UNIVERSITY OF ST ANDREWS

Harassment and Bullying at Work and Study

Policy and Procedure

1.0 Policy Statement

The University of St Andrews is committed to equality of opportunity and will not tolerate harassment and/or bullying of one individual or group in the University community by another. All members of the University community have the right to work and study in an environment that encourages harmonious relationships; all individuals should be treated with dignity and respect so that they can fulfil their personal potential in a professional working and learning environment.

*If you are being harassed or bullied, the University will offer you support and facilitate the process to ensure resolution of the problem. Please talk to someone (see Appendix B) for help and support rather than leaving your job or studies.*

2.0 Scope and Purpose of Policy and Procedure

This policy and procedure relates to all members of the University community, i.e. all staff, students, contractors and visitors. The purpose of the policy and procedure is to encourage a culture where harassment and/or bullying will not be tolerated and do not occur, and to outline the steps that can be taken to deal with any issues of harassment and/or bullying and prevent their recurrence.

3.0 Responsibilities

- The University Court is responsible for monitoring the effective implementation of this policy and procedure.
- Every Head of School/Unit/Line Manager is responsible for positively encouraging respect for dignity, and for addressing any issues around harassment/bullying that occur, in his/her area of responsibility.
- The person in authority in any group situation, such as a seminar, is responsible for initially addressing any harassment that occurs there and ensuring that referral to the appropriate authority is enacted immediately thereafter.
- The Director of Human Resources is responsible for dealing with formal allegations against a member of staff.
- The Director of Student Services is responsible for dealing with formal allegations against a student. Her delegated authority is responsible for investigating informal complaints against a student.
- The University contact for a Contractor or Visitor is responsible for addressing any issues relating to harassment/bullying by, or of, them.
- Each individual student and member of staff is personally responsible for fostering a culture of respect for dignity and for avoiding behaviour that is offensive to other people.

4.0 Definitions

*Although the terms “harassment” and “bullying” are not synonymous, the guidance in this policy and procedure relates to both areas and the term “harassment” will be used henceforth to cover both.*

There is substantial national legislation that protects people from harassment; this is listed in Appendix A. The legislative definition of harassment is:-

“Harassment is where unwanted conduct related to (a personal attribute, for example Gender) of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”.

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Harassment is unwelcome and offensive attention, which is always unacceptable, whether intentional or not. It often arises from the abuse of a power base and both individuals and groups may be harassed. The harasser does not have to intend to harass. The perception of the recipient is very important but the test of reasonableness must also be applied, i.e. a reasonable neutral person would regard what is happening as harassment. Normally the behaviour must continue after an objection is made, but a single incident may be serious enough to constitute harassment.

Bullying is the abuse of power or position to undermine a person so that their confidence and self-esteem is weakened or destroyed. Bullying may happen in public or in private, may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.

The difference between legitimate management of performance, for example constructive criticism and setting of reasonable targets, and true bullying behaviour such as the above, should be recognised and the University will support appropriate management of performance.

Individuals may be bullied or harassed by any member of the University community as defined in section 2.0 above.

5.0 Examples of Harassment

5.1 Bullying behaviours may include shouting, threatening, abusing, intimidating, insulting, ridiculing, destructively criticising, overloading/underloading with work, ostracising or ignoring, humiliating and undermining a person so that their confidence and self-esteem is destroyed.

This behaviour may manifest itself in such practical terms as setting unrealistic timescales for work, withholding relevant information, making it difficult for individuals to take annual leave without good reason or deliberately failing a student.

In the University context, there could be occasions where a member of staff perceives that they are in a position of power with regards to staff and/or students. They could then use that power to implicitly or explicitly threaten the future success of the staff or students.

5.2 Harassment based on personal attributes may include:

- **Sexual Harassment**, for example unwelcome sexual advances, sexually provocative looks, remarks or jokes, comments on appearance, displaying offensive images in posters or screensavers, inappropriate texting or emailing, touching and other forms of assault. (There are professional and ethical reasons for staff and students to maintain an appropriate professional relationship and the University’s policy in this area is made clear in the Policy on Relationships between Staff and Students.)

- **Racial Harassment**, for example derogatory name-calling, insults, reference to skin colour, racist jokes, ridicule for cultural difference, verbal abuse and assault. (The University welcomes and values the cultural diversity of its community; differences in understanding about acceptable behaviours in various cultures may not be harassment, but the people involved in any such difference will be supported in reaching an understanding.)

- **Disability Harassment**, for example not recognising competencies, drawing attention to disability or personal appearance, jokes, ignoring or focussing on a person because of their disability.

- **Ageist Harassment**, for example denigrating competencies, patronising, ridiculing, marginalising, leaving people out of social activities.

- **Sexual Orientation Harassment**, for example homophobic jokes or remarks, abuse relating to HIV/AIDS status, threats to disclose sexual orientation, ridiculing civil partnerships.
• **Religion or Belief Harassment**, for example not supporting religious requirements such as prayer, offering inappropriate catering to minority groups, offensive remarks and jokes, ridiculing religious requirements in dress.

• **Gender Reassignment Harassment**, for example ridiculing dress and personal appearance, offensive jokes and remarks.

• **Status Harassment**, for example patronising, ostracising or marginalising colleagues with different job roles or students with different backgrounds, showing favouritism.

The above list of examples is not exclusive or exhaustive; harassment can occur on the basis of any personal attribute that makes the individual different from the majority, or from the person who harasses him/her.

Any individual who is unsure from the above definitions and examples whether s/he is experiencing harassment is entitled to discuss the matter with an appropriate person as outlined in Appendix B.

5.3 **Criminal Offences**

Harassment may take the form of a criminal offence, such as physical assault, indecent exposure or rape. In such an event, the University will advise the involvement of the Police and will support the person who is being harassed to approach the Police. If an investigation is undertaken, the University will facilitate the Police enquiry wherever possible.

5.4 **Harassment in Secondments/Placements**

The University will take all reasonable steps to ensure that external organisations providing secondment and placement opportunities for members of the University community have policies and procedures in place to prevent and deal with issues of harassment and bullying. Any student or member of staff who is subject to harassment or bullying in such a situation will be supported appropriately by the University.

6.0 **Procedures for Dealing with Harassment**

Any member of the University community who feels that s/he is experiencing harassment should feel confident about coming forward to make a complaint; s/he should not feel that they have to tolerate it or that it is their fault. It is not a sign of weakness to need support in addressing an issue of harassment or bullying.

Prior to taking any action, an individual may wish to keep a diary of the instances of harassment or bullying to which they believe they have been subjected. It is important to note the date, time and place of the incident, exactly what was said or done, the context it was said or done, how it made the individual feel and what action was taken (if any). The names of any witnesses should be noted and relevant documents retained.

Act promptly, do not wait until working/studying conditions become intolerable.

**Victimising** a person for making a complaint will not be tolerated – victimisation such as giving an unjustified poor reference, not extending a fixed-term contract, or ostracising an individual because they have complained is further harassment and will be addressed by the University.

6.1 **Vexatious Complaints**

The University treats genuine complaints of harassment seriously; however the possibility of malicious, vexatious or spurious complaints is recognised and any complaints identified as such will be treated seriously and the University will respond with the appropriate disciplinary procedures, be it staff or student. Vexatious complaints themselves can be a form of harassment.
6.2 Harassment Contacts

In Appendix B “Harassment Contacts” are highlighted. The role of the Contact is to listen to the complainant in an effective, respectful and non-judgemental manner, outline his/her options for action, and then support him/her as appropriate in the chosen option for resolution. This support might be, for example, facilitating an informal meeting between alleged harasser and person who is being harassed or accompanying the person who is allegedly being harassed as emotional support in formal investigatory meetings. Any student or member of staff can approach any Harassment Contact for help.

Anyone becoming a Harassment Contact will be appropriately trained.

6.3 Confidentiality Parameters

The Harassment Contact, or any other individual within the University who is approached for support and help, will initially agree Confidentiality Parameters with the alleged person who is being harassed. In most cases, these parameters are that confidentiality will be totally maintained unless otherwise agreed. However, there may be circumstances which arise, for example, danger of physical assault, which means that the University will require to disclose certain information to additional University personnel or to third parties on a ‘need to know’ basis. This would always be fully discussed with the alleged person who is being harassed.

6.3 Informal Approach for Staff

Complaints are often resolved at an informal level. It has to be stressed here that where there is a serious issue, and always where a criminal act may have occurred, it is better to proceed immediately to the formal stage. Nevertheless, if the complainant is comfortable with informal approaches, this is the preferable route for most parties and most situations. An individual who believes that s/he is being harassed could consider the following options (this list is not exhaustive):

- Approaching another member of the University community for support. These sources of support are outlined in Appendix B.

- Discussing the problem with the alleged harasser – this should comprise giving one or more concrete examples of the unacceptable behaviour and agreeing how behaviour will change in the future. The individual may not be confident of doing this alone and it is appropriate for another person such as a Harassment Contact or a member of Human Resources to facilitate and/or mediate at such a meeting.

- Writing to the alleged harasser, outlining the unacceptable behaviour, with example/s, and asking for a change in behaviour. It may be appropriate for the individual to seek help with writing such a letter, so as not to unnecessarily escalate the situation.

- The individual can seek a confidential meeting with their line manager/Head of School or Unit/Human Resources to discuss options available to resolve the situation. This could include arranging an informal meeting with both parties to discuss the matter openly. In these circumstances, the alleged harasser would have to be informed in advance of the allegation to give them a fair opportunity to respond. Both parties could be accompanied by an appropriate person and the manager/Head of School or Unit would try to facilitate a resolution.

- The Head of School/Unit or a member of Human Resources could try to facilitate a resolution by speaking to both parties individually to ascertain what the difficulties are.

6.4 Formal Approach for Staff
If a serious issue or criminal act is involved, if there has been an accumulation of less serious issues or the recurrence of an earlier harassment, or an informal approach has failed, it may be appropriate for the alleged person who is being harassed to make a formal complaint.

Any complaint against a member of staff should be made in writing to the Director of Human Resources. If a student makes a complaint against a member of staff, a referral across to Student Support Services will be made to offer support to the student from the outset. If a member of staff wishes to make a complaint against a student, it should be made in writing to the Director of Student Services. The procedures for dealing with complaints against students are detailed in 6.5 and 6.6.

Once a written complaint has been submitted, it cannot be retracted as the alleged harasser has the right to know the details of the complaint, to have it investigated, to respond to any charges, and to appeal against any penalty. The University is very clear that any alleged harasser is innocent unless and until proven guilty, and will ensure that appropriate support is provided for that person during any formal procedures.

The University reserves the right, in more serious cases, to suspend the alleged harasser until a conclusion/resolution is reached. Any suspension will comply with the parameters laid down in the appropriate disciplinary procedure.

The Director of Human Resources will appoint an appropriate member of the University (Investigating Officer), not immediately involved in the case, to investigate the complaint. A member of Human Resources will provide advice and support to the Investigating Officer.

The investigation will be completed as soon as reasonably practical but will not normally take longer than 20 working days.

The investigation will, as a minimum, normally follow the process laid out below:

- Interview the complainant
- Interview the alleged harasser/bully
- Interview any witnesses
- Repeat any of the above stages as required
- Compile a report of the investigation

The report will then be given to the Director of Human Resources who will decide how to proceed. It may include the following:

- That further attempts should be made to resolve the matter informally;
- Mediation
- That alternative action such as redeployment should be considered;
- That the appropriate Staff Disciplinary Procedure should be invoked (in this case the investigation under this procedure will be carried forward as the formal disciplinary investigation).

If the formal disciplinary procedure is invoked, the outcomes may be:-

- The matter may still be capable of informal resolution;
- Mediation;
- A verbal, written or final written warning;
- Dismissal;
• Redeployment. If the complaint of harassment is upheld, it would normally be the harasser who would be redeployed.

Any member of staff who makes a complaint of harassment will be informed in writing at the outcome of the complaint whether the University has found that harassment has or has not taken place. It is likely that subsequent discussion will take place with both parties to ensure a professional working environment (if appropriate) is maintained.

Any member of staff who complains of harassment and is not satisfied with the final outcome when the University has addressed the issue, has the right to then invoke the appropriate Grievance Procedure.

6.5 Informal Approach for Students

If the student wishes the complaint to be considered as an informal matter, and unless a serious or criminal issue is involved, the following options could be considered:

• Approaching another member of the University community for support. These sources of support are outlined in Appendix B.

• Discussing the problem with the alleged harasser – this should comprise giving one or more concrete examples of the unacceptable behaviour and agreeing how behaviour will change in the future. The individual may not be confident of doing this alone and it is appropriate for another person such as a Harassment Contact or a member of Human Resources to facilitate such a meeting.

• Writing to the alleged harasser, outlining the unacceptable behaviour, with example/s, and asking for a change in behaviour. It is important for the individual to seek help from someone within Student Support Services with writing such a letter, so as not to unnecessarily escalate the situation.

6.6 Formal Approach for Students

If a serious issue or criminal act is involved, if there has been an accumulation of less serious issues or the recurrence of an earlier harassment it may be more appropriate for the alleged person who is being harassed to make a formal complaint.

Any complaint against student should be made in writing to the Director of Student Services. If a member of staff makes a complaint against a student, a referral across to Human Resources will be made to offer support to that member of staff from the outset. The student involved will be offered support by Student Support Services.

The Director of Student Services will appoint a Designated Disciplinary Officer (DDO) to investigate the complaint.

Once a written complaint has been submitted, it cannot be retracted as the alleged harasser has rights under Natural Justice to know the details of the complaint, to have it investigated, to respond to any charges, and to appeal against any penalty. The University is very clear that any alleged harasser is innocent unless and until proven guilty, and will ensure that appropriate support is provided for that person during any formal procedures.

However it is a duty for the Director of Student Services to assess the risk to all parties involved while the investigation is being conducted. This may involve a student being asked to move halls of residence or access alternative teaching arrangements for a temporary period until the investigation has been completed and a decision on possible action taken.

In all procedures relating to student discipline the Code of Conduct on Student Complaints, Appeals and Discipline applies.

(http://foi.standrews.ac.uk/PublicationScheme/servlet/core.generator.gblobserv?id=1197)

The time limit for investigations and process are outlined clearly within this document as are the roles and responsibilities of all parties working in the area of student discipline.
7.0 Support Mechanisms

The University recognises that going through this process will be stressful for both parties and, as a result, will ensure that appropriate support mechanisms e.g. occupational health referral, counselling are put in place.

8.0 Monitoring and Review

From a staff perspective, the University will undertake to set up a system to collect annual anonymised statistics on the number of complaints around harassment and the way in which they are resolved; it will also report these statistics to the University Court through the Staff Committee annually.

All disciplinary procedures collected through the Disciplinary database in the Student Experience Office are reported annually to University Court in the Annual Student Profile Report through the University’s Student Services Committee.

This Policy and Procedure will be jointly reviewed by the Director of Human Resources and the Director of Student Services every three years.

Human Resources
December 2007

APPENDIX A

LEGISLATION RELATING TO HARASSMENT

- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
  (only parts of this Act apply in Scotland)
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Relations Act 1999
- Race Relations Amendment Act 2000
- Special Educational Needs and Disability Act 2001
• Employment Act 2002
• Employment Equality (Sexual Orientation) Regulations 2003
• Employment Equality (Religion or Belief) Regulations 2003
• Civil Partnerships Act 2004
• Gender Recognition Act 2004
• Disability Discrimination Act 2005
• Employment Equality (Age) Regulations 2006
• Equality Act 2006
## APPENDIX B

### SOURCES OF HELP AND SUPPORT

**Contact Details**

1.0 **Students**

- Any Harassment Contact (see following list)
- Student Support Services 2720
- Students’ Association Sabbatical Officers sss@st-andrews.ac.uk
- Students’ Association Advocate (Education) inc@st-andrews.ac.uk
- Head of School
- Student Nightline 2266
- Chaplain 2865

2.0 **Staff**

- Any Harassment Contact (see following list)
- Human Resources Officers 3096
- Occupational Health 2752
- Trades Union Representatives www.st-andrews.ac.uk/ucu
  unison_standrews@hotmail.com
  www.standrews.ac.uk/msf
- Own Line Manager
- Head of School or Unit
- Chaplain 2865
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<tr>
<th>NAME</th>
<th>LOCATION</th>
<th>CONTACT DETAILS</th>
</tr>
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<tbody>
<tr>
<td>Mr Eddie Fraser</td>
<td>Estates</td>
<td>3304</td>
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<tr>
<td>Mrs Susan Kelly</td>
<td>Human Resources</td>
<td>2589</td>
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<td>Mr Graeme Lumsden</td>
<td>Estates</td>
<td>3999</td>
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<tr>
<td>Mrs Isobel Maynard</td>
<td>Biology (Bute)</td>
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<td>Dr Heather McKiggan-Fee</td>
<td>SALTIRE</td>
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<td>Dr J Tim Scott</td>
<td>Management</td>
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<td>Mr Rob Warren</td>
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