

Bullying and Harassment Policy

Effective from 1 December 2022

This policy applies to: All UK Colleagues

This document gives specific information in relation to allegations of bullying and/or harassment for both the reporting colleague (reporter) and the responding colleague (respondent).

We aim to promote a culture where all of the Newcastle University community can play their part in creating a positive, safe and respectful working environment for everyone. As a Newcastle University colleague, we ask that you behave in a respectful manner towards everyone you come into contact with as part of your role and ensure that unacceptable behaviour is not allowed to persist, regardless of who is involved.

We will not tolerate any form of bullying or harassment, victimisation or any other act of unreasonable behaviour or unlawful discrimination. Bullying or harassment can be in relation to, but not restricted to, a protected characteristic covered under the Equality Act 2010. We regard such behaviour as very serious and will respond promptly either using the Grievance policy or via the Disciplinary policy.

This policy explains the behaviours that may be identified as bullying or harassment, the actions and consequences of such behaviours happening in the workplace.

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1. What is bullying and harassment?

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power, which undermines, humiliates, degrades or injures the recipient. Bullying isn't against the law, but harassment is.

Harassment is unwanted behaviour "which you find offensive or which makes you feel intimidated or humiliated" ([Citizens Advice](#)). This might include:

- Verbal abuse
- Physical abuse
- Physical gestures or facial expressions
- Offensive or distressing emails, and comments on social media or in online forums
- Unwanted and offensive 'jokes'
- Destruction of property

There are multiple statutes which define harassment, for example the [Protection from Harassment Act 1997](#) and the [Public Order Act 1986](#). The Protection from Harassment Act 1997, for example, states that harassment is when the person carrying out the behaviour knows, or ought to know, that the behaviour is causing harassment.

Under the [Equality Act 2010](#), individuals are protected from harassment if it is connected to a protected characteristic. A protected characteristic is an aspect of your identity that makes you who you are. The protected characteristics as defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief (or lack thereof)
- Sex
- Sexual orientation
- Pregnancy and maternity
- Marriage or civil partnership

In addition to those characteristics listed, bullying and harassment can also relate to:

- Ethnic origin, nationality or skin colour
- Religious or political convictions
- Willingness to challenge harassment, leading to victimisation
- Status as an ex-offender

Harassment can also be based on someone else's characteristic (associative harassment), or based on the perception that the individual has a particular characteristic (perceptive harassment).

Sexual harassment is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010. Some examples of sexual harassment include sexual comments or jokes, intrusive questions about a colleague, or mention in detail of your own, private sex life, spreading sexual rumours about someone, physical unwanted sexual advances. You can read more about this in the [Sexual Misconduct procedure](#), which is part of the Disciplinary policy.

Third party harassment is harassment by someone who is not a colleague or student of the University, for example a visitor or a third-party supplier. Although third party harassment was removed from the Equality Act in October 2013, Newcastle University still takes this form of harassment just as seriously and we will not tolerate harassment by a third party.

Bullying and harassment does not necessarily have to occur face-to-face. It is worth noting that it can also take place on-line. Nor does it only occur between two individuals, it may involve groups of people. It might be obvious or it might not, it may be persistent or just an isolated incident. What defines behaviour as bullying or harassment is not the intention of the perpetrator or the motive behind the conduct, it is both the nature of the conduct and the effect on the recipient. In addition, what might be acceptable to one person may not be to another.

It is important to understand that bullying or harassment can have a devastating effect on someone. It often causes anxiety and loss of concentration and can cause absence from work. It can also have a damaging effect on the working environment as a whole as others could misinterpret bullying or harassment as an acceptable standard of behaviour.

2. Reporting bullying and harassment

The experience of any of these things can be truly terrible for the person involved and the University looks to take a zero-tolerance approach to any forms of serious misconduct when concerning colleagues and students. When complaints are raised, they will be investigated under the appropriate procedure.

If you believe you have been subjected to bullying or harassment and feel able to deal with the matter informally, you should tell the person(s) creating the problem to stop. Be polite and firmly state that the behaviour in question is unwanted, offensive and is having a negative effect on you. We encourage you to talk to your line manager and keep a note of all relevant information, such as when and where the incidents occurred. You should also keep a record of any meetings and requests for assistance as this information may be useful should the situation continue or occur again.

If you feel you cannot approach your line manager, then tell a more senior person or someone who you feel most at ease with, for example a member of People Services, a Trade Union rep, a Just Ask volunteer or a member of a colleague network. You can also call Health Assured, our employee assistance programme and health and wellbeing partners who are experts in mental health. Their number is **0800 0280199** and they offer fully confidential support. The username to access the service is: **Newcastle** and password is: **university**. Alternatively, you could use the University [anonymous reporting](#) form.

If the bullying or harassment continues, or you feel unable to confront the person carrying out the behaviour, you should raise a grievance, as detailed in our Grievance Policy. Please be assured we will take your complaint seriously and act upon it in the most appropriate way.

Please note, anyone found to have acted in breach of this policy may be subject to disciplinary action up to and including dismissal. Equally, allegations found to have been made maliciously may be subject to disciplinary action, up to and including dismissal.

3. What support is available to me?

The University has a number of support options available to those who may require them. For support in cases of this nature, the University offers:

- [Just Ask Service](#) – JustAsk is a service offering confidential support and direction to University employees who are feeling stressed at work. It is operated by a team of volunteers who can provide a listening ear and information to their colleagues on a range of issues.
- [Employee Assistance Programme](#) – 24-hour confidential helpline for support through any of life's problem.

External Support

- [Stop Hate UK](#) - Stop Hate UK is a charity that provides independent and confidential support to people affected by Hate Crime.
- [LGBT Foundation](#) - LGBT Foundation exists to support the needs of the diverse range of people who identify as lesbian, gay, bisexual and trans.
- [Survivors UK](#) – Support and help for male survivors of sexual violence including counselling and therapy appointments as well as online chat. Tel: 020 3598 3898
- [Rape Crisis Tyneside and Northumberland](#) is a charity, which provides free confidential support, information and counselling to women who have experienced sexual violence. They are completely independent of the criminal justice system including the police. **Tel:** 0800 035 2794
- [Refuge](#) – Support for women experiencing domestic abuse.
- [Stand Against Racism & Inequality](#) - SARI provides support for victims of any type of hate crime including racist, faith-based, disablist, homophobic, transphobic, age-based or gender-based.
- [Equality, Advisory and Support Service](#) - The helpline advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.
- [Crime Stoppers](#) - An independent charity that gives people the power to speak up and stop crime – 100% anonymously.
- [Disability Rights UK](#) – Provides support and helplines for disability discrimination.
- [Citizens Advice Bureau Age Discrimination](#) – Information on age discrimination and your rights.
- [Victim Support](#) is an independent charity, who work to support people affected by crime or traumatic events. They provide help to ensure people feel safer and find strength to move beyond crime. Their support is free, confidential and can be tailored to your needs. **Tel:** 0808 168 9111
- [Samaritans](#) – provide 24/7 support to reduce feelings of isolation and disconnection. Tel: 116123

4. Case Confidentiality

We require all colleagues involved in formal procedures to maintain confidentiality, as appropriate, and not disclose information relating to the case to anyone outside of the process. This does not include where colleagues are seeking support as stated in section 3.

All personal data relating to any party involved in any investigation, will be stored, handled and processed in accordance with the General Data Protection Regulations.

5. Non-retaliation

The University forbids any form of retaliation against individuals who make allegations of bullying or harassment, or who otherwise co-operate with any investigation conducted under this Policy.

If a colleague believes they have suffered any form of retaliation, they should report this immediately using the Grievance Policy.

Finally, a reminder that every one of us is responsible for our own behaviour and for maintaining an environment free from bullying, harassment and victimisation. So even if it isn't happening to you, if you witness it, act on it, report it, don't ignore it.

6. Freedom of Speech and Freedom of Expression

There is key legislation that limits freedom of expression where it infringes upon another person's rights. For example, it is illegal to speak in a way that intends to stir up racial or religious hatred ([Racial and Religious Hatred Act 2006](#)), or ways that stir up and incite hatred directed at people based on their sexual orientation ([Criminal Justice and Immigration Act 2008](#)).

Newcastle University has a [Code of Practice for Freedom of Speech](#), which outlines our duties as a Higher Education Provider, as well as your rights and duties as a member of the University community.

7. Associated documents and further guidance

[Disciplinary Policy](#)

[Grievance Policy](#)

8. Policy Agreement

This policy has been approved following consultation with all campus trade unions. It is not part of the formal terms and conditions of employment and we may review and amend the policy from time to time.

| Document Control Information | | |
|---|--------------------|---------------------------|
| Does this replace another policy? Yes it replaces the Dignity & Respect Policy | | |
| Approval | | |
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| Policy Owner: Kate Smith, Head of People Relations and Policy | | |
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| 1 | Trade Union JNC | June 2022 |
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| Equality, Diversity and Inclusion Analysis: Does the policy have the potential to impact on people in a different way because of their protected characteristics? | | |
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| https://newcastle.sharepoint.com/hub/people-services/Pages/Policies%20and%20Procedures/Grievance,%20Bullying%20and%20Harassment.aspx | | |