



LIVERPOOL
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Harassment and Sexual Misconduct – Dignity at Work and Study Policy

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Liverpool Hope
University

Harassment and Sexual Misconduct - Dignity at Work and Study Policy

Liverpool Hope University aims to foster an environment in which we treat each other with dignity and respect and value each individual's contribution. The University does not tolerate any form of harassment, discrimination, bullying or victimisation. Such unacceptable behaviour must be identified early and effectively dealt with. Staff and students subjected to such behaviour are encouraged to bring this to the notice of the University as quickly as possible.

Harassment, discrimination, bullying and victimisation are contrary to the Equality Act 2010 and infringements of this law may be grounds for disciplinary action. Racial and sexual harassment may be deemed acts of gross misconduct and, if proven, could lead to dismissal or termination of studies.

1. Purpose and Scope

- 1.1 All members of the University community, whether staff or students, are required to treat each other in a friendly, courteous and dignified manner. This requirement also applies to visitors and those otherwise associated with the University.
- 1.2 The University will not tolerate any form of discrimination, harassment, bullying or victimisation ('unacceptable behaviour') by or against any members of its community, whether on or off campus, in or out of working hours or through electronic communications (including social media platforms).
- 1.3 Such unacceptable behaviour is contrary to the Equality Act 2010 and the values of the University set out in the Equality, Diversity and Inclusion Policy.
- 1.4 All staff and students have a right to complain if they believe that they are being, or have been, subjected to unacceptable behaviour whilst working or studying at the University.

2. Definitions

- 2.1 **Harassment**, including sexual harassment, is unwanted behaviour or conduct, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy, maternity; race, religion or belief; sex and sexual orientation.

Harassment can be of varying degrees and can range from lesser misconduct to serious gross misconduct. It may include, for example:

- Unwanted physical contact or 'playing' including touching, pinching, pushing, grabbing, brushing past someone and more serious forms of sexual assault
- Intrusive behaviour such as invasion of personal space, spying or stalking
- Unwelcome sexual advances or suggestive behaviour and suggestions that sexual favours may further a career or studies
- Sending or displaying material that is pornographic or that some people may find offensive (including emails, videos and other forms of social media etc.)
- Insensitive jokes or pranks
- Derogatory or stereotypical remarks relating to a particular protected characteristic
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation
- The existence of a prevailing workplace or study environment, which creates a culture that tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

- 2.2. **Discrimination** takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic as above. Direct discrimination occurs where someone is treated less favourably because of one of these protected characteristics and this can include association with or a perception of a particular characteristic. Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared to others who do not share that characteristic.

- 2.3 **Bullying** is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Bullying can take the form of physical, verbal and non-verbal conduct.

Bullying may include, for example:

- o Physical or psychological threats
- o Shouting, being sarcastic or demeaning others
- o Inappropriate remarks about a person's performance
- o Abuse of authority by someone in a senior position

Legitimate, reasonable and constructive criticism of somebody's performance or behaviour, or reasonable instructions given to staff members or students in the course of their employment or study, will not usually amount to bullying.

- 2.4 **Victimisation** is less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment or has supported someone else's complaint.

No one should be expected to tolerate what they genuinely believe to be harassment, discrimination, bullying or victimisation and every member of staff and student has a right to complain in confidence if they believe they are being harassed whilst at work or at study.

- 2.5 The University will take all cases of harassment, discrimination, bullying and victimisation extremely seriously. If you think you are being subjected to harassment in any form, the University has procedures to investigate this. However, these procedures should not be used as a substitute for resolving issues through informal means where possible.

3. Procedures

- 3.1 All reported cases of unacceptable behaviour will be taken very seriously by the University and the appropriate procedures will be used to investigate complaints. During any process of investigation, the University will support all students and staff members involved in a case of alleged unacceptable behaviour.

3.2 Informal Procedure

- 3.2.1 Staff and students are advised to talk to someone they can trust – a colleague, personal tutor, line manager, trade union representative, family member or friend. Talking things through with someone else can help determine what action to take. Students are encouraged to seek advice from the Student Development and Wellbeing team on sdw@hope.ac.uk
- 3.2.2 The reporting party may feel able to tell the person who they believe is harassing, discriminating against them, bullying or victimising them, to stop. This may be by talking or writing to them. Sometimes it can be enough to explain to the person why the behaviour is unwanted and unacceptable. This can be very difficult to do, however, the reporting party may choose to be accompanied by someone they trust – as outlined above.

3.2.3 If the reporting party feels unable to speak to the person concerned, this does not imply they have accepted their behaviour nor will it affect any complaint they may bring.

3.2.4 If the reporting party does not feel that they can directly approach the individual, they may bring the issue to the attention of their line manager or Head of School/Department. In circumstances where the staff member is the line manager, then they should go to their senior manager.

3.3 **Mediation**

3.3.1 Mediation is an informal, voluntary and confidential process that may help the reporting party and the respondent to explore the issues and concerns. Mediation can be used at any stage, as an alternative to the informal stage or as the next step after informal procedures. It can also be used at any stage during the formal procedure, at which stage the formal procedure will be halted pending the outcome of mediation. If a reporting party wishes to find out more about mediation, they should contact their HR Manager or if a student they should contact the Student Development and Well Being team.

3.4 **Formal Complaints**

3.4.1 **Complaint from a staff member about a staff member**

If it has not been possible to resolve the issue informally or through mediation, the member of staff should make a formal complaint using the University's Conflict Resolution and Grievance Procedure:

3.4.2 **Complaints about a student**

This may be from a staff member or it could be from a fellow student. All formal complaints must be lodged with the case coordinator at caseworker@hope.ac.uk and the Student Code of Conduct and Disciplinary Process will be followed.

3.4.3 **Complaint about a staff member from a student**

All complaints about a staff member from a student should be notified to caseworker@hope.ac.uk and will be referred to the relevant HR Manager and dealt with in accordance with the Staff Disciplinary Policy.

3.4.4. **Student Complaints of sexual violence, misconduct and harassment**

Any student who has suffered an act of sexual misconduct or harassment should either contact a member of the Student Development and Wellbeing team or consult the Student Development and Wellbeing web pages which contains advice and guidance as well as a way to report your complaint via an online form.

3.4.5 Staff Member complaints of sexual violence, misconduct or harassment

If it has not been possible to resolve the issue informally or through mediation, the member of staff should make a formal complaint using the [University's Conflict Resolution and Grievance Procedure](#):

3.4.6 Staff Member complaints of sexual violence, misconduct or harassment

Any staff member who has experienced an act of sexual violence, misconduct or harassment can report this to the University by using the online reporting [tool](#). The personnel pages contain advice, guidance and support. The University has a Sexual Liaison Officer (SVLO) service. The SVLO provides a proactive and advice service to any staff member who has experienced sexual violence. This may include recent and non-recent cases of sexual violence.

[Advice, guidance and support.](#)

4. Potential criminal misconduct

- 4.1 The Conflict Resolution and Grievance Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. The senior manager will in consultation with the Director of Personnel, Director of Student Life or designated nominee, decide if the procedure is appropriate. In cases of alleged assault or behaviour that is considered a criminal offence, members of staff and students are strongly advised to report them to the police.

5. Vexatious Complaints

- 5.1 If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

6. Confidentiality

- 6.1 All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade union representatives supporting any of the parties) should maintain the confidentiality of the process. Those involved in advising complainants should where possible seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear

that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty to safeguard that may be owed to the individual and/or others.

7. Expectations and Commitments

7.1 The University will:

- treat all complaints of harassment, discrimination, bullying and victimisation seriously and in a sensitive and objective manner
- deal with all complaints confidentially
- offer support and assistance to all involved in a complaint
- encourage an informal resolution in the first instance wherever possible
- use the disciplinary procedure to act against those found responsible for harassment, discrimination, bullying and victimisation
- promote this policy to all staff and students
- provide training for all managers regarding the application of this policy
- regularly monitor all reported incidents of harassment, discrimination, bullying and victimisation

7.2 Staff and Students will:

- help to promote a work/study environment where everyone is treated with dignity and respect
- challenge all discriminatory behaviour and attitudes
- challenge gossip and rumour which can contribute to discriminatory attitudes and behaviours
- inform the appropriate people (be it line managers or personal tutors or members of the Student Development and Wellbeing Team) in confidence of any issues that cause concern

7.3 The University allocates specific roles and responsibilities to individuals. See Annex One.

ANNEX ONE - Advice and Support is available from the following:

For Staff:

Line Manager	Your line manager has responsibility for ensuring that complaints are resolved
HR Manager	Your HR Manager will provide advice and guidance on the various sources of help available to you
Confidential Counselling Service	A confidential self-referral service available to all staff. Leaflets are available from the Personnel Office or on-line at http://www.hope.ac.uk/gateway/staff/personnel/healthandwork/
Staff Equality and Diversity Contact	Confidential support on equality matters: Clare Talbot (talbotc@hope.ac.uk)
Trade Union Representatives	Staff can seek support from their trade union. Recognised unions at Liverpool Hope University are UNISON (support staff) and UCU (academic staff)
ACAS	Free advice on a range of employee related issues: www.acas.org.uk
Investigators	The University has trained investigators who will either carry out the investigation into an allegation of harassment or sexual misconduct or they will supervise an investigator who is developing expertise.

For Students:

Personal Tutor	Your personal tutor has responsibility for your academic needs and is your first point of call from a welfare perspective during study.
Student Development and Wellbeing	You can access this service at any point during your time at University. Details and contact information is available https://www.hope.ac.uk/gateway/students/studentdevelopmentandwell-being/
Head of Residential Life	If you experience any form of discrimination, bullying or harassment whilst living in Halls of residence you should contact your Senior Resident Tutor or Head of Residential Life on bignolw@hope.ac.uk
Student Union	Advice and guidance can be obtained from the Student Union https://www.hopesu.com/
Investigators	The University has trained investigators who will either carry out the investigation into an allegation of harassment or sexual misconduct or they will supervise an investigator who is developing expertise.

ANNEX TWO

Related Policies and Procedures :

Equality, Diversity and Inclusion Policy
Student Complaints Policy and Procedure
Disciplinary Procedure
Policy and Process for Handling Sexual Misconduct
Safeguarding Policy
Code of Student Conduct
Relationship Staff Student
Guidelines Professional Boundaries for Sexual or Romantic Relationships Policy