



HARTPURY

Harassment and Bullying Policy and Procedure

Introduction

Hartpury is committed to providing a working environment in which all students, staff, visitors and any other service users are treated with dignity and respect regardless of their age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion ~~and~~ or belief, and sexual orientation. As an employer, it is a legal as well as moral duty to ensure that the working and learning environment is free from bullying and harassment and Hartpury will not tolerate these behaviours by one member of Hartpury community against another.

Purpose

The purpose of this Policy is to state Hartpury's position on harassment and bullying to raise awareness amongst Hartpury's community of behaviour that would be considered harassment or bullying, and to provide guidance on informal and formal means of dealing with harassment or bullying when it occurs.

Scope

Hartpury seeks to challenge and prevent any discrimination, harassment or bullying of any kind. Any inappropriate behaviour, that may cause offence, whether intentional or not, will be treated seriously and discouraged and therefore staff, students visitors and any other service users should feel confident that any reported incidences of harassment and bullying will be dealt with promptly, fairly and effectively. Hartpury encourages everyone to behave appropriately at all times in accordance with Hartpury's Values and Behaviours, and staff and student Codes of Conduct.

Any act of harassment or bullying may be grounds for disciplinary proceedings and/or investigation by Hartpury. Everyone at Hartpury has a duty to promote a culture free from unacceptable behaviour which includes the prevention of bullying and harassment. Hartpury has a duty to react to any allegations promptly, fairly, effectively and in the strictest confidence.

Objectives

This policy is concerned with the prevention of harassment and bullying in the workplace.

Its aim is to provide a solution for unreasonable or unjustifiable behaviour. It also provides definitions of bullying and harassment along with information about roles and responsibilities in dealing with bullying and harassment.

Definition of Harassment

Harassment is unwanted and unwarranted conduct affecting the dignity of any individual, which is offensive to the person involved, causing them to feel threatened, humiliated or patronised. Harassment may be repetitive, or an isolated occurrence against one or more individuals. Students, staff, visitors and any other service users can complain of behaviour that they find offensive even if it is not directed at them.

Harassment takes many forms and includes behaviour related to protected characteristics of individuals which are defined in the Equality Act 2010 as age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sexual orientation.

Harassment can be:

- **Physical** - unwanted contact (e.g. unnecessary touching), assault or gestures, intimidation, aggressive behaviour.
- **Verbal** - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter.
- **Non-verbal** - offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities.

Sexual harassment also includes unwanted and unwelcome sexual behaviour, examples of which are:

- Suggestive looks, leering and remarks
- Suggestive behaviour and offensive flirtations
- Unwanted physical contact
- Unwanted sexual advances
- Unwanted demands for sex
- Stalking
- Inappropriate sexual and/or homophobic remarks, innuendos, lewd comments, jokes
- Threats of disclosing sexuality
- Compromising invitations
- Repeated and unwelcome invitations for dates
- Offers of favoured treatment in return for sex or threats of disadvantage if refused
- Offensive or degrading display or electronic transmission of pornographic, suggestive or homophobic material.

Bullying is a particular form of personal harassment. It is persistent, threatening, offensive, abusive, intimidating or insulting behaviour that may be an abuse of power, position or knowledge. It may be the use of unfair sanctions. It can happen in public or private and may arise from the combination of the personal style of the bully and a lack of assertiveness and self-confidence in the person or persons being bullied. What is

important is that the conduct makes the recipient(s) feel upset, humiliated, vulnerable, or undermines their self-confidence. It may also cause them to suffer stress.

Some examples of bullying are:

- Excessive and unreasonable supervision or misuse of power or position, including setting objectives with impossible deadlines
- Abuse of power or behaviour that causes fear or distress
- The deliberate undermining of an individual through unfair work allocation and/or constant criticism
- Making threats or comments about job or course security without foundation
- Persistent public ridicule, sarcasm or humiliation

Cyberbullying is an increasingly common form of bullying which happens on social networks, games and mobile phones. Cyberbullying can include spreading rumours about someone, or posting nasty or embarrassing messages, images or videos.

There is also a growing trend among children and young people to take indecent photographs or videos of themselves (and sometimes even of friends) to send on to each other or post in public places. This is a criminal offence and individuals will be held liable for their actions.

Harassment is unlawful in many cases and individuals may be legally held liable for their actions.

Roles & Responsibilities

- The ultimate responsibility for the operation of this policy lies with the Vice Chancellor, CEO & Principal.
- Every manager has a direct responsibility for the implementation of procedures relevant to their area of work and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are dealt with in accordance with this policy.
- Every member of the Hartpury community has the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. Every member of the University community has a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
 - a. Treating others with dignity and respect.
 - b. Discouraging any form of harassment by making it clear that such behaviour is unacceptable.
 - c. Supporting any member of Hartpury who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.
- Every member of the Hartpury community will ensure they understand this policy and seek guidance if they have any questions; promote equality, diversity and inclusion for others and strive to create a safe, supportive and welcoming environment; challenging inappropriate behaviour and discrimination.

- Formal procedures associated with this policy will clearly state the relevant manager(s) responsible for implementation.

Legislative Guidance

- Harassment Act 1997
- Equality Act 2010

Procedure

Due to the seriousness with which Hartpury views harassment and bullying, informal and formal reporting procedures have been implemented which are separate from the grievance and complaints procedures as a mechanism for dealing with complaints of harassment and bullying.

All allegations of harassment and bullying will be dealt with seriously, promptly and in confidence. Students, staff, visitors and any other service users who feel they have been subject to harassment and/or bullying must not hesitate in using this procedure nor fear victimisation.

Tutors, members of the Wellbeing team (students), Line Managers and members of the Executive Team (staff), will provide, in confidence, advice and assistance to students, staff, visitors and any other service users subjected to harassment and/or bullying and assist in the resolution of any problems, whether through informal or formal means.

Informal Procedure

If an incident happens which you think may be harassment or bullying and you do not wish it to happen again, you may prefer initially to attempt to resolve the problem informally. If it is appropriate to confront the individual against whom you have a complaint/concern, you should state that you feel the behaviour in question is unacceptable and you want it to stop. It is sometimes the case that individuals are not aware that their behaviour is unwelcome and an informal discussion can lead to a greater understanding and an agreement that the behaviour in question will cease.

In circumstances where this is too difficult or embarrassing to do on your own, you should seek support from a tutor, member of the Wellbeing team (students), colleague, line manager or member of the Executive Team (staff).

If you are in doubt as to whether an incident or series of incidents which have occurred constitute harassment, then in the first instance you should approach a tutor, or member of the Wellbeing team (students) or line manager (staff) on an informal basis. He or she will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with informally or formally as appropriate.

If the conduct continues or if it is not appropriate to resolve the problem informally, it should be raised through the following formal process.

Formal Procedure

Where informal methods fail, or serious harassment or bullying occurs, you are advised to complain formally to the Human Resources Department (staff) or Wellbeing Team (students).

Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases the alleged harasser may be suspended.

Interviews (staff)

You will be interviewed by a Head of Department or member of the Executive Team (supported a member of the HR team) handling the complaint to establish full details of what happened. He or she will then carry out a thorough, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of the complainant and the alleged harasser.

The investigation will involve interviews with the person against whom you are making the complaint. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond. The interviewer will make it clear that no decision as yet had been made and the interview is to establish facts.

You and the alleged harasser will have the right to be accompanied and/or represented by a fellow student, colleague or union representative at any interviews. You will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.

Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised to them.

When the investigation has been completed you will be informed whether or not your allegation is considered to be well founded and whether further action is necessary.

If the allegation is well founded disciplinary action may be taken against the person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person or the exclusion of that student. This will be in accordance with Hartpury's disciplinary policies for staff.

If the allegation is not well founded, consideration will be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for you to continue to work in close proximity.

Hartpury takes these matters very seriously. However, malicious complaints of harassment can have a serious and detrimental affect upon a colleague or student. Any unwanted allegation of harassment, made in bad faith, will be deemed potential gross misconduct. All employees and students must appreciate that this must be so to protect the integrity of this policy.

Appeals (staff)

Either party involved may appeal in writing to the Vice Chancellor, Principal & CEO within five working days of receiving the formal decision. The Vice Chancellor, Principal & CEO will then convene a panel of three Senior Managers to hear the appeal.

The meeting of the panel will take place as soon as reasonably practicable following receipt of the notice of appeal. All parties involved will be allowed to attend and make representations at the meeting. By agreement of all parties there may be a change in the time limits. Refusal of either party to attend should not invalidate the proceedings.

The panel, in seeking to resolve the appeal, may adjourn the meeting or defer their decision until they are satisfied they have had the opportunity to take account of all relevant factors. The decision of the panel and the reasons for that decision will be communicated to all parties and confirmed in writing within five working days. The decision reached at this hearing will be final.

Employee Assistance Programme (Staff)

Counselling can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach. An Employee Assistance Programme (EAP) is available for all employees and their families. EAPs are intended to help employees deal with personal problems that might adversely impact their work performance, health, and wellbeing.

Counselling can be particularly useful where investigation shows no cause for disciplinary action and may help support the person accused as well as the complainant.

Reference to Other Policies

Hartpury values diversity and will not tolerate any form of harassment or bullying. As such this policy should be read in conjunction with Hartpury's Equality, Diversity and Inclusivity Policy, Codes of Conduct, Behaviours Competency Framework (staff) and Anti-Bullying Policy (students).

Equality, Diversity and Inclusion

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all. If any employee feels that this or any other policy does not meet this aim, please contact the HR Department.

Hartpury is committed towards promoting positive mental health by working towards the MINDFUL EMPLOYER Charter. Hartpury aims to create a culture of support within the

workplace where employees can talk about mental health problems without the fear of stigma or discrimination.

Approval and Review Cycle

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