

Bullying and Harassment Policy

1. Introduction

This policy can be used where problems arise with other members of staff, external customers or suppliers of goods and services, including agency staff and consultants working for the University. There is a separate policy which applies to students who wish to raise a complaint.

Students who subject staff to bullying and harassment will be dealt with under the student Dignity and Respect Policy. In these instances, the parties involved will be informed individually whether the complaint has been upheld or not.

This policy should be read in conjunction with the Bullying and Harassment Policy Part 2: Code of Practice on Behaviour at Work for Staff.

Bullying is usually identified as intimidating, hostile or humiliating treatment by one or more individuals. Harassment occurs where a person is subject to unwanted conduct which has the purpose or effect of violating their dignity or creating a hostile, degrading, humiliating or offensive environment for them. For further information and examples see the Bullying and Harassment Policy Part 2: Code of Practice on Behaviour at Work for Staff.

Anyone who believes that they have been subject to conduct which they regard as bullying and/or harassment has the right of access to this policy (Part 1 and Part 2) and the associated procedures.

2. Bullying and Harassment Policy Part 2: Code of Practice on Behaviour at Work for Staff

The purpose of this policy is to assist in developing and encouraging a working environment and culture in which harassment and bullying are unacceptable. The Code of Practice gives full details of what constitutes both and how to deal with complaints.

Staff may prefer to use an informal approach to secure an informal resolution however, in more serious cases the University may decide that it is more appropriate to deal with the issue through the University's grievance or disciplinary procedures.

3. Rights and Responsibilities

All individuals have the right to work in an environment which is free from bullying and harassment. The University is committed to providing a workplace in which all individuals are given the dignity and respect to which they are entitled. The University has a legal responsibility to ensure the health and safety of individuals and a working environment which is free from unlawful discrimination.

Everyone has a responsibility to respect the feelings and sensibilities of others in the workplace, and to behave in a way which does not cause offence. In some instances individuals may be genuinely unaware that their behaviour is causing offence, but it is the duty of each individual to be sensitive to the impact their conduct may have on colleagues.

4. Staff Responsibilities

Everyone has a responsibility to comply with this Policy and all staff should ensure that their behaviour towards colleagues does not cause offence and could not in any way be considered to be bullying or harassment.

5. Managers and Supervisors Responsibilities

Set a good example by treating all individuals with dignity and respect.

Understand and implement the Policy and make every effort to ensure that harassment and bullying do not occur, particularly in work areas for which they are responsible.

Resolve any incidents of bullying and harassment of which they are aware. If bullying and harassment does occur, they must deal effectively with the situation.

Explain and promote awareness of the University's Policy to their staff; ensure that each member of staff has been given a copy.

Respond sensitively and supportively to individuals who makes an allegation of harassment; provide clear advice on procedure and timescales to be adopted by those making complaints and those against whom a complaint is made; maintain confidentiality in accordance with this policy; monitor the workplace to ensure there is no problem of bullying and harassment, or of victimisation after a complaint has been made.

Act if they observe bullying and harassment occurring. Be alert to unacceptable behaviour and take appropriate action; managers do not have to wait until complaints are brought to their attention if they are aware of behaviour of other managers or individuals which might cause offence. If the incident is not serious then calling the individual aside and carrying out some "awareness raising" may be sufficient to stop the behaviour. In more serious cases disciplinary action may be appropriate.

Ensure individuals know how to raise problems, are aware of the Policy and procedures, and of sources of help and advice available (e.g. the People Hub).

6. Sources of Support and Advice for Staff.

The University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across our University will not be tolerated. [Safe Space Reporting](#) is an online tool through which staff, students and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support

Trade union representatives – Issues can be raised by a trade union representative on behalf of a member of staff if this is requested by the member of staff. Complainants and respondents who are trade union members can talk confidentially to a trade union representative and have a trade union representative accompany them to meetings which may result from a complaint under the procedure.

Work colleague or friend who is employed by the University – Can accompany either party (or a witness) to meetings.

The People Hub – For providing advice and support to managers and advising individuals on the procedures and sources of help as appropriate.

The [Employee Assistance Programme](#) offers staff a support/counselling service covering a range of issues.

[The Equality and Advisory Support Service](#) has a helpline which advises and assists individuals on issues relating to equality and human rights across England, Scotland and Wales.

[The Equality Commission for Northern Ireland \(equalityni.org\)](#) is an independent public body which oversees equality and discrimination law in Northern Ireland and provides advice and assistance to individuals who feel discriminated against.

Information about equality rights in the Republic of Ireland can be found at [citizensinformation.ie](#)

7. Unacceptable Behaviour

Some behaviour can cause offence where there is no malicious intent. The impact of behaviour on a person affected by it is more relevant than the motive behind it. It is also relevant to ask the question: Would a reasonable person think that the behaviour amounted to bullying or harassment? In most cases people know, or should know, that remarks or actions are causing offence, and that causing such offence is unacceptable.

All complaints (informal and formal) will be thoroughly investigated by the appropriate manager. Breaches of the Policy may lead to disciplinary action being taken.

Student behaviour is set out in the University's Student Charter, the Code of Practice for Student Discipline and the student Dignity and Respect Policy.

8. Dealing with Complaints

All complaints of bullying or harassment will be taken seriously by the University. The aim is to provide the support needed to help individuals decide the best course of action, and to resolve the issues raised, either through informal approaches or formal complaint procedures.

The Code of Practice (see Part 2 of this Policy) provides a framework for dealing with complaints confidentially, fairly and in a consistent manner. It will also help to resolve problems quickly and informally wherever possible, without fear of victimisation or retaliation. The University will also take seriously any allegations proven to have been made vexatiously or maliciously. Any investigation based upon those allegations may be terminated and the individual may be subject to disciplinary action. If the person concerned is represented by a union, then the Group People Director will inform that union. Where the person concerned is a representative accredited by a relevant union, formal disciplinary proceedings should not be initiated until the circumstances have been discussed with a full time officer of the relevant union.

Where complaints are about sexual harassment, sexual bullying, sexual violence, sexual misconduct and/or of a sexual nature, we will not ask staff to sign non-disclosure agreements or confidentiality clauses within settlement agreements to prevent such complaints from being raised or addressed.

In accordance with the OU's [Research Code of Practice](#) where, a complaint investigated under this policy is upheld against an individual involved in a research activity funded by an external funding body, the OU will notify the funding body of the investigation and the outcome in cases where this is required by the terms and conditions of the funding body (e.g. UK Research and Innovation).

9. Monitoring

In order to evaluate the effectiveness of the Bullying and Harassment Policy and procedures the University monitors the level and kinds of problems that occur. Where investigations follow this

staff policy, then the Staff Bullying and Harassment Monitoring form should be completed by the manager, the People Hub or trade union representative, who is consulted by a member of staff about a bullying or harassment issue (this may be the person experiencing bullying or harassment, the person being accused or someone who has witnessed an incident). The person completing the form should remind those people (the person raising the complaint and the person complained about) that the Monitoring Form will be completed. The purpose of the form is for statistical analysis and will be anonymised, it will not contain the name of the complainant or the name of the person complained against. The monitoring form is available from the People Services intranet site.

10. Equality, Diversity and Inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

11. Useful References

Bullying and Harassment Policy Code of Practice
Bullying and Harassment Monitoring Form
Behaviours and Standards at Work
Safe Space Reporting (<https://report-and-support.open.ac.uk/>)
Student Charter
Student Dignity and Respect Policy
Code of Practice for Student Discipline