

## Equal Opportunities and Dignity at Work Policy

### 1. Policy statement

Employees should note that Lucy Cavendish College has exemption under the Equal Opportunities Act of 1974, to elect only women as Fellows, recognising the importance of redressing the imbalance of women to men in senior university posts. With that exception this does not affect its equal opportunity policy for staff.

Lucy Cavendish College is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment. The College is also committed to providing a work environment free from bullying, harassment, embarrassment, intimidation, threats or discrimination. It aims to protect the dignity of staff, fellows, students, visitors to the College, and all members of the College community in their work and their interactions with others.

For the sake of clarity, where the provision of the Statutes differs from those in this policy, the provision of the Statutes determines the terms and conditions of Fellows.

### 2. The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### 3. Scope of the policy

The policy applies to interactions between College staff, workers, Fellows and students and all visitors to the College, including academic visitors and visiting researchers, those attending public events, contractors and their staff. This list is not exhaustive.

The policy covers bullying and harassment in the workplace and in any work related setting outside the workplace, e.g. business trips and work related social events.

The aim of this policy and the accompanying procedure is to prevent bullying and harassment, to provide guidance and to resolve any problems should they occur and prevent further recurrence.

Where the person complained against is a student then the process outlined in the students' Blue Book will be followed.

### 4. Dignity at work

The College recognises that to work and study effectively staff, Fellows and students need an environment in which they are respected and valued for their contributions, irrespective of their, age, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief or because someone is married or in a civil partnership.

Bullying and harassment at work are a violation of employment and discrimination laws, and may also contravene criminal and/or civil law in some circumstances. In addition, this sort of behaviour can reduce the effectiveness of the College by creating a hostile or threatening environment. The damage, tension and conflict which harassment and bullying creates not only results in poor morale for all, but can also put great strains on their personal and family life, leading to illness, increased sickness absence and staff turnover.

## 5. What is bullying and harassment?

**Bullying** is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.

**Harassment** is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (ie related to the individual's relationship or dealings with others who have that personal characteristic). It may be persistent, or an isolated incident and can take many forms, from relatively mild banter to actual physical violence.

Acts of discrimination, harassment, bullying or victimisation against staff, Fellows, students or visitors are disciplinary offences and will be dealt with under the College's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

Staff may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another.

The examples below are not exhaustive but give a clear indication of the sorts of actions that constitute bullying or harassment.

- **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behaviour or obscene gestures, physical threats and assault.
- **unwanted verbal conduct** - such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, slogans or songs, jokes, gossip and slander (including speculation about a person's private life and sexual activities), banter or abusive/offensive language which is either threatening or refers to a person's sex, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.
- **unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures or videos through any means.
- **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments, comments intended to undermine, belittle, embarrass or humiliate the recipient, persistent criticism or trivial fault-finding, and personal abuse, either in public or private, which humiliates or demeans the individual involved.
- **virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing company technological facilities to contact the employee in an intimidating or malicious manner.
- **coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual favours (or promises made in return for sexual favours), pressure to participate in political or religious groups etc.

- **isolation or non-co-operation at work** - deliberate exclusion from conversations or social activities.

Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear he/she wants it to stop.

## 6. Dealing with bullying or harassment

### Personal action

A member of staff or Fellow who feels that s/he is being bullied or harassed may feel able to approach the person whom s/he perceives as the harasser.

The complainant may seek support on a confidential basis in formulating what s/he wants to say, and in speaking or writing to the other person. If a successful resolution is achieved, the HR Manager may keep a confidential record and in some cases to inform a party's immediate line manager in general terms, if s/he considers this appropriate.

In some situations this course of action may not be possible. However if the complainant is confident enough and/or the person complained against had no intention of giving offence, a resolution of this kind should make it possible to restore good working relationships.

### Informal complaint

The complainant may be unable or reluctant to approach the person complained against. If so, the complainant is encouraged to approach their immediate line manager or someone they trust and feel comfortable talking to. This may not be the Bursar, President or HR Manager as they would be responsible for investigating the matter if it became a formal complaint.

The confidential helper of choice may then support the complainant to make it clear to the harasser on an informal basis that the behaviour is unwelcome and must stop. If s/he is unable to do this verbally then a written request may be effective, or alternatively the confidential helper may approach the person on behalf of the complainant.

### Formal complaint

Where the informal approach fails or the harassment is more serious, the complainant may decide to make a formal complaint in writing to the Bursar or President. If the President or the Bursar considers at this stage that an informal resolution may be feasible and appropriate, she may discuss this option with the complainant. If, following this discussion, the complainant continues to request a formal investigation this will be initiated without further delay.

In order to establish the facts, the complainant will be asked to provide details of the allegation:-

- What happened?
- Where did it occur?
- Who was involved?
- Was this the first incident?
- When did it occur?
- Were there any witnesses?
- Has any action been taken to prevent further repetition of the behaviour?

## 7. Investigation

The person receiving the complaint will pass this on to the HR Manager to carry out a thorough investigation as quickly as possible. Both the complainant and the person complained against may be accompanied at any meeting by their trade union representative or a colleague, who should maintain appropriate confidentiality. Failure on the part of employees to do so will be considered a disciplinary offence.

- The written complaint will be forwarded to the person complained against.
- The HR Manager will meet the complainant in order to confirm the details of the complaint.
- The HR Manager will also, where reasonably practicable, interview any witnesses nominated by the complainant.
- The HR Manager will meet the person complained against to hear his/her response to the complaint
- The HR Manager will also interview any witnesses nominated by the person complained against.
- Having considered all the evidence, the HR Manager will decide whether s/he considers that there is a prima facie case of bullying or harassment, and will prepare a written report on his/her findings. The draft report will be made available to the parties for comments on matters of fact, which will normally be given within five working days, before it is finalised.
- The HR Manager will report in writing on his/her findings to the Bursar /President, copying the report to the parties concerned.

In carrying out the investigation, the HR Manager will need to ensure that the rights of both parties to fair treatment are observed. The principles of natural justice require that any person complained against has the right to know the nature and details of the complaint, and to respond to the complaint. In some exceptional circumstances, however, names/identities may be kept confidential and not disclosed to a party. If any party or a witness has any concerns about details or identity being disclosed, s/he should notify the HR Manager (giving full reasons — and evidence where possible — for his/her concerns) and the HR Manager will discuss the matter with Bursar or President.

## 8. Action by the Bursar or President

In the light of the findings of the investigation the Bursar/ President will decide what action is appropriate. If the HR Manager's report concludes that there is no case to answer, provided this conclusion is acceptable to all parties, and has been so confirmed in writing to the Bursar/President the case will be closed, although steps may need to be taken to restore reasonable working relationships between the parties. If either party does not accept the findings, they may invoke the College grievance procedure.

If the report concludes that there is a case to answer, Bursar/President will instigate the College disciplinary procedure where the person complained against is a member of staff.

If the Bursar/President on considering the report believes that the complaint was malicious or vexatious, she may take disciplinary action against the complainant. No disciplinary action will be taken against a complainant where a complaint is mistaken or ill-founded but not malicious or vexatious.

## 9. Appeal

Staff have the right to appeal against any formal sanction by following the College's appeal procedure. An appeal must be made in writing to the HR Manager within 14 calendar days of the date of notification of the formal sanction. It must clearly state why the action taken is too severe, inappropriate or unfair.

Fellows wishing to appeal against any formal sanction should follow the procedure detailed in the Statutes and Ordinances.