

THE UNIVERSITY OF MANCHESTER

Dignity at Work and Study Procedure for Staff

Alternative formats

This procedure is available in a number of alternative formats.
Please contact the Equality and Diversity Unit for further details:

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Purpose

This procedure sets out the organisational arrangements in place to support the implementation of the University's Dignity at Work and Study Policy as it relates to staff.

Overview

The University is committed to creating a work environment free of harassment, discrimination and bullying, where everyone is treated with dignity and respect.

The University will not tolerate bullying, harassment or discrimination of any kind. Allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The University will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.

Definitions of harassment, discrimination, victimisation and bullying

Harassment

1. Harassment is unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment, which interferes with an individual's learning, working or social environment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
2. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as age, disability, gender reassignment, gender expression or identity, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
3. Harassment may include, for example:
 - a) unwanted physical conduct or 'horseplay', including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
 - b) 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;

- c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - d) 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);
 - e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - f) mocking, mimicking or belittling a person's disability;
 - g) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - h) outing or threatening to out someone as gay, lesbian, bisexual or trans;
 - i) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
4. 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.

Discrimination

5. Unlawful discrimination takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman less favourably because she is breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership.
6. Direct discrimination occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.
7. Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

Bullying

8. Bullying is 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.

9. Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media outlets. Bullying may include, by way of example:
- (a) shouting at, being sarcastic towards, ridiculing or demeaning others;
 - (b) physical or psychological threats;
 - (c) overbearing and intimidating levels of supervision;
 - (d) inappropriate and/or derogatory remarks about someone's performance;
 - (e) abuse of authority or power by those in positions of seniority; or
 - (f) deliberately excluding someone from meetings or communications without good reason.
10. Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to staff in the course of their employment, will not amount to bullying on their own.

Victimisation

11. Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment, or supported someone else's complaint.

Support

Harassment Advisors Network

12. The University has a Harassment Advisors' Network. The University's Harassment Advisors are trained to provide a confidential information service to University staff and students on issues relating to harassment, discrimination, victimisation and bullying.
13. You can contact an Harassment Advisor by using the report and support button online at www.manchester.ac.uk/we-get-it
14. Harassment Advisors offer advice and support to members of staff and students who make a complaint by outlining the various processes and identifying any other support routes open to them.
15. Harassment Advisors also offer advice to staff or students who have a complaint made against them.

Further Information

16. Further information and support is available for staff members from any of the following:

- [local Human Resources Team](#)
- [a trade union representative](#)
- [the Equality and Diversity Team](#)
- [the University's Counselling Service](#)
- [Ask HR](#)

Scope

17. This procedure is to be used by staff who wish to take informal or formal steps in making a complaint, against a fellow member of staff or against a student, when they believe they have been the subject of harassment, discrimination, victimisation or bullying. Where the complaint is against a student, the appropriate officer who deals with student matters in the student's Faculty will be consulted.

18. In the following sections, the:

- person making a formal complaint is referred to as "the complainant" and
- expression "respondent" refers to an individual against whom a complaint of harassment, discrimination, victimisation or bullying has been made.

19. Where a complaint is about someone other than an employee or student, such as a contractor, customer or visitor, the University will consider what action is appropriate to deal with the situation and to protect the complainant and anyone else involved. Where appropriate, the University will attempt to discuss the matter with the third party.

General Principles

Any cases of harassment, discrimination, victimisation or bullying will be taken seriously by the University and where necessary the appropriate procedure will be used to investigate complaints. This includes incidents at University-related events / trips etc. Similar arrangements will be used in dealing with complaints made by students or by visitors to the University.

20. The University's policies and procedures aim to protect all staff and students; however this procedure should not be used as a substitute for resolving issues through informal discussion where possible.

21. The University will not assume guilt of either party and will support all students and staff members involved in a case of alleged harassment, discrimination or bullying.

22. Cases of harassment, discrimination, victimisation or bullying may be treated as a disciplinary offence. Some cases of harassment, discrimination, victimisation or bullying if well-founded could amount to serious or gross misconduct and result in dismissal for staff members or expulsion for students.
23. Making false or unsubstantiated allegations with malicious intent, could if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion.
24. In some circumstances it may be appropriate to remove an individual from the situation causing conflict. This may include the reassignment of tasks. Where there is a serious allegation, an individual may be suspended from work during an investigation as set out in the appropriate University's Disciplinary Procedure. Similarly, a student may be suspended from their studies or excluded from access to the campus or part(s) of the campus under the provision of Regulation XVII Conduct and Discipline of Students.
25. Every effort should be made to keep the matter confidential to those who are directly involved.

Evidence

26. For any member of staff who feels that he/she is experiencing unacceptable behaviour, it is important that they begin to keep a note of the details and dates of any incidents which have caused them distress. Where possible, the following information should be included:
 - date of incident(s);
 - location;
 - time;
 - nature of incident(s);
 - the response made by the complainant;
 - the complainant's feelings at the time;
 - any action taken by the complainant;
 - the name of any witnesses; and
 - any relevant emails, posts on social media and other correspondence.

Options

27. Many issues can be resolved informally, and this approach is encouraged where possible.
28. Mediation is also available at any stage and offers a less adversarial method of resolving disputes. (See paragraph 35 - Mediation)
29. However, if the complainant does not feel able to follow either the informal procedure or mediation, or if the incident is too serious for such approaches, they may proceed straight to the formal stage.
30. As a general principle, the decision of whether to progress a complaint is up to the individual. However, the University has a duty to protect all staff and students and may pursue the matter independently if it considers it appropriate to do so.

Informal procedure

31. Complainants are advised to talk to someone they can trust. This may be a colleague, a line manager, a trade union representative, a family member or friend. The process of talking through what has happened with someone else can help to determine what action to take.
32. Complainants and respondents can contact a Harassment Advisor at any time to discuss the issue and seek advice (see paragraph 12).
33. The complainant may feel able to tell the person who they believe is harassing, discriminating against, victimising or bullying them, to stop, either by talking or writing to them. Sometimes it is enough just to explain to the person what is unwanted about their behaviour and why it is unacceptable. This is often very difficult to do, and the complainant may prefer to be accompanied by a colleague, line manager or a trade union representative or to ask their manager to approach the individual on their behalf.
34. If the complainant feels unable to speak to the person concerned, this does not imply that they have accepted the behaviour, nor will it prejudice any complaint which they may bring.

Mediation

35. Mediation is an informal, voluntary and confidential process which can help the complainant and the respondent to explore issues and concerns.
36. Mediation can be used at any stage, as an alternative to the informal stage or as the next step after informal procedures. It can also be used at any point during the formal procedure, in which case the formal procedure will be halted pending the outcome of the mediation.
37. If the complainant or respondent wishes to find out more about [Mediation Service](#) they can contact the service directly by calling 0161 306 5874 or email mediation@manchester.ac.uk

Formal complaints and investigation

38. If it has not been possible to resolve the matter informally or through mediation or if it is not appropriate to seek to resolve the complaint using less formal stages, the complainant may submit a formal complaint in writing to their Human Resources Partner. The Human Resources Partner will acknowledge receipt of the complaint and will refer the complaint to an appropriate investigating officer in accordance with table one attached.
39. The formal complaints procedure will follow a set format with confidential systematic recording of events which are kept separate from an individual's personnel record.

Investigation

40. At least two people must be involved in investigating a complaint under this procedure. Normally this will include an appropriate manager in accordance with table one. The two people investigating a complaint will be referred to in this procedure as the "Investigating Officers".
41. The Investigating Officers must be independent of the complainant and respondent. The Director of Human Resources will determine any disputes about the independence of an Investigating Officer. Where the dispute involves the Director of Human Resources it will be determined by the Registrar, Secretary and Chief Operating Officer. In any situation where the complaint is against a student, the appropriate Faculty Officer who deals with student matters will be consulted and the matter will be investigated jointly.
42. The Investigating Officers will be responsible for gathering information to allow them fully to consider the complaint. The scope of the investigation is at the discretion of the Investigating Officers. Investigations will be undertaken in confidence as quickly as possible and will normally begin within 10 working days of receipt of the complaint.
43. The complainant will be asked to attend a meeting with the Investigating Officers during which the procedure will be explained and discussed, and the details of the allegations will be confirmed. Complainants may be accompanied at the meeting by a colleague or trade union representative. A written record will be maintained of the meeting.
44. The Investigating Officers 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 Investigating Officers' decision.
45. Where the Investigating Officers 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.
46. Prior to the meeting, details of the policy and the support mechanisms available to them will be provided. The Respondent may be accompanied at any meeting by a colleague, trade union representative or, if the respondent is a student by a student representative, fellow student or staff member. During the meeting, the respondent will be given the opportunity to respond to the complaint.
47. The Investigating Officers may consider making temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
48. The Investigating Officers may also interview other relevant witnesses. Comprehensive notes of any interviews will be made.
49. On the basis of interviews and statements received and any other relevant evidence, the Investigating Officers will reach a decision and will compile a report of the investigation and outcome.

50. The complainant and the respondent(s) will be informed individually in writing of the decision and reasons for the decision will be given.
51. If the Investigating Officers conclude that the conduct of the respondent constitutes misconduct, then the matter will be referred for consideration under the appropriate disciplinary procedures.
52. Where the respondent is a member of staff, action may be taken in accordance with the appropriate staff disciplinary procedures. Where the harasser is a student, action may be taken under the terms of Regulation XVII Conduct and Discipline of Students.
53. 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 disciplinary procedure.
54. It is expected that the formal procedure should normally be completed and a written response provided within twenty working days of the receipt of a formal complaint. Where, for reasons of complexity or for other good reason, it is not possible to complete the formal procedure within this timescale the parties will be kept informed.
55. Whether or not a complaint is upheld, Human Resources and the local management team will consider how best to manage the ongoing working relationship between the complainant and the respondent(s). It may be appropriate to arrange mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

Review

56. If, following receipt of the decision and recommendations of the Investigating Officers, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, he/she can request a review by writing to the Director of Human Resources within 10 working days of receipt of the outcome. If the original complaint was against the Director of Human Resources or if he/she has been involved in the investigation, the request for a review should be submitted to the Registrar, Secretary and Chief Operating Officer.
57. The request for review should include details of why the individual is dissatisfied with the way the case has been handled or why he/she 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 should also be included.
58. The Director of Human Resources (or Registrar, Secretary and Chief Operating Officer as appropriate) will determine who should conduct the review in accordance with table one. The person undertaking the review is referred to as the "Review Officer".

59. The Director of Human Resources (or Registrar, Secretary and Chief Operating Officer as appropriate) will acknowledge receipt of the request for review in writing within 5 working days and will confirm who will be undertaking the review.

60. The Review Officer will then review the case on the basis of the documentation provided with the request for a review and that held by the Investigating Officers and their decision. The Review Officer may decide to seek further information from those concerned if he/she deems necessary. If the Review Officer concludes that the case has not been handled fairly or properly, he/she will decide on an appropriate course of action, which may include:

- specific action to resolve the matter; or
- referral for a new investigation

61. The Review Officer will inform the individual of his/her decision within 20 working days of receipt of the request for review, with reasons for the decision. The decision of the Review Officer is final within the University.

Procedure Review

62. The effectiveness of this procedure will be reviewed every three years along with the associated policy in full consultation and discussion with the recognised Trade Unions. This procedure may be updated from time to time as necessary.

Document control box	
Policy title:	Dignity at Work and Study Procedure for Staff
Effective from Date:	July 2014
Approving body:	HR Sub Committee of Planning & Resources Committee
Version:	3
Supersedes:	Harassment, Bullying and Discrimination Policy and Procedures for Staff and Students
Previous review dates:	January 2012
Next review date:	Every third year, or upon any significant change in consultation with the recognised campus trade unions
Related Statutes, Ordinances, & General Regulations	<ol style="list-style-type: none"> 1. University Statute XIII Part III Disciplinary Procedures & Part VI Grievance Procedure 2. University Ordinances XXIV Staff Disciplinary Procedures pursuant to Statute XIII Part III & XXVIII Staff Grievance Procedure pursuant to Statute, XIII Part VI 3. University Student Regulation XVIII Student Complaint 4. University Student Regulation XVII Conduct & Discipline of Students
Equality relevance outcome:	High
Related policies:	Dignity and Work and Study Policy Equality and Diversity Policy for Staff and Students
Related procedures	Dignity at Work and Study Procedure for Students Disciplinary and Dismissal Procedure for Support Staff Grievance Procedure for Support Staff
Related information:	Staff Satisfaction Survey
Policy owner:	Director of Human Resources
Lead contact:	Head of Equality and Diversity

Appendix

Table One: Officers responsible for the investigation and review of formal complaints

Status or Grade of alleged harasser	Lead Investigating Officer	Review Officer
1-8	Grade 8 or 9 staff member	Director of HR
9	Director of HR (or delegated representative)	Registrar, Secretary & Chief Operating Officer (or delegated representative)
Directors	Registrar, Secretary & Chief Operating Officer	President & Vice Chancellor (or delegated representative)
Deans/VPs	President & Vice Chancellor	A member of the Board of Governors
Registrar, Secretary & Chief Operating Officer	President & Vice Chancellor	A member of the Board of Governors
President & Vice Chancellor	A member of the Board of Governors	Chair and 2 other members of the Board of Governors
Student	Faculty Officer who deals with student matters	Director of Teaching and Learning Support