



University of
St Andrews

Dignity and respect at work policy

Document type	Policy
Scope (applies to)	All staff
Applicability date	25/03/2018
Review / Expiry date	29/04/2022
Approved date	20/11/2019
Approver	Deputy Director
Document owner	Human Resources Officer
School / unit	Human Resources
Document status	Published
Information classification	Public
Equality impact assessment	None
Key terms	Staff/Employee relations/Dignity and respect
Purpose	This policy sets out the procedure for raising, addressing and resolving concerns about individual or organisational behaviour in regard to bullying, harassment, discrimination or victimisation.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.2	New section added (10) requested and approved with RIS and Chris Milne (Head of Information Assurance and Governance)	Published	Lisa Stewart Human Resources	14/11/2019

Table of contents

1.	Policy Statement	3
2.	Purpose	3
3.	Scope	3
4.	Responsibilities	4
5.	Inappropriate behaviour	4
6.	Procedures for resolution	5
7.	Confidentiality	6
8.	Mediation	6
9.	Reporting concerns to the Police	6
10.	Research funding applications	6
11.	Support	7
12.	Monitoring	7
	Appendix A: Definitions	9
	Appendix B: Support	11

1. Policy Statement

- 1.1 The University is committed to a zero-tolerance approach to bullying, harassment, discrimination or victimisation of any kind. Such behaviour is contrary to the values and ideals of our shared community which requires a commitment to treat everyone with dignity, courtesy and respect. Any allegation of bullying, harassment, discrimination or victimisation will be investigated promptly, efficiently and sensitively by Human Resources (HR) and, if there are grounds, disciplinary action will be taken, up to and including summary dismissal.

2. Purpose

- 2.1 This policy sets out the procedure for raising, addressing and resolving concerns about individual or organisational behaviour in regard to bullying, harassment, discrimination or victimisation in the workplace and in any work-related setting outside of the workplace - for example, business trips and work-related social events. Other matters of concern should be raised via the [Grievance policy](#). Definitions of bullying and harassment are outlined in [Appendix A](#).
- 2.2 This policy complements the University's Equality, Diversity and Inclusion Policy and is compliant with [ACAS Guidance on Bullying and Harassment at Work](#) and employment legislation.

3. Scope

3.1 University employees

- 3.1.1 This policy applies to all University employees. For the purposes of this policy, bank workers, agency workers, other casual workers, and any third party engaged to work at the University, including students on work placements, will also be defined as employees.

3.2 Complaint involving an external party or student

- 3.2.1 If an employee considers that they have been subject to inappropriate behaviour by an external party such as a supplier, auditor, customer or visitor, the employee should report this incident to their line manager to take action on their behalf. If an employee feels that they have been subject to inappropriate behaviour by a student, the employee should raise the matter with [Student Services](#). Any external party who has a complaint of inappropriate behaviour by a University employee can raise the matter via the [University Complaints Handling Procedure \(CHP\)](#).

3.3 Complaint involving an agency worker

- 3.3.1 If a complaint of inappropriate behaviour relates to a worker supplied by an external agency, the University will transfer the matter to the agency to manage on behalf of the University.

3.4 Students

- 3.4.1 Students can find guidance on addressing concerns regarding bullying, harassment, discrimination and victimisation [here](#).

4. Responsibilities

4.1 Employees

4.1.1 All members of the University community have a responsibility to:

- Demonstrate dignity, respect and integrity in all interactions with individuals and groups;
- Appropriately challenge inappropriate behaviour when it occurs;
- Complete the 'Diversity in the workplace' and 'Unconscious bias' (recommended) online training modules;
- Participate openly in the investigation of complaints;
- Provide support to individuals who are experiencing bullying or harassment and respect their confidence; and
- Report any unfair treatment witnessed to the relevant line manager or senior manager if it causes personal discomfort.

4.2 Line Managers

4.2.1 In addition to the above, line managers have a responsibility to:

- Ensure all employees are aware of this policy and appropriate standards of conduct;
- Make every effort to ensure bullying and harassment do not occur;
- Promote a culture of dignity and respect within their area of work, and an environment in which colleagues feel able to raise complaints without fear of victimisation;
- Inform the [HR Business Partner \(HRBP\)](#) of their School/Unit on receipt of any allegation of bullying and harassment so that they can provide adequate support and advice for satisfactory resolution;
- Keep a record of reported incidents and action following any allegation made;
- Notify senior managers of any allegation of bullying or harassment involving external parties;
- Proactively liaise with the HRBP of their School/Unit to ensure legitimate, fair and constructive criticism is part of ongoing staff development, without humiliating, undermining or injuring colleagues;
- Refer any employee who may be suffering stress or anxiety related to bullying or harassment to Occupational Health.

4.3 Human Resources (HR)

4.3.1 HR have a responsibility to:

- Regularly review this policy ensuring its continuous commitment to promoting dignity and respect at work;
- Provide support and advice to line managers in managing these types of situations;
- Work with all parties to identify an appropriate resolution;
- Safeguard confidential information on bullying and harassment cases;
- Actively monitor bullying and harassment levels across the University.

5. Inappropriate behaviour

5.1 Bullying and harassment are defined by the Advisory, Conciliation and Arbitration Service (ACAS) as the following:

- Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- 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.

5.2 For practical purposes, those making a complaint usually define what they mean by bullying or harassment i.e. something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. However, behaviour that is considered bullying by one person may be considered firm management by another. Therefore, the test of reasonableness must also be applied, such that a reasonable person in possession of the same information would also consider whether they view the behaviour in the same way. Examples of what may constitute harassment and bullying are provided in [Appendix A](#).

5.3 Legitimate, constructive and fair criticism of an employee's performance or behaviour at work will not be considered to be bullying or harassment. It is expected that management of any employee-related issue must have the intention of supporting and developing potential and promoting desired work performance. Management which has the effect of undermining, humiliating, denigrating or injuring the employee may be considered as bullying tactics and if so, will not be tolerated.

6. Procedures for resolution

6.1 Informal resolution

6.1.1 The University encourages employees, where appropriate, to deal with inappropriate behaviour informally as this is often the quickest and most effective method of dealing with harassment or bullying.

6.1.2 The individual whose behaviour is challenged should be given the opportunity to understand the effects of their actions and change their behaviour. Options to consider include an informal discussion, a written letter, or the solicited intervention of a trade union representative or colleague prepared to take the matter up on the complainer's behalf.

6.1.3 In all cases, the conversation should:

- Inform the individual what behaviour and/or actions are found unwelcome or offensive;
- Request that the behaviour stops with immediate effect;
- Ensure the individual is aware of the Dignity and Respect at Work policy, and how the complaint will be progressed if behaviours continue;
- Conclude with a written record of the meeting, which can be shared with HR if further action is required.

6.2 Formal resolution

6.2.1 If the problem has not been resolved by informal means, or the employee feels it cannot be resolved through informal means, then they may submit a formal complaint in line with the University's [Grievance policy](#).

7. Confidentiality

7.1 The University aims to keep information confidential to the maximum extent possible. There will however be information that is required to be shared. For instance:

- The complainant's identity and the nature of the allegations must be revealed to the person causing the offence so they can appropriately respond to the allegations;
- Some details may have to be provided to potential witnesses. However, the importance of confidentiality will be emphasised to all witnesses and, if breached, may result in disciplinary action;
- Line managers may need to be provided with information if, for instance, individuals are recommended to move departments/roles as part of the outcome into the grievance.

8. Mediation

8.1 Mediation is an important consideration for resolving issues at an early stage. It is a voluntary process where an impartial third party enables two or more people to work through conflict or disagreement, with a view to improving their working relationship.

8.2 Sometimes certain behaviours can be perceived as discrimination, harassment or bullying, when that is not how they were intended. Mediation can be a good way to help see the other person's perspective and help the other side see how their behaviour is affecting their colleagues.

8.3 If both parties are willing to co-operate, this may be a recommended option for both informal and formal approaches. The decision on whether to offer mediation will be made by the University, taking into consideration the likelihood of resolution through other options, and all the circumstances of the case.

9. Reporting concerns to the Police

9.1 Where harassment constitutes a criminal offence such as physical or sexual assault and/or an immediate threat to safety, the employee should report the matter to the Police as soon as possible. The employee must also inform HR in order that appropriate support is provided.

10. Research funding applications

10.1 It is important to note that when the University submits a grant application to certain funding bodies e.g. Wellcome Trust, it may have to confirm that the lead applicant (and sponsor/supervisor if relevant) has not had an allegation of bullying and harassment upheld against them for which there is a live formal disciplinary warning or active sanction.

10.2 Furthermore, some funding bodies, as a contractual condition of their research funding, may require the University to provide information on current investigations into allegations of bullying and harassment and the outcome of these investigations. This may also extend to individuals associated with certain grants such as co-investigators, research staff and students. The University will release the minimum amount of information necessary, with reference to the requirements of data protection legislation; and the individuals concerned would be informed in advance. If you are concerned that you may be impacted by these requirements, contact your [HR Business Partner](#).

11. Support

11.1 The University recognises that matters relating to bullying or harassment will be difficult for all parties concerned and is committed to providing support and assistance for employees in these circumstances. [Appendix B](#) provides a list of support contacts available to employees.

12. Monitoring

12.1 The University will monitor and review its performance on promoting dignity and respect through feedback from the annual staff survey, volume of complaints received and the effectiveness of this policy and associated procedures on an ongoing basis.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone.	Published	Lisa Stewart Human Resources	04/07/2019
1.1	Minor change: broken link in Appendix B	Published	Lisa Stewart Human Resources	22/10/2019
1.2	New section added (10) requested and approved with RIS and Chris Milne (Head of Information Assurance and Governance)	Published	Lisa Stewart Human Resources	14/11/2019

Appendix A: Definitions

Bullying

- Bullying is not defined in law but for the purposes of this policy is defined as, offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment

- Harassment as defined in the Equality Act 2010 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”.
- Certain forms of harassment at work will amount to unlawful discrimination. Specifically, it is unlawful if it relates to age, disability, gender reassignment, race, religion or belief (including non-belief), sex (including paternity and maternity) and sexual orientation (including civil partnership).
- Employees need not possess the relevant characteristic themselves but may be subjected to unacceptable behaviour because they are wrongly perceived to have a protected characteristic, or because of their association with an individual who has a protected characteristic. In addition, employees have the right to complain of behaviour that they find offensive even if it is not directed at them.
- Often harassment is targeted at a particular individual; however a workplace culture that allows the telling of biphobic, homophobic, transphobic, racist or sexist jokes or that excludes some cultures in certain work-related activities can also constitute harassment. Harassment may take place for any number of reasons. An employee may be subjected to harassment because they are perceived as being ‘different to the norm’ in some way or are in a less powerful position than the person causing the offence. It is important to recognise, however, that harassment can also occur in less obvious scenarios and outside traditional power relationships. For instance, a manager can be harassed by an employee or an employee harassed by a student.

Examples of behaviour that may constitute harassment in the workplace

Age	Banter and jokes that can cause offence regarding an individual’s age and/or ignoring a person or undermining their views because they are younger or older than other employees.
Disability	Using insulting terminology when referring to a disabled colleague based on their learning difficulty, learning disability, mental health, physical disability, or sensory impairment such as hearing or sight loss.
Gender reassignment (including gender identity)	Derogatory remarks/gestures linked to an individual who has or perceived to have undergone a gender reassignment. Deliberately ‘outing’ an individual will also be considered as harassment.
Race	Physical attack and/or verbal abuse due to an individual’s nationality, ethnicity, caste or cultural background; racial threats and insults and derogatory name-calling.
Religion	Derogatory remarks about particular religious beliefs or religious practice and/or exclusion from normal workplace interactions or social events due to the individual’s religion or perceived religion.

Sexual orientation	Calling someone a name based on their sexual orientation or perceived sexuality, such as bisexual, gay or lesbian and/or deliberately behaving in an effeminate manner in the presence of someone who is gay.
Sex	Making derogatory sexist remarks and gestures or provocative suggestions and/or persisting with sexual advances after it has been made clear that such approaches are unwelcome. Displaying sexually graphic pictures, posters or photos as well as suggestive or pornographic material.
This list is not exhaustive, however, they are indicative of behaviours that would be considered unacceptable conduct by the University.	

Discrimination

- Unlawful discrimination occurs when an individual or a group of people are treated less favourably than others based on a relevant protected characteristic. Discrimination can be direct or indirect. Indirect discrimination can occur when the University has a policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Victimisation

- Victimisation is a type of harassment that occurs when an individual is treated less favourably because they have, in good faith, made an allegation of harassment, or have assisted another person in bringing forward such an allegation, or participated in an investigation of a complaint or disciplinary hearing.

Cyberbullying and harassment

- Bullying and harassment can manifest themselves in many forms and will not always be physical or verbal. They may occur through written communications, visual images (e.g. pictures of a sexual nature or embarrassing photographs of colleagues), email, phone and social networking websites. When constructing written communications to others, employees must always consider the content, language and appropriateness of such communications. If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting. Guidance on the appropriate use of social media can be found by selecting this link.

Hate crime

- A crime which is extended beyond harassment motivated by malice or ill will towards a social group by disability, race, religion or belief, sexual orientation, or transgender identity.

Appendix B: Support

Management

Individuals who have experienced or observed harassment, bullying or victimisation should approach their line manager (unless the matter directly relates to the line manager). If the matter is regarding the immediate line manager, the individual should raise the matter with the next level of management or an equivalent other.

Human Resources

If the individual feels it more appropriate in the circumstances, they can contact HR and request to meet with a member of the [HRBP team](#).

Trade Union

Trade union representatives are trained to deal and support employees with any workplace related matters of concern. If the individual would like advice on how to deal with an issue, they can contact the representatives using the contact details [here](#).

Head of Equality and Diversity

If an employee considers that they are being harassed or bullied because of a protected characteristic, the University's [Head of Equality and Diversity](#) will be able to provide confidential help, support and advice. In addition, it is encouraged that employees access the University's [equality, diversity and inclusion](#) webpage for details of support networks, helpful guidance and links to external website support.

Chaplaincy

The University [Chaplain](#) is available to offer pastoral care and support for any employee, regardless of religion or belief (including non-belief). This could be sympathetic, confidential listening and support in emotional issues or a safe place to talk to someone about any issues affecting health and wellbeing.

Occupational Health

At any time during the process, the line manager, can refer the employee to [Occupational Health](#). Similarly, the employee can self-refer. This would be of particular importance if the employee was experiencing stress related symptoms and/or displaying signs of distress.