

Harassment policy

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Policy and procedure updated March 2004 following consultation with the trades unions

Terminology updates April 2017

1. Introduction

- 1.1 London Metropolitan University is fully committed to providing a working and learning environment where every member of staff and student is treated with respect and dignity and in which no-one feels threatened or intimidated.
- 1.2 The aim of this policy and the procedure for dealing with complaints of harassment are to seek to prevent harassment, provide guidance to resolve any incident of harassment should it occur and prevent recurrence and provide a structured framework through which complaints of harassment will be dealt with.
- 1.3 Harassment is unacceptable and will not be permitted or condoned since it undermines the principles and objectives of the University's equal opportunities policies. Where allegations of harassment are substantiated this behaviour will be treated by the University as misconduct. Sexual and racial harassment, and harassing a person with a disability on the basis of their disability, constitute discrimination and are unlawful. Harassment may be a civil or criminal offence and it may contravene health and safety legislation.

2. Purpose

- 2.1 Harassment detracts from a productive working and learning environment and can affect the health, 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.
- 2.2 The purpose of this policy is to seek to prevent harassment and to provide solutions that are speedy, effective and minimise embarrassment.

3. What is harassment?

- 3.1 Harassment is any form of unwanted and unwelcome behaviour that can range from bullying to more subtle behaviour such as ignoring an individual at work. This includes sexual, racial and disability harassment as well as any other form of personal harassment arising from sexual orientation, class, age, religion etc. Harassment is conduct which is offensive or discriminatory to the recipient and which is uninvited, unwanted and imposed. Harassment may subject an individual or group to unwelcome and inappropriate attention, intimidation, humiliation, ridicule, offence or loss of privacy. Harassment may continue after an objection is made, although a single incident may be serious enough to constitute harassment and justify a complaint. Harassment may not be face to face but may occur in written communications, electronic (e) mail and telephone calls.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 Examples of different forms of harassment and examples of behaviour that is inappropriate and/or unacceptable are provided in Appendix 1.

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 confidentially under the Procedure for dealing with complaints of harassment.
- 4.1.2 These procedures do 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 those 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 confidentiality, since the result of an investigation may find the allegation to be unsubstantiated.
- 4.1.4 Any complaint of victimisation will be dealt with seriously, promptly and confidentially, and may, if substantiated, result in disciplinary action under the University's disciplinary procedure.

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 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 Director of Department/Head of School has a duty to make all staff within their own department/school 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 given a copy of the policy and procedure as part of their induction to the University;
- iv. be responsive and supportive to any member of staff or student who makes an allegation, provide clear advice on the procedure to be adopted, maintain 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;
- v. set a good example by treating all staff, students and visitors with dignity and respect;
- vi. be alert to physical and verbal harassment at work and take appropriate action whether or not it is formally brought to their attention;
- vii. maintain a confidential record of all incidents of harassment; and
- viii. consult with Human Resources or a Harassment Adviser as necessary.

4.4 Harassment Advisers' responsibilities

4.4.1 The University provides specialist training for volunteer harassment advisers. Their role is to listen and to provide confidential guidance and support to individuals regarding matters of harassment.

4.5 The University's responsibilities

- 4.5.1 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. This policy and the procedure for dealing with complaints of harassment will be communicated to all members of staff and students, and the University will ensure that all members of staff, managers and supervisors are aware of their responsibilities. Appropriate training will be provided in respect of this policy and the procedure.

5. Implementation and review

- 5.1 To provide advice and assistance to members of staff who are subject to harassment, the names of individuals who are designated Harassment Advisers (paragraph 4.4.1 refers) will be published, alongside this policy, on the Human Resources web pages. If a member of staff has any queries regarding referral to a Harassment Adviser they should contact the Employee Support Unit.
- 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 The University will monitor all incidents of harassment and will review the effectiveness of this policy and procedures regularly.

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. Sexual harassment

- 2.1 Sexual harassment is unwelcome behaviour of a sexual nature or conduct based on sex, which is offensive to the recipient. Sexual harassment can

be sex discrimination and an abuse of power. Most incidents involve the harassment of women by men but harassment of men by women, or between members of the same sex, also occurs. Further information is available in the Equal Opportunities Commission Code of Practice - Sex Discrimination

(http://www.eoc.org.uk/cseng/legislation/law_code_of_practice_-_sex_discrimination.asp) 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).

2.2 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

3. Racial harassment

3.1 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

3.2 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.

- 3.3 The Race Relations Act 1976 (Amendment) Regulations 2003 Section 2(1)a states 'Harassment is defined 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.'

4. Harassment relating to disability

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

- 4.2 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.

5. Harassment relating to sexual orientation

- 5.1 Harassment on the grounds of sexual orientation may be of heterosexuals but is more usually of lesbians, gay men, transsexuals or bisexuals, who may find it difficult to complain because they fear exposure in an environment that they believe is negative or hostile towards them.

- 5.2 Some examples of harassment on the grounds of sexual orientation are:

- homophobic remarks or jokes
- exclusion of transsexuals from institutional facilities
- innuendo or gossip
- expressing or acting on stereotypical assumptions
- failure to accept that same-sex partners should be recognised
- threats of disclosing sexuality
- exclusion from departmental activities

6. Harassment relating to age

6.1 The University has stated that it 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.

6.2 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

7. Harassment relating to religion

7.1 The University has stated that it is committed to providing equality of opportunity and aims to ensure that no-one receives less favourable treatment on the basis of religion.

7.2 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

8. Other forms of harassment

8.1 Other forms of harassment include:

- 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 trades 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.