

IMPERIAL

RESPECT FOR OTHERS

HARASSMENT, BULLYING AND VICTIMISATION POLICY

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1.0 Policy Statement

- 1.1 As part of its overall commitment to equality of opportunity and valuing diversity, Imperial College London is committed to promoting and ensuring a working environment where individuals are treated with respect and courtesy. Harassment, bullying and/or victimisation detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses, or has knowledge of, the unwanted behaviour.
- 1.2 Imperial has a legal duty to protect its members of staff. This policy emphasises that harassment, bullying and/or victimisation is unacceptable, whether in the workplace or outside of the workplace where it involves or affects Imperial in any way. Such conduct must not be ignored and any complaints of harassment, bullying and/or victimisation of any individual who makes a complaint of harassment or bullying will be taken seriously and investigated as a matter of urgency. Harassment, bullying and victimisation are viewed as gross misconduct, and disciplinary action, including dismissal, may be taken if any complaint of harassment, bullying or victimisation is upheld. All members of staff have an obligation to comply with this policy.
- 1.3 The aim of this policy is to prevent harassment, bullying and/or victimisation, provide guidance to resolve any problems should they occur, and avoid recurrence.
- 1.4 It is the responsibility of all line managers to make sure that their staff have familiarised themselves with and understand this policy. Line managers have an obligation to tackle harassment, bullying and victimisation.
- 1.5 The University's Trade Unions have been consulted on this document, and it complies with the Equality Act 2010 the Health and Safety at Work Act 1974, the Criminal Justice and Public Order Act 1994, the Prevention of Harassment Act 1997,
- 1.6 Imperial treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise and understand this procedure.

2.0 Definitions

- 2.1 **Harassment:** Men and women have a right not to be subjected to harassment at work. Under the Equality Act 2010, harassment takes place when an individual engages in unwanted conduct, related to another's protected characteristic(s), which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. In deciding whether the unwanted conduct has the effect referred to, consideration must also be given to whether it is reasonable for the conduct to have that effect.

The Protection from Harassment Act 1997, which is also subject to an objective test, covers a wider range of behaviours that cause alarm or distress, including stalking. There must be a course of conduct, comprising of two or more occasions, and the conduct must be of sufficient seriousness to amount to a criminal offence. This policy is informed by both Acts and is intended to apply only to conduct that meets the relevant legal standards. Legal protection from harassment is also afforded to individuals even if they do not possess the protected characteristic, or the unwanted conduct is not directed towards the individual themselves.

Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples include repeatedly ignoring a colleague through to subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional but is always unacceptable whether intentional or not.

All forms of harassment, intentional or not, are covered by this policy and procedure. The following are examples of what might constitute unacceptable behaviour. The following examples are illustrative only and do not represent a categorical definition of harassment. Whether particular conduct constitutes harassment will be assessed on a case-by-case basis, considering its purpose or effect:

- **Sexual harassment** can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.
- **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 of people with disabilities** 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 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 or belief** can include jokes or insults about items of clothing, religious artefacts, religious beliefs, philosophical and other protected beliefs (including gender-critical beliefs) or rituals.
- **Harassment on the grounds of gender reassignment** can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
- **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.

2.2 **Bullying:** The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist a member of staff to address performance concerns; it may also include cyber bullying, i.e. using the internet and

related technologies to harm another person in a deliberate, repeated and hostile manner.

The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

2.3 **Victimisation:** Imperial will not tolerate victimisation against a member of staff because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. Imperial will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

3.0 Responsibilities

3.1 Imperial is legally responsible for ensuring that harassment or victimisation on the grounds of someone's race, sex, sexual orientation, religious or protected belief [including lack of belief], gender reassignment, disability or age 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.

3.2 In addition, under the Health and Safety at Work Act 1974, Imperial 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 the University, e.g. trips, work-related social events, etc.

3.3 Imperial 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 Imperial that 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 an Imperial site of an individual, or termination of the contract.

3.4 Faculty Principals, Heads of Departments/Divisions, and all other 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.

3.5 All members of 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 member of staff has a responsibility to ensure colleagues, clients, students, visitors, etc are treated with dignity and respect.

3.6 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 Imperial to deal with the matter.

4.0 Support Contacts

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

4.1 Human Resources

4.1(i) Members of staff can seek support and advice from Human Resources at any stage of this procedure. Please click [this link](#) to access a list of HR staff.

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

4.2 Trade Unions Representation and Support

4.2(i) During the informal stages of the resolution procedure, trade unions representatives are available to provide support and at the formal stages of this procedure the members of staff are entitled to representation or assistance from a trade union representative or a work colleague. For more information on the role/ support provided by representatives please [click this link](#).

4.3 Counselling

4.3(i) Confidential counselling is available to all Imperial staff through the University's Employee Assistance Provider, Confidential Care (CiC).

4.4 Harassment Support Contacts

4.4(i) The establishment of Harassment Support Contacts (HSCs) is an integral part of this policy; additional information is attached in Appendix B. HSCs will be matched with, or selected by, individual members of staff who are concerned that they are the subject of harassment, bullying or victimisation at work. The role of an HSC is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support.

Click here for [Harassment Support Contacts](#)

4.4(ii) Imperial will ensure, where possible, that members of staff can raise issues, should they wish, with someone of their own sex, gender, age range, sexuality, religion, race, or with someone who is aware of disability issues.

4.4(iii) HSCs are expected to attend initial and refresher training. HSCs will also be involved in monitoring the effectiveness of the policy and will work with Human Resources on monitoring and evaluation systems, ensuring confidentiality and privacy are not breached.

5.0 Considering making a complaint of Harassment, Bullying or Victimation under the [Resolution Policy](#)

5.1 No single or persistently upsetting behaviour is too trivial to raise through the

Resolution procedure. For assistance, help and guidance in the initial (informal) stage a member of staff should contact either a designated Harassment Support Contact, Trade Union representative or a work colleague.

- 5.2 If a member of staff considers that he or she is experiencing harassment, bullying, and/or victimisation a number of options are available. Depending on the nature of the allegation, the member of staff may wish to take individual action, instigate the Resolution Procedure informal stage, or request the formal stage to be set in motion (please click on link to [access the Resolution Policy from the procedures page of the University website](#)). Imperial does not want any member of staff to suffer distress or to leave their job because they are being subjected to harassment, bullying or victimisation.
- 5.3 It is recommended that, where possible and appropriate, attempts to resolve the problem informally should be taken in the first instance. It is up to the member of staff, however, to decide how he or she wishes to proceed and they may choose to start at either the Informal or Formal Stage of the Resolution Procedure.
- 5.4 It should be noted that if a member of staff wishes to remain anonymous, it may not be possible to take any action against the person causing offence. It may, however, be possible to address a complaint through indirect methods, such as publicising and drawing attention to this policy and through training initiatives.
- 5.5 Difference in culture, attitude and experience can mean that what is perceived by one person as harassment, bullying and/or victimisation may not seem so to others. In line with legislation, Imperial will apply a test of reasonableness in claims by taking all the circumstances into account when a hearing takes place.
- 5.6 A member of staff will not suffer any detriment, such as in relation to pay, promotion or access to opportunities, by making a complaint when it is made in good faith.
- 5.7 A record of any such incidents or discussion and copies of any correspondence should be kept by the member of staff in the event that follow-up action becomes necessary.

6.0 Procedure for Dealing with Complaints from Students

- 6.1 Full advice about dealing with harassment is given in the Students' Handbook and will be pursued under Imperial's procedure for dealing with student disciplinary offences, or under the appropriate staff disciplinary procedure. There is also a leaflet outlining the procedure for dealing with all complaints by students. Guidelines on racial harassment are provided in [Imperial's Promoting Race Equality Policy](#) and [Code of Practice Relating to Teaching, Widening Participation, and Student Services](#). All students are made aware of these procedures and are given full support on how to raise, and satisfactorily resolve, any complaints of harassment.
- 6.2 Any complaint or allegation from a student relating to harassing or bullying behaviour by a member of Imperial's staff will be dealt with under this Harassment and Bullying policy.
- 6.3 Should a member of staff wish to make a complaint against a student, he or she should first raise the issue with his or her HR Manager so that the necessary support and guidance can be given, and so that a decision can be made on whether to refer the complaint so that it is dealt with under the students' disciplinary code.

7.0 Monitoring the Policy

7.1 This policy has been approved by Imperial's Equal Opportunities & Diversity Committee. The Committee will keep the implementation of this policy under regular review. Senior managers within HR will monitor the effectiveness of the policy and the role of HSCs. The range and number of cases will also be monitored so that action can be taken to address any issues of concern. All cases should be reported to your HR representative.

Appendix A

Legal Definition of Harassment, Bullying and Victimisation

Definitions

1 **Harassment:** Men and women have a right not to be subjected to harassment at work. Under the Equality Act 2010, harassment takes place when an individual engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. In deciding whether the unwanted conduct has the effect referred to, consideration must also be given to whether it is reasonable for the conduct to have that effect.

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This policy is informed by both Acts and is intended to apply only to conduct that meets the relevant legal standards.

Legal protection from harassment is also afforded to individuals even if they do not possess the protected characteristic, or the unwanted conduct is not directed towards the individual themselves.

Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples include repeatedly ignoring a colleague, through to subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents, and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional, but is always unacceptable whether intentional or not.

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2 Bullying: The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist a member of staff to address performance concerns; it may also include cyber bullying, i.e. using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner

The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

3 Victimisation: Imperial will not tolerate victimisation against a member of staff because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. Imperial will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

Appendix B

HARASSMENT SUPPORT CONTACTS NETWORK - FAQS

What is the difference between harassment and bullying?

Harassment and bullying **both** involve behaviour which harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates.

Harassment is always linked to anti-discrimination legislation, and thus will focus on sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic background, colour, religion or belief [including lack of belief], sexual orientation, age or disability. Harassment may be a single incident or a series of incidents.

Bullying is repeated inappropriate behaviour, direct or indirect and by one or more persons which undermines an individual's right to dignity.

What are some actual examples of bullying or harassing behaviours?

Discriminatory harassment can take many forms. The following list is not comprehensive and serves as an example only:

- Offensive material that is displayed publicly
- Verbal abuse or comments that belittle people
- Unwelcome and hurtful jokes
- Direct or subtle threats
- Offensive gestures
- Ignoring, isolating or segregating a person
- Staring or leering in a sexual way
- Unwanted physical contact of a sexual nature
- Aggressive physical behaviour
- Repeated behaviour which a person has previously objected to
- Offensive comments or conduct to or about a third person

What is electronic harassment/ bullying?

Electronic harassment can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending emails, all members of staff and students should consider the content, language and appropriateness of such communications, and bear in mind Imperial's policy relating to Conditions of Use of IT Facilities:

The Conditions of Use outline that Users of Imperial IT facilities must:

“Not display, store, receive or transmit images or text which could be considered offensive e.g. material of a sexual, pornographic, paedophilic, sexist, racist, libellous, threatening, defamatory, of a terrorist nature or likely to bring [Imperial] into disrepute.”

If occasions of what might be online bullying or harassment are reported they will be dealt with in the same way as if the alleged bullying or harassment had taken place in a face-to-face setting

What are the possible effects of bullying or long-term harassment?

Everyone will have a very individual reaction which will vary according to their own personality and state of health, and the intensity or nature of the bullying and harassment. The following are examples of common reactions:

- Stress and/or sleep disturbance
- Fatigue
- Panic attacks or general anxiety
- Depression
- Impaired ability to work/concentrate
- Loss of self confidence and/or self esteem
- If sustained, bullying can cause lasting damage to a person's self confidence.

How extreme does it have to be?

Whilst some bullying and harassment may involve verbal abuse and physical violence, it can also be subtle intimidation such as inappropriate comments (whether to you or to another person), or unrealistic, embarrassing or degrading demands. If you feel that you are being harassed or bullied or that your working environment is offensive you should do something about it.

What is a Harassment Support Contact (HSC)?

The role of an HSC is to act as a sounding board by giving individuals an opportunity to talk through their concerns with a trained member of staff who will respect their privacy, discuss options and implications, and generally provide confidential and informal support. They may also recommend the member of staff talks to their trade union representative if they are a member of the union.

Who do the HSCs report to?

The harassment support contacts are part of a confidential volunteer network and as such do not formally report to anyone. They have support from the equality and diversity team here at Imperial, and top level endorsement from management who recognise the valuable contribution these roles make. Any information shared with a HSC is confidential and, unless you direct them to do so, will not be shared with a third party.

How does the HSC network relate to the Harassment Policy?

Seeking support from an HSC does not form any part of formal procedures. Because of its anonymous, confidential nature, it is often used prior to formal procedures being invoked. **No written records are kept** by the HSC volunteers but individuals can take notes if they so wish. However, HSCs cannot be called as witnesses for the person making the complaint under the formal process.

Can anyone become a HSC?

All staff are welcome to apply to become a support contact. Volunteers should register their interest with Kani Kamara – Head of the Equality, Diversity and Inclusion Centre, for appropriate training to be arranged. The process for selection and training includes pre and post interviews to assess suitability.

What qualifications do the HSCs have?

The role of HSCs does not include counselling so they do not require formal qualifications. All HSCs have been through an Imperial supported training programme which includes regular refreshers and additional training, such as mediation training.

When should you contact an HSC?

You can contact an HSC whenever you feel that that confidential support would be of use to you. It can be useful to talk through any incidents at an early stage before the situation escalates.

Appendix C

GUIDANCE FOR THOSE ACCUSED OF HARASSMENT, BULLYING OR VICTIMISATION

- If you are approached informally by a member of staff about your behaviour, do not dismiss the complaint. Remember that all people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.
- If accused of harassment or bullying, you may wish to contact your Faculty/Departmental HR Manager who can refer you to someone in HR not involved in the particular case. Alternatively, or in addition, the Trade Unions and/or Confidential Care (CiC) can supply support.
- Those who are the subject of a complaint will be treated with respect. Confidence will be maintained but there are limits to confidentiality in that the complaint, any witness statements and the investigator's report will be seen by those who have to be involved.
- If you believe the accusation to be unfounded, you should say so and participate willingly in the proceedings, so that the situation can be resolved informally or formally. You should also be prepared to participate in mediation if this is identified as an appropriate solution.
- If the evidence suggests that the complaint was made vexatiously or maliciously, disciplinary action may be taken against the complainant (up to and including dismissal).
- During the formal procedure both you and the complainant may wish to be accompanied at meetings by a work colleague or a Trade Union representative. Under exceptional circumstances the manager and Human Resources representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative.
- Wherever possible, Imperial will try to ensure that during investigations the relevant parties are not required to work together. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until the disciplinary proceedings have been concluded.
- If a complaint is not upheld, you should expect your line manager to take action to restore reasonable working relationships between you and the complainant. You must not victimise a member of staff who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint.
- If a complaint is upheld, a disciplinary sanction may be imposed up to and including dismissal without notice. If the complaint is upheld, but you are not dismissed, Imperial could decide to transfer you to another role.
- In addition, or as an alternative to a disciplinary sanction, guidance or counselling may be offered to support you to understand how your behaviour affected the complainant.
- Both you and Imperial can also be subject to prosecution under criminal as well as civil law, and you could be personally liable and have to pay compensation yourself.