



# Dignity at Work

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## 2 Scope of this policy

### 2.1



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## 5.2 Making a formal complaint

- 5.2.1 If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, employees can make a formal complaint by using the university's **Grievance Procedure**. If you are not an employee of DMU but you have a complaint concerning allegations of bullying or harassment committed by an employee of the university, you may report the matter via the **Complaints Procedure (Non-student)** .
- 5.2.2 Your written complaint should set out full details of the conduct in question, including the name of the alleged harasser, the nature of the bullying or harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 5.2.3 As a general principle, the decision whether to submit a formal complaint is for the complainant to make. However, the university has a duty to protect all staff and there may be circumstances where the university considers that a matter which was raised informally must be pursued. The university reserves the right to take such action as it considers appropriate in relation to any matter raised where it considers that it is in the interests of the university, its staff or students to do so.
- 5.2.4 You have a right not to be victimised for making a complaint in good faith. Please see Appendix A: [Victimisation](#).

## 5.3 Investigating the complaint

- 5.3.1 The university will investigate complaints with sensitivity and due respect for the rights of all parties concerned. The investigation should be thorough, timely

involved pending the outcome of the investigation, bearing in mind the reasonable needs of the university and the rights of that third party individual.

5.3.6 The investigator will normally meet with the complainant in accordance with the applicable procedure to obtain further details about the complaint. If possible, the investigator will also meet with the alleged harasser in accordance with the applicable procedure to hear their account of events. The alleged harasser is entitled to be given full details of the complaint against them to gather any relevant evidence, so that they can respond. If they are a DMU employee they will be notified of the complaint by their manager or by a senior member of HR. They will be informed that an investigator will be in contact with them to invite them to a meeting in accordance with the applicable procedure in order that they can respond to the allegations against them.

5.3.7 It may be necessary to interview witnesses in accordance with the applicable procedure to any of the incidents mentioned in the complaint. (p) (a) (t) 1 (c) (n) 3 (c) 41 (p) 4 2 (p) (c) 3 (b)



as a case of possible misconduct or gross misconduct under the applicable disciplinary procedure. However, the following points should be taken into account:

5.5.2.1 The complainant will normally be required to attend any disciplinary hearing as

7.1.3 You may wish to report and record the incident ie record the date, time, nature of the complaint and any outcome e.g. if an apology was given or accepted or any agreements reached under 7.1.4.

7.1.4 If appropriate, agree the aspects of behaviour that will change. (If appropriate in the circumstances, you may wish to send a follow up note if actions are agreed to ensure that there are no later misunderstandings).

7.2 If a formal complaint is made about your behaviour, this will be fully investigated and, if you are a DMU employee, the university may bring disciplinary proceedings, if appropriate. The university will follow the applicable disciplinary procedure and you will have the rights set out in that procedure. You have the right to be informed of the allegations against you and to put your version of events – see 5.3.6. The applicable disciplinary procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying or harassment could result in allegations of gross misconduct being brought that, if upheld, could lead to dismissal without notice.

7.3 Wherever possible and subject to the rights and wishes of the parties, the university will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is sufficiently serious to amount to potential gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Any decision to move or suspend you does not imply any guilt or culpability and is a neutral act t( )Tj E

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1.2.2 Indirect discrimination: An employer indirectly discriminates against an employee if it applies a provision, criterion or practice (PCP) to employees or a group of them that puts those who share the employee's protected characteristic at a particular disadvantage compared to others who do not share that protected characteristic. The employee must also suffer that disadvantage as a member of the group sharing the protected characteristic and the employer must be unable to show that its PCP is objectively justified. An example of indirect discrimination is:

Requiring potential job applicants to have had a driving license for at least 10 years (indirect age discrimination).

1.3 Disabled employees are also protected against "discrimination arising from disability" ie unfavourable treatment because of something arising in consequence of their disability, and failure by the employer to make reasonable adjustments where the disabled person is put at a substantial disadvantage.

1.4 In certain circumstances, individual employees may be personally liable for acts of discrimination they have carried out against other individuals. See 7.8 in the policy.

## 2 Harassment

2.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2.2 Harassment may consist of persistent or repeated acts, although a single incident can amount to harassment. Harassment may occur against one or more individuals.

2.3 Harassment will be unlawful if it involves unwanted conduct of a sexual nature (sexual harassment), or if it relates to certain protected characteristics ie sex or sexual orientation, gender reassignment, race (ethnic or national origin, nationality and colour), disability, religion or belief (or no religion or belief), age - see 1.1. Harassment is unacceptable even if it does not relate to a specified protected characteristic.

2.4 Harassment may include, for example:

unwanted remarks or inappropriate questions about a person's sexual orientation, for example, asking detailed questions about an individual's sexual behaviour (or none) with individuals of the same, different (or both) sex as themselves.

unwanted physical contact ranging from unwelcome touching (or 'horseplay') to serious assault, including touching, pinching, pushing and grabbing;  
continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet or social media - see also the university's [Email, Internet and Social Media \(EISM\) Policy](#) );

criticising the dress sense and taste, for example, of a person who is transgender, or a person wearing religious clothing;

unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless – see also 2.5 and 2.6);

the offer of rewards for going along with sexual advances, e.g. promotion, access to training;  
 threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;  
 the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups (see also 2.7);  
 racist, sexist, homophobic/bi-phobic/transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;  
 unwanted nicknames related to a person's age, race, sexual orientation, gender identity or disability;  
 outing or threatening to out someone as gay, lesbian, bi-sexual or transgender;  
 questions about a person's sex life;  
 the use of obscene gestures;  
 mocking, mimicking or belittling a person's disability;  
 excluding an individual because they have or are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;  
 ignoring an individual because they have or are perceived to have a protected characteristic regardless of whether or not they do in fact have that protected characteristic, e.g. an employee is thought to be Jewish, or is perceived to be a transgender – see also 2.8);  
 spreading or inciting others to spread extremist views/ideology (including violent extremism), extremist propaganda or materials and/or forcing these views/opinions on others (see also the university's policy on **Freedom of expression and academic freedom** ).

2.5 Conduct may be harassment whether or not the person behaving in that way intends to offend; the motive/intention of the harasser is therefore not relevant in determining whether someone has been harassed. The test is whether the behaviour is unwanted and meets the definition described at 2.1. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

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perception that the person is of a particular race or religion or gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease someone repeatedly because of an incorrect belief that the individual is gay or lesbian. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled or they have a friend who is a devout Christian.

2.9 There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a supplier, visitor, client, independent contractor, student or customer. For example, it might be that a contractor makes a series of racist remarks to an employee. If an employee feels that they have been bullied or harassed by a third party, they should report this to their line manager. An example of this is a (c)-1 (an) Tj 0)-3 (p

## 4 Victimization

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