

Dignity at Work & Study Policy

We are committed to providing and promoting an inclusive working and learning environment where all our staff and students are treated fairly and with dignity and respect, in line with our University <u>Values</u> and as set out in our Charter:

"The University will promote a collaborative and supportive working and learning environment which embeds equality of opportunity and the rights of individuals in all its operations and treats everyone with dignity and respect".

The University will not tolerate discrimination, harassment, sexual misconduct, bullying or victimisation (unacceptable behaviour) by or against any member of our Cranfield community or a third party such as a supplier or visitor to the University.

In valuing diversity, Cranfield University's Charter further provides that "Academic Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges".

Furthermore, advancing ideas and learning through debate is a critical part of what universities do. Freedom of speech is therefore essential to students and the wider Cranfield community. Upholding freedom of speech matters because it exposes students to new and challenging ideas, encourages robust but civil debate which respects and understands different viewpoints, and underpins diversity in the academic community. Cranfield University supports the Office for Students' adoption of the widest possible definition of freedom of speech: anything within the law.

About this policy

We are committed to providing all staff, students and wider members of our Cranfield community with a range of mechanisms for them to raise concerns, seek support and be listened to if they believe they are being or have been subjected to unacceptable behaviour while working, studying or participating in a Cranfield activity.

This policy therefore aims to:

- maintain the dignity of all members of the Cranfield Community
- ensure that differences are respected and valued
- demonstrate our commitment to diversity and inclusion
- embed our University Values
- set out the responsibilities of individual members of the University community in recognising and preventing harassment or bullying in (or associated with) the workplace
- outline and promote the support available and procedures to be followed if harassment or bullying occurs.

This policy has been developed in line with ACAS guidelines and covers work/study-related events (including social events) whether they are on or off our sites (including overseas), as well as the normal working/learning environment, and electronic communications (including social media platforms).

This policy covers cases of harassment, bullying, discrimination, sexual misconduct, or victimisation of:

- staff by other members of the University (staff/students/third parties)
- students by other members of the University (staff/students/third parties)

This policy refers to protected characteristics under the Equality Act 2010 which are: age, disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or marriage and civil partnership.

Policies and procedures are in place for staff and students who believe that they have experienced or witnessed bullying or harassment by a member of staff or student. Please refer to the information under Raising a Concern below for further details.

Definitions

Bullying

While there is no legal definition of bullying, ACAS define bullying as: "unwanted behaviour that is offensive, intimidating, malicious or insulting and/or an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm".

Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media platforms.

Bullying may include, but is not limited to:

- a) setting up someone to fail by giving them unachievable tasks, an unmanageable workload impossible deadline, or making unreasonable demands;
- b) inappropriate monitoring of work or overbearing supervision;
- c) giving someone too little work or work that is below their competence;
- d) instantaneous rages over trivial matters, personal insults and name-calling, or public

humiliation, put-downs or ridiculing;

- e) removing or reassigning a person's responsibilities without justification;
- f) deliberately withholding training, information, or resources from someone that are necessary for them to perform the role or course, or opportunities for advancement;
- g) constant unfounded criticism of performance or study tasks; or
- h) withdrawing or refusing reasonable support.

Cyber bullying and the use of social networking sites

Please also refer to the <u>University's Social Media policy</u>.

Cyber bullying is a term used to refer to bullying through electronic media, usually via social networking sites, personal web pages, emails, text messages and internet presence including blogs, and all social media, whether private, personal or public. In using all social media or posting online, all staff and students should consider the content, language and appropriateness of such communications.

The following guidance is relevant for both students and staff in relation to online behaviour:

• avoid using language which could be deemed to be offensive, threatening or humiliating to others in a face-to-face setting as the impact may be much the same or worse, as it may not be possible to delete the online information

- avoid forming or joining an online group that isolates or victimises fellow students or colleagues
- ensure that social networking sites are not used to access or share illegal content
- avoid defamatory comments in relation to staff, students, customers or suppliers of the University
- do not share confidential information regarding a university employee, student, customer or supplier.

Staff and students are encouraged to report incidences of online or cyber bullying or harassment.

Harassment

The Equality Act 2010 defines harassment as: "Unwanted conduct related to a protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

The unwanted conduct will also amount to harassment if it has the effect of violating the worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if that was not the intended purpose (EHRC).

Harassment may amount to unlawful discrimination if it relates to any of the protected characteristics. Harassment may involve conduct of a sexual nature (sexual harassment/sexual misconduct), or it may be related to a protected characteristic under the Equality Act 2010 as listed above.

Harassment/sexual misconduct may include, but is not limited to:

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 unwanted 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) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity

h) intrusion by pestering, spying or stalking.

A person may be harassed even if they were not the intended "target".

To uphold our values, we should respect other people's freedom within the law and the right of others to disagree with our beliefs.

Harassment or bullying may consist of sporadic or persistent behaviour, although one single act may be considered sufficiently serious to warrant disciplinary action.

Discrimination and hate crime

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.

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.

Crimes committed against someone because of their disability, transgender-identity, race, religion or belief, or sexual orientation are classed by the Crown Prosecution Service as hate crimes, and victims are encouraged to report these to the police (in addition to seeking support internally from the University).

Victimisation

Victimisation broadly refers to poor treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act. It is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Provided that person has acted in good faith and genuinely believes that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the University will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised another member of staff.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Rights and responsibilities

Students – Dignity at study

All students:

- have the right to study and live in an environment which is free from harassment or bullying;
- have the right to raise concerns if they believe they are being treated inappropriately and be assured that all complaints will be dealt with seriously, promptly and confidentially;
- have the right not to be victimised if they make a complaint or give evidence in connection with a complaint. Any complaint of harassment and/or victimisation will be dealt with thoroughly, promptly, fairly and confidentially. Victimisation (if proven) will result in disciplinary action and may warrant dismissal/termination of studies;
- have the right to take action outside of the University, including if they feel it appropriate to involve the police. If such an offence occurs the incident should be reported to the police: the University will support them in doing this but cannot report the incident on their behalf. This does not replace or detract from an individual's rights to pursue a complaint under the relevant discrimination legislation;
- have a responsibility to help ensure a learning and teaching environment in which the dignity of everybody is respected; and
- should alert appropriate staff of suspected incidents of harassment bullying, sexual misconduct or victimisation to enable Cranfield University to respond to the matter appropriately.

Policies and procedures are in place for students who believe that they have experienced or witnessed bullying or harassment by a member of staff or student. Please refer to the information under Raising a Concern below for further details.

Staff - Dignity at work

All staff:

- have the right to work in an environment which is free from harassment or bullying;
- have the right to raise concerns about being treated inappropriately, and to be assured complaints will be dealt with seriously, promptly and confidentially.
- have the right not to be victimised if they make a complaint or give evidence in connection with a complaint;
- should treat colleagues and other members of the University community with dignity and respect and adhere to this policy, in line with our University <u>Values</u>;
- should value differences in others and the contributions people make;
- should report suspected incidents of bullying, harassment, sexual misconduct or victimisation to their line manager, their local People and Culture team or a Dignity at Work Advisor (highlighted below) to enable the University to respond to the matter appropriately. This includes by third parties such as visitors, contractors or partners; and
- should ensure that visitors/contractors and partners they engage with do not encounter any
 inappropriate behaviour and that they comply with this policy themselves. Complaints of bullying or
 harassment by a contractor will be investigated and action taken may include severing links with
 them where the complaint is upheld.

Policies and procedures are in place for staff who believe that they have experienced or witnessed bullying or harassment. Please refer to the information under Raising a Concern below for further details.

Line managers/Supervisors

Line managers and supervisors are responsible for implementing this policy and to make every effort to ensure that bullying and harassment does not occur, particularly in the area they are responsible for. They should create a culture of respect, dignity and trust, and address any incidents in line with this policy.

Line managers/Supervisors:

- have a right to be treated with respect and dignity from the people they manage/supervise;
- have a right to manage and monitor staff/student performance without fear of unfounded accusations of bullying or harassment;
- should be responsive and supportive to any member of staff or student who makes an allegation of bullying or harassment, provide clear advice on the procedure to be adopted, and maintain confidentiality;
- should lead by example by treating all staff and students with dignity and respect, listening, and responding to their views and being realistic about objectives and work programmes; and
- should be alert to unacceptable behaviour and take appropriate action

Staff and students may be suffering the effects of unacceptable behaviour without revealing it so it is important that managers/supervisors/tutors are aware of some typical signs, notably:

- absenteeism, regular or prolonged sick leave;
- reduced performance, a decline in productivity or quality of work output; or
- lack of respect for others, low morale or a change of atmosphere at work/study.

Staff and students should not interpret firm and fair management or supervision as bullying or harassment. Legitimate management actions could include:

- setting fair but achievable objectives and performance measures;
- monitoring performance levels against objectives;

- providing constructive feedback when staff/students are not performing at satisfactory levels or behaving inappropriately; or
- taking action where unsatisfactory work or levels of absence have been identified.

The University

The University regards all forms of bullying, harassment, sexual misconduct, discrimination and victimisation as unacceptable.

The University:

- will ensure that adequate resources are made available to promote dignity at work and study and to deal effectively with complaints of inappropriate behaviour. This includes ensuring that this policy is readily accessible to all members of staff and students and training is available for staff to understand their responsibilities under the Equality Act 2010.
- will support staff and students by offering confidential first line information and support for Dignity at Work and Study matters.
- has a duty to take appropriate action where a criminal offence has taken place, or if there is an
 incident which represents a serious risk to the health and/or safety of staff or students.
- may take action against members of the University making false or malicious allegations under the appropriate disciplinary procedure.
- will monitor reported incidents of harassment and will regularly review the effectiveness of this
 policy and procedures.

Raising a concern/Informal resolution

Most incidents involving harassment or bullying can be resolved quickly and informally: often they can result from misunderstandings or cultural differences, or that feelings have not been recognised or understood. This is particularly true in isolated incidents or with people who you do not know well.

Where possible, every effort should be made to resolve a complaint or issue informally. Often a person will not realise their behaviour is unwelcome or offensive, so an informal conversation may help them to understand the effect of their behaviour and prevent it reoccurring.

Staff

If staff find it difficult to approach the other person directly or raise it with their line manager, staff can contact one of the following for confidential support, advice or assistance in the first instance:

- Dignity at Work Advisors
- Trade Union representatives
- Equity, Diversity and Inclusion team
- Local People and Culture Teams
- Employee Assistance Programme
- <u>Report+Support</u>

Dignity at Work Advisors are volunteers who have been trained to provide staff with advice and guidance. An <u>advisor can be contacted</u> on a confidential basis at the informal stage.

There may be occasions where the Dignity at Work Advisor selected is unable to offer support. If this is the case, they will refer the member of staff to another Dignity at Work Advisor who will be able to assist.

It should be noted that the Dignity at Work Advisors do not normally conduct formal investigations.

Students

Students may seek a confidential discussion with any of the staff listed below that they feel able to approach and have the right to be accompanied at such a discussion by a friend or representative of the Cranfield Students' Association. The purpose of the discussion will be to discuss the nature of the problem and how to arrive at an acceptable solution through informal channels.

The following members of staff can be approached for support, advice or assistance:

- Staff in the <u>Student Wellbeing and Disability Support Team</u> (including the Head of Student Support and Wellbeing)
- Tutors/Supervisors, Course Directors, SAS Leads, or other staff closely linked with the management of your studies
- Directors of Education and Directors of Research
- Student Casework Team
- Staff in the Cranfield Students' Association
- Heads of Academic and Administrative Departments
- Report + Support

Support may include:

- providing information on options available to the person seeking help
- advice on how to collate evidence to establish a complaint

If **you ever experience**, or witness, inappropriate behaviours, you can use our <u>Online Report+ Support</u> tool to inform us anonymously and/or get support from a trained advisor.

When you seek advice from any of the above, you will be advised that:

- a formal investigation and possible disciplinary action can only take place if the complaint is investigated under one of the University's formal disciplinary procedures;
- a written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop;
- there may be circumstances where the conversation cannot remain confidential, particularly if the person you talk to believes that the circumstances represent a health or safety or safeguarding risk to any member of the University.

Staff in the Student Wellbeing and Disability Support Team can support you with attempts to resolve matters informally, with you:

- approaching the alleged harasser with the support of a friend, staff in the Student Wellbeing and Disability Support team, your personal tutor or a representative of the Students' Association;
- where appropriate, staff in Student Wellbeing and Disability Support team can facilitate mediation between you and the person(s) your complaint concerns.

If you feel unable to -approach the person(s) concerned, this will not constitute consent to harassment nor will it prejudice any formal complaint that you may make. It is important that at all stages, you keep notes of any relevant incidents which distress you, including a record of the ways in which the incidents have caused you to change the pattern of your studies or social life. These may be helpful if the informal resolution does not resolve the matter.

However, if you feel you are being subjected to harassment or bullying in any form, you should not feel that it is your fault or that you must tolerate it.

Formal Complaints

We encourage staff and students to report circumstances of unacceptable behaviour. If you feel that you are unable to attempt to resolve the matter informally, you may make a formal complaint to the University.

Staff

Staff should submit a notification or complaint in writing to your line manager or People and Culture Team, which will be managed in accordance with Cranfield's policy and procedures, including our <u>Staff</u> <u>Ordinances</u>.

Students

Any formal complaint will be considered using the University's student complaints procedures, as set out in the <u>Senate Handbook: Student Complaints</u>. The outcome of this process may in turn lead to action being taken against any perpetrator under the University's student disciplinary procedures, as set out in the <u>Senate Handbook: Student Disciplinary Procedures</u>.

Monitoring

While individuals will remain anonymous, we will monitor reported incidents of bullying and harassment and will regularly review the effectiveness of this policy.

Further reference documents

- University EDI Strategic Plan
- Student welfare handbook
- Mental Health & Wellbeing Strategy

Confidentiality

Information provided under this policy will be treated in a sensitive and confidential manner and information will be shared on a need-to-know basis, including as appropriate with the reported staff member.

All information received in relation to this policy will be stored and processed in line with applicable data protection legislation. To learn more about how we handle your data, please review our <u>Privacy Notice</u>.

Document control

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| V2 | Amendment to Appendix A (A.5) to include reference to IHRA definition of antisemitism | Head of Equality Diversity & Inclusion | December 2020 |
| V3 | Policy reviewed | Head of Equality, Diversity & Inclusion | February 2021 |
| V4 | Policy reviewed to include sexual misconduct | Head of Equality, Diversity & Inclusion | April 2022 |
| V5 | Policy reviewed to combine Dignity at Work and Dignity at Study policies | Head of Equality, Diversity & Inclusion | November 2022 |
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