

# Dignity and Respect Policy

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## 1. Introduction/Purpose

The University of Strathclyde is a community within which all staff, students and visitors are valued for their contribution. It is the University's expectation that all staff, students and visitors participate in the life of the University in a manner which ensures that everyone that they encounter as a member of this community is treated with dignity and respect. In particular members of the University community are expected to understand, respect and behave in accordance with our [Strathclyde Community Commitment](#).

As part of the Community Commitment we expect everyone in the Strathclyde community to behave and interact with kindness and respect. When individuals do not feel that they, or others, have been treated in this manner they have the right to appropriately address this and are encouraged to do so. Whilst community members should feel empowered to call out inappropriate behaviour it is recognised that, for a variety of reasons, this may not feel possible. In these situations, staff and students should seek potential forms of support available on our safe360 webpages.

The purpose of this Policy is to:

- Confirm the University's commitment to providing an environment within which all staff, students and visitors are treated with dignity and respect at all times.
- Confirm the University's commitment to providing an environment which is based on a sense of community and which is free from discrimination, violence (including gender-based), harassment, bullying and victimisation (for definitions of these terms please see Appendix A.)
- Ensure that the University complies with its legal requirements as defined under the Equality Act 2010.
- Outline the informal and formal mechanisms and support which are available to staff and students if they perceive that they have been discriminated against, harassed, bullied, or victimised.

## 2. Scope

This Policy covers all members of the University community including:

- All members of staff holding a contract of employment, honorary staff and staff from other organisations on placement or visiting the University.
- All students<sup>1</sup>, including visiting and placement students.
- Contractors working at the University.
- Individuals working or acting on the University's behalf including suppliers of goods and services.

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<sup>1</sup> Students include: Undergraduate, Postgraduate Taught & Postgraduate Research, full time/part time and all modes and levels of learning

### 3. Principles

The University will treat all records concerned with allegations or complaints made under this Policy as confidential and complaints will be investigated impartially and as timeously as possible. The University commits itself to treat all parties involved with fairness and sensitivity. It should be noted that proven instances of discrimination, bullying, harassment or victimisation will be treated very seriously and may result in formal action, including the issuing of disciplinary sanctions, being taken under the relevant staff or student procedures.

#### 3.1 Informal Resolution

Whenever possible the University would encourage matters to be addressed informally as quickly as possible and individuals are encouraged to consider informal action before progressing to formal action. If the matter is not resolved informally, this will not prohibit individuals from raising a subsequent formal complaint.

It is recognised that some instances of unacceptable behaviour are so serious that it is not appropriate for them to be resolved in an informal manner, or that the individual does not feel comfortable or able to resolve the matter in an informal manner, for example due to the seniority of the person who has behaved unacceptably.

##### 3.1.1 Personal Action

If an individual feels that they have been or are being harassed, bullied, or victimised they are encouraged to make it as clear as they can to the person(s) causing offence that this is the case. If they ask the person causing offence to stop this behaviour at an early stage this may be sufficient to end the behaviour. In some cases it may be that the individual is not aware that the behaviour is inappropriate or it may be the case that the individual's behaviour is being misinterpreted.

Examples of personal action that may be considered include:

- A conversation with, or written correspondence to, the other person which explains what it is that is considered to be unacceptable about their behaviour and request that he/she stop behaving in this way.
- A request that relevant behavioural issues and/or the University's Dignity and Respect Policy is/are discussed at a team meeting to ensure that all staff within the team understand the standards of behaviour expected and their responsibilities under the Policy.

Before taking personal action individuals may wish to seek advice or support from:

- A designated Dignity and Respect Adviser
- A colleague or friend
- An HR Manager or Adviser
- A line manager or Head of Department/School/Directorate
- A trade union representative
- Another of the support mechanisms listed in Additional Support.

### **3.1.2 Mediation**

The University has a network of trained mediators who can be engaged at an early stage to assist with issues of conflict, including matters that would be considered under this Policy. Mediation is a voluntary process where an impartial third party enables two or more people to work through issues of conflict or disagreement with the aim of improving the working relationship. The focus within mediation is on moving forward rather than attribution of blame. As mediation is a voluntary process, individuals have a choice as to whether they wish to participate. Where individuals agree to mediation, they should engage in the process in a positive and constructive manner with a view to achieving resolution. It will generally not be appropriate for mediation to take place in cases of possible criminal activity, gender-based violence or where any of the individuals involved are particularly vulnerable.

Members of staff who are interested in exploring mediation should contact Human Resources in the first instance. Students who are interested in exploring mediation should contact a Dignity and Respect Adviser or their Head of Department or raise this through Report and Support.

### **3.1.3 Informal Complaint**

If an individual does not want to take personal action, or they have done so but the behaviour has continued, they may wish to make an informal complaint. Students are encouraged to review the Complaints Handling Procedure, in particular, the frontline complaint stage, for dealing with informal complaints.

Normally an informal complaint would be made verbally however you may wish to make an informal complaint in writing. In doing so you should clearly indicate that you wish the complaint to be progressed through the informal process.

At all stages of the informal process, for both students and staff, the Local Contact can engage with HR and/or the Directorate of Student Experience for advice and guidance. For staff the Local Contact will usually be the line manager or equivalent, but may also be Head of Department or other senior local colleagues. For students, the Local Contact may be the Module Leader, Programme Director, Research Supervisor, contacts within services such as Accommodation Services/ Disability & Wellbeing Services etc., StrathUnion, or alternatively via Report & Support.

The steps which the Local Contact or their delegate should follow are:

- An initial assessment should be carried out by the Local Contact to ensure that the complaint falls within the scope of this Policy as opposed to an alternative Policy or procedure. In exceptional circumstances, where the behaviour described is considered to be an extreme breach of this Policy (for example, use of violence or threats of violence or unwanted sexual advances) the complaint should be dealt with under the formal complaint procedure immediately. The person raising the complaint (the reporter) should be advised of this.
- If the complaint does fall within the scope of this Policy the Local Contact should discuss with the reporter the nature and circumstances of the complaint. The Local Contact should also, either in the presence of the reporter or not, advise the person or persons about whom the complaint has been made (the reported) that this is the case and explore the nature and circumstances of the complaint with them.

- The Local Contact should form a view as to whether the complaint merits further action. If the local contact/line manager or equivalent feels there are issues which need to be resolved they should explore with one or both parties (as appropriate) reasonable measures for addressing the concerns raised. This may include the provision of further training on bullying and harassment issues, the engagement of a trained mediator or other support such as counselling and mentoring. Notes should be taken of meetings with both individuals and stored according to relevant data protection principles.
- If parties are in agreement these measures should be put in place within a reasonable timescale.
- The issues can hopefully be resolved at this stage however if the complaint is not resolved or the behaviour complained about continues, the reporter should discuss the situation again with the Local Contact. In these circumstances the reporter may decide to make a formal complaint.
- At all stages of the informal process the Local Contact can engage with HR for advice and guidance.

### 3.2 Formal Complaint

Formal complaints relating to Dignity and Respect will be dealt with under the relevant University procedures. The relevant procedure depends on the identity of the parties. The table below sets out the relevant Policy.

Reporting Person	Subject of Concern	Relevant Procedure
<b>Student</b>	<b>Student</b>	<a href="#">Student Discipline Procedure</a>
<b>Student</b>	<b>Member of Staff</b>	<a href="#">Complaints Handling Procedure</a>
<b>Student</b>	<b>Service Provider*</b>	<a href="#">Complaints Handling Procedure</a>
<b>Member of Staff</b>	<b>Student</b>	<a href="#">Student Discipline Procedure</a>
<b>Member of Staff</b>	<b>Member of Staff</b>	<a href="#">Grievance Procedure</a>
<b>Member of Staff</b>	<b>Service Provider</b>	Line manager or equivalent will engage with external provider and provide details of complaint.

\*A service provider refers to contractors working at the University and individuals working or acting on the University's behalf including suppliers of goods and services.

Complaints raised by a member of staff against external parties such as contractors should be made to the staff member's line manager or equivalent. The line manager or equivalent should then seek to establish the nature and circumstances of the complaint before engaging with the external party. The external party should be provided with a copy of the complaint and asked to respond to this. The line manager or equivalent will form a view as to what further action may be required including whether any further investigation is necessary. In the case of external contractors, Estates Services hold a central record of which contractors the University is engaging for works within the estate. Where the person to whom the complaint has been reported is unsure as to who within the University is the main liaison for the external contractor, the line manager and Head of Department should contact Estates Services to establish this.

There may be other complaints where the University will require to use discretion to identify the most appropriate route for dealing with the concern, based on the circumstances of the situation. For example, if a student and staff member are the subject of the same complaint, it may be appropriate to deal with the matter under a number of procedures, or to deal with the matter under one single procedure, or a hybrid of procedures. Similarly, if there are overlapping procedures in relation to a similar matter, e.g. a complaint regarding bullying and harassment and research misconduct (which may be dealt with under the Research Code of Conduct), then one procedure may be used to deal with all matters, or a hybrid approach may be taken.

Where a service provider or third party raises a complaint against a staff member or a student, a fact find may take place to establish whether the matter should proceed under the student disciplinary procedure or the staff disciplinary procedure or any other procedure/policy as appropriate.

Persons raising complaints should be aware that the details of any staff or student disciplinary procedures are confidential. It may therefore not be possible to fully advise on the outcome of any investigation to the complaint.

Complaints should be raised promptly where possible, particularly as investigations can become more difficult with the passage of time. However, it is recognised that it is not always practicable to do this, particularly in complaints related to sexual misconduct.

#### **No disadvantage for raising complaints**

No reporter will be disadvantaged as a result of making a complaint. The University will not tolerate harassment or victimisation of anyone raising a complaint. This includes any threat, whether conveyed by words or conduct, to influence the learning or career of a reporter. An individual will not be disciplined as a result of raising a complaint, even if they are mistaken, provided that the mistake was genuine. Any proven instances of complaints being orchestrated with malicious intent or vexatiously will be viewed seriously with the likely outcome of disciplinary action being taken against the reporter.

## **4. Roles and Responsibilities**

### **University Responsibilities**

To ensure successful implementation of this Policy, the University commits to:

- Take reasonable action to ensure that all members of the University community are aware of this Policy through appropriate communication means such as the University website and other publications, as well as the provision of training, where appropriate.
- Promote a culture of community in which every member is treated with courtesy and respect, underpinned by the [Strathclyde Community Commitment](#).
- Ensure that complaints of discrimination, harassment, bullying or victimisation are treated seriously and with sensitivity.
- Monitor complaints by protected characteristics and report these annually, anonymising data where appropriate.

### **Individual Responsibilities**

To ensure successful implementation of this Policy, all individuals have a responsibility to:

- Make themselves familiar with this Policy, the [Strathclyde Community Commitment](#), and their responsibilities under them.
- Participate in training which supports the implementation of this Policy.
- Behave in a positive manner at all times to ensure the University is a community within which all members are treated with courtesy and respect.
- Not participate in, or condone, any acts that could be perceived to constitute discrimination, harassment, bullying or victimisation.
- Modify behaviour should they become aware that they have behaved unacceptably in relation to this Policy.

Managers have a responsibility to address any incidents of discrimination, bullying, harassment or victimisation that they observe or witness even though no complaint may have been made by the subject.

## Additional Support

Staff and Students who feel that they have been discriminated against bullied, harassed or victimised or have been accused of bullying, harassing and victimising others can seek support and advice from the following contacts and services:

### **Staff:**

- Human Resources
- Report and Support
- Dignity and Respect Advisers
- Employee Assistance Programme
- Trade Union Representatives
- Equality and Diversity Office
- Disability and Wellbeing Service
- Health and Safety Executive
- Equality and Human Rights Commission
- Rape Crisis
- Police

### **Students:**

Students who feel that they have been bullied, harassed or victimised or have been accused of bullying, harassing and victimising others can seek support and advice from the following contacts and services:

- Report and Support
- Student Counselling
- The Advice Hub at the Students Association
- Dignity and Respect Advisers (see Appendix B for more information)
- The University Chaplaincy
- Adviser of Studies or Academic Counsellor

- Equality and Diversity Office
- Disability and Wellbeing Service
- Equality and Human Rights Commission
- Rape Crisis
- Police



## Appendix 1: Definitions

This Appendix provides definitions of the terms “discrimination” “harassment”, “bullying” and “victimisation” for the purposes of enabling staff and students to make informed judgements about whether particular behaviours may fall under the scope of this Policy. For a definition of “gender based violence”, please refer to the University’s Gender Based Violence Policy.

### Discrimination

Discrimination occurs when a person is treated unfairly as a result of any of the protected characteristics as defined in the Equality Act 2010.

The protected characteristics which are relevant are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The following forms of discrimination are prohibited under this policy and are unlawful:

(a) Direct discrimination: treating someone less favourably because of a protected characteristic. For example, rejecting a job or student applicant because of their religious views or because of their sexual orientation.

(b) Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

(c) Disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

### Harassment

Harassment is deemed to have occurred when a person engages in unwanted conduct, potentially related to a relevant protected characteristic of another person as defined by the Equality Act 2010 (age, disability, gender reassignment, race, religion or belief, sex or sexual orientation), which has either the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Harassment may include conduct of a sexual nature.

It is important to note that harassment may be deemed to have occurred even where there has been no intent. Members of the University community must therefore be aware that the perception of the complainant is very important and what may be deemed to be acceptable behaviour by one person may not necessarily be acceptable to another.

In defining the types of behaviour that may be judged to constitute harassment the key issue is whether the behaviour could reasonably be considered as having the effect defined above, even if others feel they would not be offended by the behaviour. The perception of the complainant does not automatically mean that the complaint will be upheld however as those responsible for managing or investigating the complaint must make an objective assessment as to whether the behaviour complained of can reasonably be regarded as harassment.

In some circumstances, such as where physical or extreme verbal or written violence has occurred, isolated incidents of unwanted behaviour may be deemed to be harassment. In other circumstances, behaviour may be deemed to be harassment where it is repeated or sustained.

In addition to the potential consequences for employment and study of breaching this Policy, types of harassment may also be unlawful under the Equality Act 2010 and may even constitute a criminal offence. Reported individuals who have been deemed to have harassed others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

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.)

It is possible however that harassment is not targeted at a particular individual or group of individuals but rather that within a particular team or group a culture exists which permits offensive or stereotypical jokes. In these circumstances an individual may make a complaint on the basis that this culture creates an intimidating, hostile, degrading, humiliating or offensive environment even if no-one within the team or groups holds the particular characteristic(s) in question.

Harassment may take place face to face, by writing or in written or electronic communications including, but not limited to, private communications, via social media such as Facebook, Twitter or Whatsapp. Examples of the types of behaviour that may amount to harassment include:

- Racist language or jokes or derogatory comments about national origin
- Unwelcome sexual advances which may include touching, invasion of personal space, requests for sexual favours whether in person or via electronic communications
- Comments which imply that gender impairs a person's ability
- Excluding people from conversations, meetings or social events on the basis of sexual orientation
- Jokes about a person's disability
- Insensitivity to religious beliefs such as the use of sectarian language

- Homophobic jokes.

## **Victimisation**

Under the scope of this Policy, victimisation involves treating someone less favourably than another because:

- An individual has made a claim of discrimination, harassment or bullying under this Policy or another Policy.
- An individual has complained that they may have been discriminated against, harassed or bullied or that the University's equal opportunities policies have been breached in some way.
- An individual has assisted another who is making such a claim, through providing evidence or some other form of support for the person.

Victimisation is entirely unacceptable behaviour that can have a detrimental effect on a work and study environment and may lead to reluctance to report acts of harassment or discrimination.

In addition to the potential consequences for employment, study and other contractual relations of breaching this Policy, types of victimisation may also be unlawful and may even constitute a criminal offence. Reported Individuals who have been deemed to have victimised others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

Victimisation may take place face to face, by writing or in written or electronic communications including, but not limited to, private communications, via social media such as Facebook, Twitter or WhatsApp. Examples of the type of behaviour that may amount to victimisation are similar to those contained under the bullying and harassment sections above.

## **Bullying**

Bullying is deemed to have occurred when a person engages in offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient of the behaviour. As with harassment, it is important to note that bullying may be deemed to have occurred even where there has been no intent.

Bullying is normally characterised by a pattern of behaviour. One off minor issues of impatience, pre-occupation or lack of courtesy do not constitute bullying. In some circumstances, such as where physical or extreme verbal violence has occurred, isolated incidents of unwanted behaviour may be deemed to constitute bullying.

Bullying should be differentiated from the legitimate exercise of management or supervisory responsibility. See 'Acceptable Management Practice' below for more information.

In addition to the potential consequences for employment, study and other contractual relations of breaching this Policy, types of bullying may also be unlawful and may even constitute a criminal offence. Reported individuals who have been deemed to have bullied others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

Bullying may take place face to face, by writing or in written or electronic communications including, but not limited to, private communications, via social media such as Facebook, Twitter or Whatsapp. Examples of the type of behaviour that may amount to bullying include:

- Picking on people and unreasonably criticising their performance.
- Unreasonable withdrawal of authority and responsibility.
- Imposing unrealistic objectives and deadlines or changing objectives without reasonable justification.
- Isolation or non co-operation at work or in class; exclusions from meetings, seminars or work-related social events etc.
- Aggressive behaviour or conduct, physical or verbal or in writing.
- Reacting to a minor issue with the same vehemence as a major one.
- Making a claim of power to influence any student or colleague's academic career for better or worse, whether such claim is true or false.

#### Acceptable Management Practice

“Discrimination” “bullying”, “harassment” and “victimisation” as defined above should be differentiated from an acceptably assertive management or supervision style. It is legitimate for a manager or supervisor to provide clear feedback and take action in relation to a member of staff's or student's conduct or performance provided that this is done in a fair, consistent and reasonable way which is in line with existing University policies. In this case any action taken by a manager or supervisor to address performance or conduct concerns will not be considered as breaching this Policy.

There may also be times where a manager or student supervisor makes a decision or issues an instruction which the member of staff does or student not agree with or considers unreasonable. This may not necessarily fall into the definition of “bullying”, “harassment” or “victimisation” and may best be dealt with under alternative dispute resolution procedures. In such circumstances members of staff and students should be aware that even if they do not agree with the decision made or action taken it may be considered to be in the University's best interests and therefore this needs to be balanced with any individual concerns.

## **Appendix 2: Role of Dignity and Respect Advisers**

Dignity and Respect Advisers are members of University staff who are appropriately trained to help staff and students who have, or perceive that they have been, impacted by the issues raised under this policy. Dignity and Respect Advisers can provide advice on informal and formal mechanisms for addressing issues of bullying and harassment. They may also support the complainant or respondent through informal or formal proceedings.

If you require the support of a Dignity & Respect Adviser please contact [dignityandrespect@strath.ac.uk](mailto:dignityandrespect@strath.ac.uk)