

HR Services

Personal Dignity Policy



Section 1- Introduction

The Following policy applies to all staff and students:

1.1 The diversity of our community is one of our greatest strengths, and we are committed to providing an educational and working environment which is responsive to the varied needs of its members. All members of staff and students should be able to work and study in a safe environment founded on mutual respect without feeling threatened or demeaned by other members of staff, students or anyone else. To ensure that this aim is fulfilled we have devised the Personal Dignity Policy.

The Equality & Diversity Policy Statement highlights the importance of:

1.2 'working together to build a learning community founded on equality of opportunity - a learning community which celebrates the rich diversity of our student and staff populations. Discriminatory behaviour has no place in our community and will not be tolerated.'

Section 2- Scope

2.1 The Personal Dignity Policy applies to the following:

- All staff currently employed by us, whatever their position or contract
- All staff working at UEL employed by contractors or service providers
- All students enrolled at UEL
- UEL staff and students working elsewhere on collaborative programmes
- Staff and students on placements, trips and conferences, and similar activities

For the sake of brevity, henceforth in the Policy, offences against personal dignity are referred to as 'harassment'.

Section 3- Defining Harassment

Preamble

3.1 This policy employs a deliberately wide definition of harassment, and provides examples of some of its common forms. These examples are not an exhaustive list. Many people who feel uncomfortable with an aspect of their working or studying environment are often unsure whether their experience could be defined as harassment. For this reason the initial stage of the procedure provides an opportunity for individuals to discuss their experience with a sympathetic and informed contact.

Definition

3.2 We use the ACAS definition: 'Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.'

Harassment is unwelcome and unwanted conduct affecting the dignity of our students and staff and anyone else studying or working at UEL. The effect of harassment is to create or maintain a distressing, hostile or offensive studying, working or social environment for the person experiencing it.

3.3 Ignorance or insensitivity may be a reason for harassment, but not an excuse for it. We define harassment by the effect it has on its target rather than by the intentions of the perpetrator.

Harassment may or may not be on the grounds of one or more of the following: age, class, colour, disability, ethnicity, ex-offender status, family responsibility, HIV status, gender, marital status, nationality, race, religious or political beliefs, perceived sexual orientation, special needs or trades union membership

Bullying may be involved, for which we use the ACAS definition: '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'.

Bullying, which may include elements of conduct itemised below, occurs usually (but not always) when committed by a person against another over whom he or

she is in a position of power or authority. We expect managers to ensure that instructions to staff are measured and appropriate and we expect staff to respond in a measured and appropriate manner.

The following are examples of harassment. It is not an exhaustive list:

3.4 Harassment may take the form of:

- oral, physical or psychological abuse by means of offensive gestures, inappropriate language, gossip, jokes or aggressive behaviour
- unwarranted differential treatment
- exclusion from work and work-related events (including development opportunities and placements)
- non-cooperation, isolation/ostracism and/or coercion, or persistent criticism
- malicious telephone calls or mail (including computer material) displaying sexually suggestive, pornographic, racist or otherwise offensive pictures or other material
- physical contact, ranging from an invasion of personal space or inappropriate touching to serious assault

Harassment does not, however, include the following:

- managers giving reasonable instructions to staff;
- managers re-organising a staff member's job or working arrangements for necessary operational reasons in accord with UEL policy, following consultation with the staff member and, where appropriate, with their trade union representative (see our 'Managing Organisational Change' Policy);
- disruption caused by building or maintenance works on one of our sites. Whilst every reasonable effort will be made to minimise the disruption and inconvenience caused by building and maintenance work, it may not be possible to eliminate it.

We will investigate concerns about harassment where evidence is provided.

If, however, it is established that allegations are maliciously made, disciplinary action will be taken against the student or staff member making those allegations.

Where there are concerns about work-related stress, please refer to our 'Stress Management Policy'.

Section 4 - General Principles

4.1 We are committed to investigating known or suspected instances of harassment or bullying in order to prevent collusion or indifference. Therefore,

in order to protect staff, we cannot guarantee that we will not pursue an allegation of harassment once it has been brought to our notice.

4.2 The Personal Dignity Policy recognises the importance of treating harassment as misconduct. We are committed to creating an environment where harassment is unacceptable and ensuring that there are no recriminations or victimisation against anyone who makes a complaint of harassment in good faith, whether or not the complaint is upheld.

Section 5 - The Law

5.1 Harassment may be unlawful under the Sex Discrimination Act 1975, the Race Relations Act 1976, the Health and Safety at Work etc Act 1974, the Disability Discrimination Act 1995, the Protection from Harassment Act 1997, the Human Rights Act 1998, the Employment Equality Regulations (Religion or Belief and Sexual Orientation) 2003, and a criminal offence under the Criminal Justice and Public Order Act 1994 (with liability to a prison sentence of up to six months) or other areas of criminal or civil legislation.

5.2 Where conduct may amount to a criminal offence we reserve the right to refer the matter to the police. In such circumstances, action under our internal procedures may be suspended or delayed but we also reserve the right to continue any such action during and/or after any police investigations and subsequent actions under the criminal law.

Section 6 - Authority and Responsibility

6.1 The Vice-Chancellor (or her or his nominee) has the ultimate responsibility for the operation of the Personal Dignity Policy and procedure for dealing with harassment.

The institutional responsibility

6.2 The Policy provides strategies for prevention as well as for 'cure'. We will provide training programmes for managers to help deal effectively with any incidents which occur. We are committed to working proactively to create an institutional culture which upholds the rights and the dignity of its students and staff.

Individual responsibility

6.3 Every individual working or studying at UEL has a responsibility to support the Personal Dignity Policy in her or his conduct towards others. Individuals also have a duty to speak out if they witness harassment occurring.

Procedure for Dealing with Harassment

7.1 We have procedures for dealing with harassment which make provision for informal and/or formal resolution.

7.2 The use of the words 'informal' and 'formal' does not represent a judgement on the 'seriousness' or otherwise of incidents, or the level at which they are resolved.

7.3 During the 'informal' stage, complainants have the opportunity to seek advice or referral information. Some allegations of harassment may not require formal resolution; others may not be appropriate to an informal stage. Wherever possible, however, the aim is to achieve informal resolution of the problem being encountered.

7.4 The 'formal' stage begins when an incident is reported in writing to the Dean of School/Director of Service concerned. Please refer to Section 9.6 below if a complaint is about the Dean of School/Director of Service.

A. Informal Stage

8.1 Anyone experiencing behaviour which he or she believes constitutes harassment is advised to take the following steps:

- to talk to someone about the incident(s), e.g. :
 - either the immediate manager, a trade union representative, a trusted friend or another colleague (though s/he will have no official role in the matter)
 - a member of HR Services (if he or she is a staff member) or Student Services (if he or she is a student) for guidance on the procedure, having due regard to confidentiality. If the immediate manager is approached by the staff member, he or she should discuss the matter with the alleged harasser and, if appropriate, the immediate manager should informally advise the person concerned to cease their allegedly unacceptable behaviour or risk formal action being taken under Section 9 below if it recurs
- to keep a record of the incident(s), noting details such as times and dates,

precisely what occurred, whether anyone witnessed the incident(s), and whether anyone was told about the incident(s) at the time (please note that if the student or staff member decides to proceed with a formal complaint he or she will be required to provide a detailed statement with dates and times of the incident(s).

- if possible, and accompanied/assisted if the complainant so wishes, to approach/write to the alleged harasser, to seek informal resolution of the behaviour and keep a record of the outcome of any meeting with the alleged harasser.

Conciliation

8.2 To further the aim of informal resolution wherever appropriate and possible, the alleged harasser may be approached by the complainant (if the latter so wishes) with a friend or colleague, to seek an outcome satisfactory to the complainant. Alternatively, the complainant may put his/her objections and wishes in writing to the alleged harasser. The purpose is to make it clear that the behaviour is unwanted, that the complainant wishes it to stop, and that further action will be taken if it persists. Managers should not attempt to coerce either the complainant or alleged harasser to meet.

B. Formal Stage

9.1 Complaints about students

Complaints from staff or students about students should be forwarded in writing to the Secretary and Registrar's office by the Dean of School/Director of Service (or nominee) and will be dealt with under the Student Disciplinary Regulations.

9.2 Complaints about staff

9.2.1 Complaints will initially be dealt with in accord with the 'Personal Dignity Policy'. If it is established that there is evidence of a case to answer then the investigatory section of the Staff Disciplinary Procedures will apply.

9.2.2 Alternatively, staff may raise a grievance under the appropriate stage of the Staff Grievance Procedure.

9.3 If a staff member wishes to make a formal complaint of harassment against another member of staff this should be made in writing to the relevant Dean of School/Director of Service. However, a minimum level of evidence must be provided prior to a formal complaint being investigated. The evidence could include witness statements or any other material proof. In the case of incidents

where there are no witnesses a detailed written statement with dates and times of when the incident(s) occurred must be provided prior to the alleged harasser being interviewed. The complaint should be copied to the Director of HR Services (or nominee).

9.4 The Dean of School/Director of Service will discuss the matter with the Director of HR Services (or nominee) to determine the correct process to apply.

9.5 Where the Director of HR Services (or nominee) decides that there is evidence to warrant a case to answer, he or she will ask the Dean of School/Director of Service to arrange an investigation into the complaint, following the 'Guidelines for Conducting an Investigation' in Appendix C of the Staff Disciplinary Procedures.

9.6 If a formal complaint is made about a Dean of School/Director of Service, it should be sent to the appropriate Pro-Vice Chancellor who is a member of the Vice-Chancellor's Group. If a complaint is made about a member of the Vice-Chancellor's Group it should be sent to the Vice-Chancellor. If a complaint is made about the Vice-Chancellor it should be referred to the Chair of the Board of Governors.

Time limits

9.7 Student and staff are encouraged to make complaints of harassment as soon as possible after the incident(s) occur. An investigation will be conducted as soon as possible and will normally be completed within three weeks from the date when the formal complaint was received.

Any disciplinary hearing, where this becomes necessary, will normally be held not more than six weeks from the date when the formal complaint was received.

Approved by our Board of Governors

October 2006
