

Discrimination, Bullying and Harassment Policy for Staff



This policy explains what discrimination, bullying and harassment are and the forms they can take. It also emphasises that all three are prohibited by law and should not be tolerated in the workplace. This policy will answer the following questions:

- What is the definition of bullying?
- What is the definition of harassment?
- What is indirect discrimination?
- Who is responsible for what?
- What is a zero-tolerance approach?

Equality & Diversity.

This policy will be applied in a non-discriminatory way, irrespective of a staff member's age, disability, gender, gender identity, gender reassignment, race, religion or belief or sexual orientation.

Accessibility

If a staff member require this procedure in an alternative format, please contact Human Resources HR@gold.ac.uk

Version Control	
Section A – completed by Policy Author	
Name of Policy Author	(i) Anna Spragg, Equality & diversity Advisor (ii) Daniel Tanswell, Head of HR Legal, Policy and Advisory Services
Policy version number	11
Date	20 th September 2016
Summary of Changes:	Section 2 – more detailed information on the zero tolerance added Section 3 – expanded detail on informal and formal routes to resolve complaints Section 5.3 - Bullying examples added to appendix 2 Section 5.6 – Section on Confidentiality expanded Section 6.1 – Cases may be handled independently by Goldsmiths where necessary Section 7 – Cases may need to be handled formally Section 7.4 – Clarified that contravening this policy may result in gross misconduct.
Last Policy version number	10
Date of last version	11 July 2016
Date & last version approved by HREC	24 June 2016
Date & last version approved by Council	30 June 2016
Complete Section B – completed by the Director of Human Resources	
Is this a major or minor change? (major changes and new HR Policy go direct to HREC after approval)	Minor
Are cumulative minor changes significant that the HR Policy needs HREC and Council Approval?	No
Director of HR approval to issue HR Policy	Yes
Date Director of Human Resources approved Policy	19 th September 2016
Complete Section C – completed by Policy Author	
HREC Approval date	24 th June 2016
Council Approval date	30 th June 2016
Complete Section D – completed by Policy Author	
Published Date	3 rd October 2016

1. Introduction

Equality, inclusion and social justice are values which are incredibly important to Goldsmiths. These values are enshrined throughout Goldsmiths rich history of activism, embedded in its research and teaching, and embraced by members of its community.

Goldsmiths is situated in the heart of Lewisham, one of London's most diverse boroughs with almost half of its residents being from Black or Minority Ethnic (BME) backgrounds.

2. Our principles

Goldsmiths, as a leading organisation in Higher Education equality practices, considers there to be no legitimate grounds to ever bully, harass, victimise or discriminate against an individual.

Harassment and bullying undermines the value of an individual. Instances of bullying and harassment are regarded seriously and will be treated as grounds for disciplinary action up to and including dismissal.

Goldsmiths has a unique and international community, with a multicultural and diverse student and staff body. The effects of discrimination, bullying and harassment, not only affect the individual and their family and friends, but can also impact Goldsmiths' reputation and culture. As such, Goldsmiths takes a zero-tolerance approach to discrimination, victimisation, bullying and harassment.

As part of the zero-tolerance approach, discrimination, bullying and harassment are considered gross misconduct under our disciplinary policy. Contravening this policy could therefore lead to disciplinary which may result in dismissal.

3. Purpose

This policy sets out how Goldsmiths intends to meet its obligations under the Equality Act 2010 (EA) and recognises that workplace relationships are critical to the success of Goldsmiths and that, where appropriate, informal resolution is the most effective mechanism in getting relationships back on track.

Therefore, we have included advice, guidance and sources of support for staff members who are affected by any of the issues outlined within this policy to support and encourage early resolution.

We have included information on both formal and informal pathways to resolution within this policy. However, some examples of discrimination, bullying, and harassment may not be appropriate to be resolved informally and these should be investigated immediately under a formal process. Examples of this could include, but are not limited to, sexual harassment,

discrimination on the grounds of a protected characteristic, violence, and persistent and repeated bullying.

4. Scope

As a closely-knit campus, Goldsmiths encourages collaboration across different groups and expects staff, students, visitors, and members of the university to be treated with dignity and respect.

This policy applies to all staff and workers. There are separate policies related to students, to which the values included in this document are aligned.

Line managers are expected, in their leadership role to ensure their team are aware of and understand the principles outlined in this policy and lead by example.

Line managers are expected to provide a copy of this policy to all contractors and agency workers as part of their induction.

5. Definitions:

5.1 Discrimination

Discrimination can come in one of the following forms:

- **Direct discrimination** - treating someone with a 'protected characteristic' (defined below) less favourably than others.
- **Indirect discrimination** - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.

It is against the law to discriminate against anyone because of:

- age
- having had or having the intention to undergo gender reassignment
- being married or in a civil partnership
- being pregnant or having a child
- being disabled
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called 'protected characteristics'.

However, in addition to the characteristics protected by law, Goldsmiths expects everyone to be treated with dignity and respect regardless of any element of their identity.

The EA 2010 introduces two new forms of discrimination, which apply to all protected characteristics except marriage and civil partnership:

1. Discrimination by perception

Where someone thinks a person has a particular protected characteristic, even if they do not. For example, an employer rejects a job application from a white woman whom he wrongly thinks is black because the applicant has an African-sounding name.

2. Discrimination by association

Where a person is associated with someone who has a particular protected characteristic. For example, Alex, gives birth to a disabled child. On her return to work after maternity leave, she applies for a promotion. She is turned down and a less qualified colleague (also a mother, but whose child is not disabled) is given the job because the employer thinks that Alex will need more time off and be less reliable because her child is disabled.

5.2 Harassment

Harassment is defined by law as ‘unwanted conduct including verbal, written or physical, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating, threatening or offensive environment for the individual and interferes with their learning, or working. This also applies to social activities’.

A person may feel harassed or distressed even if the perpetrator was unaware or had not intended this to be the effect of their actions.

General and specific examples of harassment can be found in Appendix 1.

5.3 Bullying

Bullying is coercion or intimidation, which serves to undermine the competence, effectiveness, confidence and integrity of another individual. The abuse of power, position or knowledge by one person to criticise or humiliate another, can cause the individual being bullied to feel vulnerable, humiliated and lacking in confidence.

Examples may include

- Offensive, intimidating, malicious or insulting behavior
- An abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Examples of types of bullying can be found in Appendix 2.

5.4 Victimisation

Treating a person detrimentally because they have made a complaint about discrimination or harassment or have given evidence relating to such a complaint is illegal under the EA 2010 and will be treated very seriously.

5.5 Vexatious Complaints

Complaints of harassment or bullying are treated seriously. It should therefore be noted that anyone making mischievous or malicious complaints will be dealt with under the appropriate disciplinary procedures. Disciplinary action will not be taken, however, if a complaint made in good faith is judged to be unfounded.

5.6 Confidentiality

Goldsmiths has an obligation to protect complainants and other members of the University community and information will only be disclosed to relevant parties.

A complainant may request anonymity when making an allegation of discrimination, bullying, or harassment. Where possible, this will be accommodated, but the extent to which anonymity can be guaranteed will have to be made on a case by case basis.

Staff are strongly encouraged staff to come forward and disclose information where they feel able to do so.

5.7 Definition of 'zero-tolerance'

Goldsmiths is proud to take a 'zero-tolerance' approach towards all forms of discrimination, bullying and harassment. To support this, Goldsmiths fosters a culture where tolerance and respect are at the heart of our organisation.

The zero-tolerance approach means that Goldsmiths treats all allegations of discrimination, bullying or harassment seriously and will not ignore any instance that it becomes aware of.

6. Roles & Responsibilities

All staff regardless of position are expected to treat each other, students and visitors with respect.

6.1 Goldsmiths

The College is legally responsible for ensuring that harassment or victimisation on the grounds of someone's race, sex, sexual orientation, age, religious belief (including lack of belief), trans status or history, disability, marital or civil partnership status, or pregnancy status does not take place at work. Harassment can be a breach of criminal law, specifically the Criminal

Justice and Public Order Act 1994 and the Prevention of Harassment Act 1997.

In addition, under the Health and Safety at Work Act 1974, Goldsmiths is responsible for the health, safety and welfare at work of all members of staff, and is liable for the actions of its members of staff at work and in any work-related setting outside Goldsmiths, e.g. trips, work-related social events, etc. Goldsmiths also has a responsibility to ensure that its members of staff are not subjected to unacceptable behaviour by contractors or service providers. Any complaints about such behaviour or conduct should be made to the manager responsible for engaging the contractor. The line manager will be responsible for taking it forward in conjunction with the section of College which has retained the contractor or service provider. Contractors or service providers breaching this policy may be regarded as in breach of contract, which may lead to the removal from a College site of an individual, or termination of the contract.

Whilst the preferences of the staff member raising an allegation will be considered, in some instances Goldsmiths may consider acting on evidence it receives independently of the staff member.

6.2 Staff

Staff must comply with, and demonstrate active commitment to, this policy. Staff are required to respect the age, beliefs, convictions and orientation of others and not behave in ways which cause offence, or which in any way could be considered to be harassment, bullying or victimisation. Each staff member has a responsibility to ensure colleagues, students, visitors, etc. are treated with dignity and respect.

All members of staff should discourage harassment, bullying or victimisation by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and who are considering making a formal complaint. Staff should alert a manager or supervisor to any incident of harassment, bullying or victimisation to enable Goldsmiths to deal with the matter.

6.3 Heads of Departments and Line Managers

Leading by example, Heads of Department and Line managers have a duty to implement this policy, and to make every effort to ensure that harassment, bullying or victimisation does not occur, particularly in the areas of work for which they are responsible.

Any concerns relating to harassment, bullying or victimisation must be investigated promptly and effectively. It is not acceptable for any manager to ignore unacceptable behaviour.

They should ensure their department or team:

- Are aware - through induction, training and other processes - about their rights and personal responsibilities under the policy and understand Goldsmiths' commitment to deal with bullying and harassment
- know who to contact if they want to discuss their experiences in order to decide what steps to take
- know how to take a complaint forward and the timescales for any formal procedure

7. Dealing with complaints of Discrimination, Harassment, and Bullying

In the event that a staff member experiences one or more instances of discrimination, harassment or bullying they may raise this informally or formally.

In cases of serious bullying or harassment, including in cases of sexual harassment, it may not be appropriate to try to resolve the matter informally, in which case it should immediately be dealt with under the formal process (see 7.4).

Speak to your HR representative who may be able to advise you on the best approach.

7.1 Informal

Before entering the formal process, it may be worth trying to deal with the issue informally (where appropriate) if you feel able. Benefits of this approach are quick resolution of the issue, maintaining good working relationships, and avoiding a formal investigation which often draws other people in as witnesses. In many cases, the person will be unaware that their behaviour is causing offence and typically asking them to stop, and confirming that their behaviour did cause offence and the reason why, may be sufficient to stop the issue happening again.

7.2 Mediation

Mediation is an option that focuses on resolution rather than the allocation of blame. It can only be considered if both parties agree to seriously engage in attempting to resolve their dispute. It requires the appointment of a trained mediator acceptable to both parties. Normally, the manager or mediator will meet both parties to explore the issues and gather basic details and explain that impartial mediation:

- Can help to resolve work problems
- Is dependent on both parties agreeing to it
- Gives both parties the opportunity to hear what the other

A staff member has the opportunity to present their concerns to the individual and contribute to any action plan that may resolve the matter.

Where both parties agree to mediation, please consult HR who will identify a mediator to handle the case and set out reasonable time scales and provide a briefing on the issue.

Once mediation has been completed feedback on the outcome of mediation should be provided along with:

- A written record of any agreed action plan to deal with the issues
- An agreed period to monitor the implementation of any agreed way forward

Where a mediated resolution cannot be achieved and adhered to the staff member has the right to pursue the matter further under the grievance procedure.

7.3 Other informal routes

Other informal routes might include:

- Discussing the issue with the person involved
- Speaking to the person on the telephone
- Writing a letter to the person
- Sending the person an email

When you raise your concerns with the person, it is important that they understand why you find their behaviour unacceptable. Therefore, in preparing to do this you will need to think through how you will tell the person:

- Why you want to discuss the issue
- Why you found the behaviour unacceptable
- The impact that the behaviour has had and how it made you feel
- That you want them to stop their unacceptable behaviour immediately
- Possible solutions you wish to discuss and what this may involve e.g. mediation.

When having the informal conversation or setting out the above in a letter, it is important this is done in a calm but firm way. Being aggressive or overly emotional should be avoided as this may hinder the discussion and prevent an informal resolution to the issue. Also prepare by trying to anticipate what they may say in response to the points you want to make, and how you would respond.

Where an informal approach fails to address concerns, please follow the formal process outlined in 7.4

7.4 Formal

Contravening this policy could lead to disciplinary proceedings under the disciplinary policy and as this is considered gross misconduct, may result in your dismissal.

Goldsmiths recognises that bullying, harassment and victimisation is often discriminatory and unlawful and considers complaints seriously and confidentially. As Goldsmiths has a zero-tolerance approach to discrimination, bullying, and harassment, any allegations of inappropriate behaviour, providing they are made in good faith, will normally be addressed as a formal grievance or disciplinary matter, including a full and thorough investigation.

Where a student raises a concern of bullying and harassment by a staff member under the formal student complaints procedure, this will be escalated to Human Resources to investigate under the disciplinary policy.

Where a staff member raises a formal concern of bullying and harassment against a student, the Student Conduct procedure will be followed.

Some examples of discrimination, bullying, and harassment may not be appropriate to be resolved informally and these should be investigated immediately under a formal process. Examples of this could include, but are not limited to, sexual harassment, discrimination on the grounds of a protected characteristic, violence, and persistent and repeated bullying.

Goldsmiths recognises that staff may fear victimisation for making or being involved in a complaint and is therefore committed to ensuring complainants do not suffer as a result of raising a complaint.

Confidential informal advice from a Line Manager, Trade Union Representative or HR team member is available if individuals are unsure of how to pursue a concern. With respect to standards expected between staff and students, staff should refer to the policies on Personal Relationships and Conflicts of Interest.

8. Support roles

8.1 Chaplaincy

Chaplains are here for everybody regardless of what your beliefs and practices may or may not be. Goldsmiths' Chaplaincy welcomes anyone who wants someone to talk to, or just be with, regardless of how small or big the issue or feelings may seem to the person.

The Chaplaincy are available at any time by prior appointment. Email: chaplaincy@gold.ac.uk

It is advisable to talk to someone before taking any action either informally or formally.

8.2 Human Resources

Members of staff can seek support and advice from Human Resources at any stage of this procedure.

Members of staff who have been accused of harassment, bullying or victimisation have the option to be provided with a HR representative not involved in the case to provide procedural guidance.

8.3 Trade Union Representation and Support

During the informal stages of a grievance, trade union representatives are available to provide support and at the formal stages of a procedure the members of staff are entitled to representation or assistance from a trade union representative (subject to being a trade union member) or a work colleague.

8.4 Counselling

Confidential counselling is available to all Goldsmiths' staff. Information on who to contact to access this, as well as further information about wellbeing services and support at Goldsmiths can be found at this link:

<http://www.gold.ac.uk/wellbeing-services/>

9. Developing a culture of inclusion and respect

9.1 Equality and Diversity Strategy

Goldsmiths' aim is to embed Equality and Diversity into everything that we do. To help us work collaboratively towards this aim, Goldsmiths developed its Equality and Diversity Strategy and Action Plan. Further information about Goldsmiths' work related to Equality and Diversity be found at this link:

<http://www.gold.ac.uk/equality-diversity/>

This Strategy, focuses on advancing equality and celebrating diversity with initiatives under the following work strands: 'Governance', 'Celebrating Achievements', 'Learning, Development and Research', 'Access and Inclusion', and 'Identity and Awareness'.

9.2 Collaboration, Communication, and Declaration

At Goldsmiths we believe that by working together collaboratively, we can develop a culture of inclusion, acceptance, and respect.

A line manager and their staff member should develop a professional relationship based on open communication, where they feel able to voice any concerns, seek support where necessary, and share knowledge and ideas.

We believe that members of Goldsmiths' community should feel able to be themselves at work without fear of being judged on the grounds of any part of

their identity or status. We also actively encourage a culture of self-declaration, this enables Goldsmiths to tailor the work it does related to Equality and Diversity to match the needs of its staff and students.

9.3 Unconscious Bias

As part of Goldsmiths' Equality and Diversity Strategy we understand the part that unconscious bias plays in how we make every day decisions and judgements about people. We accept that Unconscious Bias is a part of being human. However, we expect staff to actively challenge any conscious negative biases they make, particularly in recruitment and selection decisions.

Goldsmiths provides learning and development opportunities in this area to help staff to identify their own unconscious bias and work to mitigate the impact of this bias.

9.4 Learning and Development opportunities

Goldsmiths' offers a number of central learning and development opportunities. We understand that this plays an important part in ensuring staff have relevant knowledge and skills. In addition, we expect Departments to arrange any learning and development opportunities for their own staff, where a specific development need or knowledge gap is identified.

The best learning and development occurs in every day working situations, because of this, we actively encourage staff to learn through working with colleagues to resolve issues and to better understand each other by facilitating a culture of open communication.

For additional support or advice on resolving issues, please contact your relevant HR Representative in the first instance.

9.5 Equality Analysis

Goldsmiths also uses Equality Analysis (formally Equality Impact Assessment) to identify the impact of new or revised proposals (e.g. for new policies, practices and projects) have in relation to Equality and Diversity.

Equality Analysis is not a specific legal requirement. However we are legally required to demonstrate that we have given 'due regard' to the aims of the general equality duty by ensuring that equality considerations are embedded into our decision making processes.

For this reason we actively encourage staff at Goldsmiths to use its Equality Analysis Toolkit to help them assess any impact or implications that their new or revised proposal might have with relation to Equality and Diversity. This allows for any negative impact to be mitigated or reduced, and any positive impact to be promoted to allow others at Goldsmiths to learn from good practice.

10. Linked Policies

[Grievance Policy](#)

[Equality and Diversity Pages](#)

[Personal Relationships](#)

[Conflict of Interest](#)

11. Appendices

Appendix 1 – Types of Harassment

Appendix 2 – Types of bullying behaviour

Appendix 1 – Types of Harassment

Sexual harassment

Sexual harassment is unwanted and unwelcome words, conduct, or behaviour of a sexual nature that has the purpose or effect of creating an embarrassing, hostile, degrading, humiliating or offensive environment for the recipient. It is a misuse of personal or institutional power and a form of less favourable treatment based on a person's sex.

Harassment is behaviour which is uninvited and unwelcomed by the recipient (even if there has been some previous relationship). Whether or not the harasser intended to be offensive is irrelevant. The limit of acceptable behaviour is up to the recipient to decide. Unwelcome is the critical word. Unwelcome does not mean "involuntary". A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable.

A single incident or persistent behaviour can amount to harassment. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or study performance. Sexual harassment is often linked with misuse of power or position and is rarely about sexual desire. Harassment can be a way of asserting superiority. For example, a woman may threaten a man's perception of their status in the workplace, and as a result the man may exert control by such an abuse of power.

Sexual Harassment can include catcalling, following, making unnecessary and unwanted physical contact, giving unwelcome personal gifts, wolf-whistling, leering, derogatory comments, unwelcome comments about a person's body or clothing, asking questions about a person's sex life, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material. Sexual harassment does not necessarily occur face to face and can be in the form of emails, visual images (such as sexually explicit pictures on walls in a shared environment), social media, telephone, text messages etc.

Harassment on the ground of race

Racial harassment may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances it can include pressure to participate in political/religious groups.

Harassment on the grounds of disability

Harassment of disabled people can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.

Harassment on the grounds of sexual orientation

Harassment on the grounds of actual or perceived sexual orientation can include homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour / abuse relating to HIV or AIDS status.

Harassment on the grounds of religion/belief (or lack of religion/belief)

Harassment on the grounds of religion and/or belief (or lack of religion/belief) can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals. It can also include discriminating against someone because of their lack of religion and/or belief.

Harassment on the grounds of gender identity, gender re-assignment, or trans status or history

Harassment on the grounds of gender identity, gender reassignment, or trans status or history can include jokes, name calling, humiliation, exclusion or being singled out for different treatment. It can also include being publicly identified or 'outed' as being trans or undergoing gender reassignment and violating an individual's privacy with relation to their gender identity.

Harassment on the grounds of age

Harassment on the grounds of age can include jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.

Appendix 2 – Types of bullying behaviour

Types of bullying behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone, picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying is not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.