

Dignity at work and study policy

1 Policy statement

The University of Southampton is committed to supporting, developing and promoting equality and diversity in all of its practices and activities. We aim to establish an inclusive culture, free from discrimination and based on the values of dignity, courtesy and respect. We recognise the right of every person to be treated in accordance with these values.

The failure of University staff and students to behave with dignity, courtesy and respect towards others can harm individuals and impair the functioning and reputation of the University. Harassment, bullying and victimisation can cause fear, stress and anxiety, which impose strains on work, study, personal and family life. They can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment, and staff resignation or student withdrawal from the University. As such, harassment, bullying and victimisation are unacceptable forms of behaviour and will not be tolerated.

The University will not tolerate incidents of harassment against staff or students by third parties, including project partners, clients, contractors or visitors. Any examples of such harassment should be brought to the attention of your line manager, tutor or supervisor immediately.

Any allegation of harassment, bullying or victimisation will be treated seriously, regardless of the seniority of those involved, and anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal or expulsion.

Fair criticism of staff or student performance or conduct will not be considered to be bullying or harassment, provided that those involved are treated with dignity, courtesy and respect.

We are committed to taking action to resolve disputes and conflict early on, wherever possible, and work in partnership with key parties across the University, including the Student's Union and recognised trade unions, to develop positive approaches to conflict and dispute resolution.

We recognise that some issues affecting dignity at work and study can arise out of miscommunication, misunderstandings and relationship difficulties. The University's mediation service can facilitate discussions between parties where someone alleges that their dignity has been affected. This opportunity will be offered in these cases in the first instance, although it is not compulsory. Anyone who chooses to attend a mediation session will not be prevented from recourse to the University's other procedures¹.

2 Objectives of this policy

The aims of this policy and accompanying guidance are to:

- promote a positive environment in which people are treated fairly and with respect

¹ Details pertaining to the mediation service are set out in Section 6.1.

- encourage all staff and students to play a role in creating and maintaining an environment in which harassment, bullying and victimisation are understood to be unacceptable behaviour
- provide a framework of support for staff and students who feel that they have been the subject of harassment, bullying or victimisation
- ensure that allegations of harassment, bullying or victimisation are addressed fairly, with respect for the rights and dignity of all those involved
- identify the appropriate formal processes by which complaints can be raised

3 Application of this policy

This policy applies to the conduct of the staff and students of the University of Southampton, in the context of their University work or study, or which otherwise affects the working, learning or social environment of the University. This can include the way in which staff and students behave towards colleagues and peers outside University premises on University-related social occasions. It can also include conduct towards people who are not members of the University in the context of University business (such as applicants, contractors, patients and other members of the public who visit University sites or use University services).

We will draw this policy to the attention of consultants and contractors through the University's procurement processes and we will make it clear that harassment of staff or students will not be tolerated.

This policy should be read in conjunction with other University of Southampton policies and procedures, including:

- Equal Opportunities Policy
- Health and Safety Policy
- Mental Health Policy
- Consensual Relationship Guidelines
- Student Confidentiality Policy
- Electronic Communications Policy
- Staff Disciplinary Procedures
- Staff Grievance Procedures
- Student Disciplinary Code
- Student Complaints Policy and Procedure

Staff and students who undertake work placements or secondments outside the University as part of their employment or study, and those holding honorary contracts to work outside the University, should read this policy in conjunction with the dignity at work, harassment or bullying policies of the employer with which they are placed.

In the event that a complaint of harassment is made in against or by a member of staff or a student from the University, while undertaking a work placement or secondment, it is likely that this policy and any applicable policies of the placement will be jointly considered (subject to the terms of any secondment or other agreement).

Staff and students involved in a harassment complaint while undertaking a work placement or secondment will have access to the same support arrangements as if the complaint had occurred on University premises. This includes counselling, Harassment Contacts, mentoring and advice from the Diversity Office and the Student's Union Advice and Information Centre. The University will support its staff and students in whatever way is considered appropriate for any case.

4 Definitions of harassment, bullying and victimisation

Harassment, bullying and victimisation can occur in different types of relationships, regardless of prejudice and stereotypes. For example, it is possible for a junior colleague to bully a person in a senior role; for a student to harass a member of staff; or a woman to victimise a man.

We recognise that any of the examples set out here, and other intimidating behaviour, may be demonstrated by one person or by more than one person in a concerted effort to create an intimidating, hostile, degrading, humiliating or offensive environment for another individual ('mobbing').

4.1 Harassment

Harassment encompasses many different types of physical, verbal and non-verbal conduct. It can occur as an isolated incident, many sporadic incidents or as on-going behaviour. The defining features are that the conduct:

- is unwanted and unwelcome;
- subjects a person or group of people to intimidation, humiliation, ridicule, offence, loss of privacy or dignity, or creates an environment which is hostile, intimidating or offensive to that person or group of people
- is unwarranted by the working, study or social relationship between those involved and would be regarded as such by any similarly situated reasonable person

Harassment that is related to a person's or group of people's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation can constitute unlawful discrimination, for which staff and students can be held legally and personally liable.

A victim of harassment is not the only person who can issue a complaint about that harassment. An observer may bring such conduct to the attention of their line manager, tutor or supervisor, on the part of another person, on the basis that it amounts to a breach of this policy.

A person can complain of harassment where conduct is based on the incorrect perception or the association of a person with others. For example: homophobic remarks made about a heterosexual person; or harassment of a person because they have a disabled child.

Examples of harassment:

- violence, or the threat of violence
- verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual
- using humour that ridicules another person or group of people. For example: telling jokes that are sexist, racist or about sexual orientation or religion
- spreading malicious lies or making insulting or offensive comments
- unwanted physical contact, sexual advances or innuendo
- display or circulation of abusive or offensive materials, including noticeboards, whiteboards, emails, internet bulletin boards and social networking websites
- sending offensive text messages
- systematic ostracism or exclusion from normal conversation in the work or study environment, or work- or study-related social events
- intrusion by pestering, spying or stalking

- coercion, such as pressure to subscribe to a particular political or religious belief, or requiring a person to perform a humiliating or dangerous ‘initiation ceremony’ to join a social group

4.2 Bullying

Bullying is the abuse of personal or collective power or a position of authority, in an aggressive or subtle way, which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence.

Examples of bullying:

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer
- preventing an individual progressing by intentionally blocking promotion or training opportunities, unjustifiably restricting choice of study options or access to tuition
- unfair allocation of work and responsibilities or setting unreasonable goals or targets in work or study, including both above and below reasonable expectations
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private

4.3 Victimisation

Victimisation occurs when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment and/or bullying), or have helped another person to make a complaint.

Victimisation can constitute unlawful discrimination and result in disciplinary action, regardless of the outcome of the original complaint.

5 Responsibilities

Ultimate responsibility for this policy rests with University Council; however, Council will require the Vice-Chancellor to ensure that the policy is applied effectively.

The Vice-Chancellor will devolve responsibility for the application of this policy, and any supporting guidance, to the Pro-Vice Chancellors, Deans, Faculty Operating Officers and heads of Professional Services.

It is the responsibility of all persons in authority (including Deans, Faculty Operating Officers, heads of Professional Services, managers, supervisors, tutors and all staff working directly with students or members of the public) to:

- ensure that this Policy is implemented effectively and effort is made to ensure that all staff and students are aware of this policy
- be alert to potential problems and act promptly without unnecessarily waiting for a complaint, by directly challenging behaviour when it is observed and promoting an inclusive working and study culture
- treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved, and in a timely fashion
- deal with any issues raised fairly and in line with duties of care to staff and students
- take steps to ensure that staff and students are not victimised for making, or supporting, a complaint

It is the responsibility of all University staff and students to:

- behave in accordance with this policy
- take requests to cease or amend behaviour seriously and respond to them courteously
- not participate in, encourage or condone the harassment, bullying or victimisation of others
- promote an inclusive culture in which colleagues or peers are not subjected to harassment, bullying or victimisation by challenging these forms of behaviour, or reporting situations in which they occur to the line manager or supervisor of the person involved, a tutor, or a Harassment Contact

6 Informal and formal procedures to address unacceptable behaviour

The University recognises that it can be difficult to raise a complaint of harassment, bullying or victimisation whether on a formal or informal basis. We seek to ensure that people who feel that they have been the subject of harassment, bullying or victimisation are able to raise their concerns, and to have them addressed appropriately.

Before any formal procedure is invoked, alternative resolution techniques should be considered and offered, if appropriate. HR Client Partners and Advisers can provide further guidance and support on this.

6.1 Informal procedures

The University's mediation service can facilitate the resolution of work and study place conflicts. Trained staff are able to support parties in resolving a dispute through facilitated discussion.

We recognise that mediation may not be suitable for every complaint of bullying or harassment. However, the opportunity will always be provided to those who would prefer to resolve a conflict informally.

Members of staff or students seeking the assistance of the mediation service should contact Legal Services, the Diversity Team or Human Resources.

In cases where mediation by a member of University staff is inappropriate, Human Resources will make arrangements, on behalf of the relevant Dean or his or her nominee, with an external mediation provider.

6.1.1 Harassment Contacts

The University's Harassment Contacts can provide advice and support to staff or students who feel that they have been the subject of harassment, bullying or victimisation. Harassment Contacts can also counsel those accused of harassment, bullying or victimisation, and advise them on the processes in place that could affect them.

The Harassment Contacts are coordinated by the Diversity Team, and their contact details can be found via the [Diversity website](#).

Harassment Contacts can help staff and students who feel upset or offended by the behaviour of another person to:

- determine whether they have been harassed, bullied or victimised (according to the definitions given here)

- decide how best to challenge or approach the person believed to be behaving unacceptably (for example, in person alone, with a Harassment Contact, or in writing)
- understand the options for tackling situations informally and formally
- understand which of the University’s formal procedures is relevant to the specific situation

For staff and students whose behaviour is challenged as unacceptable by another person, Harassment Contacts can support by:

- discussing the circumstances in which the person’s behaviour, manner or attitude was challenged as being unacceptable to another person or group
- explaining the complaints process and potential outcomes of informal and formal procedures
- providing details of other sources of advice, support and representation

Throughout any informal or formal process, a Harassment Contact will support a person through the process, and act as an adviser. They will not take action independently of that person’s wishes or outside the scope of their defined role. A Harassment Contact will not act as a representative, but may accompany a person during meetings, including a grievance hearing or a student complaint meeting.

Harassment Contacts will maintain brief anonymous records of the details of the cases they have dealt with and the advice that they have provided. These details will be sent to the Diversity Office, who will maintain an overview of the work the Harassment Contacts are undertaking. This information will be held in complete confidence.

There is no obligation for a person involved in a harassment, bullying or victimisation situation to seek the advice of a Harassment Contact in order to make a complaint, or seek alternative resolution.

Trying to resolve a situation informally will not preclude any person from pursuing formal complaint procedures.

6.2 Informal resolutions and links with formal procedures

Complaints made by University staff or students may be addressed informally through the initial stages of the Staff Discipline and Grievance Procedures, Student Complaints Procedure and Student Disciplinary Regulations².

During the informal stages of these policies and procedures, Faculty Operating Officers, Professional Services Managers or their nominees, have discretion as to the best way to address a complaint. They may use, but are not required or limited to, the following informal means:

- speaking separately to those people involved in the situation
- holding an informal meeting between the person who has made a complaint and the person whose behaviour is the subject of a complaint and any others who might help to resolve the situation (such as a supervisor, tutor, Harassment Contact or Students’ Union representative)
- referring relevant parties to a mediation or equivalent process if this is an appropriate way of trying to resolve the situation and agreement has been given by the parties involved

² *Details of which policies and procedures should be consulted for particular situations are in Appendix A*

- referring relevant parties to the support available, either internal or external to the University, which could include the Occupational Health Service, Counselling Service or Students' Union

6.3 Formal procedures

All formal complaints relating to harassment, bullying or victimisation should be made through existing grievance, complaint and disciplinary procedures².

The rules of the formal procedures will apply in full. Faculty Operating Officers, Professional Services managers or their nominees, have discretion as to whether informal action may still be used to try to resolve the situation at this stage.

If a counter allegation is made during an investigation, this will be addressed as part of the on-going investigation and handled within the guidelines of the procedure being followed.

Disciplinary action can be taken against individuals who are found to have brought complaints based on knowingly false information or with malicious intent. Such action will not be taken against anyone who brings a complaint in good faith, even if that complaint is not upheld.

Sometimes it is necessary to separate those involved in complaints procedures during the period of investigation. In such circumstances, it is possible that one of the parties to a complaint will be transferred, redeployed, asked to work from a different location, or suspended from work or study. These steps are taken to protect the interests of both parties and do not constitute disciplinary action. The decision as to which individual will be moved, in order to effect the separation, will be based on objective criteria, including travel arrangements, work-life balance issues, needs of the services performed by staff, and effect on studies for students. Paid staff will remain on full pay for the duration of an investigation.

Some forms of harassment can constitute criminal offences or grounds for civil proceedings. Nothing in this policy or related procedures will prevent staff or students from exercising their right to pursue legal action.

6.4 Confidentiality in the workplace

Once an investigation has been initiated, all those involved should ensure that confidentiality is maintained, for both the complainer and the complainant.

Breaches of confidentiality may result in disciplinary action being taken. The need to observe an appropriate level of confidentiality will not prevent anyone involved in the procedure from seeking the advice of a Harassment Contact, Human Resources, trade union or Students' Union representative or solicitor.

However, there will be occasions where the University will need to disclose information necessary for the discharge of its Duty of Care or as required by law.

7 Disciplinary action

A complaint of harassment, bullying or victimisation may result in disciplinary action against a staff member or student against whom allegations have been made. Disciplinary procedures will not be invoked until the complaint has been investigated, in accordance with the University's grievance or disciplinary procedures. Any action will be taken in accordance with the existing disciplinary procedures².

Serious cases of harassment, bullying or victimisation perpetrated by staff will be treated as gross misconduct and may lead to staff dismissal through the disciplinary hearing process. Less serious incidents may result in a written or verbal warning, or informal action (such as requiring a member of staff to attend a relevant training session).

Serious cases of harassment, bullying or victimisation perpetrated by students will be treated as a serious breach of the Regulations Governing Student Discipline, and may lead to permanent exclusion from the University. Less serious incidents may result in a reprimand, suspension or other penalties detailed within the Regulations Governing Student Discipline.

In extreme circumstances, incidents of harassment or bullying behaviour may breach criminal law and the University is obligated to refer such incidents to the police. In such situations, Human Resources or Student Services, in relation to staff or students respectively, must be contacted for advice.

8 Training and awareness

All new University staff will be made aware of this policy at induction and relevant University webpages. New students will be made aware of this policy through the Student Handbook, Student Services website, Student Resources Network, School Information, SUAIC and the SUSU website.

This policy, and notice of any updates or changes to it, will be disseminated to current staff via Faculty Operating Officers and Heads of Professional Services, and to current students via the Student's Union and through the development of a publicity campaign to promote dignity at work and study. Details of this policy and campaign will also be published on the University website.

Issues relating to dignity at work and study will be included as part of equality and diversity training, including a specific session on dignity at work and study in the staff development programme. Briefings will be specifically targeted for staff who work in the areas of student complaints and discipline, and complaints and grievances for staff.

Training, support, advice and guidance on addressing harassment, bullying and victimisation will be made available to managers and supervisors. Human Resources Client Partners and Advisers, who regularly receive similar training, will support those undertaking harassment investigations.

9 Monitoring

Any complaint discussed with Human Resources will be logged, regardless of whether informal or formal procedures are pursued, for the purposes of monitoring the extent and subject of harassment, bullying and victimisation throughout the University.

Harassment Contacts will log all enquiries while maintaining the anonymity of enquirers, including demographic data, where possible and appropriate.

Any demographic data provided in this way will remain strictly confidential to the Harassment Contacts and the Diversity Team. Any analysis of such data, which will solely be for the purpose of monitoring the level and nature of complaints, will maintain the anonymity of those that it relates.

Staff and students seeking advice who do not wish to provide any part of the demographic data will not receive any less support from the University than those who do.

10 Review

The Diversity Manager has responsibility for ensuring the maintenance, regular review and updating of this policy in consultation with representatives from across the University, including the trade unions, Students' Union, Student Services, Deans, Faculty Operating Officers, Health and Safety, Occupational Health and relevant committees, such as the Academic Quality and Standards Committee and Human Resources Committee.

The University's Diversity Champion will chair an annual meeting with key stakeholders to discuss on-going issues regarding the implementation of this policy.

11 Further advice

University staff who have questions regarding the application of this policy should raise them with their manager or supervisor, Human Resources Client Partners or Advisers, Faculty Operating Officer, a Harassment Contact or the Diversity Team.

University students who have any questions regarding the application of this Policy should raise them with their personal tutor or senior tutor, School Manager, Faculty Operating Officer, the Student's Union Advice and Information Centre, a Harassment Contact, the Educational Quality Coordinator for Student Complaints, Appeals and Feedback, or the Diversity Team.

Members of the public who have any questions regarding the application of this policy should raise them with the relevant University department listed in Appendix A or the Diversity Team.

In addition, advice may be sought at any stage from the following organisations:

Equality and Human Rights Commission

0845 604 6610

info@equalityhumanrights.com

<http://www.equalityhumanrights.com/>

Opportunity Now

137 Shepherdess Walk
London N1 7RQ

0870 600 2482

<http://www.opportunitynow.org.uk/>

Citizens Advice Bureau

3 Kings Park Road
Southampton SO15 2AT

023 8022 1406

<http://www.citizensadvice.org.uk/>

Office of the Independent Adjudicator for students in Higher Education

Third Floor, Kings Reach, 38-50 Kinds Road
Reading RG1 3AA

0118 959 9813

enquiries@oiahe.org.uk

<http://www.oiahe.org.uk/>

Students' Union Advice and Information Centre (SUAIC)

023 8059 2085

suaic@susu.org

<http://www.susu.org/suaic/>

UK National Workplace Bullying Advice Line

01235 212286

Bully Online

<http://www.bullyonline.org/>

Unite the Union

University of Southampton
47 University Road
Southampton SO17 1BJ
<http://www.unitetheunion.org/>

University and College Union (UCU)

University of Southampton
47 University Road
Southampton SO17 1BJ
023 8059 2364
ucu@soton.ac.uk

UNISON

University of Southampton
47 University Road
Southampton SO17 1BJ
unison@soton.ac.uk

A Formal Procedures for making a complaint

There are a number of formal procedures by which a complaint relating to harassment, bullying or victimisation can be made. In certain circumstances, there may be more than one route available. In such a situation, it could be helpful to discuss which procedure is appropriate with the directorates responsible for operating the relevant procedures (see further information column in the table below), a Harassment Contact or with the Diversity Manager. If necessary, once a complaint has been made a case conference could be called by either HR or Student Services, with appropriate people, to agree and confirm the procedure to be used.

A.1 Procedures for use by University of Southampton staff

Complainant	Procedure to be use	Further Information
University of Southampton staff member (level 4+)	Ordinance 3.12 Grievance Procedure	Human Resources website
University of Southampton staff member (level 1-3)	Grievance Procedure – Levels 1-3	Human Resources website
Incident in which you do not know whether the person responsible is a member of staff or a student (e.g. graffiti, anonymous offensive comments made by a group)	If there has been a breach of duty of care on the part of the University, a grievance can be raised through the relevant procedure above for the staff raising the grievance	Human Resources website
A person not employed by the University. For example: a contractor, consultant, NHS employee, visiting scholar or University Chaplin	Complaints procedure of the employing organisation	Employing organisation
	Ordinance 3.12 Grievance Procedure Levels 1-3	Human Resources website

A.2 Procedures for use by University of Southampton students

Complaint regarding	Procedure to be used	Further information
University of Southampton staff member	Student Complaints Procedure	University Calendar – Section IV: General Regulations

University student	Student Discipline Procedures	University Calendar – Section IV: General Regulations
Incident in which you do not know whether the person responsible is a member of staff or a student (e.g. graffiti, anonymous offensive comments made by a group)	Student Complaints Procedure if there has been a breach of duty of care on the part of the University	University Calendar – Section IV: General Regulations
Academic results	Academic Appeals Procedure	University Calendar – Section IV: General Regulations
Incident in a University residence:	Halls Regulations	Accommodation website
– by another student	As per Halls Regulations, Student Complaints Procedure may also be appropriate	University Calendar – Section IV: General Regulations
– by a staff member	Grievance and/or disciplinary procedures	Human Resources website
Staff or students within the Students’ Union, or relating to the Students’ Union activities	Students’ Union Discipline and Complaints Procedure	Students’ Union website
A person not employed by the University. For example: a contractor, consultant, NHS employee, visiting scholar, University Chaplin or employee of a student placement organisation	Complaints procedure of the employing organisation	Employing organisation
	University Student Complaints procedure where there is a breach of duty of care on the part of the University	University Calendar – Section IV: General Regulations

A.3 Procedures for use by people who are not members of the University of Southampton

Complaint about	Procedure to be used	Further information
Student application process	Applicants’ Complaints Procedure	University Calendar – Section IV: General Regulations
Staff recruitment process	Complaint in writing to the Director of Human Resources	Human Resources website

To access staff policies and procedures, please refer to the ‘[Policies, Procedures & Guidelines](#)’ section of the [Human Resources website](#).