

Dignity at Work Policy	
<u>Review Committee:</u>	College Committee
<u>Review of Policy:</u>	May 2024
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<u>Responsible Officer and Location of Policy:</u>	Bursar/HR Manager: Cascade-Networx HR system, College intranet site
<u>Accessible to:</u>	Non-academic and Academic (Primary) Staff members ('Employee') Fellows, all members of the Senior Common Room

Revision History

Version	Author	Summary of change	Governing Body approval	Date of next review
1.0	Bursar	New policy approved by Governing Body.	<i>GB Minute: 8572(a)(i)</i> June 2024	Easter 2027

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This procedure does not form part of any Employee's contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case. The College is committed to the principles of equal opportunities in employment for all. This policy will be applied equitably and fairly and aims to ensure that no Employee receives less favourable treatment on the grounds of age, gender, ethnicity, religion or belief, disability marriage or civil partnership, pregnancy or maternity or sexual orientation.

For the purposes of this policy named Officers are: Master, Bursar, Senior Tutor, The President, members of College Committee, and the Director of Operations.

1. Statement of Policy

- 1.1 This policy addresses incidents of harassment, discrimination, bullying, sexual misconduct, and victimisation.
- 1.2 Fitzwilliam College is committed to supporting, developing, and promoting equality and diversity in all its practices and activities. We aim to establish an inclusive culture, free from discrimination and based on the values of dignity, courtesy, and respect. We recognise the right of every person to be treated in accordance with these values.
- 1.3 **There is no place for bullying, harassment, discrimination, sexual misconduct, or victimisation in our community** and each of us is responsible for the way we interact with and treat others. Such behaviour is contrary to our values and our mission and diminishes the dignity and integrity of all affected parties. Everyone should be treated with dignity and respect in their working environment (including any work-related setting outside the workplace, for example business trips and work-related social events or using social media).
- 1.4 **Bullying, harassment, discrimination, sexual misconduct, and victimisation** are referenced collectively throughout this Policy as **“inappropriate behaviour”** and wherever this term is used, it refers to the definitions of these behaviours in **Section 5. What constitutes inappropriate behaviour?** The negative actions in **included in Section 6. Code of Behaviour** also illustrate the different ways in which inappropriate behaviour may be demonstrated within our community.
- 1.5 Allegations of inappropriate behaviour, whether by a Fellow, Employee or worker, a member of the Senior Common Room, a visitor to the College, a third party such as a supplier, or a member of the public should always be taken seriously. Action should be taken to stop any inappropriate behaviour identified as quickly as possible, including the use of disciplinary processes where necessary and where such behaviour is found to have taken place.
- 1.6 An individual should be able to informally disclose or formally report incidents without fear of repercussions and trust the processes that are in place to address their concerns. The College will not tolerate the victimisation of an individual for raising concerns in good faith or supporting someone to raise such concerns.

2. Purpose of this Policy

This Policy aims to prevent inappropriate behaviour in the workplace and resolve incidents of such behaviour if they occur. In support of this aim, this Policy:

- sets out the standards of behaviour expected from Fellows, Employees and workers and members of the Senior Common Room to ensure a common understanding of how everyone should behave towards one another;
- ensures that Fellows, Employees and workers, and members of the Senior Common Room are able to disclose inappropriate behaviour if it does occur and are supported in the process of resolving it;
- promotes the early resolution of inappropriate behaviour wherever possible appropriate, to prevent the psychological, health, and work-related problems such behaviour can cause; and
- refers to what actions can be taken through the informal and formal resolution process set out in the College's grievance and disciplinary policies or in the case of Fellows, the College Statutes, if this Policy's principals are not observed.

3. Who is this Policy for?

- 3.1 This Policy applies to all Fellows, Employees and workers, and members of the Senior Common Room.
- 3.2 Volunteers, retired staff, suppliers and other providers of services will be expected to behave in a manner that is consistent with the **Code of Behaviour in Section 6**. when engaging in activities related to the College and/or on College premises.
- 3.3 This Policy does not apply to students. Standards of behaviour expected from students are set out in the Rules of Behaviour, as specified in the College's Statutes and Ordinances.

4. Roles and responsibilities

- 4.1 All Fellows, Employees and workers, and members of the Senior Common Room have a responsibility to act in line with the **Code of Behaviour in Section 6**. of this policy. All Employees also have a responsibility for completing any relevant mandatory training courses requested by the College.
- 4.2 All those responsible for leading, managing and supervising people are in a position of trust and have additional responsibilities in the application of the **Code of Behaviour in Section 6** in their area, which include:
- Setting a positive personal model of behaviour;
 - Ensuring standards in the Code of Behaviour are established, communicated and understood and that regular visitors to their area have access to the Code of Behaviour;

- Taking appropriate action at the earliest opportunity to manage non-compliance with the Code of Behaviour, and to encourage a culture of early conflict resolution;
- Ensuring the colleague they line manage are aware of and able to undertake any relevant mandatory training courses required by the College; and
- Ensuring the colleagues they line manage are aware of and know how to report inappropriate behaviour through the relevant policies and procedures.

5. What constitutes inappropriate behaviour?

5.1 All Fellows, Employees and workers, and members of the Senior Common Room are expected to behave professionally and appropriately and have the right to expect professional and appropriate behaviour from others. Inappropriate behaviour for the purposes of this Policy means bullying, harassment, discrimination, sexual misconduct, and victimisation.

Examples, drawn from sources such as the Advisory, Conciliation and Arbitration Service (ACAS), are provided to illustrate how each of the individual types of inappropriate behaviour listed in 5.4. may be demonstrated.

5.2 When deciding the appropriateness of behaviour, factors that will be taken into consideration include the specific context, the motive or intent of the individual demonstrating the behaviour, the impact on the individual and whether that impact or effect is reasonable in the circumstances and the standards set out in the **Code of Behaviour**.

5.3 Inappropriate behaviour may:

- be perpetrated by an individual or a group;
- be intentional or unintentional;
- take place either on or off College property, via College IT systems, or online via email, the internet or social media; and
- range from overt and easy to recognise one-off instances, to numerous, small remarks and acts sending denigrating messages to the recipient, linked to an individual's characteristics or status.

5.4 Although the terms are often used interchangeably, the terms **“bullying”** and **“harassment”** describe different types of behaviour. ACAS defines **bullying** as unwanted behaviour from a person or group that is offensive, intimidating, malicious or insulting to the recipient. It may involve an abuse or misuse of power that makes a person feel undermined or humiliated or causes physical or emotional harm. Power does not always mean being in a position of authority but can include personal strength, status, and the power to coerce through fear or

intimidation. As such, it can also be perpetrated upwards to a manager or senior colleague. Bullying can take the form of physical, verbal, and non-verbal conduct. Such behaviour is considered unacceptable in the workplace by the Health and Safety Executive. Examples of bullying could include:

- 5.4.1 Open aggression, threats, shouting/abuse/obscenities;
- 5.4.2 Subjecting an individual to humiliation or ridicule, belittling their efforts, often in front of others;
- 5.4.3 Subjecting an individual to excessive supervision without justification, or excessive monitoring of their work and being over critical about minor things;
- 5.4.4 Threatening behaviour both verbal and physical;
- 5.4.5 Regularly undermining the authority of a more senior colleague; and
- 5.4.6 Putting humiliating, offensive, or threatening comments or photos on social media.

5.5 Unlawful **harassment** under the Equality Act 2010 is unwanted conduct that is either related to the protected characteristics set out in section 5.5.1 or is conduct of a sexual nature as set out in section 5.5.2. The Act defines harassment as unwanted conduct that must have either the purpose or the effect (where it is reasonable for it to have that effect) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can be physical, verbal or non-verbal. It can be a single incident or repeated behaviour and can include imagery, graffiti, gestures, mimicry, jokes, pranks, and physical behaviour that affects the recipient. It can also include treating someone less favourably because they have previously submitted or refused to submit to unwanted conduct of a sexual nature or to unwanted conduct that is related to sex or gender reassignment.

5.5.1 When harassment relates to protected characteristics, it refers to the following characteristics: age, disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

5.5.2 Sexual harassment is a form of sexual misconduct, an umbrella term that describes all types of unwanted and unpermitted behaviour of a sexual nature including sexual abuse. The intention or reasonably perceived effect of this type of harassment is to violate the recipient's dignity or create an environment that is intimidating, hostile, degrading, humiliating or offensive for the recipient. It can happen to and be demonstrated by women, men and people of any gender or sexual orientation. Sexual harassment includes serious sexual misconduct, such as sexual assault or rape. Other examples of sexual harassment and misconduct could include:

- Emailing, texting or messaging sexual content or making sexually offensive jokes to your team, unless relevant to course content or academic debate;
 - Unwanted flirting or making sexual remarks about a colleague’s body, clothing or appearance; and
 - Touching a colleague or student without their permission, such as hugging them.
- 5.6 Exposure to course material, academic debate and discussion or speakers’ views that may be experienced as offensive are unlikely to be considered either unlawful harassment under the Equality Act 2010 as defined in section 5.5, or bullying as defined in section 5.4, unless they are specifically intended to violate a person's dignity or to create an intimidating, hostile, degrading, humiliating, insulting, malicious or offensive environment for them. We have a duty to allow those views to be expressed within the law as part of academic freedom and freedom of speech.
- 5.7 **Unlawful discrimination** under the Equality Act 2010 is when the recipient is treated unfairly because of any of the following characteristics: **age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation**. Discrimination can be **direct** (when someone is treated less favourably than another person in the same situation - but without the protected characteristic - is or would be treated) or **indirect** (where rules or arrangements apply to a group of employees or job applicants, but in practice are less fair to a certain protected characteristic).
- Examples of discrimination could include:**
- Not offering a promotion to an individual because of their sex or age;
 - Selecting an individual for redundancy because they are on maternity leave;
 - Excluding a colleague from team social events;
 - Drawing inferences about an applicant’s religion because of their name and rejecting that individual for that reason;
 - Advertising a role and specifying a minimum number of years’ experience; and
 - Withdrawing an offered job when an individual declares a disability.
- 5.8 Unlawful **victimisation** under the Equality Act 2010 occurs when a person is subject to a detriment because they made a complaint of unlawful discrimination or provided evidence or information in connection with a complaint of unlawful discrimination, or because someone believes that they have done so or may do so.

6. Code of Behaviour – see Appendix A

7. What to do when you have experienced inappropriate behaviour

7.1 Allegations should always be taken seriously, and action taken as quickly as possible to stop any inappropriate behaviour identified. This section summarises the procedures available in the College's grievance and disciplinary policies to do this and explains the direct support available to individuals to address inappropriate behaviour. In the case of Fellows, where applicable, the processes set out in the College's Statutes and Ordinances will take priority over the College's grievance and disciplinary policies.

7.2 Both **informal** and **formal** options are available in the College's **Grievance** and **Disciplinary** policies to resolve issues:

7.2.1 **Informal approaches** are intended to help resolve **one-off or minor incidents of inappropriate behaviour**, to stop such behaviour early and to prevent it escalating; and

7.2.2 **Formal grievances** are more appropriate for **serious instances or repeated patterns of inappropriate behaviour** where previous informal attempts may have failed. No Fellow or Employee is required to use the informal route before utilising the option of a formal grievance.

7.3 Raising alleged inappropriate behaviour without making a complaint:

7.3.1 In the first instance the individual should raise the matter with the individual who has acted inappropriately and state that their behaviour is unacceptable and ask them to stop. This may not be appropriate in all cases and where the individual feels uncomfortable section 7.3.2 below may be the first step. At this stage attempts should be made to resolve the situation informally within the department.

7.3.2 It is the aim of this Policy to ensure all individuals feel able to disclose alleged inappropriate behaviour so that it can be resolved. If an individual raises alleged inappropriate behaviour with their line manager but does not want or feel able to proceed with either an informal resolution or a formal process, the colleague approached will:

7.3.2.1 Discuss ideas for how the individual can respond to the behaviour if it happens again;

7.3.2.2 Encourage the individual to talk to them again after any future repetition of the behaviour; and

- 7.3.2.3 Make the individual aware that they may have to take action if the nature of what is disclosed invokes the College's duty of care, particularly if the reported behaviour is impacting on the individual's mental and physical wellbeing.
- 7.3.3 Should the complaint be about the line manager, the individual should raise the matter with the Head of Department, HR Manager, or a Named Officer.
- 7.3.4 Should there be multiple informal disclosures that give rise to sufficient cause for concern, or the nature of what is disclosed invokes the College's duty of care, the issue will be escalated to a Head of Department or a Named Officer who may choose to investigate the alleged behaviour.
- 7.4 Individuals are encouraged to keep a record of the nature and frequency of the alleged inappropriate behaviour. This is to support them in raising their concerns and help the other party understand better the issues raised during these discussions and the impact they have had.

8. What to do when you are the subject of concerns being raised

- 8.1 It can be a disconcerting and upsetting experience for an individual to be approached and told that their behaviour could be construed as inappropriate. If this is done through an informal process, they should be prepared to listen patiently and calmly and allow the colleague (or the person supporting them in the process) to express their concerns. If it is possible, they should also try to remedy the situation and allow a positive working relationship to be resumed. The individual should keep a note of what was discussed and, if appropriate, agreed.
- 8.2 The individual who is the subject of the complaint should also be able to give an account of what happened as part of any informal and formal resolution processes. They can speak with any of the following for general guidance or to discuss any specific questions about the resolution process:
- Their line manager (or equivalent)
 - HR Manager
 - A trade union representative

9. What happens if you have behaved inappropriately?

- 9.1 While this Policy emphasises the value of an early, informal resolution process, there will be situations that can only be resolved through a formal grievance. Where a formal grievance is

brought and upheld against an individual and the nature of the inappropriate behaviour warrants it, a separate procedure under the relevant disciplinary policy will be undertaken by the College. This may result in a formal warning being issued to the person demonstrating the inappropriate behaviour. Training or other interventions may also be recommended. In the case of serious or sustained misconduct, the procedure may result in the termination of employment.

- 9.2 Additionally, where a Head of Department has become aware of multiple concerns or complaints of inappropriate behaviour in their area, which may not have been formally reported but give rise to sufficient cause for concern, they may choose to conduct an investigation to understand the alleged behaviours in more details and to determine if support or interventions are needed.

10. Confidentiality

- 10.1 Confidentiality – and trust in that confidentiality – is critical when dealing with allegations of inappropriate behaviour. Details of the complaint (including the names of the person making the complaint and the person accused) must only be disclosed on a 'need-to-know' basis (for example, under the College's duty of care). Breach of confidentiality in either an informal or formal resolution process may give rise to disciplinary action under the relevant disciplinary procedure.
- 10.2 Information about a complaint by or about an individual may be placed on their personnel file, along with a record of the outcome and any notes or other documents compiled during the process. Notes and records will be treated as confidential and be kept no longer than necessary in accordance with the data protection principles set out in the relevant data protection legislation.

11. Victimisation

- 11.1 The College will not tolerate any form of victimisation against an individual who has raised or supported an informal complaint, co-operated in a formal investigation, challenged inappropriate behaviour, or in each case is believed to have or is believed to be likely to take such steps. This includes behaviour targeting an individual's career progression, such as deliberately providing unbalanced or overly negative references or blocking opportunities for that individual to participate in workshops and other development activities.

11.2 If a formal complaint of victimisation is made about a member of staff's behaviour it will be fully investigated and, if upheld, will be dealt with in accordance with the relevant disciplinary procedures.

12. Malicious or vexatious complaints

12.1 A malicious complaint is one that is made with the intention to intimidate, to lower the reputation of, or otherwise injure or harm a colleague or manager, through knowingly providing false or misleading information or withholding information about an incident or issue.

12.2 A vexatious complaint is either one that is made with the sole or main intention to harass, annoy, or subdue somebody, or one that is unreasonable, without foundation, frivolous, repetitive, deliberately burdensome or unwarranted.

12.3 If it is found that an individual has made a complaint that is malicious or vexatious, the College may instigate a disciplinary process against them. Disciplinary action will not be taken, however, where a grievance is mistaken or otherwise ill-founded but not malicious or vexatious.

13. Training and development opportunities

13.1 The College will support training and development using various providers e.g. iHasco, University of Cambridge, ACAS etc.

13.2 The College will also identify any mandatory courses that need to be undertaken by Employees when they join the College (and on a periodic basis thereafter), or when preparing to undertake certain activities on behalf of the College (such as recruitment). The content of such courses will be focussed on building awareness of the employment legislation, statutory codes, case law, and other relevant information to achieve the objectives of this duty, namely eliminating conduct prohibited by or under the Equality Act 2010, advancing equality of opportunity, and fostering good relations between those who share a relevant protected characteristic and those who do not share it.

Dignity at Work Policy

Appendix A

The Code of Behaviour

1. We are each individually responsible for our own actions and for recognising the impact of our behaviour on others. Acknowledging the College's core values of freedom of thought and expression and freedom from discrimination, we should always strive to:
 - 1.1 Foster a trusting environment that enables honest and supportive working and studying conditions;
 - 1.2 Recognise that our actions can impact others and show courtesy and consideration in our interactions with others, even if we disagree with their views;
 - 1.3 Discuss views that others may find disagreeable or distasteful in a constructive and lawful way, in line with the College's statement on Freedom of Speech;
 - 1.4 Treat each other fairly and without bias;
 - 1.5 Recognise and acknowledge the contribution of others to our work;
 - 1.6 Honour the need for confidentiality when the nature of our work requires it;
 - 1.7 Maintain appropriate and professional relationships with all members of the College, in particular those in subordinate positions to us;
 - 1.8 Promote a culture where colleagues can speak out about inappropriate behaviour; and
 - 1.9 Support our colleagues experiencing inappropriate behaviour by intervening, speaking out and helping where we feel able.

2. In order to maintain a culture of courtesy and professionalism, we must never bully, harass, discriminate, victimise or commit sexual misconduct, by avoiding such behaviour as:
 - 2.1 Talking down to, belittling, gratuitously interrupting or preventing others from speaking;
 - 2.2 Directing inappropriate language, such as swearing, towards others or making degrading comments about individuals or groups of individuals;
 - 2.3 Making inappropriate derogatory remarks about a colleague's performance in public, whether directly (such as in a meeting) or indirectly (for example, by needlessly copying people into an email);
 - 2.4 Humiliating others by shouting at them, either publicly or privately;

- 2.5 Maliciously ignoring individuals or groups of individuals, or inhibiting the ability of others to perform their roles by withholding information or excluding them from necessary meetings and discussion;
- 2.6 Imposing overbearing and intimidating levels of supervision or management;
- 2.7 Undermining the reputation of others through malicious rumours or false allegations or by breaching confidential conversations;
- 2.8 Making racist, sexist, homophobic, transphobic, disablist or ageist jokes, remarks or gestures, which may demean or discriminate independently of our intentions;
- 2.9 Mocking, mimicking or belittling a colleague, student or visitor because we perceive them as different to us, or using this difference as a reason to treat them unfairly;
- 2.10 Behaving in a controlling or coercive way, such as placing excessive pressure on others to subscribe to a particular political or religious belief;
- 2.11 Circulating or displaying any type of communication on any form of media that would otherwise constitute a form of inappropriate behaviour contrary to this Policy;
- 2.12 Making unwelcome and unpermitted sexual advances, suggestive behaviour or touching someone against their will or without their consent, even if it is perceived as harmless by the individual behaving this way; and
- 2.13 Retaliating to allegations of inappropriate behaviour, including threatening those who have made the allegations, providing unfair or misleading references, or blocking access to career development opportunities.