

1. Introduction

Aberystwyth University is committed to providing a working and learning environment that enriches lives, and where everyone is treated with dignity and respect.

The university will not tolerate bullying or harassment of any kind (this includes unlawful discrimination and victimisation). Those working or dealing with the university should not be treated unfavourably or be subjected to bullying or harassment because of race, colour, ethnic or national origin, sex or sexual orientation (for example gay, lesbian, bisexual or heterosexual), marital or civil partnership status, religion or belief (or no religion or belief), gender identity or status (transgender), age, trade union membership, disability, offending background or any other protected characteristic.

All staff are required to treat colleagues with dignity and respect at work. We have a personal responsibility to treat each other the way we would wish to be treated ourselves and should raise with individuals directly, if possible, where our expectations in terms of their behaviour to us falls short.

This policy therefore aims to:

- Provide guidance to colleagues about their responsibility to ensure the dignity and respect of others;
- Inform colleagues about their rights if they feel they are not being treated with dignity and respect by colleagues and signpost colleagues to the tools they can use in these situations
- To encourage positive behaviour and to use informal approaches to resolve issues where possible
- To emphasise commitment to AU values in respect of dignity and respect at work

This policy has been revised following feedback gathered from the staff consultation workshops held in 2013 and 2014, discussion with the trade unions and University Committees.

2. Scope

This policy applies to all employees of the University, including part-time and casual staff. It should be used to deal with any alleged incidents of bullying, harassment or intimidation between members of staff.

The University seeks to resolve such issues as quickly as possible and recommends that, where possible, an informal approach should be adopted. If the behavior concerned continues, or is considered to be of a more serious nature, the formal process should be followed.

Issues should be dealt with promptly and the confidentiality of the matter between the parties will be maintained as far as possible. Where witnesses are interviewed as part of the process, they will also be bound by this confidentiality.

3. Suggestions for Informal resolution – Employee Action

The University is committed to achieving a fair and workable solution at the lowest level possible (informally). All parties to any dispute have an obligation to try and resolve issues covered by this policy at the lowest level possible.

Strategies can include referral to a mediator when both parties agree, and when the mediator considers there is a good chance of success, or referral to counselling, by either the employee themselves, or through the Human Resources Department using the University EAP.

3.1 Informal Resolution Process

Sometimes there will be a genuine reason to take offence at something, but often it may just be as a result of the way we are feeling that day, and tomorrow the issue would seem unimportant. An employee, who considers that a breach of this Policy has occurred, should, if practicable, seek to resolve the matter informally with the person against whom the allegation is made.

At all stages of the informal/formal process the complainant and the person complained of can be supported by a work colleague or trade union representative. If an informal approach is unsuccessful or inappropriate, complainants will raise the matter with their immediate line manager. A record will be kept of the informal discussion on the complainant's personal file. The line manager should within a reasonable time, normally within a period of ten working days:

- i.** Meet with the complainant to discuss the complaint;
- ii.** Inform the Faculty PVC/Head of Professional Service Department (if the line manager is not the Faculty PVC/Head of Professional Service Department);
- iii.** Meet with the person against whom the complaint has been made and outline the nature of the complaint and ascertain (where necessary at a later meeting) that person's response to the complaint;
- iv.** If appropriate, arrange a joint meeting with the parties to discuss the case or explore with both parties the possibility of utilising the mediation service;
- v.** Make recommendations to the parties for resolving the matter (without necessarily attributing blame or responsibility) in a way that seeks to establish and promote a professional and respectful working relationship between the parties;
- vi.** Keep a brief written file note on the personal files of both the complainant and the member of staff complained about for a period of 12 months;
- vii.** If necessary, review the working of any arrangements agreed with the parties under (v).

If the line manager is the person against whom the complaint is made, paragraph 2(ii) shall be interpreted as referring to the line manager's immediate line manager.

If the complaint is made against an individual with a different line manager from the complainant, the two line managers will agree in consultation with the complainant, which one of them is to act under the informal procedure.

3.2 Talk to the Person

Talk to the person concerned to tell them how their behaviour makes you feel? If facing them makes you feel uncomfortable then you may find it easier to do it by e-mail. However it is usually better if you can talk and sort things out. Try and concentrate on explaining how you feel, rather than apportioning 'blame'. The purpose of this discussion is to bring the matter to their attention to prevent a similar situation arising again through raising awareness.

If you want to discuss the wording of the email, you should seek confidential and impartial advice from the Human Resources department or a trade union representative. Where appropriate and with your agreement, they can help you to resolve the matter informally or may ask for advice and support from HR on your behalf.

3.3 Employee Toolkit – A Guide to help you?

How we relate to and interact with our work colleagues will affect our day to day working environment. We may not like everyone with whom we work but we can be assertive in a positive way without being aggressive and thereby enable a positive working environment. The employee toolkit will assist you to take control of the situation by providing examples of appropriate words and phrases to raise the issue with the individual.

See Toolkit in Appendix 1 for further examples. In relation to matters on social media, employees should refer to the University's social media policy.

4. Formal Investigation and Resolution

If it has not been possible to resolve the matter informally, the employee should raise the matter formally and without unreasonable delay. The employee may submit their complaint in Welsh or English. This should normally be within three months of the concern first arising.

- Formal complaints relating to alleged harassment, bullying or victimisation should be made through the procedure outlined below.
- In the event that the person whose alleged unacceptable behaviour makes a counter allegation this will be treated either together or separately and investigated through the relevant procedure, outlined below.
- Disciplinary action may be taken where complaints are proven to be knowingly based on false information or made with malicious intent.
- It will sometimes be necessary to consider appropriate interventions or separate individuals. In such circumstances, it is possible that one of the people involved will be transferred, redeployed, asked to work from a different location, or suspended from duty. These steps may be taken to protect one or both parties or protect the integrity of the investigation and does not constitute disciplinary action.

4.1 Formal resolution

Allegations of harassment will be dealt with as follows:

i. Issues relating to alleged harassment by staff against staff will be dealt with through this Dignity and Respect at Work Policy;

ii. Issues relating to alleged harassment by staff against students will be dealt with through the **Student Complaints Procedure**
<http://www.aber.ac.uk/en/regulations/contents/student/appendix-2/>

iii. Issues relating to alleged harassment by students against staff will be dealt with under the **Student Disciplinary Procedure**.
<http://www.aber.ac.uk/en/regulations/contents/student/regulations-9/>

If the informal procedure fails to resolve the matter, or where because of the serious nature of the alleged behaviour the informal procedure is deemed to be inappropriate, the complainant has the right to bring a formal complaint under this Policy.

A formal complaint should be made in writing, in Welsh or English, to the Director of Human Resources, or depute who will immediately send a summary of the key issues to the complainant's line manager and the line manager of the person against whom the allegation is made, if different, and to the person against whom the complaint has been made. If the line manager is the person against whom the complaint is made, then the formal complaint will be sent to that line manager's immediate line manager. To expedite matters and to reassure the complainant, the University will seek to ensure that all formal complaints will be heard and resolved within no more than four working weeks.

A written complaint should include the following information:

i. The name of the person against whom the complaint is being made;

ii. The nature of the conduct about which a complaint is made, including where possible dates and times, with the most recent event first;

iii. The names of any people who may have witnessed the conduct complained of;

iv. Any action that may already have been taken (either under (2) above or otherwise) to resolve the matter.

The Director of Human Resources, or depute will initiate an investigation of the complaint normally within ten working days of receipt of the formal complaint.

i. An investigation shall be undertaken by a person appointed by the Director of Human Resources.. The person so appointed will be known as the 'investigating officer'.

ii. The investigating officer will not be a member of the Faculty/Professional Service Department of either the complainant or the person against whom the complaint has been made. If the investigating officer has any knowledge and/or interest in the case then another officer will be appointed. The investigating officer will carry out the duties outlined in the remainder of this section.

iii. A member of Human Resources will advise the investigating officer on matters relating to the investigation process.

iv. The investigating officer will require the parties and any witnesses (whether or not identified by either party) to present evidence normally within 10 working days of the request being made. All evidence will be given in writing and where an interview is undertaken, presented verbally by the individual concerned. The individual has a right to be accompanied by a trade union representative or work colleague at such a meeting. Those who provide evidence should be reminded that they may provide their evidence in Welsh or English and any information provided will be used in the investigation and any steps taken to resolve the matter.

If as part of the investigation, the investigating officer, Director of Human Resources or line manager identify that as a result of the complaint the working environment is unsafe, the Director of Human Resources will ensure that adjustments are made in the working environment to reduce the risk. This will be without prejudice to the final outcome of the procedure.

The investigating officer will prepare a report which will review the evidence and:

- i.** recommend that on the basis of the evidence the complaint is dismissed;
- ii.** Make recommendations for informally resolving the matter (without necessarily attributing blame or responsibility) in a way that seeks to establish and promote a professional and respectful working relationship between the parties using any mediation services that may be available;
- iii.** Decide that there is a case to answer and recommend that the person against whom the complaint was made should undergo appropriate counselling, staff development, or other supportive measures;
- iv.** recommend that, if appropriate and practicable, adjustments are made to the working environment to assist in restoring a professional and respectful relationship between the parties; or
- v.** decide that there is a case to answer and recommend that the matter be dealt with under another procedure, for example capability, disciplinary.

The investigating officer will submit the report and recommendations to the Director of Human Resources and Faculty PVC/Head of Professional Services Department , (unless the complaint (formal or informal) was against them, in which case the matter will be determined by the Vice-Chancellor), to decide the appropriate course of action in the light of the recommendations of the investigating officer. The Director of Finance and Corporate Services will make a determination on the case and next steps normally within 10 working days of receipt of the report from the Investigating Officer.

An appeal on procedural grounds may be made within 10 working days of receipt of the decision, by the complainant; any appeal should be made in writing in Welsh or English to the Director of Human Resources.

5 Training & Awareness

- All new employees will be made aware of the principles of this policy at induction and through the mandatory e-learning Diversity in the Workplace training course.
- Training, support, guidance and advice on addressing alleged harassment; bullying and victimisation will be made available to managers and supervisors through

working in partnership with the Human Resources Department, Occupational Health & the Employee Assistance Programme.

- All employees will be encouraged to make use of the ACAS e-learning resource. The ACAS e-learning resource has been developed to cover:

Understanding the terms bullying and harassment,
recognising the signs
preventing it from happening
Dealing with it when it does happen
Likely consequences of not dealing with it, and
Thinking about your own actions and behaviour.

You will be required to register your details on the ACAS website to be able to access this free course. As an independent body no information will be disclosed to the University as to who may access this resource.

The course may be accessed at www.acas.org.uk/elearning

6 Monitoring

- Statistics on reported cases of bullying, harassment and victimisation will be collected from across the University on an annual basis by the HR Department which will be anonymised and reported to the University Executive.
- The information will be used to identify trends and patterns and will enable the University to identify areas in which further training or support should be allocated. Reports will be shared with the recognised trade unions via the Joint Consultative and Negotiating Committee (JCNC).
- In cases where an individual could be identifiable through the data, steps will be taken to ensure that confidentiality is maintained.

7 Policy Review

Human Resources will co-ordinate a review of this policy in order to maintain compliance with legislation and good practice. The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to the appropriate relevant committee, University Executive and Council if required.

8 Equality Impact Assessment

- The University is committed to embedding the Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

9 Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents

	2. The content and tone of an email	2. This made me feel devalued and also incompetent.	When I receive an e-mail like this, I feel that I'm not trusted to "...."
3. Via Telephone	1. Shouted at by a colleague Colleague put down the phone whilst I was speaking. Being put on hands free without being told which puts you in a difficult position due to the nature of the conversation	1. I felt upset as I did not think I had done anything wrong. 2. I felt uncomfortable. Compromised in terms of advice	I felt that you were angry because of something I hadn't done. I didn't feel able to explain my point of view because you had raised your voice. When you put down the phone, I felt that you weren't listening to my view. It was frustrating because I didn't think you were taking my concerns seriously. I would have preferred it if you had asked me whether I was comfortable with my call being put on hands free at the start of the conversation. It put me in an uncomfortable position because I didn't realise that the conversation was not private.
4. Via Social Media	Derogatory comments made on any social media sites relevant to the workplace.		I didn't feel it was appropriate to post comments about me on this site, because it is linked to the project we are working on together.
5. In a formal meeting	1. Spoken to in a way that you would not expect in a group environment e.g. professional knowledge challenged or criticised, told to junior to be there	1. Angry and devalued. 2. Angry and embarrassed.	I was surprised that you said "...." I felt undermined because the matter was discussed in front of the group. Raising the matter in front of the group at the time made me feel humiliated I understand that we believe there was a problem here, but I would have preferred to discuss this in private first.

Dignity & Respect at Work - Supporting Information

Definitions

1. Harassment

Harassment as defined in the Equality Act 2010 is - 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 for that individual.

2. Bullying

There is no legal definition of bullying. However, it is usually defined as repeated behaviour which is intended to hurt someone either emotionally or physically, and is often aimed at certain people because of their race, religion, gender or sexual orientation or any other aspect such as appearance or disability.

3. Homophobic and Biphobic Bullying

Homophobic and biphobic bullying is where people are discriminated against and treated unfairly by other people because they are lesbian, gay or bisexual or perceived to be (people who are not lesbian gay or bisexual can also experience homophobic and biphobic bullying if someone thinks that they are).

4. Transphobic Bullying

Transphobic bullying is where people are discriminated against and treated unfairly by other people because their gender identity doesn't align with the sex they were assigned at birth or perhaps because they do not conform to stereotyped gender roles or 'norms'.

5. Cyber Bullying

Refers to any harassment that occurs via the internet, mobile phones or other devices. Communication technology is used to intentionally harm others through hostile behaviour such as sending text messages and posting mean-spirited comments on the internet.

6. Victimisation

Treating someone badly or subjecting them to a detriment because they have done a 'protected act', complained about discrimination or helped someone who has been the victim of discrimination (or because you believe that a person has done or is going to do a protected act).

7. A 'protected act'

Making a claim or complaint of discrimination (under the Equality Act 2010).

8. Examples of unacceptable behaviour that could be construed as bullying or harassment are:

- spreading malicious rumours, or insulting someone by word or behaviour;
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- exclusion;
- unfair treatment;

- overbearing supervision or other misuse of power or position;
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;
- preventing individuals progressing by intentionally blocking promotion or training opportunities

N.B the above list is not exhaustive or exclusive