department. Where possible, the individual involved should be given an opportunity to change their behaviour or action before a decision is taken.
- B3.4 If a member of staff is subject to unacceptable demands by another staff member this should be addressed through the staff grievance procedure. For students this should be addressed through the non-academic misconduct procedures.
- B3.5 An illustrative list of actions that a Head of School or Department may take in response to unacceptable actions includes, but is not limited to the below:
- Limit contact to telephone calls from the individual at set times on set days;
  - Restrict contact to a nominated member of University staff who will deal with future calls or correspondence from the individual;
  - See the individual by appointment only;
  - Restrict contact from the individual to writing only;
  - Return any documents to the individual or, in extreme cases, advise the individual that further irrelevant documents will be destroyed;
  - Restrict all contact from the individual.
- B3.6 Decisions to restrict access should take the minimum actions required to solve the problem and should be considered carefully on an individual basis. If you require support or further advice please contact the University solicitors.
- B3.7 Requests for information through procedures including Freedom of Information, Environmental Information Requests and Subject Access Requests will not be affected by this procedure.
- B3.8 Where a decision has been made to manage unacceptable actions, the individual should be informed in writing of the reasons why the decision has been made, the nature of the action that will be taken and, where appropriate, the length of time that any restrictions will be in place. They should also be informed of their right to appeal, through writing to the Head of School or Department that made the decision.
- B3.9 It is important that a decision can be reconsidered. An individual can make an appeal against a decision that has been made to restrict their access. An appeal may include an individual stating that:
- Their actions were wrongly identified as unacceptable
  - The restrictions were disproportionate
  - They will adversely impact on the individual because of personal circumstances

B3.10 An appeal can be made to the Head of School or Department that made the decision. A senior member of staff not involved in the original decision should then review the appeal.

B3.11 Considerations will be made in regards to any accessibility requirements and the University will endeavour to provide all information in an accessible format.

**B4. Review**

B4.1 This procedure will be reviewed every three years, in line with the Dignity at Work & Study policy.