

Dignity at Work & Study Policy

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1. Policy Statement

The University supports:

- **mutual respect and understanding between individuals and within its constituent communities and**
- **promoting equality of opportunity among employees and students alike.**

The University has a legal responsibility for the health, safety and welfare of its students, staff and visitors. The University's Dignity at Work and Study Policy is part of a University-wide approach that promotes a working, learning and research environment and culture in which differences are welcomed and all forms of harassment, bullying and victimisation are not tolerated¹.

The University expects all members of our community to treat each other with respect, courtesy and consideration at all times. All members of the University community have the right to expect respectful behaviour from others and have a corresponding responsibility to behave respectfully towards others.

We are committed to offering a welcoming, inclusive and safe environment that will address negative discriminatory behaviours including those based on stereotyping and prejudiced attitudes. We operate a zero tolerance approach to behaviours of harassment, bullying and victimisation. Zero tolerance means that we will not condone or ignore reports of harassment, bullying and victimisation. Any allegation of bullying, harassment or victimisation will be treated seriously, regardless of the seniority of those involved; anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal or expulsion.

This policy ensures that both staff and students have the confidence and clarity around the processes in place to deal with bullying and harassment when it occurs without fear of victimisation.

The University is an academic institution committed to the values of open 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. Complaints of bullying and harassment are treated seriously by the University. Anyone making complaints which are frivolous, vexatious, malicious or lacking substance will be dealt with under the appropriate disciplinary procedures.

2. Purpose

This policy and accompanying procedures aim to ensure that if bullying or harassment occur, employees and students have support and adequate procedures to address the problem.

Bullying and harassment can have a detrimental effect upon the health, confidence, morale and performance of those impacted and create a negative working and learning environment. The

¹ Physical assault is a criminal offence and will not be tolerated. All staff and students should be treated with dignity, courtesy and respect and feel safe and valued. If any staff or student were to experience a physical assault this should be reported to the appropriate university representative and the Police immediately.

University aims to ensure a timely response to all complaints and to treat them with due respect, appropriate confidentiality and fairness.

Informal resolution can often be the most effective and efficient way to deal with bullying / harassment. The University encourages a degree of flexibility appropriate to the individual circumstances to allow for informal resolution. However, where a formal complaint is made, every effort will be made to ensure it is dealt with expeditiously.

3. Key Definitions

Key terminology necessary to understanding and applying the policy.

Harassment: Harassment is unwanted conduct, 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. 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.

Harassment that is related to a person's or group of people's age, disability, gender identity, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation can constitute unlawful discrimination, for which staff and students can be held legally and personally liable.

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

Victimisation: Victimisation occurs when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment and/or bullying), or have helped another person to make a complaint. It includes situations where a complaint hasn't yet been made but someone is victimised because it's suspected they might make one. If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.

Sexual Misconduct: Sexual misconduct is unwelcome conduct of a sexual nature which is committed by force, intimidation or coercion. The conduct can relate to physical acts against individuals or acts which create a hostile environment. It can occur between individuals whether or not they are previously known to each other, individuals in an established relationship as well as individuals who have previously engaged in sexual activity.

4. Scope

The policy applies to all members of the University engaged in the course of Cardiff University business. Members by definition include: all employees, honorary title holders, students, Council members ("internal members"), and Agency staff, volunteers, contractors and business partners and third parties who act on behalf or provide services to the University ("external members").

5. Relationship with existing policies

This Policy should be read in conjunction with other Cardiff University policies and procedures such as those set out in appendix A.

6. Responsibilities

6.1 University Responsibilities

Ultimate responsibility for this policy rests with University Council. However, Council will require the Vice-Chancellor and the University Executive Board to ensure that the policy is applied effectively. The Vice-Chancellor will devolve responsibility for the application of this policy, and any supporting guidance, to Heads of College, Heads of School and Professional Services. It is the responsibility of all persons in authority (which includes Heads of School and Professional Services, 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 and students are made aware of 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 relevant University 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).

6.2 Individual's Responsibilities

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 them to the line manager or supervisor of the person involved. This could be a tutor, a Dignity and Wellbeing Contact for staff or the Disclosure Response Team for students;
- maintain confidentiality of any disclosures or allegations of harassment, bullying or victimisation in line with the University's confidentiality Policy, only sharing personal information in accordance with the University's Confidentiality Guidelines: "when the vital interests of any person are threatened and the disclosure is made to a relevant, appropriate person."

7. Procedures

The University encourages individuals to solve issues informally as this is often the quickest and most effective and efficient method of dealing with bullying or harassment: the University has in place support measures to reflect this. The informal procedure for students and employees are very similar and are outlined in related procedures.

If you are a student and your allegation relates to an employee of the University, follow the student procedure. If you are an employee and your allegation relates to a University student, follow the student procedure. Further guidance on how to raise a formal complaint can be found on [our website](#).

7.1 Procedures for Staff

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.

A network of Dignity and Wellbeing Contacts has been created to provide information 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.

7.1.1. Dignity and Wellbeing Contacts

Dignity and Wellbeing Contacts are members of staff who have been trained to offer information and support to people having issues with harassment or bullying. They will help staff feel supported, and to gain a better understanding of their rights and options.

Dignity and Wellbeing Contacts can help staff who feel upset or offended by the behaviour of another person in the following ways:

- 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;
- provide details of external sources of advice and support as appropriate.

Dignity and Wellbeing Contacts 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. 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.

The Dignity and Wellbeing Contact Network is designed to be complementary to existing support structures within the University. Dignity and Wellbeing Contacts 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.

There is no obligation on anyone involved in a situation concerning harassment, bullying or victimisation to see a Dignity and Wellbeing Contact before trying to resolve the situation, or making a complaint or bringing a grievance.

7.1.2 Informal Procedures

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.

Under the University's Grievance procedures (Grades 1-4 and Statute XV, 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 XV Part VI and Ordinance 12) which can be accessed via this link: [Grievance procedures - Intranet - Cardiff University](#)

Complaints made by University staff may be addressed informally through the initial stages of the relevant University Procedure. Trying to resolve a situation informally will not preclude any person from bringing a formal complaint.

7.1.3 Formal Procedures

All **formal** complaints relating to harassment, bullying or victimisation should be made through existing complaints and disciplinary procedures. The rules of the formal procedures will apply in full.

If the person whose behaviour is alleged to be unacceptable should make a counter allegation this will be investigated through the relevant procedures.

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.

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 work 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 Professional Service 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.

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.

7.1.4 Disciplinary Action

Whenever an allegation of harassment, bullying or victimisation is upheld, disciplinary action may be taken against the staff member(s) found to be responsible². Any such action will take place through the existing disciplinary procedures.

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).

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.

8. Procedures for students

You can raise the issue **informally** with your Personal Tutor, Supervisor, Head of School, Residence Management Team or other member of University staff and they will work towards resolving the issue, using means including but not limited to:

- 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);
- speaking separately with people involved in the situation;
- using restorative approaches to increase awareness of the impact of behaviour and rebuild relationships;
- contacting the Disclosure Response Team; the University has a [Disclosure Response Team](#), who are available to speak to students and support them if they experience any kind of violence or abuse, including harassment, hate crime, stalking, relationship abuse, sexual violence and any other inappropriate behaviour. To access the support available through the Disclosure Response Team, students are required to make an identified disclosure using the [online disclosure tool](#). An **anonymous disclosure** option is also available using this tool. Further information on this service can be found on the [website](#).

Where a student elects to make a **formal complaint** to the University regarding harassment, bullying or victimisation this should be raised with Student Cases team in the Department of Academic Support and Student Services under the following procedures by following the links:

² As part of some funding applications information of upheld disciplinary action relating to harassment, bullying or victimisation is required to be passed to the funding body for further action that body may choose to undertake.

- the Student Complaints Procedure – where your complaint relates to the behaviour of a member of Cardiff University staff. When an allegation of harassment, bullying or victimisation is upheld disciplinary action may be taken against the member of staff and in severe cases the matter will be reported to the police;
- the Student Behaviour Procedure – where your complaint relates to the behaviour of a fellow Cardiff University student. Where appropriate to do so, the Academic Registrar, in conjunction with the Head of School, may decide to investigate the allegations under the Fitness to Practise or Fitness to Study Procedure. Where the allegation is upheld, penalties or sanctions will be incurred in accordance with the Student Behaviour or Fitness to Practise or Fitness to Study procedures, as appropriate.

Where a student wishes to raise a formal complaint against the behaviour of an external contractor or supplier of goods and services, complaints should be raised through the organisation's complaint procedure. The student should contact local University staff (e.g. within their School, Residence Manager, Campus Services or Student Services) who will provide support.

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

9. Dealing with Harassment by a Third Party

A member of staff or student who is bullied or harassed by a third party (for example a customer or contractor) should not enter into any confrontation with the third party that may put their own personal safety at risk or which may make them feel uncomfortable.

If, however, a member of staff or student decides to tackle the matter themselves, they should take the following steps:

1. Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of University staff/students by a third party will not be tolerated.
2. If the third party does not stop the bullying or harassment — repeat step 1 and warn them that action will be taken against them if the bullying or harassment continues.
3. If the third party still does not stop the bullying or harassment — report the incident to their line manager (where known) who will raise the matter with the appropriate individual.

A member of staff/student should report any incident of bullying or harassment by a third party to their line manager whether or not they have managed to resolve it. The report will be used for the purpose of monitoring the effectiveness of the University Dignity at Work and Study Policy.

10. Procedures for others

Where individuals who are neither staff nor students wish to raise an issue under this policy, they should use the following methods:

Where the complaint relates to the behaviour of a Cardiff University student, this should be raised under the Student Behaviour Procedure with the Student Cases team in the Department of Academic Support and Student Services.

Where the complaint relates to the behaviour of a member of Cardiff University Staff, this should be raised with the appropriate Head of School/Professional Service who will arrange for the matter to be investigated and responded to.

11. Monitoring

The policy will be monitored and reviewed by the University's Health, Safety and Environment Committee.

Appendix A

- Legal Context
- The University's equality and diversity policy
- Code of Practice – Freedom of Speech
- Code of Practice – Public Interest Disclosure
- Sexual Orientation Policy
- Religion and Belief Policy
- Trans Policy
- Welsh Language Standards
- Stress Management policy
- Code of Practice - Close personal relationships
- Student Charter
- Student Complaints Procedure
- Student Behaviour/Fitness to Practise Procedures
- Fitness to Study Procedure
- Staff Disciplinary policy grades 1-4
- Academic staff Disciplinary procedure – Statute XV part III
- Academic staff Grievance procedure – Statute XV Part VI

Legal context

Discrimination

Unlawful discrimination takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman less favourably because she is breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership.

Direct discrimination occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

Harassment

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, namely:

age;

disability;

gender reassignment;

race (including colour, nationality, ethnic or national origin);

marriage and civil partnership
pregnancy and maternity;
religion or belief;
sex;
sexual orientation.

These are described in the Act as 'protected characteristics'.

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.

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.

Harassment on any grounds may also be a criminal offence under the:

- Public Order Act 1997
- Protection from Harassment Act 1997
- Health and Safety at Work Act 1974
- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- Criminal Justice Act 2003
- Racial and Religious Hatred Act 2006
- Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

Employers are liable for harassment between employees, and can also be liable for harassment which comes from a third party (for example, a customer or contractor).

Hate Crime,

Hate Crime is any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity.

Victimisation

Victimisation broadly refers to bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Act. It includes situations where a complaint hasn't yet been made but someone is victimised because it is suspected they might make one.

If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.

Bullying

Bullying is not defined in law, but may be characterised as targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient.

Bullying can give rise to complaints of unfair constructive dismissal, discrimination and harassment as well as claims for personal injury if the bullying causes psychological harm. Employers are vicariously liable for the acts of employees during the course of their employment, even if they have no knowledge of those acts and have not authorised them. It can also lead to allegations of breach of health and safety legislation if an individual feels in danger of physical or mental harm.

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