

Respect at work and study: Policy and Code of Practice

We are fully committed to eliminating discrimination and actively promoting equality of opportunity for our staff in line with our College Strategy. We believe that where equality of opportunity exists all staff work in a more rewarding and less stressful environment, one where discrimination, prejudice and harassment are not accepted, and one more likely to enhance performance and achievement.

We will seek to promote and maintain an inclusive and supportive work and study environment that respects the dignity of staff and assists all members of our College community to achieve their full potential. This policy has been written in support of developing and encouraging a work and study environment in which personal harassment of any kind is known to be unacceptable, and one in which individuals have the confidence to complain without fear of reprisals. No-one in our College community is expected to endure offensive, intimidating or bullying behaviour and the College will not tolerate the harassment of one member of our community by another.

We are fully committed to investigating complaints and taking appropriate action.

It is the responsibility of every member of our College community to help achieve this inclusive and supportive environment and to promote good relations between groups by being tolerant and having respect for diversity. You can do so by making sure that your own conduct does not cause offence or misunderstanding. Managers have the responsibility to take complaints seriously and carry out investigations in line with College procedures. Individuals have a responsibility to bring forward issues in a timely manner in order that any investigation is carried out at the earliest opportunity.

Where there are instances of activity on campus which may undermine good campus relations, and to assist staff in maintaining a balance between individual freedoms and expectations of conduct, the University has policies in place to address such matters. The Code Of Practice On Freedom Of Speech Relating To Meetings Or Other Activities On College Premises and the Code Of Practice On Notification Of Misconduct To The Police And Internal Action can both be found in the University Calendar Volume 1.

Guidance on maintaining professional relationships and the principles of public life are included as [annex 1](#) and [annex 2](#) to this code.

Guiding Principles

Appropriate members of the College community will receive training in dealing with cases of harassment, and will be available to any student or member of staff to offer advice or information in confidence, help to resolve issues if the complainant wishes, and act as a channel for complaints. (Individual or collective complaints about terms and conditions of employment which do not involve harassment are dealt with under the established grievance procedures for academic and support staff.) We will aim to recruit Harassment contacts where possible.

Where an individual wishes to make a complaint against his/her Manager, then the complaint should be addressed to a more senior manager.

When reported, complaints of harassment will be dealt with without unreasonable delay. Though some forms of harassment may be resolved informally, there may be occasions when a formal approach is required from the onset. It is important that individuals bring forward complaints at the earliest opportunity and within a reasonable time frame in order that a thorough appreciation of all the circumstances can be gained.

The possibility that complaints might be brought with vexatious or malicious intent is also recognised by the College and may provide grounds for disciplinary action.

All records concerning allegations or complaints of harassment will be treated as confidential and in line with the provisions of the Data Protection Act.

Cases of alleged harassment will be investigated impartially by the College, which will ensure that the alleged harasser has the opportunity to be represented and to be given a clear account of the allegation so that he/she may state his/her case.

Unless incidents of harassment are notified in a timely manner, the College may find itself unable adequately to take steps to prevent or eliminate harassment. It is therefore important that staff use the channels provided (see 'sources of help' at the end of this document) as set out in this document. We will monitor reported cases of harassment and report the results of our monitoring to St John's Council on an annual basis. This monitoring will be carried out anonymously, and the statistical data collected will be used to inform policy reviews.

What is Personal Harassment?

Personal harassment is difficult to define in terms of acceptable or unacceptable behaviour.

It is important to understand that even behaviour which is not intended to cause offence or distress may do so. Differences of attitude or culture and the misinterpretation of social signals can mean that what seems like harassment to one person may not seem so to another. The defining features, however, are that the behaviour is offensive, hostile or intimidating to the recipient and would be regarded as harassment by any reasonable person. It may consist of behaviour taking place over a period of time or a single incident, but in all cases it involves an unwanted, unwelcome or uninvited act which makes the recipient feel uncomfortable, embarrassed, humiliated, unsafe or frightened.

It should be noted that incidents outside of normal hours, and not on College premises might still require investigation and action where incidents involve members of the College community.

Any difficulty in defining personal harassment should not deter a member of staff or a student from seeking support or complaining of behaviour which causes them distress. They should also not be deterred because of embarrassment or fear of intimidation or publicity. The College will respect the particular sensitivity of harassment complaints and their consequences, and will treat any complaint with the utmost confidentiality. Complaints will not normally be taken further than the complainant wishes.

Sexual Harassment involves unwanted sexual attention which emphasises sexual status over status as an individual, colleague or student, or unwanted conduct on the grounds of a person's sex which violates their dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. We tend to think first of women being harassed by men, but it may also occur between members of the same sex or of men by women. Harassment is especially serious when the alleged harasser is in a position of power to the person complaining of the harassment.

Harassment on the grounds of a person's **sexual orientation** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Racial and Religious Harassment occurs when someone's actions or words, based on race, religion, colour, ethnic or national origins, are unwelcome and violate another person's dignity or create an environment that is intimidating, hostile, degrading, humiliating or offensive. (Note: the MacPherson report which followed the Stephen Lawrence Inquiry defined a racist incident as "any incident which is perceived to be racist by the victim or any other person".)

Disability Harassment may be defined as behaviour, deliberate or otherwise, relating to a person's disability, which violates a disabled person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for the individual. Disability harassment can occur in situations such as undue

pressure or intimidation, impractical work expectations or offensive language or jokes.

Age harassment may be described as treating a person differently because of his/her perceived youth or mature age, which violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. For example in applying age limits in recruitment and selection, training and promotion opportunities. The College has for some time removed age bias in employment, by removing age requirements and 'age for wage' salary scales.

Bullying may be defined as offensive, abusive, intimidating, malicious or insulting behaviour and abuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable. As with all forms of harassment, it is the impact on the individual and not the intention of the perpetrator which determines whether bullying has occurred.

Bullying is most commonly associated with an abuse of power, most typically by a manager in an employment relationship or Lecturer/tutor in a staff/student relationship (see also guidelines on consensual relationships). However, other power relationships may equally lead to bullying by colleagues or a group of people who target an individual.

Firm, Fair Management

Effective leadership and management is based on respect, trust, support and encouragement. Managers are responsible for ensuring that staff who report to them perform to an acceptable standard. Legitimate monitoring of an employee's behaviour or job performance does not, therefore, constitute bullying.

It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although some staff may feel anxious whilst the procedures are ongoing.

It is important to differentiate between firm, fair management and bullying behaviour. It is in the interests of the College that managers should be able to carry out their duties without threat of ill-intentioned, malicious, vexatious or unreasonable complaints.

It is not always easy to differentiate between firm, fair management and bullying and harassment, but some examples of what is considered firm/fair management are as follows:

- Consistent and fair.
- Determined to achieve the best results, but reasonable and flexible.

- Knows own mind and is clear about own ideas, but willing to consult with colleagues before drawing up proposals.
- Insists upon high standards of service in quality of and behaviour within the team.
- Will discuss in private any perceived deterioration before forming any views or taking action, and does not apportion blame on others when things go wrong.
- Asks for people's views, listens and assimilates feedback.
- Consistently demonstrates sensitivity to the behaviour of others and adapts own behaviour to get the optimum work outputs.
- Consistently demonstrates behaviour irrespective of where work takes place and regardless of numbers of staff present.

What you can do if you feel you are subject to harassment, directly or indirectly.

If you feel that you are being subjected to personal harassment in any form, do not feel that it is your fault or that you have to tolerate it.

In order to maintain working relationships matters should be dealt with by an informal intervention wherever possible.

Informal Stage

The informal process for **members of staff** seeking to make allegations of personal harassment is as follows:

Discuss the matter with a trusted colleague, harassment contact or Trade Union representative. You should be aware that the alleged harasser may raise a counter-accusation, and so it may be wise to alert someone else to your concern. (It may be helpful for you to keep a note of the details of any relevant incidents which cause offence, including the names of any witnesses.)

Speak to the person concerned or write a letter to the person causing offence to let them him\her know that his\her behaviour is unacceptable to you. "I think your behaviour\remark is offensive and I want you to stop". In some circumstances this may be sufficient.

Speak to your Manager or offending person's Manager and ask that they speak to the person concerned. Alternatively, write an explanatory letter to your Manager.

If you are not satisfied, you may request an informal investigation to be carried out by your Manager who will be supported wherever possible. The outcome of this investigation may be:

- Complaint not founded.
- Situation mutually resolved.
- Complaint founded in which case action short of disciplinary action may be taken which could include:
 - The offending person offering a written apology and agreeing to undertake a training course or receive personal counselling by an appropriate body (ie Race Equality Council).
 - Both parties agreeing to work with a conciliator who may be internal or external to the College.

Formal stage

Where the informal approach is unsuccessful, or you wish to move straight to a formal stage, the appropriate Grievance/Complaint Procedure will be followed. Staff should contact the Bursar for information about the correct Grievance Procedure to be followed.

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Cases of Rape or other Physical Assault on Staff

If you are the victim of rape or other physical assault, seek help immediately. The attack should be reported to the police as soon as possible, and you will be able to choose to see a female or a male officer. You will be given advice but what further action is to be taken, if any, will be your decision. For your own protection and the protection of others, it is important that the offender is dealt with. If you decide to go to the police, you will not be left to go alone, unless you so wish. Locally available advice and help centres for women and men who are the victims of rape or other sexual assault are also listed below:

Sources of help

Help and advice, including guidance leaflets, is available from:

Staff

- Staff Trade Union Representatives

- Heads of Sections
- Occupational Health Adviser
- Harassment Network contacts if available
- College Officers

The Darlington and County Durham Racial Equality Council offers advice and support to all members of the University community. Tel. 01325 283900 or 0191 3862700.

Other advice and help centres are:-

- **Tyneside Rape and Sexual Abuse:** Helpline Monday and Thursday, 6.00 pm to 8.00 pm. Tel 232 9858. Address: PO Box 13, Gosforth, Newcastle. www.tynesidercc.org.uk
- **Cleveland Women's Support network** (domestic and sexual violence) Tel 01642 822331. Address: 22 Hoylake Road, Saltersgill, Middlesbrough, Cleveland TS4 3JL
- **Samaritans** (Helpline 24 hour 0845 7909090, s, open to personal callers 9 am to 9.30 pm):
Tel. 384 2727, 26 Sutton Street, Durham, DH1 4BW
Tel. 232 7272, 15 Portland Terrace, Newcastle-upon-Tyne, Tyne & Wear, NE2 1QQ
Tel 0845 7909090, 147 Borough Road, Middlesbrough, Cleveland, TS1 3AT
- **Mentor** helpline for men 7-10 pm Tuesday and Thursdays. Tel. 0191 261 9990
- **MESMAC NE** (Gay and bisexual men's support service) Monday-Friday 9 am to 5 pm.
Tel 0191 2331333 (minicom 2332112). Address: 3rd floor, 11 Nelson Street, Newcastle Upon Tyne, Tyne and Wear NE1 5AN
Tel 01642 804400. Address 4th floor, 31-33 Albert Road, Middlesbrough, TS1 1PE.

Annex 1 - Maintaining professional relationships

Members of staff may be faced with situations where personal interest may conflict with their duties and might be uncertain about how to deal with them. This guidance sets out some principles to help staff avoid conferring unfair advantage or disadvantage on students, staff or other individuals because of personal relationships, i.e. friendships of different types where one party may be in a position to secure advantage for the other in areas of employment and academic life.

The underlying principle of maintaining professional relationships is that all members of staff should adhere to the "Seven Principles of Public Life" drawn up

under the Nolan (now Neill) committee to which this guidance relates (see Annex 2).

Relationships between Staff and Students

The University values good professional relationships between staff and students.

The University is committed to an environment for staff and undergraduate and postgraduate students where decisions about assessment, selection and access to resources are based on merit.

Members of staff should recognize a professional and ethical responsibility to protect the interests of students, to respect the trust involved in the staff/student relationship and to accept the constraints and obligations inherent in that responsibility.

Students who are, or who have been, involved in an intimate relationship with a member of staff, and who do not consider their involvement to be truly consensual have the right of complaint under the University's harassment procedure.

The establishment of an academic relationship with family members or with friends or associates who become students may also raise ethical and professional issues.

Professional responsibilities of staff towards students may be academic (including assessment), administrative or advisory. If there are concerns about the nature of a relationship, a member of staff must inform his/her head of department without undue delay and ensure that there is a clear separation from such responsibilities. Failure to do so may lead to complaints of bias and possible disciplinary action.

Relationships between members of staff

Where intimate relationships occur between members of staff, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. For example, it may be necessary to review the relevant reporting structure if the relationship is between a line manager and a member of staff.

Staff should take care that financial, family or personal relationships are entered into on a consensual basis and do not advantage or unfairly disadvantage any member of staff, or other individuals, e.g. in dealing with applications for jobs.

Where relevant, the Head of Department should be immediately informed if a relationship is causing concern at work. The matter will be treated in absolute

confidence and, in consultation with the member(s) of staff, ways sought to avoid conflicts of interest.

Members of staff who have close personal or familial relationships with an applicant for employment must declare their interest and avoid any involvement in the appointment process, either as a member of an appointment panel or in the shortlisting process. It is acceptable to act as a referee for an applicant in this situation provided the interest is made clear in the letter of support.

A member of staff who is, or who has been , involved in an intimate relationship with another member of staff, who does not consider their involvement to be truly consensual and where the relationship is causing problems at work will have the right of complaint under the University's Respect at Work and study Policy and Code of Practice procedure.

Annex 2 - The seven principles of public life

The Nolan Committee has set out '**Seven Principles of Public Life**' which it believes should apply to all in the public service. These are:

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Policy and Procedure Approved By: CO s 16 June 2009

Date approved: CO s 16 June 2009

Date impact assessed:

Review interval for policy and procedure: Two years

Reviewed on: