

# Harassment policy

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Terminology updates April 2017

April 2019: terminology updates. Published following consultation with the trade unions

July 2019: Appendix 1 updated to include sexual and racial harassment, homophobic, biphobic, transphobic and gender identity and expression abuse and harassment on grounds of disability, or other serious breaches of the University's Equality and Diversity policy.

July 2019-April 2020: Reviewed by Stonewall

April-May 2020: Reviewed for EDI purposes

May to July 2020 reviewed by UCU, UNISON and GMB

May 2022: updated to name the specific LGBTQ+ categories; to signpost to staff support; and to expand intersectional harassment examples to include more identities.

July 2022: updates approved by SLT

October 2022: reviewed following UUK guidance<sup>1</sup>

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<sup>1</sup> UUK Changing the culture: sharing personal data in harassment cases sector guidance

## 1. Introduction and aims

- 1.1 London Metropolitan University is fully committed to providing a working and learning environment where every member of staff is treated with respect and dignity and in which no-one feels threatened or intimidated.
- 1.2 The aims of this policy and the guidance on for dealing with complaints of harassment are to:
  - seek to prevent harassment;
  - provide guidance and a structured framework through which complaints of harassment will be dealt with;
  - provide;
  - provide speedy solutions that are effective and minimise embarrassment;
  - resolve any incident of harassment should it occur; and
  - prevent recurrence.
- 1.3 Harassment is unacceptable and undermines the principles and objectives of the University's Equality and diversity policy. It detracts from a productive working and learning environment and can affect the health, wellbeing, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour. This can have a direct impact on the efficiency and success of an organisation.
- 1.4 If allegations of harassment or victimisation are substantiated, this will be treated as misconduct through our Disciplinary procedure.

## 2. What is harassment?

- 2.1 Bullying and Harassment are defined in Appendix A.

Harassment may continue after an objection is made, although a single incident may be serious enough to constitute harassment and justify a complaint.

- 2.2 Harassment concerns the behaviour of members of staff, students, visitors and third parties (for example contractors), which occurs within the workplace or the learning environment or in direct connection with an individual's employment. Generally this excludes social events that are not organised by the university and which are not held on university premises although members of staff and students are expected to behave appropriately outside the university.
- 2.3 If inappropriate behaviour and/or harassment occurs between members of staff and/or students outside the university premises, for example at a training course, or social event directly after working hours, or in such circumstances that the university's reputation is brought into disrepute, the university will take any action that it deems appropriate to deal with the behaviour.
- 2.4 It is the impact of the behaviour which is relevant and not the motive or intent behind it. It is therefore not an excuse or defence that any person alleged to be harassing another member of staff is 'joking' or merely being friendly.

- 2.5 Harassment doesn't necessarily just happen to one protected characteristic / identity at a time. People can face dual discrimination based on their multiple identities.
- 2.6 Examples of different forms of harassment and examples of behaviour that is inappropriate and/or unacceptable are provided in Appendix 1.

### **3. Confidentiality**

- 3.1 Normally confidentiality will be strictly maintained unless, by agreement of all parties, the manager identifies a need to make a safeguarding or prevent disclosure.
- 3.2 Where, exceptionally, a manager considers that confidential information should be disclosed, including personal data in relation to harassment cases, this should be examined on a case-by case basis by completing a risk assessment for consideration by the HR Director. No confidential information, other than as in 3.1, should be shared without the approval of a member of the SLT together with the HR Director.
- 3.3 The above provisions are to seek to provide more transparency in how harassment cases are handled, including the management of expectations of all those involved, as recommended in UUK guidance<sup>2</sup>.
- 3.4 Nothing in this policy overrides our legal obligations, including current data protection legislation.

### **4. Rights and responsibilities**

#### 4.1 Rights of individuals

- 4.1.1 All members of staff have the right to work in an environment which is free from harassment. London Metropolitan University recognises the right of individuals to complain about harassment should it occur. Any complaints of harassment will be dealt with seriously, promptly and with appropriate levels of confidentiality.
- 4.1.2 This policy does not replace or detract from the rights of individuals to pursue a complaint under discrimination legislation or bring criminal proceedings, where this is justifiable and appropriate.
- 4.1.3 Every effort will be made to ensure that individuals who bring complaints of harassment, and others who give evidence or information in connection with the complaint, will not be victimised. Similarly, the person(s) against whom the complaint is made should be treated with sensitivity and due regard given to the need for maintaining appropriate levels of confidentiality, since the result of an investigation may find the allegation to be unsubstantiated.

#### 4.2 Responsibilities of individuals

- 4.2.1 All university staff have a responsibility to promote a harmonious and constructive working environment in which the dignity of all individuals is respected. All staff, regardless of the capacity in

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<sup>2</sup> UUK Changing the culture: sharing personal data in harassment cases sector guidance (2022)

which they are acting, must comply with this policy and should ensure that their behaviour towards each other and towards visitors is professional and appropriate.

- 4.2.2 All staff should discourage harassment by making it clear that they find such behaviour unacceptable and by supporting those who suffer such treatment and are considering making a complaint. Staff should alert a manager or supervisor to any incident of harassment to enable the university to deal with the matter.

### 4.3 Managers' and supervisors' responsibilities

- 4.3.1 Each Head of School and Director has a duty to make all staff within their own school/ department aware of this policy together with the procedure for dealing with complaints of harassment which relates to staff and to make every reasonable effort to ensure that harassment does not occur. Line managers and supervisors have responsibility for dealing with any incidents of harassment of which they are aware or ought reasonably to be aware. If harassment does occur, they are expected to deal effectively with the situation in accordance with the procedure for dealing with complaints of harassment.

#### 4.3.2 Managers and supervisors should:

- i. explain the university's policy to their staff;
- ii. take steps to promote awareness of the procedure for dealing with complaints and ensure that staff know how to raise problems relating to harassment;
- iii. ensure that each new member of staff has been completed their induction to the university and has done all the mandatory training;
- iv. encourage all staff to undertake the training set out in Section 4.4 of this policy;
- v. be responsive and supportive to any member of staff who makes an allegation, provide clear advice on the procedure to be adopted, maintain appropriate levels of confidentiality and seek to ensure that there is no further problem of harassment or victimisation after a complaint has been resolved. If any serious matter is identified which could further threaten the health and safety of any individual or that of others or where a criminal offence may have been committed, the manager and supervisor are under a duty to report this to the Human Resources Director;
- vi. set a good example by treating all staff, students and visitors with dignity and respect;
- vii. be alert to physical and verbal harassment at work and take appropriate action whether or not it is formally brought to their attention;
- viii. maintain a confidential record of all incidents of harassment; and

- vix. consult with Human Resources or a colleague or union representative, as necessary.

#### 4.4 The University's responsibilities

- 4.4.1 London Metropolitan University will ensure that, wherever reasonable and possible, adequate resources are made available to promote dignity and respect for all members of staff throughout the university and to deal effectively with complaints of harassment, as appropriate.
- 4.4.2 London Metropolitan University will ensure that this policy and the procedure for dealing with complaints of harassment are communicated to all members of staff and that all members of staff, managers and supervisors are aware of their responsibilities.
- 4.4.2 London Metropolitan University will ensure that relevant training is provided which enables staff to identify instances of harassment and bullying, and respond appropriately to issues they encounter to managers. This is provided through an e-learning course, which helps staff to understand their rights and responsibilities and take an active role in promoting dignity at work. The training can be accessed through our [MyDevelopment portal](#).

### 5. Implementation and review

- 5.1 The University will monitor all incidents of harassment and will review the effectiveness of this policy and procedures every two years.
- 5.2 Training will be provided to all managers to ensure they gain the knowledge, skills and understanding necessary to operate this policy and procedure sensitively and effectively.
- 5.3 Human Resources will review the wording of this policy every two years.

### 6. Support for staff

- 6.1 Support for staff is available from a number of sources including:
  - external support from our Employee Assistance Programme;
  - our staff networks; and our recognised trade union representatives.

# Appendix 1

## Definitions of harassment and examples of unacceptable behaviour

The examples listed below should not be considered to be exhaustive.

### 1. Bullying

- 1.1 Bullying includes threatening, abusive, intimidating or insulting behaviour, which may be abuse of power, position or knowledge. It can happen in public or in private and may arise from the combination of an authoritarian personal style in the bully and a lack of assertiveness and self-confidence in the person/s being bullied. The bully may be in a position of authority, which they abuse by bullying subordinates, however there may be bullying at peer group level and members of staff may bully their manager.
- 1.2 Some examples of bullying behaviour are:
- stalking
  - abuse of position/power in using inducements/threats to affect promotion/career
  - acts of violence such as physical blows
  - persistent shouting
  - persistent sarcasm
  - persistent derogatory or belittling remarks concerning job performance or personal attributes
  - persistently punishing with trivial tasks
  - constant criticism
  - removing responsibilities
  - refusing to delegate so as to undermine specific individuals
  - persistently ignoring or patronising
  - setting an individual up for failure with impossible workloads and deadlines
  - invasion of personal space or privacy, physical abuse or intimidation
  - rudeness including deliberate lack of courtesy. This might include failure to respond when a response would be appropriate and inappropriate/offensive facial expressions.
- 1.3 Legitimate constructive criticism of a member of staff's behaviour at work and performance, by a supervisor or line manager, is not normally considered to be bullying. Similarly, an occasional raised voice or argument is not bullying. Such examples might be considered to be bullying if the comment/criticism/raised voice is persistently without foundation/justification or appears to be personal as opposed to work related.

## 2. Harassment

- 2.1 Harassment is clearly defined in the Section 26 of the Equality Act 2010. It defines harassment as the engagement of unwanted conduct related to a protected characteristic, where the conduct has the purpose of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment includes any incidents of physical violence towards another person(s) on the basis of a protected characteristic and can range from bullying to more subtle behaviour such as ignoring an individual at work. Harassment may not be face to face but may occur in written communications, electronic (e)mail and telephone calls.
- 2.2 The relevant protected characteristics are age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.
- 2.3 Harassment related to a protected characteristic may include:
- Derogatory name calling.
  - Verbal threats, insults and jokes.
  - Display of offensive material.
  - Exclusion from normal workplace conversation or activities.
  - Physical attack.
  - Encouraging others to commit any such acts.
- 2.4 Under the Protection from Harassment Act 1997, all forms of repeated harassment are unlawful even if they are not related to a protected characteristic. Harassment can therefore encompass any behaviour that can reasonably be seen as intimidating, offensive, hostile or degrading to another person.

## 3. Sexual harassment

- 3.1 Sexual harassment, which is a form of sexual misconduct, is defined by Section 26 (2) of the Equality Act 2010) as unwanted conduct of a sexual nature which has the purpose or effect of—violating the recipient’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient.

**Sexual misconduct** relates to all unwanted conduct of a sexual nature, including, but not limited to:

- i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii. Assault (as defined by the Sexual Offences Act 2003)
- iv. Rape (as defined by the Sexual Offences Act 2003)
- v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)

vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

Further information is available from the [Equality and Human Rights Commission](#) Code of Practice - Sex Discrimination. The Code provides guidance as to what steps it is reasonably practicable for employers to take to ensure that their employees do not, in the course of their employment, act unlawfully contrary to the Sex Discrimination Act (SDA).

3.2 Some examples of sexual harassment are:

- unnecessary and unwelcome physical contact
- sexual innuendo and expletives
- unwelcome advances, attention, compliments, invitations or propositions
- unwelcome or lewd references to a person's physical features, figure or dress
- suggestive and unwelcome comments, looks, attitudes or jokes
- sexist graffiti or the display of offensive pin ups, suggestive or pornographic material
- electronic transmission of pornographic/degrading/indecent material
- threats of academic failure or promises of promotion/training in exchange for sexual favours
- indecent assault, sexual assault or rape

#### 4. Racial harassment

4.1 Racial harassment is behaviour based on race, colour, nationality or ethnicity, which is offensive to the recipient. It can be racial discrimination and includes hostile or offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act.

4.2 Some examples of racial harassment are:

- derogatory name-calling or ridicule for cultural differences
- verbal abuse and racist jokes
- racist graffiti, images or insignia
- display of racially offensive material or graffiti
- references to an individual's skin colour
- unnecessary comments or intrusive questioning about racial issues or racial origins
- derogatory actions, statements, jokes, taunts or references to an individual's ethnic origin, customs, dress, diet, culture or religion
- deliberate exclusion from work-related social gatherings and events and normal social intercourse
- refusing to work with an individual, allocating work unfairly or open hostility
- insulting behaviour or gestures, physical threats or assault.

- 4.3 The Race Relations Act 1976 (Amendment) Regulations 2003 define harassment as “unwanted conduct which is intended to, or which creates the effect of violating a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. This definition of harassment will be adopted across other equality areas and is in keeping with the concept that has been developed through case law.”

## **5. Harassment relating to disability**

- 5.1 Disability harassment can be discrimination on the grounds of disability and can undermine the dignity, self-confidence and career opportunities of people with disabilities.

- 5.2 Some examples of disability harassment are:

- offensive language, derogatory name-calling or inappropriate jokes
- mockery, taunts or jibes regarding personal attributes
- unwelcome discussion of the effects of a disability on an individual’s personal life
- refusal to make reasonable modifications in order to accommodate a person with a disability
- excluding an individual with a disability from work-related social events or meetings
- uninvited, patronising or unnecessary assistance with duties
- prejudging an individual’s capabilities without reference to them
- mischievous interference with personal aids or equipment
- uninvited touching, invasion of personal space or privacy, physical abuse or intimidation.

## **6. Harassment relating to sexual orientation**

- 6.1 Harassment relating to sexual orientation is behaviour based on sexual orientation, which is offensive to the recipient. It can be homophobic or biphobic discrimination or abuse and includes hostile or offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act.

- 6.2 Some examples of bullying or harassment on these grounds are:

- Homophobic or biphobic remarks or jokes
- Homophobic or biphobic innuendo or gossip
- expressing or acting on gay, lesbian or bisexual stereotypical assumptions
- failure to accept that same-sex partners should be recognised
- threats of disclosing sexuality
- exclusion from departmental activities on the grounds of sexual orientation
- spreading malicious rumours or insulting someone about being gay, lesbian or bi sexual

- Homophobic bullying could constitute threatening to out someone or failing to accept someone's partner of the same gender
- Biphobic bullying could constitute referring to other colleagues as 'greedy' or 'duplicitous', or referring to them as not actually bi.

## **7. Harassment relating to gender identity and expression**

7.1 Harassment relating to gender identity, gender expression, non-binary identities or trans status is behaviour based on gender identity and expression and trans status, which is offensive to the recipient. It includes hostile or offensive acts or expressions by a person or group against another person or group, or incitement to commit such an act.

7.2 Some examples of harassment on these grounds are:

- gender identity and expression or trans status remarks or jokes
- exclusion of transgender or non-binary staff from institutional facilities denial of transgender or non-binary identities
- transgender innuendo or gossip
- expressing or acting on stereotypical transgender or non-binary assumptions
- threats of disclosing transgender status or gender identity
- exclusion from departmental activities on the grounds of transgender status or gender identity
- the denial of non-binary identities;
- the denial of trans identities;
- transphobic abuse; and
- questioning the validity of someone's gender identity.

## **8. Harassment relating to age**

8.1 The university is committed to providing equality of opportunity and aims to ensure that no-one receives less favourable treatment on the basis of age. Harassment on the grounds of age is based on attitudes, assumptions and stereotyping which are prejudicial to older or younger people.

8.2 Some examples of ageist harassment are:

- derogatory remarks or behaviour related to age
- expressing prejudicial assumptions about abilities related to age
- exclusion from work-related social activities on the basis of age

## **9. Harassment relating to religion or belief**

9.1 The university is committed to providing equality of opportunity and aims to ensure that no-one receives less favourable treatment on the basis of religion.

9.2 Some examples of religious harassment are:

- disrespectful and unwelcome imposition of religious views and beliefs upon others
- embarrassing or derogatory remarks related to religion
- drawing unwelcome attention to an individual's religious beliefs
- exclusion from work-related social activities on the basis of religion
- ridicule and religious jokes
- **Antisemitism** which is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. As defined by the International Holocaust Remembrance Alliance (IHRA)

## 10. Other forms of harassment

10.1 Other forms of harassment include:

- Hate crimes, as defined by the Home Office in 2016
- Micro aggression, which is small acts or remarks that makes someone feel insulted or treated badly because of their race, sex, etc., even though the insult, etc. may not have been intended, and that can combine with other similar acts or remarks over time to cause emotional harm
- the harassment/victimisation of an individual who has complained of/challenged the harassment of other/s ('bystander harassment')
- the attempt to involve others in criminal or antisocial behaviour
- the intrusion into an individual's personal life by pestering, spying or stalking
- invasion of personal space or privacy, physical abuse or intimidation
- mischievous interference with personal possessions or equipment
- revealing or playing upon the ex-offender status of an individual
- making derogatory comments about the personality of the member of staff
- persistent failure to acknowledge capabilities and support promotion and opportunities for further career development
- reference to someone's membership or non-membership of trade unions in a derogatory manner
- reference to someone's AIDS/HIV status in a derogatory manner
- maintaining inappropriate dossiers/information on colleagues

The above definitions in the various categories of harassment are not exhaustive.

## 10.2 Intersectional Harassment

People might be discriminated against because of one or more characteristics that are part of, or are perceived as part of their identity. People have multiple layers to their identity and may define themselves, or be defined by others, according to various criteria, including gender, sex,

sexual orientation, nationality, ethnicity, social status, disability, religion and so on.

Examples of harassment on multiple grounds could include:

- excluding a bi person from a faith-event or society, because you falsely believe bi people can't be people of faith.
- A Black gay man will deal with homophobia and racism simultaneously. His experience is shaped by how those forces come together. The racism he faces is reinforced by homophobia - his experience is different to a Black man who is straight. At the same time, the homophobia he faces is reinforced by racism - his oppression is different to a white man who is gay. The total impact on him is more than racism plus homophobia, because when these forces come together they amplify their impact.
- A disabled lesbian Muslim will have to deal with ableism, homophobia, Islamophobia, racism and sexism. She might find physical barriers to accessing LGBT venues, but even when she can get into the building she might still face racism and Islamophobia from the white LGBT community.