



# ANTI-BULLYING AND HARASSMENT POLICY

Version Number	1.1
Publishing Availability	University Wide
Approval Date	21 November 2023
Approved By	Senate
Review Date	June 2026
Lead Responsibility	Vice-President and Chief People Officer
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## Overview

This policy and accompanying guidance have been drafted to provide information on the University's approach to anti-bullying and harassment.

Developed by the Legal Services and Employee Relations Unit, September 2023

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## **Anti-Bullying and Harassment Policy**

### **1. Introduction**

- 1.1. This policy has been developed to reflect our core values and associated behaviours as described in our Staff Charter.
- 1.2. This policy does not form part of any employee's contractual terms of employment or any terms of engagement of other colleagues, or any student's terms and conditions of study. This policy has been implemented following consultation with the University's recognised trade unions (UCU, NIPSA and Unite) and staff networks.
- 1.3. This policy should be read in conjunction with the Complaints Resolution Procedure, the Triage Procedure and the supporting guidance documents.

### **2. Principles**

- 2.1. Queen's University Belfast (the 'University') is a vibrant, inclusive, multi-cultural and diverse community. All members of the University community (including employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns) and visitors to the University, are to be treated with dignity and respect. Similarly, all staff and students have a personal responsibility to treat each other with dignity and respect.
- 2.2. The University is committed to promoting a positive, respectful and harmonious working environment in which no-one feels bullied, harassed, or intimidated.
- 2.3. The University recognises that bullying and harassment can adversely affect work, morale and/or health. The University believes that bullying and harassment are unacceptable and will, through its policies, strive to prevent bullying and harassment occurring.

### **3. Scope**

- 3.1. Allegations of bullying and harassment from an employee, or a registered student of the University, should be raised under this policy and the matter will be addressed under the Complaints Resolution Procedure.
- 3.2. Allegations of bullying and harassment from a Worker will be considered by a Case Manager. In general, the Complaints Resolution Procedure does not apply to Workers however the most appropriate means of dealing with the complaint will be determined by the Case Manager on the basis of reasonableness, fairness and proportionality.

- 3.3. Allegations of bullying and harassment against a student will be referred to the Directorate of Education and Student Services and will be dealt with under the Student Conduct Regulations.

#### **4. Application**

- 4.1. Complaints under this policy should be raised within six months of the incident complained of.
- 4.2. The University will investigate complaints or reports of bullying and harassment promptly, proportionately and effectively.
- 4.3. The University will ensure that line managers (or nominees), involved in the complaints resolution procedure do not have a conflict of interest.
- 4.4. Investigations carried out into allegations of bullying and harassment are confidential and all those involved (including witnesses) are required to maintain this confidentiality and respect the privacy of others. Breach of confidentiality may compromise the integrity of any investigation and any member of staff or student found to have shared confidential information may be subject to disciplinary action. It is also expected that any evidence (written or oral) provided to the University will be true to the best of that person's knowledge.

#### **5. What is bullying?**

- 5.1. There is no legal definition of bullying but it is generally accepted that bullying includes offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.
- 5.2. Bullying may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance. However, legitimate, reasonable and constructive criticism or feedback of a member of staff, or student's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not alone amount to bullying.
- 5.3. The University considers that bullying is unacceptable. Serious cases of bullying are likely to amount to acts of gross misconduct. If a colleague is found to have bullied another colleague or a student, they will be subject to disciplinary action up to and including summary dismissal. Employees should refer to the Disciplinary Policy and Procedure for further information. Workers should contact their relevant line manager for guidance.

## **6. What is harassment?**

- 6.1. Harassment is defined in equality legislation as “unwanted conduct” related to a protected characteristic (religious belief; political opinion; sex; gender reassignment; race; sexual orientation; disability; or age) which has the purpose or effect of violating a person’s dignity or of creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.
- 6.2. Harassment can be physical, verbal or non-verbal behaviour. 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 the jokes create an offensive environment.
- 6.3. If harassment meets the definition of the equality legislation, it will amount to unlawful discrimination.
- 6.4. A single incident can amount to harassment. Harassment does not need to be deliberate, conscious or malicious to amount to unlawful discrimination. The motivation or intention of the alleged perpetrator is not necessarily the determining factor. In many cases it is the effect of the behaviour on the alleged victim that is the critical factor and the offence can be unintentional.
- 6.5. The University considers that any form of harassment is unacceptable, even if it does not amount to discriminatory/unlawful harassment. Serious cases of harassment are likely to amount to acts of gross misconduct. If a colleague is found to have committed harassment, they will be subject to disciplinary action up to and including summary dismissal. Employees should refer to the Disciplinary Policy and Procedure for further information. Workers should contact their relevant line manager for guidance.
- 6.6. Under the relevant discrimination legislation, everyone may be held personally responsible and personally liable (including financially) for their own acts of discrimination, harassment or victimisation.

## **7. Forms of bullying and harassment**

- 7.1. Many forms of behaviour can constitute bullying and/or harassment. Harassment or bullying can occur both in and outside the workplace, such as on business trips, at work-events or social functions, or via social media.
- 7.2. The following non-exhaustive lists include some examples of bullying and of harassment:

### **7.2.1. Bullying**

- (a) isolation or marginalisation at work, exclusion from work related social activities, being persistently overruled or excluded from work activities;
- (b) overbearing and intimidating levels of supervision;
- (c) non-co-operation, withholding information, sabotaging or impeding performance, e.g. removing areas of responsibility and imposing menial tasks, setting unrealistic deadlines for the workload in question, increasing responsibility whilst decreasing authority, persistently undervaluing effort or repeatedly changing guidelines, or deadlines;
- (d) inappropriate derogatory remarks about someone's performance;
- (e) making offensive comments about the same person regularly;
- (f) threatening or physically violent behaviour;
- (g) ridiculing or unacceptably criticising the employee in front of other employees and individuals;
- (h) any form of cyber-bullying through the internet or social networking sites;
- (i) humiliation, intimidation, action which demeans or undermines the individual e.g. shouting, swearing, excessive and persistent criticism, insults, especially if levelled in front of other colleagues; and
- (j) undignified treatment, ridicule, or marginalisation of an individual.

### **7.2.2. Harassment**

- (a) sexualised physical contact, ranging from "brushing past" a colleague, touching to serious assault;
- (b) verbal harassment through jokes, racist, sexist or sectarian remarks, homophobic, biphobic or transphobic comments;
- (c) stereotypical remarks about a particular ethnic or religious group;
- (d) mocking, mimicking or belittling a person's disability;
- (e) outing or threatening to out someone of a different sexual orientation;
- (f) deliberately mis-gendering a colleague;
- (g) sectarian songs, mobile telephone ring tones, threats, letters, emails;
- (h) visual displays of posters, graffiti, obscene gestures, flags, bunting, pictures, emblems or any other offensive material (including the use of email or mobile devices to send or view such material);
- (i) coercion, including pressure for sexual favours, or repeated pressure to participate in political or religious groups;
- (j) treating someone less favourably because they have submitted or refused to submit to coercion in the past;
- (k) breach of the 'Staff relationships policy';
- (l) intrusion by pestering, spying, following etc;
- (m) undignified treatment, ridicule, marginalisation of an individual on grounds of a protected characteristic.

## **8. Reporting bullying or harassment**

- 8.1. All members of the University community should disclose any instances of harassment or bullying of which they become aware or which they observe (even if it does not involve them personally).
- 8.2. Staff or students experiencing harassment or bullying should consider whether they feel able to raise the problem informally with the person responsible. This discussion should include a clear explanation that the behaviour is not welcome, and/or is causing the individual raising the issue to feel uncomfortable. Due to the nature of bullying/harassment, an individual may not feel comfortable with this direct approach. In these cases, the matter should be raised with a line manager, an anti-harassment advisor, a member of the HR Business Partnering team, or, in the case of students, with the Head of School/ Deputy Head of School or Advice SU, who can provide confidential advice and assistance in resolving the issue informally. The individual may also seek the support of a trade union.
- 8.3. Where the staff member or student is unclear whether an incident or series of incidents amounts to bullying or harassment, this should be raised in the first instance with the line manager, or a member of the HR Business Partnering team, or the Head of School informally for confidential advice.
- 8.4. If informal steps are not appropriate (i.e. where the complaint is of a more serious nature), or attempts at informal resolution have been unsuccessful, employees and students should follow the formal procedure set out in the Complaints Resolution Procedure.
- 8.5. Under the Complaints Resolution Procedure formal complaints will be assessed by the Case Manager at triage to make sure it is appropriate for the complaint to be addressed under this policy.
- 8.6. Any request made by a Complainant for changes to their working, studying or supervision arrangements during the investigation (e.g. changes to duties or working hours to avoid or minimise contact with the alleged harasser or bully) will be seriously considered.
- 8.7. Whether or not the complaint is upheld, consideration will be given on how best to manage the ongoing working, studying or supervision relationship between the Complainant and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

## **9. Institutional investigation**

As a general principle, the decision whether to progress a complaint is up to the Complainant. However, the University has a duty to protect all staff and may pursue

the matter independently if, in all the circumstances, it is considered appropriate and necessary to do so. Examples include where serious issues have been raised which are deemed to pose a risk to health and safety of staff, or others, or a threat to property.

## **10. Victimisation**

No member of staff or student should suffer any form of retaliation, detriment or other less favourable treatment as a result of having raised a complaint, supported a complaint or cooperated in an investigation, or as the result of the belief that they have done, so or are likely to do so. Allegations of such treatment are taken seriously and may result in disciplinary action.

## **11. Equality and Diversity statement**

The University is opposed to all forms of unlawful and unfair discrimination. It values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect in accordance with the Equality Diversity and Inclusion policy.

## **12. Legal obligations**

None of the provisions in this policy are contractual. The University reserves the right to digress from this published policy in so far as it may be inconsistent with its legal obligations as an employer and/or the legal rights of individual employees. Any such changes will be subject to consultation with the recognised trade unions.

## **13. Data protection**

Personal data will be managed in line with the University Staff Privacy Notice and Student Privacy Notice.

## **14. Policy review**

This policy will be kept under regular review to ensure it is meeting its purpose and objectives and may be varied following consultation with the University's recognised trade unions.

## **15. Equality screening**

This policy has been screened out with mitigation as per the Equality Commission's guidance on screening with no adverse impact with regard to equality of opportunity and/or good relations for people within the equality and good relations categories.