

ROYAL COLLEGE OF ART

Anti-Bullying, Harassment and Victimisation Procedure – The Right to Respect

1. Scope of Policy

The Royal College of Art is committed to creating an environment of mutual respect, where differences are valued and respected and where innovation, creativity and diversity can flourish.

Positive working relationships – whether between staff and staff, staff and students or students and students- are central to this. Mutual respect is facilitated by the promotion of values of dignity, courtesy and respect, alongside a culture of zero tolerance of bullying and harassment.

The purpose of this policy is to ensure that all cases of alleged bullying and harassment are dealt with promptly, effectively, fairly and confidentially. The College will not tolerate or accept any bullying or harassment behaviour and allows members of staff to raise a complaint either informally or formally to resolve the complaint and to stop any behaviour that is causing offence or distress.

Any incident of bullying and harassment will be regarded seriously and investigated. Should the complaint be upheld, this may result in disciplinary action being taken against the person complained against, which could result in their dismissal from the College.

2. Definitions

2.1 Harassment

Harassment is defined as unwanted physical, verbal or non-verbal conduct or behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The Equality Act 2010 prohibits harassment relating to protected characteristics including, gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

Example of unacceptable behaviour

Type of harassment	Examples of behaviours
Sexual harassment or sex-related	Any form of unwanted verbal, non-verbal or physical conduct or behaviour of a sexual nature. This may include, unwelcome sexual advances, requests for sexual favours to another person, lewd, suggestive or over-familiar behaviour, unwelcome sexual attention, insults or ridicule based on someone's sex or sexual orientation or gender reassignment, display or circulation of sexually offensive material.
Gender reassignment harassment	Unwanted verbal, non-verbal or physical conduct or behaviour related to gender reassignment. Calling nicknames linked to

	the fact that the person has undergone gender reassignment. Inappropriate touching, checking on reconstructive surgery, leaving items specifically associated with old or new gender on desk, jokes.
Racial harassment	Obscene gestures or jokes about, or gratuitous references to, a person's colour, race or nationality. It can include deliberate exclusion for reasons related to race. Offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups.
Disability harassment	Using insulting terminology when referring to a colleague with a disability. Excessive staring, for example at someone with a facial disfigurement. Ignoring, disparaging, ridiculing or denying opportunities because of mistaken assumptions about their capabilities. Mimicking a disabled colleague's mannerisms or speech.
Religious harassment	Remarks, banter or jokes about particular religious beliefs or religious practices. Derogatory remarks made about an item of clothing or jewellery worn by someone as a symbol of their religion.
Sexual orientation harassment	Deliberate isolation of someone on grounds of their sexuality or perceived sexuality. Homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviours/abuse relating to HIV or AIDS status.
Age harassment	Banter or jokes that make fun of a colleague's age or demeaning their abilities and/or singling a colleague out because of age. Ignoring someone, or treating their views as worthless because they are younger or older than other colleagues.

2.2 Bullying:

Behaviour directed towards a staff member, or group of staff, which creates an intimidating, hostile or offensive environment for that person or persons. It may be an abuse or misuse of power through means that undermine, humiliate, demoralise or frighten another member of staff. For example persistent, unjustified criticism, shouting in public or private, excessive supervision, direct verbal and/or physical threats, unfair use of disciplinary and assessment procedures, playing jokes, insulting or putting someone down, inaccurate accusations about quality of work, undermining responsibility, abusive reference to age, sex, race disability or other protective characteristic and isolation from others.

Bullying is to be distinguished from vigorous academic debate or the actions of a manager making reasonable (but perhaps unpopular) requests of his/her staff.

2.3 Victimisation:

Treating someone badly or less favourably because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act)

A 'protected act' is:

- Making a claim or complaint of discrimination or grievance under Equality Act 2010
- Helping someone else to make a claim by giving evidence or information
- Making an allegation that you or someone else has breached the Act.

If a member of staff is treated less favourably because they have taken action then this would be unlawful victimisation. The less favourable treatment does not need to be linked to a protected characteristic,

For additional information on Victimisation, please contact a human resources manager.

2.4 Third Party:

The College is committed to protecting its members of staff in connection with work at the College from bullying, harassment and discrimination by persons who are not employed by the College.

A member of staff who believes that he or she has been the subject of bullying, harassment or discrimination by a third party should in the first instance ask the person responsible to stop the behaviour. In any event, the employee should inform their line manager and/ or a human resources manager in writing of the incident so it can be reviewed and any necessary action taken to prevent a recurrence of behaviour or conduct.

There are misconceptions that bullying and harassment only takes place face to face; however, there are many other ways that it can happen, for example;

- written communications – notes, letters or electronic email
- visual images – pictures of a sexual nature or embarrassing photographs of colleagues
- phone – text messages, photos and clips of unacceptable behaviour
- social media – social network sites eg Facebook, Twitter.

3. Responsibilities

The College is responsible for acts of discrimination, harassment and victimisation by its staff in connection with work, whether or not the College was aware of, or approved of, those acts. Harassment can be a breach of criminal law (Criminal Justice and Public Order Act 1994 and the Prevention of Harassment Act 1997).

The College also has a duty of care towards its staff's health, safety and welfare under the Health and Safety at Work Act 1974.

It is the responsibility of all staff to ensure that this policy is implemented and adhered to by all staff members within their area of work. This means intervening as soon as possible, in consultation with a human resources manager, when behaviour contrary to this policy takes place. By not taking action when appropriate, the line manager will, in effect, be indicating that such behaviour is acceptable.

All issues and concerns which are relevant to this policy should be notified to Human Resources to ensure that the concerns can be resolved before they escalate.

Members of staff should make their line manager or Human Resources aware of any behaviour contrary to this policy that they may have witnessed or they reasonably suspect to be taking place.

All members of staff are expected to take reasonable steps to ensure that behaviour contrary to this policy does not occur.

4. Making a complaint

Resolving the situation informally

All complaints should be dealt with promptly. Some may be dealt with informally. In minor cases it may be sufficient for the member of staff being harassed to raise the problem with the perpetrator, pointing out the unacceptable behaviour. If the member of staff finds this difficult or embarrassing, they can seek support from a colleague who works for the College, appropriate line manager, a human resources manager or a Trade Union representative. If the alleged harasser is their immediate line manager, then the member of staff should approach their head of department/programme and/or a human resources manager.

A record of such incidents or discussions and copies of correspondence should be kept by the member of staff (i.e. the date, what was discussed and done). This will be useful evidence if the unacceptable behaviour continues and a formal complaint and follow-up action become necessary.

If the informal approach does not resolve the concerns a decision will be made by the director of human resources as to the next stage of the process in accordance with the College's grievance procedure.

The complaint

Staff should refer to the College's relevant grievance procedure for full details but the grievance should set out full details of the conduct in question, including the full name of the alleged harasser or bully, the nature of the allegation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. Any relevant evidence should be attached.

As part of the investigation into the complaint, the College will meet with the alleged perpetrator to hear their account of events. They have a right to be informed of the allegations against them so that they may respond.

If the complaint is upheld, the complainant's line manager and/or a human resources manager will take prompt action to stop and prevent the reoccurrence of any inappropriate conduct. If it is required, disciplinary action will be taken against the perpetrator and the penalty imposed may be up to and including summary dismissal.

For additional details on the relevant disciplinary procedure, please refer to the relevant College's disciplinary policy.

A member of staff will not suffer any detriment, such as in relation to pay, promotion or access to opportunities, by making a false complaint when it is made in good faith.

(Any complaint or allegation from a student relating to harassing or bullying behaviour by a member of the College's staff will be dealt with under the student complaint procedure.)

Advice and Counselling

All staff have access to the College's Employee Assistance Helpline free of charge on 0800282 193 which provides free and confidential advice and support to help staff with issues affecting their personal and work lives. The helpline is available 24 hours a day, 7 days a week, including bank and public holidays. Additional support can be sought from Stonewall's free info line: 0800 050 20 20

Mediation

Mediation can be used as a tool for early intervention between parties to aid in the resolution of workplace conflict. Mediation is a process whereby a trained mediator facilitates a discussion with all parties to give them the opportunity to be heard and listen to each other's point of view to try and reach a resolution. Mediation is not compulsory and must be agreed by all parties. For more information please contact a member of the Human Resources department.

Please contact a human resources manager for additional details, support and guidance in relation to this policy.

**Human Resources Department
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