# Dignity at Work and Study Policy and Procedures (Harassment and Bullying)

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1. Introduction

The University of Dundee is committed to providing and maintaining an inclusive, accessible and positive learning and working environment that is free from unlawful discrimination and any forms of harassment, bullying or victimisation. This commitment is supported and underpinned by our Vision and Strategy which set out our core values of:

- Valuing people
- Working together
- Integrity
- Making a difference
- Excellence

We aim to ensure that our values are at the heart of every action and every decision taken so that every person in the University community is treated in accordance with them.

The University provides several avenues of support and advice (see Appendix 1) for any student or member of staff who is experiencing harassment or bullying. We have developed this Policy and Procedures document to explain our policy and provide guidance on the procedures to be adopted if harassment, bullying or victimisation take place.

2. Policy

2.1 Purpose

The purpose of the policy is to state the University’s position on harassment, bullying and victimisation, to raise awareness amongst the University community of behaviour that would be considered harassment, bullying or victimisation and to provide guidance on informal and formal means of dealing with harassment, bullying or victimisation when it occurs.

The Dignity at Work and Study Policy and Procedures specifically relates to harassment, bullying and victimisation and sits alongside other procedures for making complaints (see the [Grievance Procedure](https://www.dundee.ac.uk/hr/policiesprocedures/grievanceprocedure/) and the [Complaints Procedure](https://www.dundee.ac.uk/governance/dca/complaints/)). The University reserves the right to progress a complaint under either the Grievance Procedure or the Complaints Procedure, as appropriate. The University may also pursue complaints against students under Ordinance 40.

The University supports the right of all students, staff, visitors and contractors to be treated with mutual respect and dignity by

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1. Grievance procedure (staff): https://www.dundee.ac.uk/hr/policiesprocedures/grievanceprocedure/
2. Complaints procedure (students): https://www.dundee.ac.uk/governance/dca/complaints/
committing itself to providing an environment which is supportive and free from harassment, bullying and victimisation. The University will not accept or tolerate any form of harassment, bullying, or victimisation by any member of its community. All allegations or incidents of harassment, bullying and victimisation will be considered and treated seriously, and could provide grounds for disciplinary action, which could lead to dismissal or expulsion from the University. In some cases, individuals who harass, bully or victimise may be subject to criminal and/or civil prosecution.

2.2 Scope

This University policy on harassment, bullying and victimisation relates to everyone studying or working at the University, including all students, all members of staff and all visitors and contractors. All students and staff are expected to behave in accordance with the policy statements and to contribute towards the promotion of a positive learning, social and working environment that is free from any form of harassment, bullying and victimisation.

The policy is principally concerned with the prevention of harassment, bullying and victimisation and aims to provide a means of challenging unreasonable or unjustifiable behaviour. It is not intended to inhibit reasonable and effective management of staff and students.

The University will promote and publicise this policy amongst its community. Copies are available on the Human Resources and Organisational Development website, the DUSA website and from the Enquiry Centre. Alternative formats of the policy can be provided by contacting the University’s Alternative Formats Service: altformats@dundee.ac.uk.

2.3 Definitions

2.3.1 Harassment

The terms ‘bullying’ and ‘harassment’ are often used interchangeably and it is not uncommon for bullying to be considered a form of harassment. However, in law they are two very different issues. The Equality Act 2010 defines harassment as taking place when someone engages in ‘Unwanted conduct related to a relevant protected characteristic, and the conduct has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.’ The Equality Act 2010 makes it unlawful to harass somebody based on a protected characteristic. Harassment of a sexual nature is also unlawful.

The University has a zero tolerance approach to harassment and bullying based on protected characteristics (including gender identity). The protected characteristics (as defined in the Equality Act) which are relevant to harassment are:
• Age
• Disability
• Gender Reassignment
• Race
• Religion or Belief
• Sex
• Sexual Orientation

It is possible for the harassment to occur in a targeted manner towards an individual or group on the grounds of:

• Someone’s actual characteristics (e.g. a person may be harassed because they are disabled)
• Someone’s perceived characteristics (e.g. a person may be harassed because it is considered that they are disabled)
• Someone’s link to one of the personal characteristics via someone else (e.g. a person may be harassed because they have a partner or family member who is disabled)

Harassment may not always relate to protected characteristics, and the University treats all allegations of harassment equally seriously. Some examples of forms of harassment are provided in Appendix 2.

2.3.2 Bullying

Bullying is the exercise of power over another person through behaviours that undermine that individual personally and/or professionally. It is often characterised by inconsistent treatment of people.

Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour. It can also be placing inappropriate pressure on the recipient which can affect self-confidence or has the effect of isolating or excluding them. Bullying involves behaviour that is unacceptable to the recipient and creates an intimidating, hostile or offensive environment for employment, study or related social activities.

Bullying may consist of a single incident, sporadic events or a continuing process. Behaviour that may appear trivial as a single incident can constitute bullying when repeated.

Bullying may be by an individual against another individual (perhaps by someone in a position of authority such as a manager or tutor) or groups of people (perhaps a person will act in a bullying manner towards several colleagues). Similarly, a group of people may also be responsible for bullying behaviour towards an individual (for example, if a group of students or staff members act in a way that leaves an individual feeling isolated or excluded). People in positions of authority can be bullied by those who are not.
Examples of bullying are provided in Appendix 2.

2.3.3 Victimisation

The legislation of the Equality Act 2010 also covers victimisation, which is defined in law as taking place ‘When a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things.’ The University’s policy also extends this definition to bullying.

Examples of victimisation are provided in Appendix 2.

2.4 Harassment and bullying by the use of electronic methods

Electronic harassment can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending emails, all staff and students should consider the content, language and appropriateness of such communications. If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting as detailed in this policy. Guidance on the appropriate use of social media can be found through the University’s social networking policy at https://uod.app.box.com/s/305u21o5kcjaopzi7n4gux3tcpqa195x.

2.5 Staff and Students Rights

All staff and students have the right to work and study in an environment which is free from any form of harassment or bullying. The University fully recognises the right of staff and students to complain about harassment and bullying should it occur. All complaints will be taken seriously and dealt with promptly.

This policy does not replace or detract from the rights of employees or students to pursue a complaint under the University’s Grievance Procedure or Complaints Procedure. Nor does it replace or detract from the statutory rights of employees or students to pursue a complaint under legislation, for example to an Employment Tribunal or the Sheriff Court.

Every effort will be made to ensure that staff and students making complaints, and others, who give evidence or information in connection with the complaint, will not be victimised. Any complaint of victimisation will be taken seriously and dealt with promptly. Victimisation will result in disciplinary action and may warrant dismissal.

A staff member or student who is accused of harassment or bullying has the right to respond fully to such accusations and to be accompanied in hearings as part of any resulting staff or student
disciplinary process by their Campus Trade Union representative, Harassment Adviser, colleague or a friend.

Staff and students also have the right to seek advice from the Harassment Advisers, the Human Resources Officers, the Equality, Diversity and Inclusion Office, their Campus Trade Union representative, Student Services or Student Association, as appropriate.

2.6 Responsibilities

2.6.1 The University’s responsibilities

The University has a legal responsibility to ensure that any form of harassment or bullying is stopped effectively. This policy and procedures will be communicated effectively to all staff and students and the University will continue to ensure that all employees and students are aware of their responsibilities. In addition, managers and Students’ Association representatives have specific additional responsibilities. Appropriate training will be provided.

Harassment Advisers have been designated to provide advice and assistance to staff and students who are subjected to harassment and bullying and their names have been circulated to all staff and students (for a list of current Harassment Advisers contact the Equality, Diversity and Inclusion Office or your School/Directorate). The list is also available on the University’s Human Resources and Organisational Development website at https://www.dundee.ac.uk/hr/. Staff and students may contact anyone on the list.

The University will ensure that all complaints of harassment and bullying are taken seriously and dealt with promptly. We will offer support for victims and those accused of harassment and bullying by the provision of counselling or other appropriate help.

2.6.2 Managers’ responsibilities

Managers have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible.

They have responsibility for seeking to resolve any incidents of harassment or bullying of which they are aware or should reasonably be expected to be aware of. If harassment or bullying does occur, they must effectively deal with the situation. Failure to implement this policy and to investigate a complaint could lead to a line manager/supervisor being individually liable for that complaint, and/or could lead to disciplinary action and/or to legal proceedings.

Managers must not threaten or insinuate, either explicitly or implicitly, that an employee’s rejection of sexual advances or
refusal to participate in potentially harassing behaviour will be used as a basis for an employment decision affecting that employee. Such conduct by a manager will be treated as a serious disciplinary offence by the University. If an employee lodges a tribunal application against a manager in these circumstances they may be individually liable.

Line managers have a responsibility to ensure that performance standards for tasks are established fairly and consistently with each member of staff, and that objectives are formalised and agreed to ensure that an employee does not feel bullied or unfairly criticised for their standard of work. Moreover, lack of performance must be dealt with in an appropriate manner and under the appropriate procedures. Line managers must not resort to bullying tactics in these or any other circumstances.

Managers must also ensure that they afford fair and unbiased treatment to anyone who has been accused of harassment or bullying, at all stages of the investigation.

In addition they must:

- Undertake appropriate training to ensure that they understand their responsibilities under the policy
- Explain the University’s policy to their staff and take steps to promote the policy
- Ensure that each member of staff for whom they have responsibility is made aware of the policy and has access to a copy of the policy
- Ensure that staff including supervisors of students, know how to raise issues about harassment or bullying
- Set a good example by treating all staff, students and visitors with dignity and respect
- Be responsive and supportive to any member of staff who makes an allegation of harassment or bullying; provide full and clear advice on the procedure to be adopted; and endeavour to ensure that there is no problem of harassment, bullying or victimisation, both after the incident has been reported, and after a complaint has been resolved

2.6.3 Students’ representatives’ responsibilities

All Students’ Association representatives and those with responsibility for Student’s Association staff should take appropriate steps for ensuring that harassment and bullying do not occur in their work and social environment.

In addition they should, in line with their own policies and procedures:
• Understand the University’s Dignity and Work and Study Policy and Procedures and provide information regarding the policy and procedures when requested to do so
• Advise and inform their staff or students of the University’s Dignity at Work and Study Policy and Procedures
• Provide an educational/social environment which is free from visual harassment and bullying e.g. pin-ups, graffiti, defaced posters etc
• Be alert to physical and verbal harassment and bullying in their work/social environment and deal with it immediately, whether or not it is formally brought to their attention
• Be supportive of individuals who state that they have been harassed or bullied and take full account of their feelings and perception of the situation
• As far as possible, maintain confidentiality relating to all aspects of cases of harassment and bullying and not disclose and discuss the case unnecessarily with any individual who is not involved in its investigation
• Undertake any training session which may be arranged to increase awareness of the University’s Dignity at Work and Study Policy and Procedures

2.6.4 Staff and students’ responsibilities

Staff have a responsibility to carry out their duties to meet objectives in a professional manner and according to agreed procedures and standards. All staff and students have a responsibility to help ensure a working and learning environment in which the dignity of all staff and students is respected.

All staff and students are expected to comply with this policy and should ensure that their behaviour to colleagues, students and visitors to the University does not cause offence and could not in any way be considered to be harassment or bullying.

All staff and students should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting colleagues or students who experience such treatment and are considering making a complaint. Anyone aware of or being subjected to harassment or bullying is encouraged to alert a manager, supervisor or member of academic or support staff to any incident of harassment or bullying to enable the institution to deal with the matter.

All staff and students have a responsibility towards one another and if they witness an incident of harassment or bullying they may be required to give a statement and to be interviewed in the course of an investigation.
3. Procedures

3.1 Introduction
Throughout this section the student or member of staff who feels that they have been harassed, bullied or victimised is referred to as the ‘complainant’ and the person against whom these allegations have been made is referred to as the ‘respondent’ or ‘alleged harasser’. The complainant should raise their initial complaint normally within **three months** of the date of the last alleged act. Reports or complaints pursuant to this Policy will be addressed and resolved as promptly as practicable after the complaint or report is made, noting that some cases can necessarily be complex in nature.

The procedures below are the appropriate procedures in cases when the complainant is employed by the University or is a student of the University. However, the University may elect to treat complaints made by employees under the Grievance Procedure, and likewise may elect to treat complaints made against students under Ordinance 40. In either case, the content of this policy may be taken into account by decision-making bodies under those processes.

Complaints made by third parties such as contractors or members of the public will be dealt with under the Complaints Handling Procedure, and any necessary disciplinary action may be taken under the staff conduct procedures or Ordinance 40, as appropriate.

3.2 Informal procedures for making a complaint about harassment, bullying or victimisation

3.2.1 Consideration of an informal approach to resolve an issue
The University recognises that it can be difficult to raise a complaint of harassment, bullying or victimisation whether on an informal or formal basis and encourages staff and students to access the appropriate sources of support available. 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.

Advice and support can be sought from a trained specialist through the Harassment Advisers’ Network, Human Resources, the Campus Unions, Student Services and DUSA at any time.

An informal approach may effectively address unwanted behaviour without recourse to formal procedures. There are, however, some circumstances where the alleged behaviour may be deemed to be sufficiently serious to warrant an immediate formal investigation such as where there has been discrimination, assault or a prolonged abuse of power.

Unacceptable behaviour should in the first instance be raised by the individual who perceives that they are the recipient of it with the
person involved if they feel comfortable to do so. It is recommended that issues are raised at the earliest opportunity.

3.2.2 Talking to the respondent concerned
This response is most appropriate when the working relationship is still reasonably positive and when the unwanted behaviour is recent. A mutual willingness to discuss the issues and to work for a solution is a good indicator of success.

Before speaking to the respondent, it is important to identify the behaviours that are being experienced as unacceptable or objectionable. It is helpful to make sure that the specific incidents are clearly defined in terms of the time, content and frequency of behaviours.

3.2.3 Writing to the respondent concerned
If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing marked ‘personal and confidential’ to the respondent. This will create a written record of the issue that has been raised and is useful when a meeting is not possible due to distance or timing.

It is important to prepare by thinking about what behaviours are causing the problem and how they could be changed. The letter/email should clearly describe the unacceptable behaviours and explain why the behaviours are unwanted. The desired alternative behaviours should be described and a suggestion made as to how the situation could be resolved. The letter/email should be concise and to the point. Care should be taken to avoid any blaming statements or emotive language.

3.2.4 Talking to a manager/supervisor
A line manager or supervisor has a responsibility to advise and support an individual to try and resolve the concern raised. The focus of the meeting is to explore whether the issue can be resolved through discussion/informal intervention and in particular to consider ways of avoiding similar matters arising in the future.

Where a staff member perceives that concerns relate to an immediate manager or supervisor, the staff member may wish to discuss this informally with the next level of management if they feel that they are unable to approach the named manager or supervisor directly.

3.2.5 Seeking support from the Harassment Advisers’ Network
A staff member or student can contact a Harassment Adviser (see Appendix 3) to receive advice directly in person or by phone or by email. The Harassment Adviser can assist the staff member or student to explore options for informal resolution of the issue and indicate whether the matter is so serious that it warrants consideration under the relevant formal procedure. The Harassment Adviser can also provide confidential advice and support to staff and students.
Harassment Advisers will be familiar with the appropriate procedures and are available to help staff and students make a decision on how they want to handle their concern by presenting all the options.

3.2.6 Seeking advice from Human Resources

Confidential advice and support on how to address issues and a strategy for resolution can be sought through School/Directorate Human Resources Officers (see https://www.dundee.ac.uk/hr/staff/). A Human Resources Officer can assist the staff member to explore options for informal resolution and indicate whether the matter is so serious that it warrants consideration under the relevant formal procedure.

3.2.7 Seeking advice from the Campus Unions

A member of a Campus Union may seek confidential advice and support from their Union on how to address issues including a strategy for resolution at any point during the process. The Campus Union representative can assist the staff member to explore options for informal resolution and indicate whether the matter is so serious that it warrants consideration under the relevant formal procedure.

3.2.8 Seeking advice from the Dundee University Students’ Association (DUSA)

DUSA can offer advice on any issues that students face. They can assist students to explore the issues and help them understand the options. See https://www.dusa.co.uk/advice/.

3.2.9 Involving a third party

If approaching the alleged harasser directly does not resolve the situation, or feels inappropriate, it may be appropriate to ask a third party to assist. Asking an appropriate person who is not directly involved in the situation to speak with the alleged harasser may help get the right message across.

The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the alleged harasser to discuss the allegation and make clear that any behaviour that could be considered as harassment or bullying under this Policy must stop immediately. Discontinuing the behaviour and an apology (if there has been any unacceptable behaviour) may be sufficient to bring the matter to a close.

Alternatively, the third party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation to consider the option of mediation to help rebuild the relationship if all parties are willing to engage. In the case of staff, both the complainant and alleged harasser have the right to be accompanied by a work colleague or union representative to any meetings at this
stage in the process. Students may be accompanied by a friend or student representative their request.

3.2.10 Mediation

In some situations, it may be appropriate to consider mediation as a way to resolve the issues. The option of mediation can be accessed by making contact with the University’s edr service at http://www.dundee.ac.uk/academic/edr/. This free service is available to all staff and students. Contact may be made about mediation at any time, before or after a formal investigation. It may be particularly helpful if it is considered at a very early stage, before any formal procedure is commenced. Mediation is just one of several options and it may not be appropriate in certain situations, such as where there is evidence of serious misconduct.

Mediation is a voluntary and confidential process which enables people to resolve issues with the assistance of a registered mediator within the University's edr team. An edr mediator can be engaged at an early stage to assist with any issues of conflict, including issues that would be considered under this Policy. The process encourages open communication and empowers people to engage with each other in a safe environment to discuss the root causes of a conflict and explore options to reach a resolution in a productive and forward looking way.

3.3 Formal procedures for making a complaint about harassment, bullying or victimisation

3.3.1 Consideration of a formal approach to resolve an issue

A formal complaint should be made where a matter remains unresolved through the informal approach, or if the problem continues after an agreed resolution, or if the matter is of a more serious nature that would not be appropriate to be dealt with by informal means.

A formal complaint must be made within six months from the date of the first instance or attempted informal resolution in order to make an investigation feasible. Once a formal complaint about bullying or harassment has been raised, the University has responsibility for investigating the complaint in order to protect the complainant and give the respondent a fair hearing, consistent with the principles of natural justice.

The University recognises that in some cases people who are aware of a situation that may constitute harassment or bullying may wish to raise a complaint through the process described below even though they are not affected directly. In such cases the University actively encourages those individuals to come forward.

3.3.2 Procedure for raising a formal complaint about harassment, bullying or victimisation

The procedure is instigated when the complainant submits a letter/email of formal complaint to the Head of Equality, Diversity
and Inclusion. The letter/email should be as concise as possible and contain details of the incident(s). Care should be taken that the content of the letter focuses on the actual complaint(s) and is not defamatory. The respondent will have the right to receive a copy of the formal letter of complaint.

In the letter/email the complainant should set out as clearly as possible:

- The nature of the behaviour that they are concerned about
- The effect that this behaviour has had on them
- The dates of the behaviour, and the identity of any witnesses to any incidents referred to in the complaint, together with any documentary evidence
- What attempts, if any, that have been made to resolve the difficulties
- The outcome/resolution that they are seeking

Following receipt of the formal complaint, the Head of Equality, Diversity and Inclusion together with the Director of Human Resources will establish a Dignity at Work and Study (DAWS) investigation panel to investigate the complaint and come to a determination.

3.3.3 Composition, role and remit of the DAWS panel

The DAWS panel will normally consist of a senior member of staff acting as the chair and investigator and a Human Resources officer or other appropriate officer. For student cases, the senior member of staff will be supported by a nominated person with direct experience of working with students matters. As a general rule, the panel members must not have had previous involvement with the issues in the case and should be independent of the complainant and respondent. The Director of Human Resources (staff) or the Director of Academic and Corporate Governance (students) will determine any concerns about the independence of the panel and any potential conflict of interest issues raised. Where a concern involves the Director of Human Resources or the Director of Academic and Corporate Governance, the matter will be determined by the University Secretary.

The role of the DAWS panel will be to gather all the relevant information and facts in relation to the complaint made and document and consider these, including taking witness statements from the relevant witnesses. The scope of the investigation is at the discretion of the DAWS panel. The DAWS panel will meet with the complainant to clarify the allegations that they are investigating.

The chair of the DAWS panel will contact the respondent to inform them of the allegation(s), request their attendance at an investigatory meeting and confirm their right to representation. This letter will also point out the seriousness of the allegation,
how the respondent can respond to the allegation and sources of support and representation and provide all relevant documents.

3.3.4 The investigation process

The investigation of the complaint will be started as quickly as possible and should normally be completed within one month of being initiated. It is recognised that a thorough investigation is important, and the situation may be extremely complex, so that it may not be possible to reach an outcome as quickly as all the parties wish. The complainant and the respondent and their representatives are required to do all that they can to enable the investigation to be completed as promptly as possible. The DAWS panel will keep all parties advised of the timescales and next steps, particularly in relation to any delays.

The complainant will be asked to attend a meeting with the DAWS panel during which the procedure will be explained and discussed, and the details of the allegations will be confirmed. Complainants will be informed of their right to be accompanied. A written record will be maintained of the meeting which will be agreed by the complainant as an accurate description of the circumstances.

The DAWS panel may, at this initial stage, determine that there is no substance to the complaint in which case the formal procedure will cease and the complainant will be informed. In this event, the complainant may seek a review of the DAWS panel decision under the appeals procedures described in paragraphs 3.3.9-3.3.12 below. Where the DAWS Panel agree that further investigation is appropriate, the respondent will be informed of the substance of the complaint against them and asked to attend a meeting.

Prior to the meeting details of the Policy and the support mechanisms available to the respondent will be provided. Respondents will be informed of their right to be accompanied. During the meeting, the Respondent will be given the opportunity to respond to the details of the complaint.

The DAWS panel may consider recommending temporary changes to working or study arrangements pending the outcome of the investigation if circumstances require, or in exceptional circumstances may recommend suspension of staff on full pay during the period of the investigation. The latter option must be endorsed by either the Principal, the University Secretary or the Director of Human Resources.

The DAWS panel may require relevant witnesses to attend interviews. Notes of any interviews will be made and confirmed by the interviewee as accurate and reflecting the discussion. The interviewee may make any written comments about any section of the notes with which they do not agree. Copies of the finally confirmed
notes, with any comments, will be retained by both the interviewee and the DAWS panel.

3.3.5 Representation

Both the complainant and the respondent have the right to be represented or accompanied by a Campus Union representative or fellow employee (for staff) or by a student colleague of their choice from within the University (for students) at any formal meeting held under this formal procedure (and also under the appeal procedure). If the complaint involves a student the representative/companion may also be a member of the Students Association (DUSA), tutor or equivalent. The representative/companion must maintain confidentiality at all times.

3.3.6 Specific support requirements

Where a staff member or student believes their disability (e.g. hearing difficulties, chronic fatigue, etc) or language skills (e.g. English is not first language) may impact on the ability to participate as appropriate in the procedure, it is the individual’s responsibility to raise this with Human Resources, Student Services or Students Association (DUSA) as appropriate as soon as possible. In such cases the University will provide appropriate reasonable support/adjustments during formal proceedings. The DAWS Panel members shall be advised of any reasonable adjustments to be made.

3.3.7 The investigation outcome

The DAWS panel will reach a decision on the complaint on the basis of interviews and statements received and any other relevant evidence, and will compile a report of the investigation including their decision on the outcome. All parties will be informed individually in writing of the decision and reasons for the decision will be given.

If the DAWS panel conclude that the behaviour of the staff member or student against whom the complaint was made does constitute misconduct, then the matter may be referred for consideration under the appropriate staff or student disciplinary procedures. Any member of staff or student who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the relevant staff or student disciplinary procedures, including Ordinance 40. In such cases, a potential outcome is either termination of employment or expulsion from the University, as appropriate. Where appropriate, a reference may be made to a fitness to practice hearing in cases involving students regulated by a professional body.

Whether or not a complaint is upheld the University will consider how best to manage the ongoing relationship between the complainant and the alleged harasser. It may be appropriate to ask the parties to consider a change to the duties, working location or reporting
lines of one or both parties or whether they would be willing to engage in mediation to discuss future interaction and arrangements between them.

3.3.8 Decision of the DAWS panel

The decision of the DAWS Panel will depend upon the individual circumstances and be tailored to be appropriate to the facts of the case. The principles of reasonable belief and the balance of probabilities (i.e. something is more likely than not to have occurred) will be used to reach a decision. The decision may include the following possibilities (list is not exhaustive):

- No further action
- Appropriate training or development for the alleged harasser
- Further voluntary interventions, for example mediation
- Moving the alleged harasser or complainant to a different location, or changing duties, or line management, if appropriate
- Disciplinary procedures being invoked

3.3.9 Right of appeal

If, once a decision on a formal complaint of harassment or bullying has been given, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, or that the conclusions and recommendations are unreasonable because they are not supported by the findings of the report, or there is new evidence, then they may appeal. Either party can request an appeal by writing to the Director of Human Resources (staff) or the Director of Academic and Corporate Governance (students.)

The request for appeal should include details of why the individual is dissatisfied with the way the case has been handled or why the individual believes that the outcome is not reasonable and what resolution is sought. Copies of correspondence exchanged during the preceding stages, and any other relevant papers or additional information will also be included as part of the appeal process.

3.3.10 The appeal panel

The appeal will be heard by a panel of two senior members of staff appointed by the Director of Human Resources (staff) or the Director of Academic and Corporate Governance (students), depending on the status of the individual making the appeal. The appeal panel will include individuals who have had no previous involvement in the case.

3.3.11 The appeal process

The appeal will follow the same principles in terms of equity of process as the initial hearing. The purpose of the appeal is to consider whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all of
the circumstances. The purpose is not to reinvestigate the complaint.

Staff appeals are to be made in writing to the Director of Human Resources and Organisational Development within ten working days of written notification of the outcome of the formal investigation. Student appeals are to be made within the same timescale to the Director of Academic & Corporate Governance. An appeal hearing will normally be held within ten working days from the receipt of the written appeal. Whilst every effort will be made to adhere to this timescale, there may be circumstances which will mean that the process may take longer. Where this is the case the appellant will be informed in writing.

3.3.12 The appeal outcome

The decision of the panel from the appeal hearing will be communicated in writing, normally within seven working days of the hearing unless otherwise agreed by the parties. The outcome letter will be copied to the respondent. The decision of the appeal panel shall be final within the policies and procedures of the University.

3.3.13 Vexatious or malicious complaints

The Dignity at Work and Study Policy and Procedures exists to provide a fair means of resolving genuine complaints. Complaints of harassment or bullying are treated seriously by the University. If, at any time, there is evidence that allegations of harassment or bullying have been made vexatiously or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.

4. Confidentiality

Confidentiality is understandably an area of concern for most people when they decide to discuss a problem of harassment or bullying. All parties can be assured that when they approach an internal contact confidentiality will be respected. All discussions will remain confidential, unless the internal contact determines that there is an unacceptable risk to the complainant, witness, or to the University. If this is the case, the situation will be discussed with the complainant and the matter will be referred to the Director of Human Resources and Organisational Development (staff), or to the Director of Academic and Corporate Governance (students).

There may also be occasions when, in order to give individuals the best possible support, an internal contact may need to seek advice from someone else in the University. If this is the case, the complainant’s permission will first be sought and their identity will not be conveyed to the third party.
All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation or Student Services or Students’ Association or Campus Union or other representatives or advisers supporting any of the parties) should maintain the confidentiality of the process. Failure to do so may be treated as an act of misconduct under the University’s staff or student disciplinary procedures.

As far as reasonably practicable, confidentiality will be maintained throughout all investigations, subject to any statutory requirements. There may be circumstances where there is a legal obligation to share information with third parties including the police, when there is sufficient evidence to suggest that an individual poses an extreme risk or where a crime has been committed.

5. Documentation and records

The University and all those involved in this process must comply with the principles of the General Data Protection Regulation (2018). This includes ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

A copy of the letter from the investigative panel confirming their decision from their investigation of the complaints involving staff will be held confidentially on the personal file of the complainant and respondent.

The confirmation of any disciplinary warning issued and/or any appeal outcome against a member of staff in relation to a complaint of harassment, bullying and or victimisation will be held on the personal file of the staff member in line with the relevant disciplinary policy and procedure.

At the end of the investigation the investigative panel will submit the papers to the Director of Human Resources and Organisational Development (for staff cases) or the Director of Academic and Corporate Governance (for student cases) for safe and confidential storage for a period that they will determine in line with legislative and regulatory requirements. The Director of Human Resources and Organisational Development, or if the student is a complainant, the Director of Academic and Corporate Governance, should be consulted about filing and retaining any notes and documents, all of which must be held in strict confidence.
6. Review and monitoring of the Dignity at Work and Study Policy and Procedures

The Equality, Diversity and Inclusion Office will monitor the implementation and effectiveness of this Policy and Procedure. The University will collect anonymised statistical information on complaints made by staff and students including:

- Informal monitoring of the policy by the Harassment Advisers’ Network
- Formal monitoring of complaints handled by the Equality, Diversity and Inclusion Office and the Human Resources and Organisation Development Directorate

Regular reports will be provided by the Equality, Diversity and Inclusion Office to the University People and Organisational Development Committee.

The Policy and Procedure have been consulted on with all recognised Campus Trade Unions and with the Students’ Association (DUSA), Student Services, Staff Networks, the University Equality, Diversity and Inclusion Committee and all relevant stakeholders. It will be reviewed after a period of three years from this revision with the recognised Campus Unions and relevant committees including Student Association (DUSA).
Appendix 1

Sources of Advice and Support

Academic Advisers of Studies/Course Leader
Black and Minority Ethnic (BME) Staff Steering Group
Campus Security, www.dundee.ac.uk/estates/facilities/security/
Chaplaincy, www.dundee.ac.uk/chaplaincy/
Counselling Service, www.dundee.ac.uk/student-services/counselling/
Disability Services, www.dundee.ac.uk/disabilityservices/
Disabled Staff Steering Group
Harassment Advisers’ Network
Human Resources Officers, www.dundee.ac.uk/hr/
Equality, Diversity and Inclusion Office, www.dundee.ac.uk/hr/equality/
Lesbian Gay Bisexual Transgender (LGBT) Staff Network
LIVE Smart, http://libguides.dundee.ac.uk/livesmart
Manager/Supervisor
Occupational Health Service, www.dundee.ac.uk/safety/occhealth/
Student Services Enquiry Centre, www.dundee.ac.uk/student-services/
Student Services Enquiry Centre, www.dundee.ac.uk/student-services/
Student Association (DUSA), www.dusa.co.uk
Unison-Dundee, https://unison.dundee.ac.uk/
Unite-Dundee, www.unitetheunion.org/
University and College Union-Dundee (DUCU), https://sites.dundee.ac.uk/ducu
Examples of Harassment, Bullying and Victimisation

Harassment

Harassment includes discriminatory behaviour based on someone’s age, disability, gender reassignment or gender identity, race, religion or belief, sex or sexual orientation. It can take many forms and may, for example, occur in a face-to-face setting, by telephone, or in written or electronic communications. Note that a person may be harassed even if they were not the intended ‘target’. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

Examples of harassment include, but are not limited to, the following:

- Behaviour of a racist, sexist, homophobic, biphobic or ageist nature or similar behaviour towards an individual with a disability or undergoing gender reassignment, or trans people
- Making derogatory or stereotypical remarks about a particular characteristic, such as about someone’s sexual orientation, gender identity, age, disability, ethnic group or religion, for example
- Inappropriate comments about a person’s appearance, intrusive questions or comments about a person’s private life and malicious gossip
- Any behaviour or abuse which may cause distress or embarrassment, such as name calling, ridicule, insults, jokes or banter, graffiti, physical abuse, etc
- The invasion of personal space
- Displaying offensive material (on paper or electronically)
- Spreading malicious rumours or insulting someone
- Preventing other people from progressing by deliberately blocking educational or training and development opportunities or promotion
- Intentional isolation or exclusion
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Persistent, unwelcome contact, that may include text messages, emails, phone calls, gifts, letters, calling at an individual’s home or place of work or study
- Stalking
- Offensive sexual behaviour such as suggestive looks, leering and remarks, offensive flirtations, unwanted physical contact;
unwanted sexual advances or demands for sex and compromising invitations

- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it

- Making public that someone is gay, lesbian, bisexual or trans (outing) when they would prefer to keep this information private

- Intentional or repeated misuse of someone’s preferred name and pronouns. For example, choosing to refer to someone who identifies as female as male.

**Bullying**

Bullying can take the form of physical, verbal and non-verbal conduct. The following list provides examples of the type of behaviours that could amount to bullying:

- Abuse of power, position, knowledge or behaviour that causes fear or distress for others

- Shouting at, being sarcastic towards, ridiculing or demeaning others

- Overbearing supervision, verbal, written or electronically transmitted abuse

- Physical or psychological threats

- The undermining of an individual through unfair work allocation and/or constant criticism

- Threats relating to academic progression, promotion or ongoing employment

- Public ridicule, sarcasm or humiliation

- Excessive and unwarranted supervision or monitoring

- Inappropriately removing duties and/or responsibilities

- Derogatory remarks or unwarranted criticism

- Refusal to delegate, where appropriate

- Taking credit for someone else’s work, but failing to take responsibility if something goes wrong

- Exclusion or isolation

- Unreasonable refusal to co-operate, or withholding information/deliberately supplying wrong information so that another person is less able to do their job effectively

- Subjecting someone to group pressure

- Making someone’s working life unreasonably difficult, for example, setting of impossible deadlines, objectives and deliberately imposing an intolerable workload

- Verbal or practical jokes
Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to staff or students in the course of their employment or study, will not amount to bullying on their own.
Victimisation

The following list provides a few indicative examples of the type of behaviour which could amount to victimisation:

- Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines or deciding not to nominate someone for contribution pay even though they deserve such a nomination.
- Excluding a person from study or work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.
- Creating a difficult or oppressive environment for an individual because they have made a complaint – whether informal or formal – of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.
Appendix 3

Harassment Advisers

Introduction

Harassment Advisers are volunteer members of the University staff who are appropriately trained to provide staff and students with advice and assistance on issues relating to harassment, bullying and victimisation in a confidential manner. They can provide confidential advice on informal and formal mechanisms for addressing issues of harassment, bullying and victimisation. They may also support the complainant or respondent through informal proceedings. They will not conduct or undertake any investigations.

Purpose of the role

The role of a Harassment Adviser is to support individual members of staff or students who are concerned that they are the subject of harassment or bullying or who has had a complaint made against them. The aim is to facilitate resolution in cases of harassment or bullying in line with the University’s Dignity at Work and Study Policy and Procedures. The harassment advisory service is co-ordinated by the Equality, Diversity and Inclusion Office.

Main duties of the role

• To be a point of contact and support for any employee or student in the University who thinks that they are being harassed or bullied or who has had a complaint made against them
• To listen to staff and students who believe they are being harassed or bullied in a non-judgemental manner
• To clarify the options open to them and to assist them in resolving the matter informally where possible
• Where requested to support individuals throughout the resolution of their concerns. This may include discussing with the individual what they may wish to say or write to the person whom they consider has harassed or bullied them. This may also include accompanying the individual to speak to the alleged harasser or accompanying the individual to seek guidance from a senior member of staff.
• To refer individuals onto another adviser where necessary or to other agencies or support systems where appropriate, in line with their role
• Advisers must deal with all cases with the utmost confidentiality except in cases where there is an unacceptable risk to a member of staff, student or to the institution.
• To maintain summary records of any action taken in relation to cases and to store them in conditions of strict confidence
• To support the annual monitoring on harassment and bullying through recording of the number of cases in which the adviser is involved and the methods by which they were resolved, where known
• To complete a Harassment Reporting form for each case and forward it to the Head of Equality, Diversity and Inclusion
• To participate in meetings with other members of the Harassment Adviser Network in order to share good practice, raise issues and provide mutual support
• To complete a mandatory initial course of training and attend refresher training as required by the University
• To act in a manner consistent with the University Equality and Diversity Policy

Areas not in scope of the role

• Advisers must not act as a representative of the complainant (or person being complained against)
• Advisers should not make statements to those to whom they are providing support to the effect that a particular behaviour definitely constitutes harassment or bullying that will lead to disciplinary action. Such statements can only be made after investigation of all of the facts
• The Harassment Adviser’s role is not to investigate but to support in the way set out in the Policy
• Advisers should not purport to provide legal advice to complainants or to those accused of harassment or bullying
You are concerned about treatment from a member of staff or from a student?  

Are you able to speak to the person(s) to let them know the effect of their behaviour on you?  

No

Ye  

Is the matter resolved?  

No

Ye  

Are you able to write/email the person(s) to let them know or remind them of the effect of their behaviour on you?  

No

Ye  

Is the matter resolved?  

No

Ye  

Do you wish to try your initial approach again or to get help to resolve the issue informally from a line manager/Harassment Adviser/Adviser of Studies/Course Leader/another staff member?  

No

Ye  

Is the matter resolved?  

No

Ye  

Consider initiating formal procedures.