Dignity and respect at work

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Purpose	This policy sets out the procedure for raising, addressing and resolving concerns about individual or organisational behaviour in regard to bullying, harassment, discrimination or victimisation.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.13	Amending the expiry date only to coincide with policy review consultation dates.	Published.	Lisa Stewart HR	17/12/2024

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1. Statement

1.1   The University is committed to a zero-tolerance approach to bullying, harassment, discrimination or victimisation of any kind. Such behaviour is contrary to the values and ideals of our shared community which requires a commitment to treat everyone with dignity, courtesy and respect. Any allegation of bullying, harassment, discrimination or victimisation will be looked into promptly, efficiently and sensitively by the appropriate department (Human Resources/Student Service/Student Conduct), and if appropriate, disciplinary action will be taken. In the case of anonymous reports where investigation may not possible or feasible, systemic options/campaigns will be considered where appropriate.

2. Purpose

2.1   This policy sets out the procedure for raising, addressing and resolving concerns about individual or organisational behaviour in regard to bullying, harassment, discrimination or victimisation in the workplace and in any work-related setting outside of the workplace, for example, business trips, external conferences/workshops, sporting events and work-related social events. Other matters of concern should be raised via the Grievance policy. Definitions of bullying and harassment are outlined in Appendix A.

2.2   This policy complements the University's Equality, Diversity and Inclusion Policy and is compliant with ACAS guidance on bullying and harassment at work and employment legislation.

2.3   The University reserves the right to investigate matters of concern if considered prudent to do so, e.g. a pattern of activity, even in the absence of a formal complaint. This will only be undertaken on the advice and guidance of HR and if in the interest of the University community.

3. Scope

3.1 University employees

3.1.1   This policy applies to all University employees. For the purpose of this policy, this includes bank workers, agency workers, other casual workers, students undertaking any kind of work for the University (including work placements), honorary staff, visiting fellows and scholars and any third party engaged to work at the University. For ease, throughout the policy "employee" will refer to all employment/worker engagements as mentioned above.

3.2 Complaint involving an external party or student

3.2.1   If an employee considers that they have been subject to inappropriate behaviour by an external party such as a supplier, auditor, customer, visitor, or an attendee at an internal/external event, the employee should report this incident following the reporting options outlined in this policy.

3.2.2   If an employee feels that they have been subject to inappropriate behaviour by a student, the employee should raise the matter using Report & Support or, if preferred, contact the University Discipline Officer directly: discipline@st-andrews.ac.uk.

3.2.3   Any external party who has a complaint of inappropriate behaviour by a University employee can raise the matter via the University Complaints Handling Procedure (CHP).

3.2.4 If a complaint of inappropriate behaviour relates to a worker supplied by an external agency, supplier, auditor or any third-party company, the University will transfer the matter to the agency/company to manage on behalf of the University. Employees should report the matter following the reporting options outlined in this policy. It will be the responsibility of HR, to notify the external agency/company of the complaint and ensure appropriate support is provided to the employee who has disclosed the matter. It will be the responsibility of that agency/company to investigate and conclude matters as appropriate in line with their existing policies. Depending on the outcome, the University reserves the right not to engage the services of that person or company again.

3.3   Students

3.3.1 Student should raise complaints using Report & Support or, if preferred, contact Student Services directly: theasc@st-andrews.ac.uk. Students can find further information and guidance in the Student Harassment and Bullying Policy.

3.3.2 Any student complaint regarding an employee may be directed through the Complaint Handling Procedure, however any investigation into the complaint will be undertaken with assistance from Human Resources (HR) in accordance with the Investigation procedure.

4.   Responsibilities

4.1   Employees

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

- demonstrate dignity, respect and integrity in all interactions with individuals and groups;
- appropriately challenge inappropriate behaviour when it occurs, making it clear that such behaviour is unacceptable (and raise concerns with the relevant line manager where appropriate so the matter can be dealt with);
- participate openly in the investigation of complaints;
- provide support to individuals who feel they have been subject to bullying, discrimination and/or harassment, including supporting them to make a formal complaint if appropriate;
- complete the Equality & Diversity inclusion (EDI) online Diversity in the workplace training module, and complete additional training advised by the School/Unit. (Unconscious bias, Gender identity research and education society, Pronoun and gender-inclusive language training). Such modules can be accessed via the Mandatory training for employees webpage: https://www.st-andrews.ac.uk/osds/essentials/mandatory-training-for-employees/

4.2   Line managers

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

- ensure all employees are aware of this policy and appropriate standards of conduct;
- make every effort to ensure bullying and harassment do not occur;
- seek to resolve any incidents of inappropriate behaviour promptly and fairly and take all matters seriously;
- promote a culture of dignity and respect within their area of work, and an environment in which colleagues feel able to raise complaints without fear of victimisation;

- inform their HR Business Partner (HRBP) on receipt of any allegation of bullying and harassment so that they can provide adequate support and advice for satisfactory resolution;
- follow any informal reports or actions up via email as a record of actions agreed/taken;
- notify senior managers of any allegation of bullying or harassment involving external parties;
- proactively liaise with their HRBP to ensure legitimate, fair and constructive criticism is part of ongoing staff development, without humiliating, undermining or injuring colleagues;
- refer any employee who may be suffering stress or anxiety related to bullying or harassment to Occupational Health (employee consent is required).
- complete "Diversity for Managers" training (conducted by an EDI team member). Further information about this course and how to book onto the course can be accessed through the Personal Development Management System (PDMS).

4.3   Human Resources (HR)

4.3.1   HR have a responsibility to:

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

5.   Inappropriate behaviour

5.1   Bullying and harassment are defined by the Advisory, Conciliation and Arbitration Service (ACAS) as the following: *Unwanted behaviour from a person or group that is either:*

- offensive, intimidating, malicious or insulting;
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

By law, harassment is defined as bullying or unwanted behaviour which targets any of the following (known as protected characteristics): age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. As with bullying, the person being harassed might feel disrespected, frightened, humiliated, insulted, intimidated, threatened, or undermined.

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

5.3   Legitimate, constructive and fair criticism of an employee's performance or behaviour at work will not be considered to be bullying or harassment. It is expected that management of any employee-related issue must have the intention of supporting and developing

potential and promoting desired work performance. Management which has the effect of intimidating, degrading, humiliating, insulting or offending may be considered as bullying tactics and if so, will not be tolerated.

6.   Procedures for resolution

6.1   Informal resolution

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

6.1.2   **Talk directly with the perpetrator**

- The perpetrator (person causing the offence) may not realise the effect of their actions and should therefore be given the opportunity to change their behaviour. If the person (recipient of the behaviour) feels comfortable, they should try talking with the perpetrator in a private setting. Other options for the recipient of the behaviour to consider include, putting their views in writing to them (email) or asking for the support of a colleague, or trade union representative to attend a meeting with them, or to pass on a message on their behalf.

        And/or

6.1.3   **Raise the matter with the line manager for informal resolution**

- The line manager (or appropriate other) will discuss the employee's concerns in confidence and provide advice on how to address the matter or undertake the necessary enquires to help address the issue. The line manager (or appropriate other) will also attempt to identify possible resolutions. This may involve, training/support, having an informal conversation, bringing together both parties to facilitate a discussion and/or explore the possibility of Mediation.

- If the concern is regarding the employee's immediate line manager, the concerns should be raised with the manager above the line manager.

- In all cases, the communication should:

    o explain to the person how their behaviour and/or actions are making the recipient feel;
    o include examples of the unwanted behaviour;
    o request that the behaviour/actions stops immediately;
    o remind the person of this policy, and how the complaint will be progressed if behaviours continue;
    o conclude with a written record of the meeting such as an email, which can be shared with HR if further action is required.

6.1.4   If the inappropriate behaviour continues after informal measures have been taken, or the employee feels it cannot be resolved informally due to the seriousness of the matter, the employee may want to consider discussing the matter with a member of the mediation team and/or raise a formal complaint.

6.2   Mediation

6.2.1   **Purpose of mediation**

- Mediation is an important consideration for resolving issues at an early stage and the University strongly encourages employees to participate if this is recommended as a way of resolving the complaint. It is a voluntary process where an impartial third party enables two or more people to work through conflict or disagreement, with a view to finding a mutually agreeable solution.

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

- The Resolution policy provides further information about mediation and the mediation process.

6.2.2   **How to arrange mediation**

- Mediation can only take place when all parties are willing to mediate. The University may recommend mediation in responding to informal and formal approaches.

- Employees and students can contact the in-house mediation service directly by email mediation@st-andrews.ac.uk. The service will arrange a time to discuss if mediation is suitable. Employees can also be referred to the service by their line manager or HR. Students can be referred by employees in academic schools or by Student Services or other professional units in the University. Members of the Public may be referred by the Complaints Handling Procedure or by other units or schools within the University.

6.3   Formal resolution

6.3.1   There are several ways to formally report unwanted and unacceptable conduct and behaviour to the University. These are listed below in sections 6.3.2 and 6.3.3.

6.3.2   **Report & Support**
- An online reporting tool which allows anyone to report matters which are deemed to be unacceptable. Reports can be submitted with contact details (identifiable) or anonymously (unidentifiable). To make a report, or for further details visit the Report & Support webpage.

6.3.2.1 **Reporting openly to an appropriate adviser (recommended)**

- Reporting with contact details (openly) through Report & Support provides the employee with the opportunity to disclose personal details about themselves, the incident and, the reported perpetrator.
- It allows University staff ("an appropriate adviser"), such as, HR, Student Services or the Student Conduct Officer, experienced in managing complaints, the ability to respond to the person who raised the report, discuss support options and, if necessary, take appropriate action, such as investigation to seek a resolution.
- The University encourages employees, wherever possible, to disclose incidents openly to ensure that appropriate support and action can be taken.

6.3.2.2 **Anonymous reporting**

- Employees can choose to report matters anonymously to the University if they feel that it is appropriate in their circumstances.
- Anonymous reporting provides the University with statistical information, which is used to identify and monitor trends of any issues that arise at the University.
- It is important to note that the University will not be able to offer direct support and advice to the employee if an anonymous report is received however employees are still encouraged to access appropriate support services as listed on the Report & Support webpage.
- The University will not normally act upon anonymous reports, notably where there is insufficient information to advance a fair and thorough investigation. However, there may be circumstances, including if the reported perpetrator has been named anonymously in one or more instances, where it will be necessary for the University to assess whether further action can be taken, as part of the University's obligations to provide a duty of care, to all parties who may be affected. Further action may include one or more of the following: risk assessment, advising staff where concerns about their behaviour have been raised, and/or assessing the matters raised under formal procedures.

6.3.3 **Report directly (outwith the Report & Support system)**

6.3.3.1 If preferred, the employee may submit a formal grievance in line with the University's Grievance policy. Employees are encouraged to use the formal grievance template to structure their complaint.

7. What to expect after a complaint is made to the University

7.1 Grievance procedure

7.1.1 Once a formal complaint has been received, (whether via Report & Support or using the formal grievance template), the steps outlined in the Grievance policy (section 5) will usually be followed in order to deal with the complaint.

7.2 Reporting concerns to the Police (or other external authority)

7.2.1 Where harassment constitutes a criminal offence such as physical or sexual assault and/or an immediate threat to safety, the employee should report the matter to the Police as soon as possible. The employee must also inform HR in order that support is provided and action is taken as appropriate. Please refer to the Gender-based violence (including sexual misconduct) policy for further information regarding Police (or other external authority) involvement, including how the University will handle reported misconduct which may constitute a criminal offence.

8. Confidentiality

8.1 The University aims to keep information confidential to the maximum extent possible. Confidentiality will be maintained as far as reasonably possible and information will only be shared with others on a need to know basis. There will however be information that is required to be shared. For instance:

- The complainant's identity and the nature of the allegations must be revealed to the person causing the offence so they can appropriately respond to the allegations;

- Some details may have to be provided to potential witnesses (if applicable). However, the importance of confidentiality will be emphasised to all witnesses and, if breached, may result in disciplinary action;
- Line managers may need to be provided with information to enable them to support the employee involved, or allow time off for investigation meetings. They may also be provided with information as a result of the grievance outcome.

8.2 All employees have a duty to maintain a safe and equitable workplace. As such, any report that raises a concern for the safety of any member of the University community or others may require police or other external authority intervention. The University will not usually report the matter to the police or other external authorities without employee consent; however, in exceptional circumstances, the University may exercise the right to pass information on. The grievance manager must document the reasons for their decision to share this information and inform the person who disclosed the matter of the reason why confidentiality cannot be contained and the steps that will be taken upon reporting to the police (or other external authority).

9. Research funding applications

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

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

10. Training

10.1 The Dignity and Inclusion Portfolio (DIP) is a programme of training and resources which relates to themes around dignity and inclusion at work. More specifically, it is designed to help employees understand:

- How people should be treated at work, their rights to dignity, how best to create an inclusive workplace;
- What you can and should do when things go wrong e.g. when poor behaviour develops into bullying or harassment.

10.2 These courses are designed to be useful to all employees, with some being especially useful for those with responsibility for others. Upon successful completion of the programme, employees will be issued with a certificate of recognition. An overview of the programme can be accessed at: https://www.st-andrews.ac.uk/osds/my-development/dignity-inclusion-portfolio/.

11. Support

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

12. Version control

12.1 This policy will be reviewed regularly. Any feedback on the policy content should be directed in the first instance to the HRBP team, who will consider this as part of the review.

12.2 This policy is not contractual and may be amended by the University from time to time.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone.	Published	Lisa Stewart Human Resources	04/07/2019
1.1	Minor change: broken link in Appendix B	Published	Lisa Stewart Human Resources	22/10/2019
1.2	New section added – Research funding applications. Requested and approved with RIS and Chris Milne (Head of Information Assurance and Governance)	Published	Lisa Stewart Human Resources	14/11/2019
1.3	Inclusion of Report & Support tool and change to layout Change to bullying & harassment ACAS definitions New section added (10)	Published	Lisa Stewart HR	29/10/2020
1.4	Examples of bullying behaviour added to Appendix A. Minor tweaks to wording.	Published	Lisa Stewart HR	03/12/2020
1.5	Minor change to clarify wording: new section in 2.3 and updated 6.1.	Published	Lisa Stewart HR	11/02/2021
1.6	Update to front cover to confirm EIA completion date.	Published	Lisa Stewart HR	02/04/2021
1.7	Added link to Resolution Policy @ 6.2.1.	Published	Lisa Stewart HR	20/05/2021

1.8	Incorrect link to EDI policy at 2.2.	Published.	Lisa Stewart HR	09/08/2021
1.9	Missing link added to Appendix A.	Published.	Lisa Stewart HR	13/09/2022
1.10	Section 5: Minor change to bullying wording (ACAS) Clarify route student complaints go through (CHP)	Published.	Lisa Stewart HR	07/12/2022
1.11	Minor change to wording in Appendix B: Internal Support for EDI	Published.	Lisa Stewart HR	29/08/2023
1.12	Amending the expiry date only to coincide with policy review consultation dates.	Published.	Lisa Stewart HR	04/07/2024
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Appendix A: Definitions

Bullying

Bullying is not defined in law but for the purposes of this policy it can be described as, unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

The bullying might:
* be a regular pattern of behaviour or a one-off incident;
* happen face-to-face, on social media, in emails or calls;
* happen at work or in other work-related situations;
* not always be obvious or noticed by others.

Examples of behaviour that may constitute bullying include:

* shouting
* threatening
* intimidating
* insulting
* ridiculing
* destructively criticising
* ostracising or ignoring
* humiliating and undermining a person so that their confidence and self-esteem is destroyed
* withholding relevant information
* treating a person differently from others.

Harassment

* Harassment is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment (whether it was intended or not) for that individual.

* Certain forms of harassment at work will amount to unlawful discrimination. Specifically, it is unlawful if it relates to age, disability, gender reassignment, race (cultural background, ethnicity or nationality), religion or belief (including non-belief), sex (including paternity and maternity) and sexual orientation (including civil partnership).

* Employees need not possess the relevant characteristic themselves but may be subjected to unacceptable behaviour because they are wrongly perceived to have a protected characteristic, or because of their association with an individual who has a protected characteristic. In addition, employees have the right to complain of behaviour that they find offensive even if it is not directed at them.

* Often harassment is targeted at a particular individual; however a workplace culture that allows the telling of ageist, biphobic, disablist, homophobic, racist, religion/belief-phobic, sexist or transphobic jokes, or that excludes some cultures in certain work-related activities, can also constitute harassment. Harassment may take place for any number of reasons. An employee may be subjected to harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the person causing the offence. It is important

to recognise, however, that harassment can also occur in less obvious scenarios and outside traditional power relationships. For instance, a manager can be harassed by an employee or an employee harassed by a student.

- Harassment can include a serious one-off incident, repeated behaviour, spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person.

Examples of behaviour that may constitute harassment in the workplace

Age	Banter and jokes that can cause offence regarding an individual's age and/or ignoring a person or undermining their views because they are younger or older than other employees.
Disability	Using insulting terminology when referring to a disabled colleague based on their learning difficulty, learning disability, mental health, physical disability, or sensory impairment such as hearing or sight loss.
Gender reassignment (including gender identity)	Derogatory remarks/gestures linked to an individual who has or perceived to have undergone a gender reassignment. Deliberately 'outing' an individual will also be considered as harassment.
Race	Physical attack and/or verbal abuse due to an individual's nationality, ethnicity, caste or cultural background; racial threats and insults and derogatory name-calling.
Religion	Derogatory remarks about particular religious beliefs or religious practice and/or exclusion from normal workplace interactions or social events due to the individual's religion or perceived religion.
Sexual orientation	Calling someone a name based on their sexual orientation or perceived sexuality, such as bisexual, gay or lesbian and/or deliberately behaving in an effeminate manner in the presence of someone who is gay.
Sex	Making derogatory sexist remarks and gestures or provocative suggestions and/or persisting with sexual advances after it has been made clear that such approaches are unwelcome. Displaying sexually graphic pictures, posters or photos as well as suggestive or pornographic material.
This list is not exhaustive; however, they are indicative of behaviours that would be considered unacceptable conduct by the University.	

Discrimination

Unlawful discrimination occurs when an individual or a group of people are treated less favourably than others based on a relevant protected characteristic. Discrimination can be direct or indirect. Indirect discrimination can occur when the University has a policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic (under the Equality Act 2010).

Victimisation

Victimisation refers to treating someone less favourably because they have, in good faith, made an allegation of harassment or discrimination, or have assisted another person in bringing forward such an allegation, or participated in an investigation of a complaint or disciplinary hearing.

Cyberbullying and harassment

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

Hate crime

A crime which is extended beyond harassment motivated by malice or ill will towards a social group by disability, race (cultural background, ethnicity or nationality), religion or belief, sexual orientation, or transgender identity.

Appendix B: Internal support

Name of Department	Contact details	Service provided
Chaplaincy	https://www.st-andrews.ac.uk/chaplaincy/ chaplaincy@st-andrews.ac.uk 01334 462866 or 462492	Offers pastoral care and support for any employee, regardless of religion or belief (including non-belief). This includes sympathetic, confidential listening and a safe place to talk to someone about any issues affecting health and wellbeing.
Equality Diversity & Inclusion (EDI)	https://www.st-andrews.ac.uk/hr/edi/ diversity@st-andrews.ac.uk 01334 461649	Provides support to members of the University community (staff, students, visitors) on EDI, in liaison with the HR Business Partner or Student Services as appropriate.
Human Resources	https://www.st-andrews.ac.uk/hr/ humres@st-andrews.ac.uk (general email enquiries) 01334 463096	Provides support to employees of University of St Andrews. • HR web and policy page • Dedicated HR Business Partner team for each School and Unit
Mediation	https://www.st-andrews.ac.uk/hr/edi/mediation/ https://www.st-andrews.ac.uk/hr/edi/mediation/mediation/ mediation@st-andrews.ac.uk	The Mediation Service is a service for all staff and students and members of the public who are connected to the University who want to resolve disagreement informally. The service is also available for groups or teams seeking a collaborative, inclusive framework for problem solving issues.
Occupational Health	https://www.st-andrews.ac.uk/ehss/occupationalhealth/ 01334 462750 occhealth@st-andrews.ac.uk	Employees can refer themselves to OH for confidential health advice at any time. • One-to-one consultation/appointments • Expert support and advice provided • Recommended adjustments to support the employee • Partnership with external health practitioners i.e. counselling services and CBT.
OSDS	https://www.st-andrews.ac.uk/osds/ 01334 467198 Email: osds@st-andrews.ac.uk	Organisational and Staff Development Services (OSDS), formerly part of CAPOD, is the University's central provider of professional development for all University staff and is also responsible for a wide range of organisational development projects and initiatives.

Student Services	https://www.st-andrews.ac.uk/student-services/ 01334 462020	Employees can contact Student Services for any student related guidance, support or advice.
Trade Union Representatives	https://www.st-andrews.ac.uk/staff/wellbeing/community/support/tradeunionrepresentatives/	Trade union representatives are trained to deal and support employees with any workplace related matters of concern.