

## Anti-Harassment and Bullying Policy

Approved by:	Remuneration & HR	Date:	17 June 2025
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Manager responsible:	Chief Executive		

### 1. About this policy

- 1.1 Falmouth and Exeter Students' Union is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as students, other staff on campus, suppliers or visitors to our premises.
- 1.3 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, and volunteers.
- 1.4 This policy does not form part of any employee's contract of employment, or any contract to provide services, and we may amend it at any time.

### 2. What is harassment?

- 2.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 2.2 The effect of such behaviour and whether it is unwanted should be considered from the point of view of the person who feels harassed (the "recipient").
- 2.3 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.4 All employees should be aware that differences in attitude, background and culture can mean that what one person may perceive as acceptable behaviour may not be acceptable to another. Therefore, staff should always be mindful of this when conducting themselves in the workplace. Whilst most people do not mean to upset or offend, this could be interpreted as behaviour relating to bullying and harassment.
- 2.5 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.6 Harassment may include, for example:
  - (a) derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;

- (b) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
  - (c) offensive emails, text messages or social media content; or
  - (d) mocking, mimicking or belittling a person's disability.
- 2.7 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

### **3. Sexual Harassment**

- 3.1 Sexual harassment is unwanted behaviour of a sexual nature. It is specifically outlawed by the Equality Act (2010).
- 3.2 As an employer, we have a legal duty to take reasonable steps to prevent sexual harassment of our workers.
- 3.3 Sexual harassment is defined by the Equality and Human Rights Commission as any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them
- 3.4 The word 'unwanted' here means 'unwelcome' or 'uninvited'. This does not mean that express objection must be made to the conduct before it is considered unwanted. A worker does not need to make it clear in advance that the behaviour is unwanted.
- 3.5 Types of behaviours which constitute sexual harassment include, but are not limited to:
- (a) Physical conduct:
    - Unwelcome physical contact including patting, pinching, stroking, kissing, hugging.
    - Fondling, or inappropriate touching.
    - Physical violence, including sexual assault and rape.
    - The use of job-related threats or rewards to solicit sexual favours.
  - (b) Verbal conduct:
    - Banter
    - Mimicry
    - Comments on a worker's appearance, age, private life, etc.
    - Sexual comments, stories, jokes or pranks
    - Sexual advances
    - Repeated and unwanted social invitations for dates or physical intimacy
    - Insults based on the sex of the worker
    - Condescending or paternalistic remarks

- Sending/sharing sexually explicit messages/images (by any medium)
- Coercion
- Gaslighting (a form of covert emotional abuse)

(c) Non-verbal conduct:

- Display of sexually explicit or suggestive material or imagery
- Graffiti
- Acts affecting a person's surroundings
- Posts or contact on social media
- Sexually suggestive gestures
- Facial expressions
- Whistling
- Leering
- Predatory behaviour

3.6 Anyone can be a victim of sexual harassment, regardless of their sex, sexual orientation or gender identity or that of the harasser. Sexual harassment may also occur between people of the same sex. We recognise that sexual harassment often arises as a form of violence against women. Sexual harassment can also be a form of violence targeted at men and those with non-binary gender identities.

3.7 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's mobile phone in the workplace.

3.8 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Equality Act 2010.
- Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- Alleging that a person has contravened the Equality Act 2010.

3.9 Victimisation may include, for example:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
- Excluding someone because they have raised a grievance about harassment.
- Failing to promote someone because they accompanied another staff member to a grievance meeting.

- (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.
- 3.10 Harassment, sexual harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:
  - (a) In a work situation.
  - (b) During any situation related to work, such as at a social event with colleagues.
  - (c) Against a colleague or other person connected to us outside of a work situation, including on social media.
  - (d) Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.
- 3.11 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.
- 3.12 We will take the following actions to prevent the sexual harassment of staff:
  - Mandatory sexual harassment training for all staff
  - Outline our zero-tolerance approach to sexual harassment in contracts, documentation, and signage within our premises
  - Undertake risk assessments to assess the risks of sexual harassment specific to our organisation, and identify controls and mitigations to manage these risks. This will include a consideration of factors that can increase the risk of sexual harassment
- 3.13 If any harassment, sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.
- 3.14 Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, colour or sexual orientation by a student, member of the partnership or supplier visiting the SU's premises, or where a person is visiting a student, member of the partnership or supplier's premises or other location in the course of their employment.
- 3.15 Third-party sexual harassment can result in legal liability and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. Although a member of staff cannot bring a claim for third-party harassment alone, it can still result in legal liability for an employer when raised in other types of claims. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

- 3.16 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 3.17 We will take active steps to try to prevent third-party sexual harassment of staff. These may include outlining our zero-tolerance approach to sexual harassment in contracts, documentation, members code of conduct and signage within our office spaces.
- 3.18 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with the relevant members of the partnership.

#### **4. What is bullying?**

- 4.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 4.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, for example:
- (a) physical or psychological threats;
  - (b) overbearing and intimidating levels of supervision; or
  - (c) inappropriate derogatory remarks about someone's performance.
- 4.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

#### **5. If you are being harassed or bullied**

- 5.1 If a member of staff believes that they have suffered or are suffering any form of harassment and/or bullying, they should bring it to the attention of The SU through the following procedure in preference to the standard grievance procedure.
- 5.2 It is extremely important that this is done at the earliest possible opportunity, i.e. immediately after the first occasion on which such harassment/bullying takes place however trivial. Staff should not wait for it to occur a second time before informing The SU. Staff may be apprehensive about doing so but staff are assured that complaints will be treated seriously and dealt with sensitively, fairly and, where possible, confidentially.
- 5.3 Most people suffering harassment and/or bullying simply want it to stop. As a first step, therefore, staff should usually try and deal with the problem informally.
- 5.4 Although any informal action taken will depend on the nature of the complaint, in general terms, staff could try and resolve matters informally by one or more of the following:
- Approaching the alleged harasser/bully directly and speak to them politely and in private, making it clear that the behaviour in question is offensive, is not welcome and should be stopped. As an alternative, staff could put their

request to them in writing. If they do this, they should set out details of the behaviour that concerns them and the date(s) on which it has happened;

- Approaching the alleged harasser/bully with the support of a colleague, unrelated to the incident, or trade union or employee representative. If staff are asked to give support, they should do so if they are willing and able to help. Staff must, of course, respect the need for confidentiality; or
- Approaching the alleged harasser/bully with the support of a Head of Department

- 5.5 If staff find it too difficult or embarrassing to do any of the above themselves, they could ask their line manager to approach the alleged harasser/bully on their behalf. If their complaint relates to their line manager, they should discuss it with the next level of management.
- 5.6 If staff have been unable to resolve their complaint informally (or it is not appropriate to discuss the matter on an informal basis), they must either put their complaint in writing and submit it to a Head of Department, or via the [anonymous reporting forms](#). If the complaint is regarding the Chief Executive, this must be submitted to the Chair of the Board.
- 5.7 They should try to make their complaint as soon as possible following the alleged act of harassment and/or bullying so that it can be dealt with quickly and before memories fade.
- 5.8 Staff must ensure that they provide enough detail about their complaint to enable the person dealing with the complaint to understand and investigate it. Staff should also include copies of any relevant documents that the person dealing with the complaint might not have seen or have access to. If they do not provide sufficient details about their complaint, then there may be a delay in the meeting to discuss it while the person dealing with the complaint obtains further necessary details. Where possible, written complaints should include the following details:
- Name of alleged harasser/bully;
  - The nature of the behaviour the staff member wishes to complain about;
  - Date(s) and time(s) when it is alleged that the harassment and/or bullying;
  - Names of any witnesses; and
  - Any action already taken to stop the alleged harassment and/or bullying.
- 5.9 If staff find it difficult to write about their complaint, they should seek help from a work colleague or trade union representative but must make sure that they know to keep the matter confidential.
- 5.10 The person dealing with the complaint will take reasonable steps to ensure that there is no unreasonable delay in dealing with a complaint raised under this procedure. However, if at any time it is not possible for the person dealing with the complaint (at any stage) to comply with the time scales set out in this procedure, staff will be told why there is a delay and informed of the likely time scale.
- 5.11 The person dealing with the complaint will normally arrange for someone to attend meetings held under this procedure (including any appeal) to take notes. These notes, along with a copy of the written complaint, copies of the decision(s) made, notes of any action taken and

subsequent developments will be kept confidential on the employee's personnel file and in accordance with the Data Protection Act 2018.

- 5.12 Staff must take all reasonable steps to attend meetings arranged under this procedure. If they are unable to attend for whatever reason, they should let the person dealing with the complaint know as soon as possible so the meeting can be rearranged. Staff may propose an alternative date for a meeting if their chosen companion is unable to attend.
- 5.13 The person dealing with the complaint will take reasonable steps to ensure the location and timing of any meeting held under this procedure is reasonable and will take reasonable steps to ensure that meetings held under this procedure are conducted in a manner that enables both parties to explain their case.
- 5.14 When a decision has been made on the complaint the staff member will be informed, in writing, of the decision and, unless they have reached the final stage of the procedure, be informed of their right of appeal.
- 5.15 When staff make a complaint of harassment and/or bullying, or a complaint is raised about them, they generally have the right to be accompanied and represented at all stages of the procedure by a trade union representative or a fellow worker of their choice
- 5.16 During any formal grievance meetings, the employee will have the right to be accompanied by a companion: either their trade union official or a fellow worker of their choice. The companion cannot be a witness in the proceedings. The companion will be allowed to address the hearing and confer with the employee during the hearing but will not be allowed to answer any questions on their behalf.
- 5.17 In the case of a trade union official, they must be an official employed by a trade union, or a lay trade union official certified in writing by the relevant Trade Union as having authority from the Trade Union to accompany the employee at the hearing, together with official confirmation from the Trade Union that the employee is a member of that Trade Union. No one is obliged to act as a companion if they do not wish to do so.
- 5.18 Once a formal complaint of harassment and/or bullying has been made, The SU has to consider whether arrangements should be made to avoid contact between the staff member and their alleged harasser/bully. The person conducting the investigation will discuss the position and take any concerns that the staff member may have into account. Appropriate action may include removing the alleged harasser/bully to another area of work (where possible) away from the staff member until the matter has been resolved. With the staff member's agreement, it may also include them moving to another area of work.
- 5.19 Where allegations of serious harassment or bullying have been made, consideration will be given to suspending the alleged harasser/bully on full pay while The SU investigates the complaint.
- 5.20 Both parties will be advised that there should be no communication between them, directly or indirectly, regarding the complaint and the investigation.
- 5.21 The SU will ensure that a full, sensitive, prompt and impartial investigation is conducted of the formal complaint, with due regard given to the staff member's rights as the complainant and those of the alleged harasser/bully and in a manner which respects the confidentiality of all concerned.

- 5.22 As a general principle, the decision to progress a complaint rests with the staff member. However, as the employer, The SU has a duty to protect all workers and may pursue a complaint independently if it is considered that it is appropriate to do so in all the circumstances.
- 5.23 The Head of Department (or other appropriate person) will investigate the complaint and invite the staff member to an initial meeting to discuss it within three working days of receipt of the complaint. The purpose of this meeting is to ensure that the nature and substance of the complaint is fully understood. Where necessary, further meetings may be held during the investigation. Staff will be informed if it is necessary to arrange for someone else to investigate the complaint. Those appointed to carry out the investigation will not be connected with the allegation(s) in any way.
- 5.24 The person who conducts the investigation will also meet with the alleged harasser/bully within five working days of receipt of the complaint to:
- Outline the nature of the complaint;
  - Confirm that it is being handled under the formal procedure;
  - Ensure that the individual is aware of the next stages of the procedure; and
  - Advise of the right to be accompanied throughout the procedure
- 5.25 After the initial meetings, the person conducting the investigation will write to the alleged harasser/bully outlining the nature of the complaint and set a date for a formal meeting to be held to discuss their complaint with them. The formal meeting will normally take place within five working days of the initial meeting with the alleged harasser/bully. Further meetings will be held if necessary.
- 5.26 If necessary, meetings will be arranged with other relevant people. This may include managers, work colleagues, anyone who observed the alleged incident or who observed their demeanour or that of the alleged harasser/bully after the alleged incident. All those giving information will do so in private and not in the presence of any other person involved in or present during the alleged incident. The importance of confidentiality will be emphasised to them. A complete record of all meetings and investigations will be made.
- 5.27 The person who conducts the investigation will decide whether to uphold the complaint and whether to recommend any other action. Where the person conducting the investigation does not have the authority to take the necessary action, the matter will be passed to someone who does.
- 5.28 The staff member, and the person against whom the complaint was made, will be notified of the decision in writing usually within five working days of the final investigation meeting. Details of any disciplinary action taken against any individual will however remain confidential.
- 5.29 Where the complaint is upheld, but it was not appropriate to dismiss the harasser/bully, the person dealing with the complaint will consider whether The SU needs to take any other action to enable the staff member to continue working without embarrassment or anxiety. This could include mediation, counselling, or amending working practices to minimise contact between them. If The SU concludes that the staff members should not work together, it will always consider the disciplinary transfer of the harasser/bully as a first step.



If however it is agreed with the staff member that they will move, The SU will ensure that they will not suffer any disadvantage because of it.

- 5.30 Where the complaint is upheld, The SU will monitor the situation to ensure that the harassment or bullying has stopped and will offer and provide support (such as counselling and training) as necessary.
- 5.31 Even if the complaint is not upheld, (for example because of inconclusive evidence) consideration may be given to a voluntary transfer or rescheduling the work of either parties rather than requiring them to continue to work together against their respective wishes. In the event that neither of them will agree to such a transfer nor rescheduling but The SU reasonably considers such action to be necessary, it reserves the right to consider the termination of the contract of either party.
- 5.32 If a staff member is not satisfied with the outcome of their complaint, they may appeal the decision to the Chief Executive within ten working days of the date of the decision. They must set out full details of why they are not satisfied with the outcome in writing.
- 5.33 As soon as possible, and in any event within ten working days of receipt of the appeal, a meeting will be arranged. The appeal chair will carry out any further investigation that may be necessary. The chair will be either the Chief Executive or an appropriate Director.
- 5.34 The appeal chair will normally provide the staff member with a written decision on their appeal within ten working days of the final meeting taking place. Copies of the decision will be sent to all parties. The decision of the chair will be final.
- 5.35 The time limits set out in this procedure may need to be varied for example in order to ensure that a thorough investigation is completed or where relevant people are not available.
- 5.36 Where this occurs, the person carrying out the investigation will use reasonable endeavours to keep staff informed of any change to the timetable.
- 5.37 There are limited statutory circumstances in which The SU may not be obliged to follow or continue with the statutory grievance procedure (which has been incorporated into this procedure). Staff will be advised in writing in the event that these circumstances apply.

## **6. If you witness harassment, sexual harassment or victimisation**

- 6.1 Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
  - (a) Intervening where you feel able to do so.
  - (b) Supporting the victim to report it or reporting it on their behalf.
  - (c) Reporting the incident where you feel there may be a continuing risk if you do not report it.
  - (d) Co-operating in any investigation into the incident.
- 6.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

## **7. Protection and support for those involved**

- 7.1 Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result.
- 7.2 However, any malicious and false complaints will be treated as gross misconduct and appropriate disciplinary action will then be taken against any worker who maliciously supports or assists in the bringing of the false complaint. Where The SU reasonably believes that gross misconduct has been committed, the normal result will be dismissal without notice and without any pay in lieu of notice.
- 7.3 Victimisation or retaliation against a worker who has, in good faith, made, supported or assisted in the making of a complaint of harassment and/or bullying, will be treated as gross misconduct.
- 7.4 We will monitor the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.
- 7.5 Any time off required by staff as a result of sexual harassment will be handled via sickness absence, and will not count towards absence triggers. Staff also have access to free mental health support via Smart Health.
- 7.6 Support and guidance can also be obtained from HR the following external services:
  - (a) The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)).
  - (b) Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk)).
  - (c) Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk)).
  - (d) Rape crisis ([www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)).
  - (e) Rights of women (England and Wales) ([www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)).

## **8. Record-keeping**

- 8.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Employee Privacy Notice.