Cardiff University

Dignity at Work and Study
Policy 2013

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Should you or someone you know require this document in an alternative format, please contact the Equality Unit on 02920 870230, email: morganca5@cardiff.ac.uk

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CARDIFF UNIVERSITY
DIGNITY AT WORK AND STUDY POLICY

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CARDIFF UNIVERSITY

DIGNITY AT WORK AND STUDY

POLICY

1 Policy Statement

1.1 Cardiff University is committed to supporting, developing and promoting equality and diversity in all of its practices and activities. The University aims to establish an inclusive culture free from discrimination and based upon the values of dignity, courtesy and respect. The University recognises the right of every person to be treated in accordance with these values.

1.2 The failure of University staff and students to behave with dignity, courtesy and respect towards others can harm individuals and impair the functioning and reputation of the University. In particular, harassment, bullying and victimisation can cause fear, stress and anxiety, and impose strains on work, personal and family life. They can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment, staff resignation or student withdrawal from the University. Harassment, bullying and victimisation are unacceptable forms of behaviour which will not be tolerated.

1.3 Any allegation of harassment, bullying or victimisation will be treated seriously, regardless of the seniority of those involved, and anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal or expulsion.

1.4 The University is an academic institution committed to the values of open and debate and exchange of ideas. The University is committed to providing an environment where individuals can act in accordance with the right to academic freedom within the law and the University and its staff will conduct themselves in accordance with the University’s Charter and statutes (including Statute XVIII - Academic Staff).

2 Objectives of the Policy

The aims of this policy and accompanying guidance are to:

- promote a positive University environment in which people are treated fairly and with respect;
- encourage all University staff and students to play a role in creating and maintaining an environment in which harassment, bullying and victimisation are understood to be unacceptable forms of behaviour;
- provide a framework of support for University staff and students who feel that they have been the subject of harassment, bullying or victimisation;
• ensure that allegations of harassment, bullying or victimisation are addressed fairly, with respect for the rights and dignity of all those involved; and
• identify the appropriate formal processes by which complaints can be raised.

3 Legal Protection Under the Equality Act 2010 and Policy Scope

3.1 The Equality Act 2010 (hereafter referred to as ‘the Act’) makes it unlawful to harass an individual or group for a reason related to a relevant protected characteristic.

The Act protects against harassment on the following grounds:
• Age;
• Disability;
• Gender reassignment;
• Race (including colour, nationality, ethnic or national origin’);
• Religion or belief;
• Sex; and
• Sexual orientation.

These are described in the Act as ‘protected characteristics’.¹

3.2 In the Act, 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 for that individual.

3.3 In addition to the Act making it unlawful for individuals to harass others on grounds relating to the protected characteristics listed, the Act also makes it unlawful for an employer to harass employees and people applying for employment.

3.4 The Act provides protection against victimisation for all protected characteristics – age, disability, gender reassignment; race, religion or belief; sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

¹ Pregnancy/maternity and marriage/civil partnerships are not included in the standard definition of harassment provided by the Equality Act 2010 however harassing someone because they are pregnant or on maternity leave is likely to constitute direct discrimination in any event. Pregnancy/maternity and marriage/civil partnerships are included in the protection from victimisation.
3.5 There is currently no specific legal protection on the grounds of Welsh language under the Equality Act or legal protection against harassment on the grounds of Welsh language for individuals under the Welsh Language Act however behaviour that is deemed offensive, intimidating, malicious or insulting to an individual may amount to bullying under this policy.

3.6 In order to amount to Harassment under the Equality Act 2010 the behaviour must be for a reason related to a relevant protected characteristic (see list above) including the perception that a person has a protected characteristic even if this is not true (e.g. a person is harassed because he is perceived to be disabled even though he is not).

3.7 There is also wider protection from bullying under this policy where the behaviour may not be related to a protected characteristic. The Protection from Harassment Act 1997 also provides a legal protection against harassment (as a criminal offence) in the form of a course of behaviour (not a single event) that causes alarm or distress (e.g. stalking) and this also does not need to be linked to a protected characteristic.

4 Application of the Policy

4.1 This Policy applies to the conduct of Cardiff University staff and students in the context of their University work or study, or which otherwise affects the working, learning or social environment of the University and/or its reputation. This can include the way in which staff and students behave towards colleagues and peers outside University premises on University-related social occasions. It can also cover conduct towards people who are not members of the University (such as applicants, contractors, patients, and other members of the public who visit University sites or use University services). For information about Agency Workers please see section 5 below.

4.2 The University will draw this policy to the attention of consultants and contractors through its procurement processes.

4.3 This Policy should be read in conjunction with other Cardiff University Policies and Procedures such as:

Policies
- Equality and Diversity Policy
- Confidentiality Policy
- Stress Management Policy
- Religion and Belief Policy
- Sexual Orientation Policy
- Public Interest Disclosure (Whistle-blowing Policy)
Strategies
- Strategic Equality Plan

Procedures/Guidelines/Codes of Practice
- Code of Practice on Close Personal Relationships
- Staff Discipline Procedure and Grievance Procedure (Grades 1-4)
- Disciplinary Procedure and Grievance Procedure for Academic Staff
- Student Disciplinary Code
- Procedures for the Resolution of Students' Concerns/Issues
- Cardiff University Guidelines on Zero Tolerance to Sexual Harassment

4.4 Staff and students who are required to undertake work placements or secondments outside the University as part of their employment or study, and those holding honorary contracts to work outside the University, should read this policy in conjunction with the Dignity at Work, Harassment or Bullying policies of the employer/organisation with which they are placed. All staff and students undertaking work placements or secondments outside the University as part of their employment or study should be treated with dignity and respect.

4.5 If a member of staff or student suffers harassment, bullying or other unacceptable treatment while working outside the University, for example during a work placement, secondment or consultancy, this should be brought to the attention of the University line manager or tutor as well as to the supervising manager at the external organisation. Staff and students will have access to the same support arrangements as if the treatment had occurred on University premises, such as counselling, Student Support Services, staff dignity advisors and advice for staff from Human Resources/Equality & Diversity Managers. In this case, it is likely that the policies and procedures of the external organisation will apply but the University will support its staff and students in whatever way is considered appropriate.

4.6 If a student suffers harassment/discrimination in the local community the University will aim to provide advice to the student on how to take their complaint forward via Student Services. Students can use the University’s counselling services for support if they have been a victim of harassment or bullying.

5 Agency Workers

5.1 An agency worker is someone who is employed by a third party, such as a ‘temping agency’ or Unistaff, as opposed to directly by the University. The right to be treated with dignity at work applies to all agency workers who have the same legal protection from discrimination and harassment as all other University staff. Line managers should seek to ensure that agency workers
are not unlawfully discriminated against or harassed while carrying out work at the University. Line managers should also ensure that all agency workers are made aware of the University’s Dignity at Work and Study Policy and the University’s Equality and Diversity Policy and their obligations under these policies with regards to treating others in a non-discriminatory manner and with dignity, courtesy and respect.

5.2 Any complaints by a member of staff or student against an agency/contract worker under the Dignity at Work and Study Policy should be investigated and dealt with promptly under the procedures outlined in appendix 4 below.

5.3 If an agency worker has a grievance or complaint in relation to harassment, bullying or discrimination while working at Cardiff University they should raise it under the Grievance Procedure of the Agency as their employer in the first instance. The agency can then liaise with the University about investigating and resolving the complaint.

6 Definitions of Harassment, Bullying and Victimisation

6.1 Harassment

Harassment

Harassment, in general terms, is unwanted conduct affecting the dignity of people. It encompasses many different types of physical, verbal and non-verbal conduct. It can occur through a single explicit incident or may be sporadic or ongoing. The defining features in the Equality Act 2010 are that:

- the behaviour is unwanted conduct related to a relevant protected characteristic, and
- the conduct has the purpose or effect of (i) violating the individual’s dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual Harassment:

Sexual Harassment has a specific definition under the Equality Act 2010. Sexual Harassment includes:

- Conduct of a sexual nature that has the purpose or effect of (i) violating an individual’s dignity or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment; or
- Unwanted conduct of a sexual nature or that is related to gender reassignment or sex that has the purpose or effect of (i) violating an individual’s dignity or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment and that the individual is treated less favourably because they have rejected or submitted to the conduct.
In deciding whether conduct has the effect referred to above each of the following must be taken into account:

- the perception of the person claiming harassment and
- the other circumstances of the case and
- whether it is reasonable for the conduct to have that effect.²

Harassment which is related to a person’s sex, gender identity, race (including colour, nationality, ethnic or national origin), disability, sexual orientation, religion or belief, or age, can constitute unlawful discrimination for which staff and students can be held personally liable.

Examples of harassment can be found in Appendix 1.

6.2 Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.³

Bullying behaviour can occur in many different types of relationship. It is possible, for example, for a junior colleague to bully a person in a senior role, for a student to bully a member of staff, or a woman to bully a man.

Legitimate, constructive and fair criticism of staff or student performance or conduct will not be considered to be bullying or harassment provided that those involved are treated with dignity, courtesy and respect.

Examples of bullying can be found in Appendix 1.

6.3 Victimisation

Victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to do so⁴. In other words victimisation occurs where there is unfair treatment of a person as a result of them making or supporting a complaint related to discrimination or harassment. Victimisation can constitute unlawful discrimination, and result in disciplinary action, regardless of the outcome of the original complaint.

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² In deciding if behaviour amounts to (unlawful) harassment, it is important to take into account all circumstances, including in particular the perception of the individual who feels that harassment has taken place and whether it can reasonably be considered that harassment has taken place. What the individual would determine to be offensive is a key issue in determining whether harassment has taken place, however there is also an element of whether a reasonable person would view the behaviour as offensive if they were in the same circumstances as the individual finding the behaviour offensive.

³ From ACAS leaflet: ‘Bullying and harassment at work: a guide for employees’

⁴ Definition from the Equality Challenge Unit’s guidelines on the Equality Act 2010
Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith (for example where the person providing the information knows it to be untrue).

7 Third Party Harassment – Staff

7.1 The University will take steps to ensure that its policies are communicated to those undertaking work on the University campus and will look to put reasonable steps in place to address third party harassment when this is reported to the University.

7.2 Staff are asked to report any instances of third party harassment to their line manager or to the Human Resources Division as soon as it takes place in order for the University to take steps to address this.

8 Social Networking Sites

8.1 Special care should be taken by staff and students to behave appropriately on social networking sites, and not to participate in behaviour that may be construed as harassment or bullying (or any other inappropriate behaviour) under the Dignity at Work and Study Policy.

8.2 Cardiff University has a procedure for raising concerns about offensive student behaviour online if students or staff have a concern about comments on a social media site (e.g. facebook, twitter etc) relating to any member of staff/student at Cardiff University in the context of their work/study at Cardiff University. Information on the reporting procedure is available on the University website and further information is available from Student Cases in Registry.

9 University Work or Study Related Events

9.1 Staff and students who attend University work or study related events (e.g. conferences, Christmas parties, training) that are organised by the University or attended as a University representative should ensure that they do not participate in behaviour that may be construed as harassment or bullying, including inappropriate or offensive behaviour, under the Dignity at Work and Study Policy. This policy also covers conduct towards people who are not members of the University (such as applicants, contractors, patients and other members of the public who visit the University sites or use University services).

5 For concerns relating to staff behaviour refer to Human Resources
10 Responsibilities

10.1 Ultimate responsibility for this policy rests with University Council; however, Council will require the Vice-Chancellor/ Deputy-Vice Chancellor to ensure that the policy is applied effectively.

10.2 The Vice-Chancellor will devolve responsibility for the application of this policy, and any supporting guidance, to Heads of School and Administrative Directors.

10.3 It is the responsibility of all persons in authority (which includes Heads of School, Administrative Directors, managers or supervisors and all staff working directly with students or members of the public) to:

- ensure that this Policy is implemented effectively;
- ensure that staff are trained on the content and implementation of this policy;
- be alert to potential problems and act promptly without waiting for a complaint to be made to the extent that this is possible (by challenging unacceptable behaviour which is directly observed and promoting an inclusive culture);
- treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved;
- deal with any issues raised fairly, in accordance with the University Confidentiality Policy and in line with duties of care to staff and students;
- take steps to ensure that staff and students who bring complaints, or support others to do so, are not treated less favourably than others because of this (victimisation).

10.4 It is the responsibility of all University staff and students to:

- behave in accordance with this policy;
- take seriously requests to cease or amend behaviour and respond courteously to them;
- not participate in, encourage or condone the harassment, bullying or victimisation of others;
- promote an inclusive culture in which colleagues or peers are not subjected to harassment, bullying or victimisation by challenging these forms of behaviour or reporting situations in which they occur to the line manager or supervisor of the person involved, a tutor, or a Dignity Adviser.

Appendix 2 details the formal and informal procedures for addressing unacceptable behaviour for Staff.
Appendix 3 details the formal and informal procedures for addressing unacceptable behaviour for Students

There is more detailed advice and guidance available for staff who feel that they have been harassed, bullied or victimised and this is reproduced as an appendix to this policy.

Guidance for staff whose behaviour is challenged as being unacceptable is also appended to this policy.

11 Confidentiality

11.1 All those involved in a resolution, mediation or complaints procedure, including the complainant(s), should act in accordance with the University Confidentiality Policy. Repeating accusations of harassment prior to the outcome of an informal or formal investigation itself can constitute harassment. Breaches of confidentiality may result in disciplinary action being taken. The need to observe an appropriate level of confidentiality will not prevent anyone involved in the procedure from seeking the advice of a Dignity Adviser, the Human Resources Advisory Team, Trade Union or Students’ Union representative or appropriate legal advice which will be subject to client confidentiality.

12 Training and Awareness

12.1 All new University staff will be made aware of this policy at induction and through the University website.

New students will be made aware of this policy through the academic regulations handbook and through student diaries.

12.2 Issues relating to dignity at work and study will be included within University Equality and Diversity training.

12.3 Training, support, advice and guidance on addressing harassment, bullying and victimisation will be made available to managers and supervisors through partnership working between Human Resources and the Equality and Diversity Manager in Human Resources, the Governance and Compliance Division, the Dignity Advisers Network, the Occupational Health Service and the Counselling Service.

12.4 A training programme which covers: equality and diversity awareness; listening skills; recognising potential for mediation; addressing harassment, bullying and victimisation; and promoting a culture of dignity at work and study is required for all Dignity Advisers.
13 Monitoring

13.1 The University seeks to eliminate unlawful discrimination and ensure that all staff and students have access to support and complaints procedures.

13.2 Summary details of formal student complaints are provided to Governance Committee (or successor body) on an annual basis for consideration and action.

13.3 Summary details of staff disciplinary cases and grievances are reported to Human Resources Committee (or successor body) on an annual basis for consideration and action.

13.4 In order to ensure that the Dignity Advisers procedures are working effectively, requests for advice from Dignity Advisers will be made through a central telephone line or email address and basic equality-related monitoring data will be requested at the point of enquiry. Any personal monitoring data provided in this way will be confidential to the Dignity Advisers co-ordinator and the Equality and Diversity Manager in Human Resources. Anonymised statistics derived from the data will be used to analyse and improve procedures to eliminate harassment and bullying.

14 Review

The policy will be regularly reviewed in consultation with key stakeholders. Substantive revisions to the policy will be subject to consultation including consultation with the staff Trade Unions that are recognised by the University and the Students Union.

15 Further Advice

15.1 University staff who have questions on the application of this Policy should raise them with their manager or supervisor, Human Resources Manager, Head of School, a Dignity Adviser or the Equality and Diversity Manager (HR).

15.2 University students who have any questions on the application of this Policy should raise them with their personal tutor, Head of School, the Students' Union Advice and Representation Centre, or the Equality and Diversity Manager (DOSPG).

15.3 Members of the public who have any questions on the application of this policy should raise them with the relevant University department listed in Appendix 4, or with the Equality and Diversity Manager (DOSPG).

15.4 In addition, advice may be sought at any stage by staff from the recognised Trade Unions (UCU, UNITE, UNISON) and the following external organisations:
Equality and Human Rights Commission
Tel: 0845 6048810
Text phone: 0845 6048820
Fax: 0845 6048830
Waleshelpline@equalityhumanrights.com
www.equalityhumanrights.com

ACAS
Public Enquiry Point (Cardiff)
Tel: 029 2076 1126
National Helpline
Tel: 08457 47 47 47

National Bullying Helpline
Tel: 0845 2255787

Cardiff Race Equality First
Tel: 029 2022 4097
Email:
info@raceequalityfirst.org.uk

Bully on Line
www.bullyonline.org

Stonewall Cymru,
Tel: 029 20237744
www.stonewallcymru.org.uk

Diverse Cymru
Tel: 029 2036 8888
Text phone: 029 2036 8887
info@diversecymru

Cardiff Citizens Advice Bureau
0844 477 2020 - (Adviceline)
029 20346490 (Reception)
Appendix 1 Examples of Harassment & Bullying

Examples of harassment
(This list provides examples of behaviour that may constitute harassment and is not exhaustive)

- violence or threat of violence;
- unwanted physical contact, sexual advances or innuendo;
- verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual;
- using humour to put another person or group of people down, for example, telling jokes that are sexist, racist or about an individual’s sexual orientation;
- spreading malicious lies or making insulting comments;
- display or circulation of abusive or offensive materials, for example by email or on the internet, or on a whiteboard;
- sending offensive text messages;
- ostracism or exclusion from normal conversation in the work or study environment, or from social events;
- intrusion by pestering, spying or stalking;
- coercion, such as pressure to subscribe to a particular political or religious belief.

Examples of bullying

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer;
- preventing an individual progressing by intentionally blocking promotion or training opportunities, unjustifiably restricting choice of study options or access to tuition;
- unfair allocation of work and responsibilities or setting unreasonable goals or targets in work or study
- asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.
Appendix 2 Informal and formal procedures to address unacceptable behaviour – Staff

1 Informal Procedures for Staff

1.1 The University recognises that it can be difficult to raise a complaint of harassment, bullying or victimisation whether on an informal or formal basis. The University seeks to ensure that people who feel that they have been the subject of harassment, bullying or victimisation are able to raise their concerns, and to have them addressed appropriately.

1.2 A Dignity Advisers network has been created to provide confidential advice and support to University staff who feel that they have been the subject of harassment, bullying or victimisation, as well as others who are involved in such situations.

1.3 Under the University’s Grievance procedures (Grades 1-4 and Statute XVIII Part VI for academic staff) employees are encouraged, as far as is reasonably possible and appropriate, to aim to resolve grievances informally through discussion. For further guidance see the Grievance Policy for staff on grades 1-4 and the Grievance Procedure for Academic Staff (Statute XVIII Part VI and Ordinance 12, Section 18).

1.4 Dignity Advisers can help staff who feel upset or offended by the behaviour of another person to:

- give the individual concerned relevant information so that they can decide how best to challenge or approach the person believed to be behaving unacceptably (for example, in person or in writing);
- direct the individual to the appropriate procedures/guidance so that they can understand the options for tackling situations either informally or formally (these are also listed at Appendix A to this policy);
- provide details of external sources of advice and support as appropriate.

1.5 Dignity Advisers can help staff whose behaviour is challenged as unacceptable by another person by:

- directing the individual concerned to the relevant support within the University such as Human Resources, Counselling and Occupational Health;
- explaining the relevant process; and
- providing details of external sources of advice and support as appropriate.

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6 From 1st October 2011 any agency worker working at the University will be entitled to access these services in the same way as other employees after 12 weeks of continuous service.
1.6 Dignity Advisers are members of staff who have been trained to offer confidential, impartial, one-to-one advice and support to people having issues with harassment or bullying. They will help staff feel supported, gain a better understanding of their rights and options.

1.7 The Dignity Advice Network is designed to be complementary with existing support structures within the University. Advisers will not decide on the validity of a complaint, encourage a particular course of action, nor will they represent members of staff in any formal proceedings.

1.8 There is no obligation on anyone involved in a situation concerning harassment, bullying or victimisation to seek the advice of a Dignity Adviser before trying to resolve the situation, or making a complaint or bringing a grievance.

1.9 Complaints made by University staff may be addressed informally through the initial stages of the relevant University Procedure.

1.10 Trying to resolve a situation informally will not preclude any person from bringing a formal complaint.

2 Formal Procedure for Staff

2.1 All formal complaints relating to harassment, bullying or victimisation should be made through existing complaints and disciplinary procedures, a full table of which is provided at Appendix 4. The rules of the formal procedures will apply in full.

2.2 If the person whose behaviour is alleged to be unacceptable should make a counter allegation this will be investigated through the relevant procedures, which are detailed at Appendix 4 of this policy.

2.3 Disciplinary action can be taken against individuals who are found to have brought complaints based on knowingly false information or with malicious intent. Such action will not be taken against anyone who brings a complaint in good faith, even if that complaint is not upheld.

2.4 In exceptional cases it may be necessary to separate those involved in complaints procedures during the period of investigation. In such circumstances consideration may be given, if possible, to one of the parties to a complaint being transferred, redeployed, asked to work from a different location or suspended from duty or study. These steps are taken to protect the interests of both parties and do not constitute disciplinary action. The decision as to which individual will be moved in order to effect the separation will be based on objective criteria such as needs of the services performed by staff, effect on studies for students and any accessibility issues or caring
responsibilities of either party. The Head of School or Directorate\(^7\) will make the decision whether it is appropriate to separate those involved, based on the information available with advice from Human Resources. The terms and conditions of the arrangements will be confirmed in writing to the employee(s) concerned and will be kept under regular review.

2.5 Some forms of harassment can constitute criminal offences or grounds for civil proceedings. Nothing in this policy or related procedures will prevent staff or students from exercising their rights to take legal action.

3 Disciplinary Action (Staff)

3.1 When an allegation of harassment, bullying or victimisation is upheld, disciplinary action may be taken against the staff member(s) found to be responsible. Any such action will take place through the existing disciplinary procedures which are listed at Appendix 4.

3.2 Serious cases of harassment, bullying or victimisation perpetrated by staff will be treated as gross misconduct and may lead to staff dismissal through the disciplinary hearing process. Less serious incidents may result in a written or oral warning, or in informal action (such as requiring a member of staff to attend a relevant training session).

3.3 In extreme circumstances, incidents of harassment or bullying may be so severe (for example, involving violence or sexual offences) that the University may inform the police of the situation. In such situations, Human Resources (in relation to staff) should always be contacted for advice.

\(^7\) Where the Head of School or Directorate is one of the parties to decision shall be referred to a Pro Vice-Chancellor, not already involved in the investigation.
Appendix 3 Informal and formal procedures to address unacceptable behaviour - Students

1 Informal Procedures for Students

1.1 Students can seek advice from the Students’ Union Advice Representation Centre or from Student Services about any behaviour or experiences that they find unacceptable under the Dignity at Work and Study Policy.

1.2 Students can raise informal complaints with their Personal Tutor or Head of School through the University’s Procedures for the Resolution of Students’ Concerns/Issues and Student Disciplinary Code.

1.3 Complaints made by University students may be addressed informally through the initial stages of the Procedures for the Resolution of Students’ Concerns/Issues and Student Disciplinary Code.

1.4 Within the informal stages of these policies and procedures, Heads of School or Directorate, or their nominees, have discretion as to the best way to address a complaint. They may use, but are not required to use or limited to, the following informal means:

- speaking separately to those people involved in the situation;
- holding an informal meeting between the person who has made a complaint and the person whose behaviour is the subject of complaint and any others who might help to resolve the situation (such as a supervisor or tutor);
- referring relevant parties to a mediation process if this is an appropriate way of trying to resolve the situation;
- referring relevant parties to the support available either internal or external to the University, which could include the Counselling Service.

2 Formal Procedure for Students

2.1 All formal complaints relating to harassment, bullying or victimisation should be made through the Procedures for the Resolution of Students’ Concerns/Issues and disciplinary procedures, a full table of which is provided at Appendix A. In most cases the formal procedures may be used only when the informal procedures have been exhausted. The rules of the formal procedures will apply in full.

2.2 If the person whose behaviour is alleged to be unacceptable should make a counter allegation this will be investigated through the relevant procedures, which are detailed at Appendix A of this policy.

2.3 Disciplinary action can be taken against individuals who are found to have brought complaints based on knowingly false information or with malicious
intent. Such action will not be taken against anyone who brings a complaint in good faith, even if that complaint is not upheld.

2.4 Some forms of harassment can constitute criminal offences or grounds for civil proceedings. Nothing in this policy or related procedures will prevent staff or students from exercising their rights to take legal action.

3 Disciplinary Action (Students)

3.1 When an allegation of harassment, bullying or victimisation is upheld, disciplinary action may be taken against the staff member(s) found to be responsible. Any such action will take place through the existing disciplinary procedures which are listed at Appendix 4.

3.2 Serious cases of harassment, bullying or victimisation perpetrated by students will be treated as a serious breach of the Student Disciplinary Code, and may lead to permanent expulsion from the University. Less serious incidents may result in a reprimand, caution, or other penalties detailed within the Student Disciplinary Code.

3.3 In extreme circumstances, allegations by students against members of staff of harassment or bullying may be so severe (for example, involving violence or sexual offences) that the University may inform the police of the situation.
Appendix 4 Procedures for Making a Complaint

There are a number of procedures by which a complaint relating to harassment, bullying or victimisation can be made. In certain circumstances, there may be more than one route available. In such a situation, it could be helpful to discuss which procedure is appropriate with the directorates responsible for operating the relevant procedures (see further information column in the table below), or with a Dignity Adviser.

Procedures for use by Cardiff University staff

<table>
<thead>
<tr>
<th>Complaint about:</th>
<th>Procedure to be used</th>
<th>Further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardiff University staff member (academic)</td>
<td>Cardiff University Statute XVIII, Ordinance 12</td>
<td>Human Resources website</td>
</tr>
<tr>
<td>Cardiff University staff member (non-academic)</td>
<td>Human Resources Grievance/Disciplinary Procedure for staff on Grades 1-4</td>
<td>Human Resources website</td>
</tr>
<tr>
<td>Incident in which you do not know whether the person responsible is a member of academic or support staff, or a student (such as graffiti, offensive comments made by a group of unknown staff or students)</td>
<td>If it can be determined who is responsible - Statute XVIII, Ordinance 12 (academic staff) Human Resources Grievance/Disciplinary procedure for staff on Grades 1-4 If the person responsible cannot be determined but there has been a breach of duty of care on the part of the University, a grievance can be raised through the Human Resources grievance procedure All incidents of third party harassment against staff based on age, disability, gender reassignment, race, religion or belief (including lack of belief), sex and sexual orientation should be reported to Human Resources</td>
<td>Human Resources website</td>
</tr>
<tr>
<td>Incident in University residences or in relation to University catering</td>
<td>Residences and Catering Division Customer Care Policy Complaints may also be raised discipline and grievance procedures relating to staff and students listed elsewhere in this Appendix</td>
<td>Residences and Catering Division website</td>
</tr>
<tr>
<td>Cardiff University student</td>
<td>Student Disciplinary Procedure</td>
<td>Academic regulations Handbook</td>
</tr>
<tr>
<td>----------------------------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td>Cardiff University student following professional course of study</td>
<td>Fitness to Practise procedure</td>
<td>Academic regulations handbook</td>
</tr>
<tr>
<td>A person not employed by the University such as a contractor, consultant, NHS employee, visiting scholar, or University Chaplain</td>
<td>Complaints procedure of the external organisation, such as the contractor, consultancy, NHS, other University</td>
<td>Relevant external organisation</td>
</tr>
<tr>
<td>All incidents of third party harassment against staff based on age, disability, gender reassignment, race, religion or belief (including lack of belief), sex and sexual orientation should be reported to Human Resources</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Procedures for use by Agency Workers

<table>
<thead>
<tr>
<th>Complaint about:</th>
<th>Procedure to be used</th>
<th>Further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardiff University staff member, student or third party</td>
<td>All complaints should be reported to the Agency as your employer to address under the agency’s policies</td>
<td>Directly from Agency Human Resource Directorate</td>
</tr>
</tbody>
</table>

### Procedures for use by Cardiff University students

<table>
<thead>
<tr>
<th>Complaint about:</th>
<th>Procedure to be used</th>
<th>Further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardiff University staff member</td>
<td>Procedures for the Resolution of Students’ Concerns/Issues</td>
<td>Academic Regulations Handbook</td>
</tr>
<tr>
<td>Cardiff University student</td>
<td>Student Disciplinary Code and procedure</td>
<td>Academic Regulations Handbook</td>
</tr>
<tr>
<td>Incident in which you do not know whether the person responsible is a member of academic or support staff, or a student (such as graffiti, offensive comments made by a group of unknown staff or students)</td>
<td>Procedures for the Resolution of Students’ Concerns/Issues or Student Disciplinary Code and procedure if the identity of the person can be determined, or Procedures for the Resolution of Students’ Concerns/Issues if there has been a breach of duty of care on the part of the University</td>
<td>Academic Regulations Handbook</td>
</tr>
<tr>
<td>Incident in University residences or in relation to University catering</td>
<td>Residences and Catering Division Customer Care Policy Complaints may also be raised through the Procedure for the Resolution of Students’ Concerns/Issues or Student Disciplinary Code and procedure listed elsewhere in this Appendix</td>
<td>Residences and Catering Division website Academic Regulations Handbook</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Staff or students within the Students’ Union or relating to the Students’ Union activities</td>
<td>Students’ Union Discipline and complaints procedure</td>
<td>Students’ Union website</td>
</tr>
<tr>
<td>A person not employed by the University such as a contractor, consultant, NHS employee, University Chaplain, employees of an organisation where you are on a work-placement or field-trip</td>
<td>Complaints procedure of the external organisation, such as the contractor, consultancy, NHS, other University</td>
<td>Relevant external organisation Academic Regulations Handbook</td>
</tr>
</tbody>
</table>
### Procedures for use by people who are not members of Cardiff University

<table>
<thead>
<tr>
<th>Complaint about:</th>
<th>Procedure to be used</th>
<th>Further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student application process</td>
<td>Applicants’ Complaints procedure</td>
<td>Registry Directorate</td>
</tr>
<tr>
<td>Staff recruitment process</td>
<td>Complaint in writing to Director of Human Resources</td>
<td>Human Resources Directorate</td>
</tr>
<tr>
<td>Cardiff University student, member of staff or service provided by the University</td>
<td>No formal procedure – however, all complaints will be investigated and responded to by the appropriate Head of School/Directorate. The complaint should be submitted to the Governance and Compliance Division in the first instance.</td>
<td>Governance and Compliance Division, DOSPG</td>
</tr>
<tr>
<td>Cardiff University student or member of staff treating patients or conducting research on patients within the NHS</td>
<td>NHS Trust Complaints Management Procedure, through Human Resources Department of relevant Trust.</td>
<td>NHS Centre for Equality and Human Rights website</td>
</tr>
<tr>
<td>Incident in University residences or in relation to University catering</td>
<td>Residences and Catering Division Customer Care Policy, or No formal procedure – however, all complaints will be investigated and responded to by the appropriate Head of School/Directorate. The complaint should be submitted to the Governance and Compliance Division in the first instance.</td>
<td>Residences and Catering Division website Governance and Compliance Division</td>
</tr>
<tr>
<td>Staff or students within the Students’ Union or relating to the Students’ Union activities</td>
<td>Students’ Union Discipline and complaints procedure</td>
<td>Students’ Union website</td>
</tr>
</tbody>
</table>
Appendix 5 Guidelines on what to do if you are upset or offended by the behaviour or a colleague or peer

Where can you go for help or support? – Staff

If you are upset or offended by the behaviour of a colleague or peer there are a number of services you can approach to help you to decide how to tackle the situation. You can approach the person or service with which you feel most comfortable in your situation. All of these individuals will deal with you in confidence.

8. From 1st October 2011 any agency worker working at the University will be entitled to access these services in the same way as other employees after 12 weeks of continuous service.
**Internal sources of support:**
Human Resources
Staff Counselling
The University Chaplaincy
Trade Unions

**External sources of support:**
ACAS
Equality Human Rights Commission
Stonewall

**Talking to a Dignity Adviser – Staff**
The network of Dignity Advisers has been created to support the use and implementation of the Dignity at Work and Study Policy for staff. You may find it helpful to discuss your situation with one of the network. Dignity Advisers will be able to explain the steps that you could take to try to reach an informal resolution, or to take formal action.

You can be put in contact with a Dignity Adviser by calling Keith Lynch on 02920 879572 or emailing staffcounselling@cardiff.ac.uk.
Where can you go for help or support? – Students
Student Support

Personal tutors are usually the first point of contact for advice and support for students. Schools may also have additional members of staff that can provide
support and guidance on specific issues e.g. disability contacts. Students can also seek guidance from the support centre and students union. The Student Support Centre offers a full range of confidential help, advice and support from trained professional staff. Its services are confidential, impartial and non-judgemental. The Students Union also provides an advice and support service to students on issues relating to student welfare. The University’s Equality Unit (Governance and Compliance) can also provide information and advice on rights and responsibilities under equality legislation and guidance on the University’s equality policies and Schemes.

**Internal Sources of Support:**
- Student Support Centre
- Student Counselling Service

**External Sources of support:**
- Equality Human Rights Commission
- NUS
- Stonewall

**Possible actions to address unacceptable behaviour**

**Approaching the person who has offended you**

Although it can be difficult to approach a person who is causing you upset or offence, you should usually attempt to resolve the matter informally in the first instance. It may be that the person does not know what effect his or her behaviour is having on you. If effective, dealing with the situation in this way is likely to be quicker and simpler than bringing a formal complaint.

The steps recommended will be to speak to the person who has upset or offended you and to let him or her know how their behaviour has made you feel, giving a specific example if possible, and asking him or her to stop. A video and DVD resource, “Challenging Behaviour: Dealing with Bullying and Harassment in the Workplace”, explaining this method more fully is available on loan from the Bute Library. There are also booths available to watch the resource in the library. Also a training session called “Challenging Behaviour” is available to all staff through the Staff Development Programme.

In any efforts that you take to address the situation, keep a brief record of what has happened and the action you have taken to try to resolve matters. If a solution is found the record will not be needed, but if you continue to experience difficulties it will be helpful to have a note of what happened and what you did to try to address it.

**Talking to your line manager or personal tutor**

Another informal method of raising your concerns will be to discuss them with your line manager or personal tutor. Members of staff may ask a Dignity Adviser to attend a meeting with your line manager to support you in explaining the situation. Your line manager might wish to discuss the matter on your behalf with the person (or with
that person’s line manager or tutor). They may suggest that you attend a meeting with the line manager or tutor and with the person whose behaviour has offended you so that you can explain your concerns.

If your line manager or personal tutor is the person who you feel has behaved unacceptably you can ask a Dignity Adviser, or Union representative to come with you to support you when you explain your concerns.

**Writing a letter**

Alternatively, or as a secondary step, you could explain your concerns and a request to stop in a letter to the person. If you take this approach, try to be as clear as possible about the behaviour that upset or offended you (give an example), the way it made you feel, and your request that it stop. Your aim in writing the letter is to resolve the situation, and this is unlikely to be achieved if the letter could be construed as offensive. Bear in mind that the tone of an email can often be misinterpreted – it is advisable not to send an email to the person in a rush or without carefully considering the wording. The Dignity Adviser/Student adviser cannot tell you what you should say, or write the letter for you, but he or she can guide you, discuss the steps to take and review the outcomes with you.

**Making a complaint**

If the behaviour continues regardless of your requests to stop, or, if attempting an informal resolution is not appropriate in the first place, the next stage will be to make an informal complaint. Students can do this by using the Procedures for the Resolution of Students’ Concerns Issues – Paragraph 3 (Informal Procedure). Staff and third parties can do this by writing a letter to:

- Your Head of School or Directorate if your complaint is about member of Cardiff University;
- to the Head of the School or Directorate whose staff or student member you are concerned about if you are a member of the public;
- The Vice-Chancellor (if you are a member of staff or member of the public) if your complaint is about your Head of School or Directorate or you do not know the identity of the person who has caused offence.

The letter should include details of: the nature of the allegation; what happened; who was involved; when the events took place; and, whether there were any witnesses to the event(s).

Once you have made an informal complaint, the person about whose behaviour you have complained will be informed of your identity and the nature of the complaint. Without disclosing such information, it would not be possible for the complaint to be investigated fairly. If you have any concerns about possible victimisation, you should bring them to the attention of a Dignity Adviser/Student Adviser, your line manager/personal tutor, or your Head of School or Directorate to ensure that appropriate steps are taken to protect you from victimisation.
Your Head of School or Directorate may try to resolve the situation informally by talking to you and to the person about whom you have made a complaint, by holding a meeting at which you can all discuss the matters you have raised, or by other means.

If these informal means do not provide an appropriate resolution to your complaint, or if the situation is so serious that it is not appropriate to deal with it informally, students have recourse to the University’s Procedures for the Resolution of Students’ Concerns/Issues – Formal Complaints Procedure (see Appendix 4).

Developing confidence to take action

If you have been the subject of bullying or harassment you may not feel that you have the confidence to address the situation. There are a number of University services which can help you to develop your confidence.

Training courses

The University Staff Development Programme contains regular courses on ‘Assertiveness Skills’, ‘Confident Speaking in Meetings’, ‘Dealing with Threatening Behaviour’, ‘Handling Conflict’, and ‘Stress Management’. These courses are free to members of the Administrative Directorates, and there is a small charge for staff from Academic Schools.

Contacting Advisers

The purpose of the Dignity at Work and Study Policy is to ensure that there are mechanisms for staff and students to raise concerns about unacceptable behaviour, so that these can be addressed. This does not mean that if you discuss your situation with a Dignity Adviser or Student Adviser you have to take action to address the behaviour straight away, or at all. However, if you contact an Adviser you will be asked to provide certain monitoring data and the anonymised reports from this data will be used to identify areas in which the University needs to take further action.

Employee Network Groups

The University has established employee network groups to ensure that the experiences of minority groups are understood and that individuals who may be the subject of specific forms of harassment or bullying are not isolated. Currently the University has a Lesbian, Gay, Bisexual and Transgender Staff + Network (Enfys), Disability Staff Network, Black and Minority Ethnic Staff Network and Carers and Working Families Network. The networks operate by email and face-to-face meetings. If you are interested in joining a network, or would like more information please contact Equality and Diversity Officer, Tel: 029 2087 9919.
Appendix 6  Guidelines on what to do if someone is upset or offended by your behaviour

All staff and students have a responsibility to behave in a manner that does not cause unreasonable offence to others. All staff and students have been informed through the Dignity at Work and Study Policy that they have a right to ask any of their colleagues or peers to stop behaving in a manner that is upsetting, insulting or offensive to them.

The Policy advises individuals to raise issues with the person concerned in order to try to resolve differences at an early stage and so prevent situations from developing into formal complaints which can be difficult and stressful for all those involved. This informal process is not intended to embarrass or offend you. However, the University recognises that being approached in this way can be stressful. The aim of the University Dignity at Work and Study Policy is to ensure that when a person has been offended (intentionally or otherwise) there is an opportunity for all of the individuals concerned to resolve the situation informally and discreetly. There is advice and support available for all those involved in such situations. See below for further information.

Being challenged about an aspect of your behaviour

Even if you did not intend to offend anyone, you may find that someone tells you that they are offended or upset by certain aspects of your behaviour, and asks you stop behaving towards them in that particular manner. The University encourages people who feel offended by someone else’s behaviour to explain what has caused this offence, so that such situations can be resolved at the earliest possible stage. It is recognised that it can be surprising or shocking to be approached by a colleague or peer in this way, but talking about issues in an informal way can avoid difficulties escalating to a point where a formal complaint is made.

Try to listen to the concerns of the person who approaches you and think about how your behaviour was perceived. Ask the person to provide an example if you are unclear about the nature of behaviour that upset them. Apologise for the offence that was caused. You do not have to agree with the other person’s point of view to say that you are sorry that an aspect of your behaviour upset them.

Make sure that you have an up-to-date understanding of the University’s Dignity at Work and Study and Equality and Diversity Policies. Law and policy have changed rapidly in recent years so behaviour which might have been regarded as acceptable in the past may not be appropriate now.

You may find it helpful to talk to someone about how you feel about what has happened, or to discuss how to ensure that you are still able to work or study effectively with the person who has approached you. There is a range of people you can approach – see the diagram below for further information.
Being approached informally by a third party

You may be approached by your line manager or personal tutor if the person has approached them directly rather than raising the matter with you. If your line manager or personal tutor raises an issue of dignity at work or study with you, they will be trying to establish what has happened, and it is helpful to give your view of the situation. Any discussion with your line manager will be an informal process unless they explicitly inform you that it is part of a formal procedure. No allegation will be on your staff or student record where informal methods are used to investigate and resolve a situation.

Where can you go for help or support?

Staff and students who are approached informally by others about their behaviour, or who are the subject of a formal complaint of harassment, bullying or victimisation, are both entitled and welcome to seek advice from any of the services listed in the diagram above.

Talking to an Adviser

If you are aware that someone is unhappy with your behaviour, an adviser can discuss with you the possibility of reaching an informal resolution. In the first instance, this may involve explaining that you had not realised the effect of your behaviour and giving an undertaking not to repeat the behaviour in future, and/or offering a verbal or written apology to the complainant. You should keep a factual record of what you say, a copy of any letter you write and a note of the response of the complainant. This will be useful to you if a formal complaint is subsequently made and an investigation undertaken.

The Dignity at Work and Study Policy operates through, and is underpinned by, existing University grievance and disciplinary procedures. This means that you will have full opportunities at the relevant stages of the process to be given a clear account of the allegation so that you can state your view of the situation and respond. If a formal complaint is made, you will be informed about the process and implications of the procedure at each stage.

Nothing in the Dignity at Work and Study Policy precludes any individual from seeking advice and support from a Trade Union or Student Union representative, Counsellor, GP or other advice or support service. Using advice and support mechanisms will not be interpreted as an indication of guilt or any admission on your part.

Malicious or Frivolous Complaints

The University recognises that it has a duty to protect its employees from malicious or frivolous complaints and, as such, appropriate action may be taken when it can be demonstrated that a complaint is made on this basis. However, this will not include any allegation that is made in good faith.

9 From 1st October 2011 any agency worker working at the University will be entitled to access these services in the same way as other employees after 12 weeks of continuous service.