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Dignity at work and Study Policy

Metanoia Institute

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Related policies
• Disciplinary Policy • Whistleblowing Policy • Grievance Policy • Equality and Diversity Policy • Staff may access the Employee Assistant Programme (EAP), HR for extra support.
External Reference
• Equality Act 2010 • http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf

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Metanoia Institute Dignity at Work Policy

1. Policy Statement

This Institute is committed to providing a working and studying environments for all its staff and students that is comfortable and free from all forms of bullying and harassment. The Institute adopts a zero-tolerance approach towards bullying and harassment and any employee or student who is found to have harassed or bullied a colleague or fellow student will be subject to disciplinary action, up to and including summary dismissal.

Personal harassment takes many forms but whatever form it takes, it is unlawful under the Equality Act 2010 and will not be tolerated.

2. Purpose

The aims of this policy are to:

- provide definitions of harassment, bullying and hate incidents,
- raise awareness of the effects of harassment, bullying and hate incidents on individuals,
- provide procedures and mechanisms for reporting and addressing reports of harassment, bullying and hate incidents.

Metanoia Institute has a responsibility, not only to foster good relations between people of the same and different groups, but also to eliminate all forms of harassment and discrimination.

There is an expectation that all members of the Institute community will uphold the principles of treating each other with dignity and respect as set out in this policy which applies to:

- all members of staff,
- all registered students,
- Others not directly employed by the Institute (including visiting academics, external contractors, and their employees, and wholly owned or majority owned subsidiary companies), all visitors to the Institute.

3. Scope

This Policy covers all members of the Metanoia Institute, including:

- All members of staff holding a contract of employment, and staff from other institutions on placement at, or visiting the Institute.
- All students, including visiting and placement students.
- Visitors, including external persons using the Institute's premises.
- Individuals working or acting on the Institute's behalf, including suppliers of goods and services.
- All students, including visiting and placement students, online and distance learners.

4. Definitions

This section defines the terms harassment, including sexual harassment, hate incidents, bullying and victimisation and provides examples of the types of behaviour to enable staff and students to make an informed judgement about whether a particular behaviour or incident falls within the scope of the policy.

Whilst there is a legal definition of harassment, there is no legal definition of bullying. For the purposes of this policy, all forms of harassment and bullying are considered unacceptable and will be dealt with appropriately. For the purpose of the application of this policy therefore, the terms are used interchangeably.

Harassment is defined under this policy as:

Unwanted behavior towards anyone which has the purpose or effect of violating someone's dignity or which creates an intimidating, hostile, degrading, humiliating, or offensive environment.

Harassment may occur where an individual or group is targeted on the grounds of:

- an actual protected characteristic, for example, a disabled person,
- a perceived protected characteristic, for example, a manager decides not to support the advancement of a member of staff because they believe they have a disability,
- a person who is linked to one of the protected characteristics via association, for example, a student who has a disabled child is not allowed to attend a graduation ceremony because of fears about the child's behaviour.

Harassment may be a single event, sporadic events or a continuing pattern and includes behaviour via any means including verbal, non-verbal, physical, written or by means of electronic communication including social media.

In considering reports of harassment, the following will be considered:

- whether there has been a previous pattern of behaviour, and over how long a period this has been the case,
- how the individual(s) concerned have dealt with this in the past,
- The fact that previous similar behaviour may have been ignored or apparently tolerated does not automatically mean that consent was given or that the behaviour was acceptable or appropriate.

Examples of behaviours that may amount to harassment under this policy include but are not limited to the following:

- derogatory name-calling,
- derisory remarks, verbal abuse, insults and threats,
- ridicule or belittling of an individual,
- tone of voice such as shouting, raising one's voice unnecessarily or inappropriate or intimidating body language,
- repeated gibes in respect of personal traits or appearance, practical jokes or invasions of privacy, any or all of which may cause physical or psychological distress,
- verbal or practical 'jokes' which mock, offend or cause distress to individuals or groups,
- deliberately using the wrong gender pronoun or the birth name of a trans person, known as mis-gendering or dead-naming,
- exclusion from normal workplace / academic conversations or activities, and social events,
- unfair allocation of work and responsibilities.

In addition, factors that affect the creation of an offensive or hostile environment may include the balance of power, seniority, gender, race and cultural background of the individuals involved. Harassment (or bullying) may not be deliberate or intentional. In some cases, the person against whom a report has been made may be unaware that their behaviour is having a detrimental impact on another person, has caused offence or has been interpreted in a particular way. What one individual may consider as acceptable behaviour may be unacceptable to another person. Therefore, the perception of both parties should be considered as well as the impact on the person(s) reporting when investigating the report. Whilst the perceptions and experiences of an individual who makes a report in good faith will be respected as genuine, they may not always lead to a report being upheld.

Sexual Harassment

Sexual harassment is defined under this policy as:

An incident where a person engages in unwanted conduct of a sexualised nature that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Sexual harassment may occur between members of the same sex or of the opposite sex. It can be a single incident that may or may not be directed at an individual but may be witnessed or overheard by a third party. It may be carried out by an individual who is in a position of authority over another or to undermine the position of authority of another.

Examples of unwanted conduct of a sexualised nature include a range of behaviours that are not limited to the following:

- sexual comments, gestures or jokes,
- leering, staring or suggestive looks which are unwanted or unwelcome once someone has made their disinterest clear,
- unwanted touching, hugging or kissing,
- unwanted sexual advances, attention and demands for sex,
- making promises in return for sexual favors,
- intrusive questioning about a person's private sexual activity and sharing own sexual activity, which is unwanted,
- displaying sexually graphic pictures, posters or photographs, including those in electronic forms such as computer screensavers or posts/contacts on social media,
- sending sexually explicit emails or text messages which are unwanted,
- sharing sexual images of another person without their consent- often referred to as revenge porn,
- other behaviour, including offensive communications.

In addition, misogyny, which differs from harassment, defines sexist attitudes and ideology forming the basis of prejudice or discrimination towards women.

Bullying

Bullying covers a range of behaviours and may often - but not always - be committed by a person in a position of authority. Bullying may be carried out by one individual against another, or could involve groups of people (for example a group of colleagues against one member of staff or against another group of colleagues)

Bullying may be broadly defined as behaviour which is:

- Usually persistent,
- Unwarranted and unwelcome,
- Offensive, intimidating, humiliating, malicious or insulting.
- It undermines another's confidence, reducing feelings of self-esteem and self-worth.

Bullying may be verbal, non-verbal, physical or by another means of communication including electronics. Examples of behaviours that may amount to bullying include but are not limited to:

- physical or verbal abuse, including threats,
- psychological intimidation, humiliation, excessive and/or unreasonable criticism,
- unjustifiable removal of areas of responsibility,
- ostracism,
- setting unreasonable and unrealistic workplace goals/targets,
- asserting a position of intellectual superiority in an aggressive, abusive, or offensive manner; threats of academic failure; public sarcasm and humiliation.

It should also be noted that in a workplace situation proportionate, constructive and fair criticism of a member of staff to address performance concerns will not be considered to be bullying. Likewise, workplace practices such as reallocation of responsibilities and associated changes, and circumstances such as competing pressures of work and spikes in workload will not generally be considered to be harassment or bullying.

Cyber Bullying

Cyber bullying is a form of bullying which takes place online via social networking sites, messaging apps, gaming sites and chat rooms. It involves sending offensive, hostile, rude, insulting, or threatening messages or sending fake information about another person that is damaging and untrue.

Hate Incidents and Hate Crimes

Hate incidents are incidents which appear to the individual, groups, or anyone else to be based on prejudice towards them because of their race, religion, sexual orientation, disability or transgender identity. Examples of hate incidents are verbal abuse, intimidation, abusive phone calls, online abuse, graffiti or threats of violence.

Hate incidents include:

- Antisemitism - discrimination, prejudice or malicious acts against individuals, communities or organisations because of their Jewish identity.
- Bi-phobia - discrimination, prejudice or abusive behaviours towards bisexual people.
- Disablism - discrimination, oppression, or malicious acts towards individuals with a physical, learning or mental health disability.
- Homophobia - umbrella term defining discrimination, prejudice, or malicious acts towards lesbian, gay, bisexual, queer or questioning people.
- Islamophobia - discrimination, prejudice or malicious acts against individuals, communities, or organisations because of their Muslim identity.
- Racism - the discrimination, prejudice or malicious acts towards individuals or communities because of skin colour, ethnicity, nationality, language, customs or practices or place of birth.
- Transphobia - umbrella term defining discrimination, prejudice or malicious acts towards trans people and gender identities.

Where there is an overlap with criminal law, a hate incident may also be a criminal offence and if so, is referred to as a hate crime. Hate crimes denote criminal acts such as assault, harassment, sexual offences, criminal damage and hate mail, which is perceived to be motivated by hostility or prejudice based on race, religion, sexual orientation, disability or transgender identity.

Hate speech (which differs from verbal abuse) is a subset of a hate crime and is described as an offence for using "threatening, abusive or insulting words or behaviours, or displaying writing, signs or other visual representations that causes or is to cause another person harassment, alarm or distress may also be deemed a criminal offence.

Victimisation

Victimisation is defined in this policy as being:

- Where someone is treated less favourably because they have taken or intend to take action under this Policy.
- Where someone is supporting a colleague, who has taken or intends to take action

under this policy this extends to the individual who is supporting the reporting party.

Examples of victimisation:

- Penalising someone by excluding them from work activities because they have made a report of harassment or bullying.
- A student makes a report alleging that their tutor has made discriminatory remarks and as a result they are ignored by other staff members.

5. Roles and Responsibilities

Managers Responsibilities

Managers have a duty to care for all their staff, which includes a duty to prevent harassment, bullying and unfair discrimination taking place. Employers are responsible by law for the acts of their employees. Managers should also be aware that unfair discrimination, harassment, and bullying can have serious consequences such as:

- Loss of respect for managers and supervisors.
- Poor performance.
- Lateness or absence.
- Ill health.
- Resignations.
- Poor morale and poor employee relations.
- Damage to the organisation's reputation.

Staff Responsibilities

- Staff can also contribute to preventing unfair discrimination, harassment or bullying by:
- Being aware of the problems which unfair discrimination, harassment and bullying can cause and by ensuring that their conduct does not contribute to an incident of such behaviour.
- Bringing to the attention of their colleagues that certain language, conduct, or behaviour is causing concern or offence to either themselves or other staff.
- Or, if that is not possible, report the matter directly in confidence to their manager.
- providing support to colleagues, who believe they are being harassed, discriminated against, or bullied.

6. Confidentiality

All evidence provided under this policy and procedure will be treated in a sensitive and confidential manner. Information will be shared on a need-to-know basis, including as appropriate with the reported staff member. Unnecessary disclosure of such allegations may result in disciplinary action. The Institute and all those involved in following this policy and procedures will comply with the principles of the GDPR (General Data Protection Regulation).

As part of the investigatory process the identity of the individual(s) providing the evidence may have to be revealed and, as appropriate, they may be requested to make a statement and/or attend an investigatory interview or be part of a fact-finding process.

7. Anonymous Reporting

Individuals making a report are encouraged to identify themselves. Typically, information from reports made anonymously will only be used to monitor the levels of incidents across the Institute. However, depending on the seriousness of the issue, the credibility of the concern, and importantly, any evidence available in an anonymous report and the likelihood of being able to investigate the matter, the Institute may investigate an anonymous report and confirm the information from alternative sources.

8. Reports Made in Good Faith

This policy is intended to promote a consistent approach in handling reports that are made in good faith.

No action will be taken if a report which, following an investigation, proves to be unfounded and is judged to have been made in good faith. If there is evidence that allegations of harassment or bullying have been made vexatiously, that false information has been provided or that the person making the report has otherwise acted maliciously, appropriate action may be taken against them under this policy or under the relevant disciplinary procedures.

9. Counter Report

It is acknowledged that counter-reports of harassment, bullying and hate incidents sometimes arise when a report is made. In the event that a report gives rise to counter-reports, where appropriate, these should be considered at the same time as the original report, as an independent report.

10. Collection Reports of Harassment, Bullying and Hate Incidents

Reports that are brought by more than one individual about the same issue will be considered individually on a case-by-case basis depending on the nature of the report.

The same procedure will apply and, where necessary, such reports will be investigated by an Investigating Officer to ensure consistency of approach.

Each individual member of the collective report must provide specific details of the incident(s) as it relates to them personally. It should be noted that investigations involving a collective report are likely to take longer to investigate and therefore the indicative timescales may need to be extended.

11. Complaints

If the Institute has grounds to believe that an employee or student may have been bullying or harassing another employee or student, whether or not there has been a formal complaint, the institute will instigate an investigation into the alleged bullying or harassment.

Any employee or student who believes that another employee's or student conduct amounts to bullying or harassment has the absolute right to complain to the line manager, course leader or human resources. Furthermore, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer/student, client or supplier. Employees are encouraged to report any incidents of bullying or harassment that they experience or witness so that the Institute can investigate and resolve the matter. The organisation will take all such complaints seriously and an employee who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

12 Outcomes

Informal Resolution

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment, you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper

can assist you in this.

Serious Complaints:

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of Human Resources as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- a) the name of the alleged harasser.
- b) the nature of the alleged harassment.
- c) the dates and times when the alleged harassment occurred.
- d) the names of any witnesses; and
- e) any action already taken by you to stop the alleged harassment.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation, which will normally be within ten working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

Disciplinary Action

- If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
- When deciding on the level of disciplinary sanction to be applied, we will take into consideration aggravating factors such as abuse of power over a more junior colleague.
- If you bring a complaint of harassment, you will not be victimised for having brought the

complaint. However, if it is concluded that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

12 Procedure

Please refer to the Institutes Grievance procedure if you wish to raise a complaint under this policy.

13 Support

Wherever possible, the Institute will try to ensure that the employee complaining of harassment or bullying, and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving the employee complaining of harassment or bullying the option of working from home, where possible, or remaining at home on special leave, if agreed. In the case of serious allegations, the Institute may suspend any employee (as a last resort) who is under investigation for harassment or bullying for a temporary period while investigations are being carried out and disciplinary proceedings are underway. Such suspension will be for as short a time as possible and will be on full pay for staff. Suspension in these circumstances does not constitute disciplinary action.

As soon as possible following the conclusion of the investigation, the Institute will inform the employee suspected of bullying or harassment as to the outcome. The Institute will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee. Any disciplinary proceedings will, where possible, be conducted by a different manager from the person who conducted the investigation.

Monitoring and Review

The number and nature of formal complaints made by staff about unacceptable behavior and any subsequent policy reviews or actions will be included in the Equality, Diversity policy. The number and nature of formal complaints made by students about unacceptable behavior, and any subsequent reviews or actions will be included on Student Complaints, Appeals and Discipline cases. The effectiveness of this policy will be reviewed every year, and the policy will be amended from time to time as changes in legislation occur.

All staff are advised to familiarise themselves with this policy and the appropriate Metanoia Policies. Any issues related to this policy, please contact hr@metanoia.ac.uk