**Harassment and Bullying Policy**

This Policy is also available in Welsh

**Version Number:** 4.0

**Date Established:** January 2003

**Date Last Updated:** January 2021

**Date to be Reviewed:** January 2024

**EIA Completed:** January 2021

**Person Accountable:** Director of People Services

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# Policy Statement

## Cardiff Metropolitan University is a values driven University and expects all employees to champion its shared values of Creativity, Diversity, Freedom and Innovation, and its behaviours of Leadership, Trust, Courage and Accountability.

## The University is committed to providing a working and learning environment that is free from any form of harassment, bullying and victimisation and believes that all individuals have the right to be treated with dignity and respect.

## Harassment and bullying, in all forms has a significant detrimental effect on the University and its community. It can damage the mental and physical health of individuals, affecting their personal and working/learning life and has a negative impact on University culture and productivity.

## The University will not tolerate harassment, sexual misconduct, sexual harassment, victimisation, intimidation or bullying and will take such allegations extremely seriously.

## This policy provides a frame of reference in relation to harassment and bullying. The Grievance Procedure provides a formal mechanism for colleagues to raise concerns and provides the University with an opportunity to address such concerns.

# Scope of the Policy

## This policy applies without exception to all individuals working within the University community. This is inclusive of consultants, contractors, trainees, secondments, casual staff, student placements and agency staff, along with third parties such as suppliers and visitors to University premises.

## This policy covers harassment and bullying on University premises or in any University workplace, work situation or learning environment, including University related visits, travel and social events.

## This policy covers harassment and bullying of any form, whether it is carried out face to face, via Microsoft Teams, via the telephone, via email or using social media or other online or media platforms.

## For the purposes of this policy, harassment and bullying are defined in clauses 8,9,10 and 11.

## This policy does not form part of any contract of employment and the University may amend it at any time.

# Aims and Purpose

## The University aims to create a safe and supportive environment where individuals are confident to report instances of harassment and/or bullying and that is free from any form of stereotyping or harassment on the basis of age, disability, gender reassignment, gender expression, gender identity, race, religion and belief, sex and sexual orientation.

## This policy aims to support individuals to treat other members of the University community with dignity and respect, celebrate differences and value one another for their contributions.

## This policy seeks to be clear about the expectations of all parties in relation to harassment and bullying.

## This policy will support the University to meet and fulfil its statutory responsibilities as set out within The Equality Act (2010) and associated secondary legislation, including the Public Sector Equality Duty in Wales (2011) to eliminate unlawful discrimination, harassment and victimisation.

# Principles

## As part of the University’s procurement process, we will draw this policy to the attention of consultants and contractors and make it clear that the University does not tolerate harassment or bullying of our staff or students.

## In relation to employees, acts of harassment, bullying, or victimisation may amount to gross misconduct and may result in summary dismissal from the University.

## In cases of alleged behaviour which is believed to constitute a criminal offence, the University reserves the right to report the activity to the police.

## Where an allegation of harassment and/or bullying is made against a member of the public or a contractor, once the University is aware of the issue, reasonable and proportionate action will be taken to address this depending on the circumstances of the case.

## Staff who are experiencing harassment and/or bullying will be supported by their line manager or a more senior manager if the line manager is implicated in the concern. Staff will also be supported by their People Services representative who will be able to direct them to appropriate support mechanisms.

## The University will publicise this policy widely and provide training for those specifically involved in dealing with concerns of harassment and bullying, including any person who may be involved with investigations or administrative tasks carried out under this policy and associated policies and procedures.

# Mediation

## Mediation, which is an independent and voluntary process, will be made available to parties where allegations of harassment and/or bullying have been made.

## Mediation is undertaken without any admission of wrongdoing by any party, and without preventing any opportunity to pursue formal action.

## For more details about mediation, please see the Grievance Policy – Staff Guidance.

# Key Roles & Responsibilities

## The Vice Chancellor is responsible for ensuring that the policy is implemented and that members of the University community are aware of the responsibilities and accountabilities therein.

## The Vice Chancellor is responsible for ensuring that reasonable steps are taken to protect individuals within the University community.

## Managers are responsible for:

### Understanding the policy on harassment and bullying and providing information on the policy when required to do so.

### Ensuring that the working and learning environment has a culture that does not tolerate harassment and bullying.

### Leading by example and championing diversity and inclusion through their own actions and behaviour.

### Ensuring that they do not conduct themselves in a way that may objectively be interpreted as harassment and/or bullying.

### Ensuringthat they apply policies and procedures consistently.

### Ensuring that staff are aware of their responsibilities in promoting diversity and challenging harassment and bullying in the working and learning environment.

### Being alert to harassing and/or bullying conduct or behaviour in their work/learning environment and dealing with it immediately.

### Providing support to individuals who state they have been bullied or harassed, taking full account of their feelings, and their perception of the situation.

### Responding sensitively and in good time to concerns of harassment and bullying.

### Participating in, or conducting an investigation under the staff Grievance Policy and Procedure.

## Staff are responsible for:

###  Taking the time to ensure that they understand the content of this policy.

### Attending training on harassment and bullying when required to do so.

### Treating other members of the University community with dignity and respect and reporting any behaviour that contravenes the spirit of this policy under the relevant Policy and Procedure.

### Not participating in, or condoning, any act of harassment, bullying or victimisation.

### Modifying their behaviour, if they become aware that it contravenes this policy, even if no informal or formal grievance or complaint is made.

### Remembering that they can be held personally liable as well as, or instead of, the University for any acts of unlawful harassment and/or victimisation in the course of their employment or study. Staff who commit serious acts of harassment may be guilty of a criminal offence.

### Challenging behaviour which contravenes this policy if they feel able to and it is safe to do so.

### Disclosing any instances of harassment or bullying of which they become aware to their line manager .

### Engaging in any processes in relation to this policy, for example providing witness statements when asked to do so.

## Any individual who has been accused of an alleged act of harassment, bullying or victimisation must:

### Read this policy in full and note their obligations under this policy.

### After seeking advice from the People Services Department, engage with the complainant, or those who have raised the concerns with you and attempt to find ways to deal with the situation taking account of this policy and associated policies and procedures.

### Consider whether the allegation can be justified and whether it may be appropriate to change or adapt your behaviour.

### Bear in mind that even though your behaviour may seem harmless to you, the other person or persons may perceive your actions in a different way and has a right to ask you to stop behaving in that way, if it offends or upsets them.

## The People Services Department are responsible for providing accurate and timely advice to the University community on the application of this policy in order to ensure that it is consistently applied across the University.

# Harassment

## Harassment, in general terms, is any physical, verbal or non-verbal unwanted conduct, which has the purpose or effect of violating the dignity of individuals or of groups of people, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they have submitted or refused to submit such behaviour in the past. A single incident can amount to harassment.

## The Equality Act 2010 explicitly prohibits three types of harassment, all of which are unlawful and can never be justified:

### **Harassment related to a relevant protected characteristic** which include sex, age, disability, gender reassignment, race (including colour nationality, ethnic or national original), religion or belief and sexual orientation.

### A complainant does not have to possess a relevant protected characteristic themselves to make a complaint of harassment. Staff or students can be harassed because:

### They are associated with someone who possesses a relevant protected characteristic; or

### Because they are perceived to possess that relevant protected characteristic.

## **Sexual Harassment** occurs when unwanted conduct of a sexual nature creates an intimidating, hostile, or offensive environment.

### Conduct ‘of a sexual nature’ includes a wide range of behaviour. It can be:

### Physical - this could range from suggestive looks to serious sexual assault.

### Verbal – this could include belittling or suggestive remarks, compromising invitations, sexually aggressively foul language, and unwanted demands for sex/sexual favours.

### Visual/written – this could include displays of sexually suggestive or degrading pictures in the workplace, suggestive, offensive or degrading emails, notes, text messages or use of social media.

### Sexual conduct which has been welcomed in the past, can become unwanted.

## Rejection of or submission to harassment occurs when:

### A person is subjected to unwanted conduct

### of a sexual nature

### related to sex, or

### related to gender reassignment, identity or expression, and

### The unwanted conduct has the purpose or effect of

### Violating the person’s dignity, or

### Creating an intimidating, hostile, degrading, humiliating or offensive environment, and

### The person is treated less favourably because they submitted to, or rejected the unwanted conduct.

## Harassment is unacceptable in whatever form and even if it does not fall within any of these categories. Staff and students are encouraged to report any act of harassment.

## A single incident of unwanted or offensive behaviour can amount to harassment. Behaviour which any reasonable person would think would be likely to offend will be harassment without the recipient being required to make it clear in advance that that type of behaviour is not acceptable to them, for example, sexual touching.

## Conduct may be harassment whether or not the perpetrator intends to offend or not. All members of the University community have a right to decide what behaviour is acceptable to them and to have their feelings respected by others.

## Unwanted conduct will also amount to harassment if it has the effect of violating the individual’s dignity or creating an hostile, degrading, humiliating or offensive environment even if that was not the intended purpose.

## A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

#  Sexual Misconduct

## The University is also concerned with behaviours that go beyond harassment and include sexual misconduct.

## Sexual misconduct is conduct of a sexual nature by force, intimidation or coercion. The conduct can include grooming, bullying, assault, sexual invitations, sexual comments, non-verbal communication, creating an atmosphere of discomfort or promised resources in exchange for sexual access. It also includes any kind of sexual harassment as described above. This list is intended to be indicative only.

## The University understands that this can be perpetrated by academic, professional, contracted, and temporary staff in their relations with students and can also occur between staff members. It can also occur between individuals whether or not they are in a relationship or have previously been in a relationship and individuals that have not previously been known to each other.

## The University is committed to developing a culture within the University community in which students and staff feel able to report acts of sexual misconduct. Sexual misconduct will not be tolerated, and will be thoroughly addressed to ensure the preservation of a safe environment for both staff and students.

# Third Party Harassment

## Third party harassment is where a member of staff or student is harassed by a person or persons who are not employed by the University.

## The University recognises that its community networks with a range of external organisations and bodies and that it is feasible that staff may feel harassed by a third party during the course of their work and/or learning.

## The University will not tolerate harassment and/or bullying of its staff by third parties and believes that all members of the University community have the right to be treated with dignity and respect.

## The University encourages any member of the University Community who has been harassed by a third party, to report the incident/s to their line manager in order to enable the University to take appropriate action.

# Micro-aggressions

## Micro-aggressions are brief, often unconscious, everyday interactions which have the capacity to make people feel excluded, unappreciated and disrespected and the University recognises the affect that micro-aggressions can have on victims who may feel confused, distressed and frustrated.

## Compared to more overt forms of harassment, micro-aggressions are subtle and the perpetrator of the micro-aggressions may not have any harassing intent and may be oblivious to their behaviour.

## ‘Micro-aggressions’ is not a legal term and as such may not necessarily amount to harassment under the Equality Act 2010. Therefore, whether their behaviour amounts to harassment is likely to depend on the effect it had on the victim. It should be noted that micro-aggressions that do not meet the Equality Act 2010 definition of harassment could lead to behaviour, which does meet the definition through repetition or escalation of the behaviour.

# Bullying

## Bullying has no standard definition and notions of what constitutes bullying behaviour can vary widely according to context and individual perceptions.

## Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to make a person feel vulnerable, upset, undermined, humiliated, denigrated or injured. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

## Bullying can take the form of physical, verbal and non-verbal conduct (for example via social media, email or text message).

## Bullying can be hard to recognise and may not be obvious to observers.

## Bullying does not include the legitimate and justifiable management of performance, behaviour or reasonable requests made of staff and students. Reasonable management may include:

## Issuing reasonable instructions and expecting them to be carried out.

## Setting and informing staff and students of expected standards of behaviour and conduct.

## Managers are expected to carry out these duties in a fair and consistent manner. Carrying out these functions does not constitute an act of bullying and/or harassment.

## Legitimate, reasonable and constructive criticism of performance or behavior, or reasonable instructions given to staff in the course of employment, will not amount to bullying on their own.

# Victimisation

## Victimisation is treating an individual badly (subjecting them to a detriment) because they have carried out a protected act, for example, making a complaint of harassment.

## Victimisation is also subjecting an individual to detriment because it is believed they have done or are going to carry out a protected act; the individual does not need to have carried out the protected act.

## Provided that an individual has acted in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for raising a complaint under the Equality Act 2010.

## The University will take appropriate action to deal with any alleged victimisation, which may include disciplinary action.

## Making a complaint that the complainant knows to be untrue, or giving evidence that an individual knows to be untrue, may lead to disciplinary action being taken against the complainant or witness.

# Procedure

## All staff have a right to complain if they are treated in a way which they believe constitutes harassment and/or bullying or if they witness an incident which they believe constitutes harassment and/or bullying.

## Concerns should be raised under the University’s Grievance Policy and Procedure. The procedure may deviate slightly from the procedure as there is some flexibility with regards to whom the employee can first approach (for instance, they may want to report it to someone of the same sex if the complaint is of a sexual nature, or if the alleged bully or harasser is their line manager, it would not be appropriate for them to report it to them). In these cases, staff may address their complaint to a People Services representative if their Dean of School or Director of Service is not appropriate.

## In certain circumstances It may be necessary to share information between People Services, Student Services and Registry Services, depending on the role of the complainant and the alleged perpetrator, e.g. if they are a student or a member of staff.

## As a general principle, the decision whether to progress a complaint is up to the individual. However, the University has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it considers it appropriate to do so.

# Keeping a Record

## Individuals who believe they are being bullied or harassed should keep a record of the behaviour to include:

### Date, time and place of incident/s.

### Name of the harasser or bully.

### A description of the incident/s.

### How the incident/s made you feel.

### The names of any witnesses.

### Any action that has already been taken including details of any correspondence relating to the incident/s and any attempts to resolve matters.

# Confidentiality

## Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action.

## Information about a complaint by or about a staff member or student may be placed on the personnel file or student's record, along with a record of the outcome and of any notes or other documents compiled during the process.

# Data Protection

## All records in relation to the University’s Harassment and Bullying Policy and related procedures including the Grievance Policy and Procedure, Complaints Policy and Procedure and the Student Disciplinary Procedure will be held confidentially and in accordance with the principles of the Data Protection Act 2018, the General Data Protection Regulation (EU) 2016/679), and the University’s Data Protection Policy.

# Support

## Cardiff Metropolitan University has an independent, dedicated and confidential counselling service which is available to help individuals deal with problems related to incidents of bullying and harassment.

## This service is available to both the victim of alleged harassment and/or bullying, or to the person who has been accused of alleged harassment and/or bullying.

## If you are a member of staff and you wish to arrange an appointment with one of the counsellors or simply want to know if they may be able to help with a problem, you can contact the counsellors by accessing details on the staff well-being section of the University’s intranet or contacting your People Services representative.

## Any member of the community who makes complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action.

## If you believe you have suffered any such treatment you should inform your line manager or a People Services representative.

# Policy Revision

## The People Services will proactively advise, support, and monitor the application of this policy.

## This policy will be reviewed every 3 years to ensure that it continues to meet good practice and any new legislative requirements.