

SUPPLEMENT 1: EQUAL OPPORTUNITIES CODE OF PRACTICE - GRIEVANCE ASSOCIATED WITH DISCRIMINATION, HARASSMENT, BULLYING AND VICTIMISATION

UNDERSTANDING DISCRIMINATION, HARASSMENT, BULLYING AND VICTIMISATION

1. INTRODUCTION

- 1.1 This supplement must be read in conjunction with The Equal Opportunities Code of Practice for Grievance Associated with Discrimination, Harassment, Bullying and Victimisation.
- 1.2 It provides explanation and ideas, which supports the implementation of the code of practice.

2. SCOPE

- 2.1 Discrimination, harassment, bullying and victimisation are actions and behaviour which are unacceptable and may create an intimidating, hostile or offensive environment and undermine individual dignity. Such behaviour takes many forms and can range from subtle derisory remarks to violent behaviour.
- 2.2 Differences in culture, attitudes and experience or the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. The test of reasonableness is that a reasonable person who is in possession of the same information would regard the action as amounting to harassment.
- 2.3 All members of staff and students are responsible for helping to ensure that individuals do not suffer any form of discrimination or harassment or victimisation or bullying, and they are encouraged and supported in any legitimate complaint.
- 2.4 Difficulty in defining what constitutes discrimination or harassment or bullying or victimisation should not deter staff or students from complaining of action and behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. UCB will respect the sensitivity of discrimination, harassment, bullying and victimisation complaints and their consequences as well as the need for the utmost confidentiality.
- 2.5 Victimisation against any individual who makes a complaint or allegation of discrimination, or has acted as a witness or informant in proceedings under the UCB's Code of Practice of discrimination or harassment or victimisation or bullying is not acceptable and will not be tolerated.

- 2.6 This Code of Practice also recognises the particular relationship of trust and authority between staff and students. If a student feels that they are being subjected to discrimination, harassment, bullying or victimisation by a member of staff they may use the steps outlined in the guidelines for dealing with personal harassment.

3. OVERVIEW OF THE EQUALITY POLICIES

- 3.1 UCB's Equality of Opportunity Policy recognises the serious nature of discrimination, harassment, bullying and victimisation on any grounds in relation to the Protected Characteristics. UCB expects a mature and responsible standard of actions and behaviour which does not inconvenience others in UCB and show respect for them and the fostering of good relations.
- 3.2 Disciplinary Procedures confirm that disciplinary action may result from actions and behaviour that is unacceptable to the UCB community.
- 3.3 In order to properly consider grievance and complaints about conduct in contravention of the Equality of Opportunity Policy help will be given to staff and students to take their grievances through the existing procedures.
- 3.4 The Code of Practice and Complaints Procedure is designed to cover those complaints against staff and students that contravene the principles of the Equality of Opportunity policies. Complaints against staff will be dealt with in accordance with the existing UCB Disciplinary Procedure covering staff. Complaints against students will be dealt with in accordance with the existing UCB Disciplinary Procedure covering students. Complaints against other users of the building will be referred to the Deputy-Vice Chancellor who will take appropriate action.
- 3.5 UCB therefore provides a Code of Practice for investigating complaints, in addition to the Equality of Opportunity Policy and the disciplinary procedures already in place, where all staff take the responsibility for examining the details and proposing solutions or recommendations.
- 3.6 The Code of Practice identifies the procedure UCB will use to investigate a complaint made by staff, students or user of UCB in a prompt and objective manner.

UCB will investigate all types of discrimination, harassment, victimisation, or bullying, and assuming the complaint is proven, the perpetrator(s) will be dealt with in line with the appropriate Disciplinary Procedure.

4. HARASSMENT

- 4.1 Harassment may be an isolated incident or repeated and unwelcome statements or actions which are found to be offensive or objectionable and which creates an intimidating, hostile or offensive environment.
- 4.2 The incidents of harassment, if perpetrated by staff or students, constitute serious or gross misconduct, and will be dealt with in accordance with UCB's

disciplinary procedures. These include examples of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation:

- 4.2.1 Making threats or physical assault against a person or group that is motivated by discrimination, harassment, bullying or victimisation.
- 4.2.2 Insults, name-calling, provocative behaviour, remarks, noise or phrases that cause offence or the denigration - including gestures, expressions or jokes or statements, make up or dress, or wearing insulting badges or insignia.
- 4.2.3 Unwelcome and repeated patronising or abuse or physical or verbal advances of a sexual or threatening nature.
- 4.2.4 Victimisation that occurs as result of a complaint associated with discrimination, harassment, bullying and victimisation.
- 4.2.5 Graffiti and other written insults, including the display of visual material such as posters.
- 4.2.6 Political or other activity that has the effect of harming equality of opportunity. This includes attempts to recruit students to groups or organisations that discriminate against other groups.
- 4.2.7 Bringing in materials such as leaflets, comics, magazines or posters which are in any way directed against other groups of people.
- 4.2.8 Connecting opportunities for training, promotion, and successful educational outcomes with sexual favours.
- 4.2.9 The use of modern technology to transmit inappropriate material and messages or jokes which may cause discrimination, harassment, bullying or victimisation.
- 4.2.10 Bringing UCB into disrepute through engaging in attitudes, behaviours, actions and communications which transmit discrimination, harassment, bullying or victimisation.

The above list is by no means exhaustive but serves merely as a guide to the type of behaviour which may result in action being taken.

5. FOOTNOTE:

- 5.1 Any words or actions which incite negative attitudes and behaviour towards age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation – assault, insulting language or provocative speech or piece of writing - are an offence under a range of legislation and may invoke criminal proceedings. In all cases seek help immediately as deemed appropriate, directly or indirectly, through the Equality and Diversity Co-ordinator or a senior manager.

5.2 KEY LEGISLATION:

5.2.1 The Equality Act 2010 and other legislation (as amended).

[Note: The legislation is briefly explained within the document entitled "Equality, Diversity, Rights and Business Practice: Anti-discrimination Practice Principles, Staff Mandatory Training and Updating 2019-20.]

If you feel you are being harassed, UCB will support you and safeguard your interests. Please approach the appropriate person for help and guidance (as indicated above) rather than suffer distress or leave your job or programme of study.

Equal Opportunities Committee 15 October 2019

Contact Information

Dr Godfrey Henry

Equality and Diversity Co-ordinator

Room 323, Summer Row Building

University College Birmingham, Summer Row, Birmingham, B3 1JB

Telephone: 0121 604 1000 ext 2633 or Direct Line: 0121 232 4433

E-mail: g.henry@ucb.ac.uk

Website: www.ucb.ac.uk