

# NUS

## Dignity at Work Policy

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<b>Related Policies:</b>	<ul style="list-style-type: none"> <li>a) Disciplinary Policy</li> <li>b) Grievance Policy</li> <li>c) Safeguarding Policy</li> <li>d) Equality, Diversity and Inclusion Policy</li> <li>e) Stress Management policy</li> <li>f) Sickness Absence Policy</li> <li>g) Membership and Delegate Code of Conduct</li> <li>h) Officer Disciplinary Policy</li> <li>i) Staff Protocol Policy</li> </ul>		

REVIEW HISTORY		
Date	Name	Notes
September 2016	Jayne Beer	<i>Review and amendments</i>
September 2019	Jane Gilchrist	<i>Review and amendments</i>
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### Dignity at Work Policy Statement

NUS UK and NUS Charitable Services will not tolerate any form of bullying or harassment. The Dignity at Work policy is designed to support a work environment in which bullying, harassment, discrimination and victimisation are understood to be unacceptable. The policy aims to provide accessible processes and support to encourage individuals to have the confidence to challenge inappropriate behaviour without fear of reprisal.



## **1. Purpose**

- 1.1. This policy outlines the organisation's approach in managing bullying and harassment in the workplace. The policy describes the steps to be taken to deal with each situation reasonably and wherever possible, help the person who has raised the concern to receive appropriate support and assistance and to ensure that concerns are discreetly, thoroughly and impartially investigated.
- 1.2. The policy provides a framework which seeks to ensure a harmonious, inclusive and respectful working environment for all colleagues and the elimination of bullying and harassment in the workplace.
- 1.3. This policy will:
  - Increase awareness of the unacceptability of any form of bullying, harassment and inappropriate behaviour,
  - Enable colleagues to have a common understanding of what is meant by bullying, harassment, discrimination and victimisation,
  - Provide a mechanism for colleagues to resolve the issue themselves or raise a complaint to help resolve the issue,
  - Enable colleagues to feel able to challenge others' behaviour in a safe environment,
  - Provide guidance for managers on how to deal with a complaint raised by a colleague,
  - Increase awareness of how to take reasonable steps to prevent harassment in the workplace,
  - Communicate the supporting infrastructure regarding bullying and/or harassment complaints to both colleagues and managers.

## **2. Scope**

- 2.1. Where the policy refers to 'NUS' it means both National Union of Students (UK) and NUS Students' Union Charitable Services or a company under their control.
- 2.2. This policy applies to all employees (including full time officers) of National Union of Students (UK) and NUS Students' Union Charitable Services. The policy applies to agency workers, volunteers, contractors and consultants and includes behaviour toward third parties with whom workers have contact with as part of their daily role e.g. customers, suppliers, students' unions, community organisations.
- 2.3. The policy covers all aspects of working life and applies to the normal place of work, all business premises, at any work-related event e.g. conferences, training courses, work-related social events and at any time where the colleague is representing the organisation.
- 2.4. This policy does not form part of an employee's contract of employment and it may be amended at any time. Amendments to this policy will be discussed, and if necessary agreed, with the recognised trade union as identified in the union recognition agreement. NUS may vary the procedure, including any time limits, as appropriate in any case.

## **3. Third Party Harassment**

- 3.1. NUS are required to take reasonable steps to prevent harassment of our colleagues by third parties, such as customers, clients, contractors, agency workers or visitors of NUS. Colleagues might raise issues about matters not entirely within the control of the organisation, such as client or customer relationships. These should be treated in the same way as grievances within the organisation, with the manager investigating as far as possible and taking action if required.
- 3.2. All complaints of bullying/harassment by NUS staff members against a third party will be fully investigated by the manager and as a result of this, due consideration will be taken on how this is fed back to the third party and an agreement should be made on the nature of future working relationships of the third party with the staff member concerned and NUS.

## **4. Principles**

- 4.1. One of the organisation's key strategic equality, diversity and human rights aims is to create an inclusive workplace. This means that NUS are committed to creating a culture in which all colleagues have the right to be treated with dignity and respect, free from intimidation and harassment.
- 4.2. NUS recognise bullying and harassment as a serious offence which will not be tolerated. Bullying and harassment may affect colleagues' physical and mental health and lead to poor work performance and absenteeism.
- 4.3. Any complaint of bullying and/or harassment will not be ignored and all cases will be dealt with promptly, confidentially and fairly.
- 4.4. Employees failing to fulfil their responsibility under this policy may be subject to disciplinary action. Single offences which amount to a serious breach of this policy, or repeated offences which have previously been subject to disciplinary action, may result in dismissal in accordance with the NUS Disciplinary Policy.
- 4.5. All matters relating to the application of this Policy will be subject to the provisions of the Data Protection Act.

## **5. Accessibility**

- 5.1. If any aspect of the grievance process causes a colleague difficulty due to a disability or if they need assistance because English is not their first language, the colleague should raise this matter with the HR Team, who will make appropriate arrangements.

## **6. Legal Framework**

- 6.1. NUS recognises that harassment at work is unlawful, and that NUS and the alleged harasser may be held liable under the following UK and NI legislation:
  - Health and Safety at Work Act 1974
  - Criminal Justice and Public Order Act 1994
  - Employment Rights Act 1996
  - Protection from Harassment Act 1997
  - Human Rights Act 1998
  - Equality Act 2010 (including Worker Protection (amendment of Equality Act 2010) Act 2023)
  - Fair Employment and Treatment (Northern Ireland) Order 1998
- 6.2. Under the Health and Safety at Work Act 1974, employers may be liable through a duty to provide a safe place of work (which includes taking steps to make sure that employees do not suffer stress-related illness as a result of work) and to maintain mutual trust and confidence.
- 6.3. Failure to provide adequate protection to an employee, resulting in a loss of trust and confidence, may mean that the organisation is liable through a claim for "unfair" constructive dismissal (where an employee resigns in the face of the employer's breach of contract).

## **7. Definitions**

- 7.1. Generally, colleagues making a complaint define what they mean by bullying or harassment i.e. something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If a staff member raises a complaint of bullying or harassment then their complaint must be dealt with in line with this policy.

- 7.2. The definitions below are also applicable to online working and working from home. All employees need to be mindful of the particular sensitivities around working from home. As the work and home environment can be the same place we ask staff to consider the impact their interactions may have on someone working from home. Employees should ensure that online discussions are conducted in a professional manner in the same way they would be in an office environment and that the language used is appropriate. Staff should also consider what is visible in their backgrounds when using video calls and use NUS virtual backgrounds where needed.

### **Harassment**

- 7.3. Harassment is defined as unwanted conduct affecting dignity in the workplace or any other work-related situation which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- 7.4. It may be related to a 'protected characteristic' as defined by the Equality Act 2010, including age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident. In addition, the complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. The impact on an individual may be unintended, but the key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
- 7.5. Harassment on the grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination.

### **Bullying**

- 7.6. Bullying is a form of harassment. Bullying may be characterised as; offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient or group of individuals.
- 7.7. It is often hard to agree what constitutes unacceptable behaviour, sometimes behaviour that is considered bullying by one person may be considered firm management by another. It is important to acknowledge that behaviour may be deliberate and conscious, but it can also be unintentional. Individuals' perceptions can vary about acceptable and appropriate behaviour. A person's lack of challenge does not always indicate acceptance or tolerance of the behaviour as they may not feel able to confront that behaviour.
- 7.8. Reasonable and proper management instructions administered reasonably, or reasonable and proper review of a member of colleague's work and/or performance will not constitute harassment or bullying. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

### **Sexual Harassment**

- 7.9. Sexual harassment stems from the belief of some people that they can do or say to someone something which they do not have permission to do, and which disempowers their target. Sexual harassment is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010 as is harassment of a sexual nature related to gender reassignment.
- 7.10. This may include:
- Sexual assault or rape
  - Flirting or making sexual remarks or comments that make another feel uncomfortable, for example wolf whistling, catcalling or making sexual noises at them.
  - Asking questions about another person's sex or romantic life or sexuality.

- Unwanted sexual contact, invitations, innuendoes, and offensive gestures.
  - Telling sexually offensive jokes, including about someone's sexual orientation or gender reassignment
  - Displaying or sharing pornographic/sexual images or content
  - Touching someone against their will; for example, kissing them on the cheek or hugging them.
- 7.11. No colleague should be forced to 'put up' with sexual harassment and action will be taken to ensure all colleagues can attend work without fear of being sexually harassed.
- 7.12. If sexual harassment takes place in any situation connected with work, this would be considered to be an extension of the workplace. This would include, for example, sexual harassment that takes place at staff parties, client events or offsite training days. Inappropriate messages between colleagues of a sexual nature could also amount to sexual harassment in the workplace, even if it is done on personal devices and/or outside office hours.
- 7.13. Allegations of sexual harassment if proven can be deemed as gross misconduct and may result in dismissal in accordance with the NUS Disciplinary Policy.
- 7.14. NUS are required to take reasonable steps to prevent sexual harassment of employees at work. Training on the prevention of sexual harassment at work will be provided to managers.

### ***Discrimination***

- 7.15. Discrimination is where an individual is treated less favourably because of a 'protected characteristic' (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation).
- 7.16. Direct discrimination occurs when a person treats or would treat another less favourably than others and the treatment is because of a 'protected characteristic' (e.g. age, sexual orientation).
- 7.17. Discrimination by association occurs when a person treats another less favourably because of that person's association with another person who has a protected characteristic.
- 7.18. Discrimination by perception occurs when a person treats another person less favourably because that person is thought to have a protected characteristic, whether or not they do.
- 7.19. Indirect discrimination occurs when an organisation has a provision, criterion or practice which, although applied equally to all employees, has the effect of disadvantaging some individuals more than others (due to their age, sex, religion or belief etc.) and which cannot be justified.

### ***Microaggressions***

- 7.20. Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their identity e.g. based upon a person's race/ethnicity, gender, sexual orientation and other minoritized identities. Microaggressions tend to be subtle rather than obvious insults or acts of violence. Whether subtle or aggressive in nature, the effects of microaggressions can be physically, emotionally and psychologically detrimental.

### ***Victimisation***

- 7.21. Victimisation can be defined as treating an individual less favourably for taking action, for intending to take action or for supporting another person. For example, a person may be victimised for making a formal complaint against workplace bullying or acting as a witness in a case of alleged harassment. Any such retaliatory action taken against an individual

will be investigated under the NUS Disciplinary Policy.

- 7.22. Colleagues who make complaints or who participate in good faith in any investigation must not suffer any type of victimisation or retaliation as a result and NUS will seek to protect colleagues in this situation. If an individual believes they have been victimised they should raise it with their manager or the HR Team.

## **8. Roles and Responsibilities**

- 8.1. NUS has a responsibility to take active steps to minimise bullying and harassment in the organisation and to promote the well-being of its employees. NUS is also required to take reasonable steps to prevent harassment of its employees at work. In particular, NUS is required to take reasonable steps to prevent all forms of sexual harassment. NUS views any breach of this policy extremely seriously and will take all steps necessary to ensure the fair treatment of all of its employees. This policy will be communicated throughout the organisation and all colleagues will be made aware of their responsibilities to create a working environment which is free from bullying and harassment.

### ***Manager Responsibilities***

- 8.2. Senior Managers such as Directors have particular responsibilities to set a good personal example, to have regard to the principles of this policy, and to familiarise themselves with the procedures.
- 8.3. It is the manager's responsibility to ensure appropriate standards of behaviour are in place and maintained to foster a climate that discourages the occurrence of bullying/harassment. Potential breaches of this policy and unacceptable behaviour should be acted upon by managers even in the absence of a formal complaint.
- 8.4. Managers are responsible for preventing bullying/harassment at work and for taking appropriate action to eliminate it when it occurs. Managers must work with the HR Team to ensure that all incidents are dealt with promptly, fairly and in strict confidence.
- 8.5. A manager should
- Explain the Dignity at Work Policy to all staff and ensure appropriate understanding, promoting ongoing awareness where applicable,
  - Explain to staff that the Dignity at Work Policy also extends to third parties e.g. suppliers, representatives of our member organisations (as defined in the Membership Code of Conduct Policy) and customers and that complaints against third parties will be dealt with in line with the policy,
  - Explain the policy to new starters as part of their induction,
  - Be clear with staff what the standards and expectations are regarding behavior and language at work and wider workplace events or activities, and ensure that staff understand how to foster a professional, supportive and inclusive culture,
  - Set a good example by treating all workers and any other person with whom they come into contact in the workplace (e.g. customers, suppliers and representatives of or member organisations) with courtesy and respect,
  - Be vigilant for signs of bullying and harassment, sexual harassment and intervene before a problem escalates,
  - Respond sensitively to any employee who makes a complaint of bullying or harassment,
  - Respond promptly to requests from employees to intervene and seek to resolve the matter informally where appropriate,
  - Ensure that employees are not victimised for making a complaint of bullying or harassment in good faith,
  - Be supportive to employees who say they are being bullied/harassed, as well as the person who is being accused of bullying/harassment.

### ***Employee Responsibilities***

- 8.6. All colleagues have a responsibility to help maintain a working environment in which the dignity of all individuals is respected, to foster harmonious and respectful working relationships in line with the organisation's values and the NUS Equality and Diversity Policy.
- 8.7. All colleagues must comply with this policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact with during the course of their work (e.g. representatives of member organisations, suppliers etc.).
- 8.8. Colleagues have a responsibility to behave in ways which support a non-hostile working environment for themselves and their colleagues. They should play their part in making this policy a reality and be prepared to challenge inappropriate behaviour and take action (by reporting it to their manager) if they observe or have evidence that someone is being harassed.

### ***HR Team Responsibilities***

- 8.9. The HR Team will ensure that this policy is applied in a consistent manner across the organisation and will provide advice to managers and staff on the application of this policy at both the informal and formal stages.
- 8.10. All members of the HR Team are expected to act as role models in behaviour that demonstrates fair treatment and dignity at work.
- 8.11. The HR Team will keep confidential records of all complaints and how these were resolved for monitoring purposes.

### ***Trade Union Responsibilities***

- 8.12. All trade union representatives are expected to communicate and raise awareness of the policy and to provide support and assistance to staff and managers in order to resolve instances of bullying, harassment, victimisation or discrimination.
- 8.13. Trade union representatives are expected to act as role models in behaviour that demonstrates fair treatment and dignity at work.

## **9. Effects of Bullying/Harassment**

- 9.1. Managers should be aware of the characteristic behaviours/reactions exhibited by colleagues subjected to bullying and/or harassment. Colleagues may feel afraid or reluctant to complain in case they are not believed, the events may be trivialised, or they feel they may be victimised. This can erode an individual's confidence and lead to feelings of helplessness. Coupled with other commonly related symptoms such as stress and anxiety, panic attacks, fear, depression and tearfulness, a tremendous strain can be put on individuals, and may spill over into their personal life.
- 9.2. From an organisational perspective this can lead to increased absenteeism, poor performance, apparent lack of commitment and even resignation. If occurrences of bullying/harassment are not dealt with promptly and effectively they can affect whole teams, creating tensions and divides that are often difficult to resolve.

## **10. Identifying Bullying and harassment**

- 10.1. Bullying/harassment may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence to more subtle forms such as ignoring someone.
- 10.2. Bullying/harassment can be hard to recognise. It may not be obvious to others and may be insidious. Colleagues may be unwilling to raise issues as they may think that this is normal behaviour in the organisation or they may be anxious that others will consider

them to be over-sensitive or not up to the workload.

- 10.3. Behaviour that is considered bullying by one person may be considered firm management by another. For example, where there is a failure to achieve performance standard, a firm management response would look to identify individuals who are struggling and provide support, whereas a bullying response would be to ridicule or tease.
- 10.4. As described by ACAS, those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. They have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.
- 10.5. It is important to have early intervention as this is critical in preventing problems from festering and getting out of hand. Examples of inappropriate behaviour can be found in Appendix A.

## **11. Employee Support**

- 11.1. It is recognised that issues of bullying/harassment can be extremely difficult for everyone involved. All staff involved should be offered the support of NUS' Employee Assistance Programme counselling services. Consideration will also be made in referring staff to Occupational Health where appropriate.
- 11.2. Advice and support can also be obtained from any of the following:
  - Line Manager (if appropriate) or another senior manager that is approachable
  - Trade Union Representative
  - Any member of the HR Team
  - If there is a need for external advice or support Acas can provide independent advice on employment matters-
- 11.3. All employees directly involved in a complaint concerning dignity at work will receive regular, confidential updates of the progress of the informal or formal action being taken, as appropriate.

## **12. Procedure for Addressing Allegations of Bullying and/or Harassment**

- 12.1. Colleagues subjected to bullying/harassment may be reluctant or afraid to complain. Generally, they want the unacceptable behaviour to stop and may suffer in silence rather than have attention focused on them or risk some form of reprisal. This means that all colleagues must be alert to the impact of their behaviour on others and be prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way.
- 12.2. Any colleague who feels they are being subjected to any form of bullying, harassment or discrimination is encouraged to keep a record of incidents that have occurred and when.
- 12.3. Any colleague who either feels they have been subjected to a form of bullying/ harassment or who has witnessed any form of unacceptable behaviour is encouraged to speak to another party in confidence about the situation. This could be a manager, a trade union representative, or a member of the HR Team.

### ***Informal Resolution***

- 12.4. In order to maintain working relationships matters should be dealt with by an informal intervention wherever possible. Raising an issue at the outset may prevent it escalating or prevent a repeat of it. The person may be genuinely unaware that their behaviour is unwelcome or upsetting and asking them to stop may be sufficient to help them understand the effects of their behaviour and resolve the situation. The following options may be considered:

### ***Approach in Person***

- 12.5. Provided the individual felt comfortable, it could be appropriate for them to speak to the person whose behaviour is causing offence in the first instance in order to give the person an opportunity to change their behaviour. The first stage may therefore involve telling the person what behaviour is found to be offensive and unwelcome with the reasons why and asking them to stop immediately.
- 12.6. Individuals are encouraged to make a note of specific incidents (date(s) and time(s), nature of behaviour, frequency and names of anyone who witnessed the incident) to help have the conversation. The individual may want to add that, if the behaviour continues, they intend to make a formal complaint to their manager or the HR Team. If the individual's manager is involved in the incident or is the person the colleague wishes to make the complaint about, contact the HR Team for advice.
- 12.7. During the conversation consider discussing the following:
- A clear description of the behaviour that's causing problems.
  - The impact of this behaviour, how does this behaviour make the individual feel? For example "I feel upset when you talk to me this way".
  - The individual's needs e.g. "I want to be respected".
  - A desired outcome ideally a specific action that is reasonable and practical e.g. when we are in meetings, I would like you to include me.
- 12.8. The benefit of this approach is that the issue can potentially be addressed and solved quickly and relationships can be improved.

### ***Approach in Writing***

- 12.9. Another option may be for the individual to write to the person whose behaviour is causing the problem, clearly describing what behaviours are unwanted and why and how these behaviours could be changed to stop any offence from occurring. This approach may be helpful where talking to the person has not brought about the desired response or where a meeting is not possible due to distance or timing. As this is an informal approach it is advised that other individuals are not copied into this correspondence.
- 12.10. The letter should be concise. Again, the individual may want to add that, if the behaviour continues, they intend to make a formal complaint to their manager or the HR Team.
- 12.11. If the individual does not feel able to take these informal approaches themselves or needs further support to be able to do this, they can ask a manager (including a 'safe confidant'), trade union representative or member of the HR Team for advice on how to approach the colleague or ask them to make an initial approach on their behalf. An employee can also contact and talk in confidence with one of the professional counsellors available through our employee assistance programmes.

### ***Safe Confidant***

- 12.12. All members of the Leadership Teams are designated a 'safe' confidants for colleagues to discuss potential issues. This would not automatically involve making a complaint but would provide a colleague who is willing to listen to concerns informally and confidentially and advise / provide support on options and next steps.

### ***Facilitated Discussion***

- 12.13. A further option is a facilitated discussion between the parties involved. This may be done by the complainant's manager with support from a member of the HR Team with the express agreement of the parties involved.
- 12.14. Facilitated discussion is an informal process that helps people to discuss issues in a safe environment and in strict confidence. It helps people to air their views and understand

each other's point of view.

- 12.15. Facilitated discussion is beneficial where two or more people have experienced difficulty in their working relationship. It can be helpful where an individual feels that they would like some assistance to air their views. This can be where two or more people's values, opinions or perceptions are very different or where the normal channels of communication have broken down etc.
- 12.16. The manager should first meet with each party informally to ascertain the main points from each side and explain the process, ensuring both parties agree and are comfortable with the process. After these meetings the manager should take a decision on whether a facilitated discussion is a viable option.
- 12.17. It is important to note that facilitation is about achieving common ground and for both parties to agree the way forward to work better together. It is not about asserting an opinion over another. It is important that both parties are allowed to lead the session and reach agreement together. The manager's role in this discussion is not to form judgements on who is right or wrong but is merely to facilitate the discussion. The manager should be mindful if the session is not constructive it should be adjourned. For more information on facilitated discussion please see Appendix B.

### **Mediation**

- 12.18. The manager, if appropriate, may decide that accessing mediation may be more appropriate to help resolve the situation. This may be because they do not think they are or are not perceived to be sufficiently impartial. The manager may not feel confident to undertake the facilitated discussion, or because the case is particularly complex.
- 12.19. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked. If it takes place after the formal process has been invoked, the formal process should be held in abeyance.
- 12.20. Mediation creates a safe environment where all parties are able to communicate and work towards the restoration of a positive working relationship. Mediation is a structured process, which encourages all parties to identify, consider and discuss their own and each other's current and future needs. The trained mediator encourages and facilitates open, honest communication; this often leads to increased awareness, understanding and empathy.
- 12.21. The mediator does not take sides or tell those in the dispute what to do. Mediation is most likely to be successful if both parties:
  - Understand what mediation involves.
  - Enter into the process voluntarily.
  - Are seeking to repair the working relationship.
- 12.22. The mediator will normally meet with the parties separately and as soon as practicable to begin to seek a resolution.
- 12.23. Any agreed outcome will normally be recorded in writing.
- 12.24. All those involved in the mediation process must maintain appropriate confidentiality.

### **Formal Resolution**

- 12.25. If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, (if in doubt, the individual should seek advice from the HR Team), a formal written complaint can be made in line with the NUS Grievance Policy.

- 12.26. As a general principle, the decision of whether to progress a complaint is up to the individual. However, NUS has a duty to protect all staff and may pursue the matter independently if it considers it appropriate to do so. This may include cases where other parties, but not the aggrieved party, have made a complaint or in specific circumstances in which an aggrieved party is not able or willing to make a formal complaint. NUS may decide to initiate an investigation and make a decision on further action on the basis of the evidence that is available.
- 12.27. As a modification to the grievance procedure to allow more time for resolution of Dignity at Work issues using informal methods, the individual should raise the grievance within 28 calendar days of the issue arising, stating the outcome they would like to see to resolve their grievance.
- 12.28. In line with the formal grievance procedure, the complainant should set out as clearly and succinctly as possible, (whilst sticking to the facts):
- the nature of the behaviour that they are concerned about in as much detail as possible and the effect of this behaviour on them.
  - what attempts, if any, have been made to try to resolve the difficulties
  - reasons why they believe it has not been/cannot be satisfactorily resolved informally.
  - the outcome the complainant is looking to achieve
- 12.29. The individual should provide dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence.
- 12.30. NUS will ensure that the colleague can bring their complaint in the first instance to someone of their own gender, if they so wish.
- 12.31. As soon as the relevant manager is made aware of a formal dignity at work issue, they must notify the HR Team. Due to the potentially complex nature of dignity at work issues, HR Team support will be provided to managers throughout the process. In more complex cases, the HR Team may conduct the investigation. In some cases, NUS may ask a third party to conduct the investigation.
- 12.32. In very serious cases, a criminal offence may have been committed and the staff member may wish to report matters to the police. Colleagues will be supported in referring a matter to the police where serious allegations have been made.
- 12.33. The complainant should be contacted by the relevant manager within 10 working days following receipt of the written complaint to arrange a formal meeting, giving them the opportunity to explain their grievance, allow the manager to understand it and, if necessary, further investigate the issue. The colleague may be accompanied by a trade union representative or a workplace companion at the meeting. The meeting may be adjourned for a reasonable period for any investigation that is necessary.
- 12.34. If at the initial stage, the manager determines that there is no substance to the complaint or they consider the complaint to be malicious or invalid, the formal procedure will cease. In this event, the complainant may seek a review of the manager's decision.
- 12.35. Where the manager agrees that further investigation is appropriate, the individual who is the subject of the complaint will be informed of the substance of the complaint against them and given the opportunity to respond to the complaint at an investigatory meeting. They may be accompanied by a trade union representative or a workplace companion at the meeting.
- 12.36. Investigations should take place as quickly as possible and delays should be avoided. The amount of any investigation required will depend on the nature of the issue and will vary from case to case. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the investigation in helping to achieve a timely conclusion to the investigation.
- 12.37. If necessary, further meetings with both parties may be held to seek additional information

and ask further questions.

- 12.38. Managers should be clear with colleagues about the likely timescales for looking into their complaint and keep colleagues updated on progress.
- 12.39. Witness reports should include the relevant facts and avoid emotional impressions and hearsay. They should also be accurate and representative of the views of the witnesses (the witnesses should read and agree the final witness statement).
- 12.40. In complex cases a dignity at work report may need to be prepared by the manager. The HR Team will provide advice as required.
- 12.41. If the complainant is absent from work due to illness, it will be important to explore whether the colleague feels well enough to discuss the dignity at work issue and whether the issue could be investigated fully without meeting the colleague. The manager must contact the HR Team for advice on how to take the matter forward.
- 12.42. During the investigation a temporary adjustment to working arrangements may need to be considered for the individuals involved. This will be dependent upon the structure of the department and the number of staff involved.
- 12.43. In a serious case, consideration may need to be given to suspending the individual who is the subject of the complaint. Moving or suspending a staff member to facilitate an investigation is a neutral act and does not imply guilt or apportion blame. Where suspension is being considered managers must contact the HR Team prior to discussing suspension with the affected colleague.
- 12.44. The sensitive nature of bullying/harassment poses additional challenges during the investigation and therefore such investigation must be conducted promptly, thoroughly and impartially with due regard for the rights of both the complainant and the person accused of the alleged behaviour. The investigation must be based on objectivity rather than preconceptions.
- 12.45. It is important when managers have gathered all the evidence they should ask themselves "could what has taken place be reasonably considered to have caused offence?"
- 12.46. Once the investigation has been completed, and all the information has been gathered, the information should be cross-referenced to establish an outcome to the dignity at work issue. The manager will decide on a balance of probabilities, after considering all available evidence, whether or not bullying or harassment has occurred.
- 12.47. NUS will aim to reach a decision within 14 calendar days of the formal meeting. On occasions where further investigation is required, a decision will be provided as quickly as possible, whilst allowing for a full and thorough investigation of the issue. If this time limit is likely to be exceeded, the manager will keep colleagues updated on progress and give a timescale by which the investigation is expected to be completed.
- 12.48. The manager will inform the complainant of their decision in writing, Where the complaint is upheld, the colleague should be advised in general terms what action will be taken e.g. if appropriate, disciplinary proceedings will be brought against the subject of the complaint.
- 12.49. The colleague who had the issue raised about them will also be informed of the findings in writing. Where there is a finding of bullying or harassment the colleague will be advised that the grievance has been upheld and the matter will now be considered in line with the NUS disciplinary policy. If the subject of the complaint is not an employee (for example, if they are a client) other appropriate measures will be taken.
- 12.50. Where a complaint is upheld, there is no right of appeal.
- 12.51. Where a complaint is not upheld or partially upheld, the complainant may appeal, (refer

to section 14).

### ***Whistleblowing***

12.52. It is always preferable for colleagues to raise any incidents through the above methods, to help address, challenge or improve behaviours. However, NUS also provides a confidential whistleblowing service via Navex Global, a completely independent organisation. This service may be used as a final alternative reporting route for Dignity At Work issues for people who, for a number of reasons, may not wish to use the internal options outlined in this policy. The service encompasses a free 24/7, 365 day Telephone Hotline, Email and Web Reporting options. The whistleblowing hotline contact details are as follows:

**Call the hotline: 0800 890011 then dial 833 641 0513**

**Visit the online portal: [nus.ethicspoint.com](https://nus.ethicspoint.com)**

### ***Anonymous Reporting***

12.53. The whistleblowing service options can also be used to anonymously report incidents whereby only details concerning the incident will be passed to NUS. This may be e.g. where the individual may not want the issue to be dealt with directly but still wishes it to be reported. NUS will monitor trends in incidents.

## **13. Outcomes and Future Working Relationships**

13.1. The manager, with the support of the HR Team, should take steps to bring about a normalisation of working relationships. The manager should also be aware that other colleagues could be affected through the investigatory process.

13.2. The manager's decision may be one of the following:

- That the complaint should be upheld
- That some elements of the complaint are upheld and some elements are not.
- That the complaint is not upheld.

13.3. Where a grievance is upheld, this may result in a disciplinary process for the individual who is the subject of the grievance, which could lead to dismissal in serious or repeated cases. In this situation, the information and documentation collected as part of the grievance procedure will form the basis of the investigation under the disciplinary procedure. Other evidence may be gathered if it is felt to be in the interests of natural justice.

13.4. If the complaint is upheld, and the person found to have bullied or harassed the complainant remains in the organisation's employment, options for working arrangements will be discussed with the complainant. Every effort will be made to ensure that, if possible the complainant does not have to continue to work alongside the harasser, if they do not wish to do so.

13.5. If the complaint is partially upheld or not upheld, the complainant and the alleged harasser will be supported to allow both parties to continue or resume working and to help repair working relationships. The organisation will consider the voluntary transfer of one of the staff members concerned, rather than requiring them to work together against their wishes.

13.6. The following action may be appropriate and can also be considered in finding a satisfactory resolution to the individual's grievance.

- Facilitated meetings or Formal Mediation for the parties after the event
- Relocation or transfer of the harasser (i.e. where the complaint is upheld) to another post
- Voluntary transfer of either party to another post

- Changes in reporting relationships
- Identification of career development opportunities (may involve training)
- Counselling/advice - to help individuals come to terms with the issues raised.

13.7. The above list is not exhaustive, nor will it provide the solutions for all cases of bullying/harassment. All cases must be treated in a sensitive and appropriate manner and the solutions to the problem can only be derived after a thorough investigation of the individual case.

#### **14. Right of Appeal**

14.1. Where a complaint has not been upheld or is only partially upheld, the complainant may appeal by writing to the investigating manager within 14 calendar days of receipt of the written outcome, clearly stating the grounds upon which the appeal is to be made.

14.2. The Appeals process and timescales as outlined in the NUS formal Grievance procedure will apply.

14.3. In the course of a formal investigation, an employee against whom a complaint has been made may raise a grievance. Where the grievance and harassment complaint are related it may be appropriate to deal with both issues concurrently, conducting a single investigation. Alternatively, NUS may choose to suspend the dignity at work procedure for a short period while the complaint is considered.

14.4. In cases where disciplinary action is taken, the individual subject to the Disciplinary Procedure may appeal in line with the NUS Disciplinary Policy.

#### **15. Malicious Complaints**

15.1. Colleagues who deliberately provide false information or raise issues maliciously will be managed in line with the NUS Disciplinary Policy. Such action will not be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

#### **16. Confidentiality**

16.1. Confidentiality is vital so that staff members feel able to raise a complaint without the fear of it becoming a subject of gossip. All staff involved in any complaint, investigation or subsequent action have a responsibility to maintain strict confidentiality. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, the identity and the nature of the allegations must be revealed to the alleged perpetrator so that they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

16.2. Any breaches in confidentiality may be dealt with using the NUS Disciplinary Policy.

16.3. It is important to note that confidentiality does not mean not sharing a complaint with anyone. In fact, colleagues and managers are encouraged to raise concerns appropriately, for example with the HR Team – to ensure that they can take advice and support on how issues and potential complaints should be dealt with.

#### **17. Monitoring and Review**

17.1. All cases of bullying and harassment across NUS Charitable Services and NUS UK will be reviewed and monitored by the HR Team.

### **Examples of behaviour which may amount to harassment and bullying include (but are not limited to) the following:**

- Unwanted physical contact/unwelcome sexual advances – invasion of space, touching, displays of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures or other materials
- Personal intrusion from pestering, spying and stalking
- Verbal or physical threats
- Open hostility
- Shouting or abusive words
- Offensive comments, language or body language
- Telling inappropriate and/or offensive 'jokes'
- Embarrassing or patronising behaviour or comments
- Spreading malicious rumours
- Humiliating, intimidating, and/or demeaning criticism
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Overbearing supervision or other misuse of power or position
- Deliberately undermining someone by overloading with work
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Personal insults including unwelcome remarks about a person's age, dress, appearance, race or marital status
- Sectarian songs and letters
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Isolation from normal work, conversations, or social events
- Pressure to participate in political/religious groups
- Failure to safeguard confidential information.
- Online 'trolling' -offensive comments or posts about colleagues on social media
- Recording meetings without attendees' permission

#### **This list is not exhaustive.**

Behaviour in this context can include face to face conversations, phone conversations, online meetings, email, written communications, visual images, text, social networking sites etc.

The examples listed above must be viewed in terms of the likelihood that anyone could reasonably be offended or put under stress by such behaviour. It is how the individual is reasonably affected by the behaviour rather than the intention behind the behaviour that is crucial in determining whether bullying/harassment has occurred.

### **FACILITATED DISCUSSION INFORMATION SHEET**

#### **What is a facilitated discussion?**

A facilitated discussion is an informal process that helps people to discuss issues in a "safe" environment and in confidence. It helps people to air their views and understand each other's point of view.

The purpose is to look to be future focused i.e. by not dwelling on what has/has not happened in the past, but to look to what can be done differently going forward.

#### **When is a facilitated discussion beneficial?**

A facilitated discussion is beneficial where two or more people have experienced difficulties in their working relationship and would like the situation to improve. It can be helpful where an individual feels that they would like some assistance to air their views. This can be where two or more people's values, opinions or perceptions are very different or where the normal channels of communication have broken down etc.

#### **Who is the facilitator?**

The facilitator should be a line manager with the appropriate skills and who has had no prior involvement in the issues.

#### **What is the facilitator's role?**

The facilitator is only there to open the discussion, set the ground rules and possibly to make some constructive observations. They are not there to make a judgement on who is right or who is wrong. The facilitator recognises that "there are always two sides to every story".

#### **Who normally attends a facilitated discussion?**

As it is essential to allow the two parties involved to lead the session and reach agreement together, it is important to maintain an air of informality that they attend alone.

#### **If I am invited to a facilitated discussion do I have to attend?**

No, the process is voluntary and you do not have to attend if you do not wish to do so. Unless you are one of a group of people with a concern unfortunately you cannot send a representative to attend on your behalf. In order for it to be successful you need to be willing to speak openly about your feelings and perceptions and likewise you will need to take on board the other person's feelings and perceptions. Obviously other people cannot do this for you and you have to be a willing participant in order for it to work.

The purpose of the meeting is to focus on outcomes.

#### **Where is facilitated discussion done?**

In a private place which is neutral to both parties and where you won't be interrupted.

#### **What if the parties do not reach any agreements?**

In most cases you will not agree on everything, you may have to "agree to disagree" on some points.

You will be encouraged to stick to your feelings and perceptions of incidents. These feelings and perceptions are owned by you and therefore cannot be disputed. You may however change the way you feel about something once you have heard the other person's perception.

### **Will I be able to get my point of view across?**

Yes, you will have plenty of opportunity to explain how you feel and perceive things. The facilitator will ensure you have said all that you want to say on one issue before the other party is given an opportunity to respond. Both parties will be given a further opportunity to respond to each issue before moving on to the next.

The facilitator will not allow the other party to interrupt or "shout you down"

### **What is the ultimate aim of a facilitated discussion?**

The ultimate aim of a facilitated discussion is to allow both parties to understand each other's feelings and perceptions. Both parties can then move on from a particular point in their relationship and start afresh after the meeting. Often individuals agree on specific circumstances or behaviour that leads to the difficulties in their relationship. They may also agree on ways of doing things differently in the future to prevent the situation from happening again.

### **I still feel uncomfortable about the meeting and I am worried what the other person may say.**

Remember the other people present are not judging who is right and who is wrong and the meeting is held in the strictest confidence. You are not there to defend your actions. You are listening to another person's feelings and perceptions as well as being given the opportunity to "air" your own. Everyone's perceptions are very different especially when under pressure, when things are happening in their home life or when feeling unwell. This is an opportunity for you to understand things from another person's point of view.

### **What will happen after the facilitated discussion?**

During the discussion, it may be suggested that a follow up meeting takes place to review progress. This again will be informal and voluntary and it may be with fewer people than the original facilitated discussion.

### **What if the facilitated discussion is not successful?**

It is very unlikely that the facilitated discussion will be of no benefit at all. Even if you agree to disagree on many points you will understand each other's perceptions. If it is successful you have a lot to gain, a new understanding, possibly an agreement to work differently and a fresh start.