

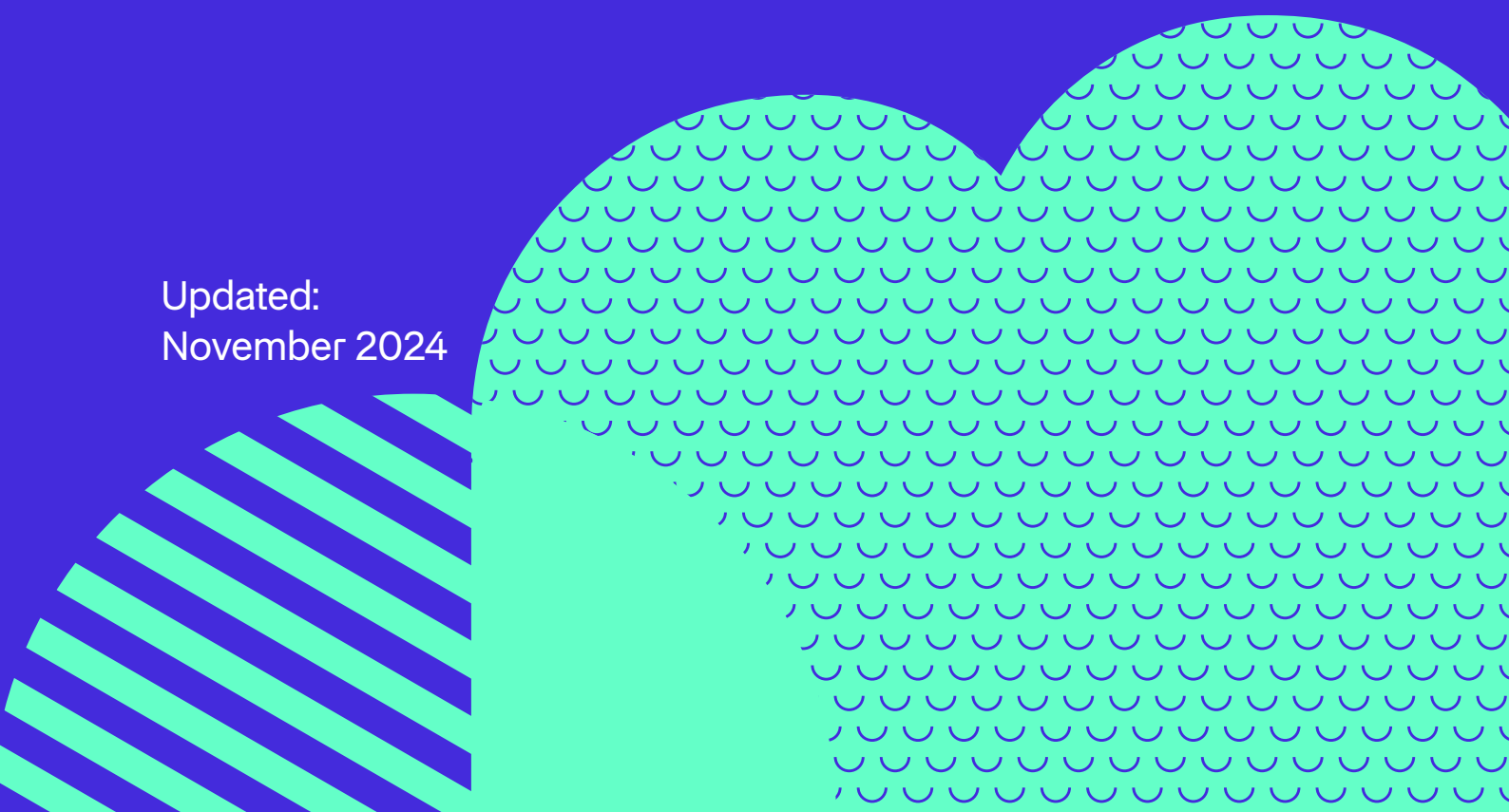


**BUCKS
STUDENTS'
UNION**

Making life better
for students at Bucks

ANTI-HARASSMENT, BULLYING AND SEXUAL MISCONDUCT POLICY

Updated:
November 2024



1. About this policy

- 1.1 Bucks 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 customers, suppliers or visitors to our premises.
- 1.3 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.
- 1.4 This policy does not form part of any employee's contract of employment 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 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 Sexual harassment may include, for example:
 - (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - (b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
 - (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);

- (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- (e) offensive emails, text messages or social media content.

2.7 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 computer in the workplace.

2.8 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:

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

2.9 Victimisation may include, for example:

- (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
- (b) Excluding someone because they have raised a grievance about harassment.
- (c) 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.

2.10 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.

2.11 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.

2.12 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.

2.13 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 their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, colour or sexual orientation by a client, customer or supplier visiting the employer's premises, or where a person

is visiting a client, customer or supplier's premises or other location in the course of their employment.

- 2.14 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.
- 2.15 Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 2.16 We will take active steps to try to prevent third-party sexual harassment of staff. These will include the sharing of this policy publicly and training and awareness activities for our members.
- 2.17 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. If the third-party is a student, they will be subject to relevant bye-law. Sanctions for other third-parties may include, but will not be limited to, warnings about behaviour, premises bans and reporting of acts to the police.

3. What is bullying?

- 3.1 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.
- 3.2 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.
- 3.3 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.

4. If you are being harassed or bullied

- 4.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 4.2 If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure.
- 4.3 We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of

the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

- 4.4 We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.
- 4.5 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 4.6 Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

5. If you witness harassment, sexual harassment or victimisation

- 5.1 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.
- 5.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

6. Protection and support for those involved

- 6.1 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. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 6.2 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.
- 6.3 Support and guidance can also be obtained from the Head of People and Development and the following external services:

- (a) The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
- (b) Protect (www.protect-advice.org.uk).
- (c) Victim support (www.victimsupport.org.uk).
- (d) Rape crisis (www.rapecrisis.org.uk).
- (e) Rights of women (England and Wales) (www.rightsofwomen.org.uk).
- (f) Scottish Women's Rights Centre (Scotland) (www.scottishwomensrightscentre.org.uk).

7. Record-keeping

- 7.1 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 Data Processing Notice (Employee Data).