Appendix 1

Bullying and Harassment

The Equality Act 2010 defines harassment as

- “unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant’s dignity”;
- Unwanted conduct of a sexual nature (sexual harassment);
- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.

Harassment may be related to race (including ethnic origin, nationality and colour), sex, age, gender reassignment status, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership status, disability or trade union membership. It may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient and that it is reasonable for the recipient to feel this way, or perceive the actions in this way.

The following are some examples of what is considered unacceptable behaviour in the University:

**Physical Conduct:** Unwanted physical conduct, including unnecessary touching or brushing against another employee/student’s body, assault, coercing sexual intercourse, physical threats, insulting or abusive behaviour.

**Verbal Conduct:** Unwelcome advances, propositions or remarks, innuendoes, lewd comments or abusive language, which refers to personal characteristics.

**Non-Verbal Conduct:** Making abusive or offensive gestures, displaying of offensive written or visual material.

**Bullying** is a particular form of harassment involving a misuse of power to criticise, condemn, abuse, humiliate or otherwise undermine a person’s (or group’s) ability to the extent that they cannot perform their job properly or suffer stress as a result. Bullying is offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power, or unfair sanctions, which make the recipient feel threatened or vulnerable, which undermines self confidence and which may cause stress. Bullying can be between people at all levels of the organisation.

Bullying and harassment are not necessarily face to face; they may be by written communications, email, and phone. More subtle forms of bullying and harassment include persistently ignoring a person, isolating or excluding them.

All those with the responsibility for managing employees have a responsibility to manage their employees in a reasonable way, issue reasonable instructions and expect them to be carried out to required standards. Legitimate supervision of staff or students may include providing constructive criticism regarding work or
performance or challenging views and opinions in an appropriate way. This would not be considered bullying or harassment.

**Just Ask**

Just Ask is a confidential service operated by University staff, for University staff, offering support and direction on issues of stress. The Just Ask team are trained to deal with dignity at work issues and are prepared to discuss incidents or problems with you in complete confidence, however sensitive these may be. The volunteer will listen carefully to the situation, suggest possible strategies and help a person reach a decision about what, if anything, they wish to do or have done about the harassment.

The Just Ask team are able to offer support for people who have been accused of harassment or bullying. Further information about the Just Ask service can be found at [http://www.ncl.ac.uk/justask/](http://www.ncl.ac.uk/justask/).

It is important to remember that the Just Ask teams are volunteers and are giving up their own time to provide support to colleagues; they will not be able to act as an advocate or a witness and cannot attend meetings on behalf of the complainant or alleged harasser or as a work colleague.

**How do I contact the Just Ask team?**

Contact details for members of the Just Ask team are available on the website [http://www.ncl.ac.uk/justask/](http://www.ncl.ac.uk/justask/). Please be aware that the team is only contactable during normal office hours (i.e. Monday to Friday 8.30am to 5pm).

**Confidentiality**

The general presumption will always be that discussions with the Just Ask team are confidential. There are some exceptional circumstances however, where a volunteer has a legal obligation to share information with another party. For example, where they learn about something that could seriously affect the wellbeing of an individual or group; they have a legal obligation to advise the Executive Director of Human Resources, even though it may be against the wishes of the employee. This will usually be done through the HR Adviser responsible for Equality and Diversity and confidentiality will be maintained where at all possible.

There may also be circumstances where a certain degree of information sharing may be necessary for purposes of accountability, support and effectiveness of University Procedures or the Just Ask service. Where this is the case, information will only be divulged on a strictly “need to know” basis.

**Monitoring**

Statistics from the Just Ask service and formal cases will be collected annually and presented to the University’s Diversity Committee with comparisons to previous years. The following information will be anonymised and the names of the complainants and alleged harassers will be withheld:

The number of cases they have dealt with over the previous year;
The ethnic origin and gender of complainants;  
The nature of the harassment, e.g. bullying, racist, sexist;  
The outcomes of the cases.

**Mediation**

Mediation is a voluntary dispute resolution process where an impartial third party helps two individual employees who are in conflict to agree a solution that is acceptable to both of them.

Newcastle University uses an external mediation service provided by ACAS (Advisory, Conciliation and Arbitration Service). ACAS have over 30 years’ experience of helping organisations improve working life through better employment relations. Access to the mediation service is via a HR Manager who may be able to offer this service if they feel it is appropriate to your situation. Line managers should contact their HR Manager for further information.

**Sources of information and help**

**CALM – Computer Aided Lifestyle Management**  
http://www.ncl.ac.uk/occupationalhealth/calm/  
A self-access, online multimedia programme which uses interactive self-help tools to help you identify issues such as anxiety, depression, insomnia, stress and substance misuse.

**Equality and Human Rights Commission**  
http://www.equalityhumanrights.com  
☎ 0845 604 6610  
The Equality and Human Rights Commission champions equality and human rights for all.

**Gender Trust**  
www.gendertrust.org.uk  
☎ 0845 231 0505  
A registered charity offering information and support to transsexual, gender dysphoric and transgendered people.

**Keep well@ NCL**  
https://my.ncl.ac.uk/staff/wellbeing/  
The University’s staff wellbeing area: a collection of resources, links and advice that can contribute to your wellbeing.

**Nightline**  
http://www.nusu.co.uk/nightline/  
☎ 0191 261 2905  
A confidential listening and information service for students

**Rape Crisis Centre (Tyneside)**  
www.tynesidercc.org.uk
0191 232 9858
Sexual assault counselling and information service

REACH (Rape Examination, Advice, Counselling and Help)
http://www.reachcentres.co.uk/
0191 212 1551
Counselling service to all victims aged 16 or over of a rape or sexual assault.

Samaritans
www.samaritans.org
08457 90 90 90

Stonewall
www.stonewall.org.uk
0207 881 9440
Organisation working towards the advancement of the rights of lesbians, gay men and bisexuals.

Student Wellbeing Service
http://www.ncl.ac.uk/students/wellbeing/finance/resources/childcare.htm
0191 222 7699

Victim Support
www.victimsupport.org.uk
0845 30 30 900

Women’s Aid
www.womensaid.org.uk
0800 2000 247 (24 hours)
A national charity working to end domestic violence against women and children.