



# Royal College of Art

Postgraduate Art & Design

## Dignity at Work Policy (*Anti-bullying, harassment and victimisation*)

### 1. Introduction

- 1.1 The Royal College of Art is committed to creating an environment of mutual respect, where differences are valued and respected and where innovation, creativity and diversity can flourish.
- 1.2 Positive working relationships – whether between staff and staff, staff and students or students and students - are central to this. Mutual respect is facilitated by:
  - the promotion of values of dignity, courtesy and respect;
  - delivering a culture of active prevention of bullying, harassment, victimisation and sexual misconduct;
  - proactively role modelling and promoting the values of dignity, courtesy and respect whilst recognising the College's values of integrity, inclusion, collaboration and curiosity.
- 1.3 In response to the Worker Protection (Amendment of Equality Act 2010) Act and in conjunction with the College's Prevention of Sexual Harassment Policy, the aim of this policy is to help prevent bullying, harassment, victimisation and sexual misconduct and to provide definitions and principles relating to bullying, harassment, victimisation and sexual misconduct.
- 1.4 The purpose of this policy is to ensure that all cases of alleged bullying, harassment, victimisation and sexual misconduct are dealt with empathically, promptly, effectively, fairly and confidentially. The College will not tolerate or accept any bullying or harassment behaviour and provides avenues for members of staff to raise a complaint either informally or formally to resolve the complaint and to stop any behaviour that is causing offence or distress.
- 1.5 Any incident of bullying and harassment will be regarded seriously and investigated as per the Investigation Procedure. Should the complaint be upheld, remedies will be sought and may result in disciplinary action being taken against the person complained against, which could result in their dismissal from the College.
- 1.6 The College is also committed to protecting and promoting freedom of speech within the law and as such this Policy operates in accordance with the College Code of Practice on Free Speech. The College is also committed to academic freedom and critical analysis within the law, for academic staff to be able to question, challenge and debate new ideas and opinions.

## **2. Scope of Policy**

- 2.1 This policy covers employees, workers, Council members and Visiting or Emeritus Professors at the Royal College of Art. This policy should be read in conjunction with the Personal Relationships and Prevention of Sexual Harassment policies.
- 2.2 In the case of sexual harassment, this policy also extends to harassment by third parties such as volunteers, contractors, students, agency workers, casual workers, and visitors/members of the public.
- 2.3 A student is defined as an individual who is registered on a programme of study at the College.

## **3. Responsibilities**

- 3.1 College staff are entitled to go about their work without fear of bullying, harassment, victimisation and sexual misconduct. Staff are actively encouraged to come forward and raise concerns when they have them, without fear of retaliation or repercussions.
- 3.2 All College staff are required to comply with this policy. All staff are required to treat others in an appropriate and respectful manner in line with the College's *Values into Practice* framework.
- 3.3 All managers are expected to model respectful behaviour, intervene promptly where concerns arise, and seek guidance from People & Culture when unsure.
- 3.4 The Director of People & Culture has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making to their nominee.
- 3.5 The College is responsible for acts of discrimination, harassment and victimisation by its staff in connection with work, whether or not the College was aware of, or approved of, those acts. Harassment can be a breach of criminal law (Criminal Justice and Public Order Act 1994 and the Prevention of Harassment Act 1997).
- 3.6 The College also has a duty of care towards its staff's health, safety and welfare under the Health and Safety at Work Act 1974.
- 3.7 The Worker Protection Act (Amendment of Equality Act 2010) Act places a legal duty on employers to take reasonable steps to prevent sexual harassment of their employees (the 'preventative duty'), which led the College to introduce a Prevention of Sexual Harassment Policy.

## **4. Definitions**

### **4.1 Bullying**

Behaviour directed towards a staff member, or group of staff, which creates an intimidating, hostile or offensive environment for that person or persons. It may be an abuse or misuse of power through means that undermine, humiliate, demoralise or frighten another member of staff.

Examples of bullying at work could include:

- persistent, unjustified criticism,

- shouting in public or private,
- excessive supervision,
- direct verbal and/or physical threats,
- unfair use of disciplinary and assessment procedures,
- playing jokes, insulting or putting someone down,
- inaccurate accusations about quality of work,
- undermining responsibility,
- abusive reference to age, sex, race, disability or other protective characteristic and isolation from others,
- spreading malicious rumours about someone,
- deliberately giving someone a heavier workload than everyone else,
- putting humiliating, offensive or threatening comments or photos on social media.

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media in emails or calls
- happen at work or in other work-related situations
- not always obvious or noticed by others

Day-to-day business will not typically amount to bullying, for example:

- Organisational change, subject to consultation
- Legitimate, reasonable and constructive criticism of performance or behaviour
- Reasonable instructions given in the course of employment
- Decline of a request on business grounds, where the rationale is clearly set out
- Vigorous academic debate
- Not being invited to a meeting or group where you are not required
- Management or investigation under a formal process (for example, investigation of a grievance or complaint)
- Putting in place a performance improvement plan following previous feedback on performance.

Bullying can also happen from staff towards someone more senior, for example, a manager. This is referred to as 'upward bullying' or 'subordinate bullying'. It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly.

## 4.2 Harassment

Harassment, including sexual harassment, is defined as unwanted physical, verbal or non-verbal conduct or behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of or related to one or more of the following protected characteristics: gender, sexual orientation, gender reassignment, race, religion or belief, disability or age.

## Examples of unacceptable behaviour

Type of harassment	Examples of behaviours
Sexual harassment or sex-related	Any form of unwanted verbal, non-verbal or physical conduct or behaviour of a sexual nature. This may include, unwelcome sexual advances, requests for sexual favours to another person, lewd, suggestive or over-familiar behaviour, unwelcome sexual attention, insults or ridicule based on someone's sex or sexual orientation or gender reassignment, display or circulation of sexually offensive material.
Gender reassignment harassment	Unwanted verbal, non-verbal or physical conduct or behaviour related to gender reassignment. Calling nicknames linked to the fact that the person has undergone gender reassignment. Inappropriate touching, leaving items specifically associated with old or new gender on desk, jokes, ignoring or refusing to use an individual's chosen pronouns
Racial harassment	Obscene gestures or jokes about, or gratuitous references to, a person's colour, race or nationality. It can include deliberate exclusion for reasons related to race. Offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual, or fostering hatred and/or prejudice towards individuals or particular ethnic groups.
Disability harassment	Using insulting terminology when referring to a colleague with a disability. Excessive staring, for example at someone with a facial disfigurement. Ignoring, disparaging, ridiculing or denying opportunities because of mistaken assumptions about their capabilities. Mimicking a disabled colleague's mannerisms or speech.
Religious harassment	Remarks, banter or jokes about particular religious beliefs or religious practices. Derogatory remarks made about an item of clothing or jewellery worn by someone as a symbol of their religion.
Sexual orientation harassment	Deliberate isolation of someone on grounds of their sexuality or perceived sexuality. Homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviours/abuse relating to HIV or AIDS status.
Age harassment	Banter or jokes that make fun of a colleague's age or demeaning their abilities and/or singling a colleague out because of age. Ignoring someone, or treating their views as worthless because they are younger or older than other colleagues.

References to harassing a person include alarming the person or causing the person distress. Such conduct will be harassment if it is intended to have that effect. Conduct that offends someone can also be harassment, even if that effect was not intended, if it is reasonable for it to have that effect. This means the following will be taken into account:

- the facts established, and
- the perception of the person at the receiving end of the conduct, and
- the other circumstances of the case, and
- whether it is reasonable for the conduct to have the effect under scrutiny.

Harassment can occur in many ways. It may be verbal, in writing, physical through gestures or otherwise and it may be online, in-person or through any communication means. It may be directed at an individual or group, occur in their presence or be otherwise communicated to them including by third parties or other means.

Conduct can be harassment even if it is not directed at the person who is harassed.

Day-to-day business will not typically amount to harassment, for example:

- The content of provided course materials, including books, videos, sound recordings, and pictures, and similar materials used for non-academic professional services
- The statements or views appropriately expressed as part of teaching, research or discussions about the content of a provided course of programme of study
- Organisational change, subject to consultation
- Legitimate, reasonable and constructive criticism of performance or behaviour
- Reasonable instructions given in the course of employment
- Decline of a request on business grounds, where the rationale is clearly set out
- Not being invited to a meeting or group where you are not required
- Management or investigation under a formal process (for example, investigation of a grievance or complaint)
- Putting in place a performance improvement plan following previous feedback on performance.

#### 4.3 Victimization

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

A 'protected act' is:

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

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

Ways someone could be victimised include:

- being labelled a troublemaker
- being left out
- not being allowed to do something

Victimisation is a specific type of discrimination under the law (Equality Act 2010). It's different to bullying (see section 4.1)

#### 4.4 Abuse of authority

Abuse of authority is where someone uses their position of power or authority in an unacceptable manner. Abuse of authority can take various forms and may include, but it is not limited to, grooming, manipulation, coercion, putting pressure on others to engage in conduct they do not feel comfortable with. Please read more about this in the Personal Relationships Policy.

#### 4.5 Grooming

When a person in a position of power or authority builds a relationship with someone so they can abuse them and/or manipulate them into doing things they may not be comfortable with and may also make it less likely that the abusive behaviour is reported or rejected.

#### 4.6 Third Party

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

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

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

- written communications – notes, letters or email.
- visual images – pictures of a sexual nature or embarrassing photographs of colleagues
- phone – text messages, photos and clips of unacceptable behaviour
- social media – social network sites e.g. Facebook, X (formerly Twitter), Instagram.

The College may take appropriate steps to address third party misconduct, including reporting to the individual's employer, removing access, or taking other safeguarding measures.

#### **4. Making a complaint**

##### **5.1 Resolving the situation informally**

All complaints should be dealt with promptly. Some may be dealt with informally. In minor cases it may be sufficient for the member of staff being harassed to raise the problem with the perpetrator, pointing out the unacceptable behaviour.

No one is expected to confront the person responsible if they feel uncomfortable doing so. If the member of staff finds this difficult, they can seek support from a colleague who works for the College, appropriate line manager, an HR Advisor or a Trade Union representative. If the alleged harasser is their immediate line manager, then the member of staff should approach their head of service/programme and/or a HR Advisor.

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

##### **5.2 A formal complaint**

If it is not appropriate to resolve the complaint informally, or attempts to resolve it formally have been unsuccessful, a formal complaint can be raised via a line manager, HR advisor or a named Report + Support report. The complaint will be investigated in accordance with the College Investigations Procedure.

If the investigation finds that there is a case to answer, disciplinary proceedings may be instigated against the alleged perpetrator in line with the Disciplinary Policy.

Support will be available throughout the process for both parties. All concerns will be treated seriously and managed in accordance with the College's grievance and disciplinary procedures.

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

##### **5.3 Complaints about Students**

If an employee raises a complaint regarding a student, an investigation would usually be conducted by the Student Support team in accordance with the RCA Student Misconduct and Disciplinary Policy.

##### **5.3 Complaints from Students**

Students who feel they have experienced or witnessed bullying, harassment, victimisation or sexual misconduct by a member of staff are encouraged to let the College know by using the College's Report and Support platform. Alternatively, students can make a formal complaint under the Student Complaints Policy. Any complaint or allegation from a student relating to harassing or bullying behaviour by a member of the College's staff will be dealt with under the Student Complaint Policy. If a complaint is upheld, this will be referred to the People and Culture team for a decision about any action that may be taken under the Staff Disciplinary Policy.

Students who feel they have experienced or witnessed bullying, harassment, victimisation or sexual misconduct by a third party/ member of the public in the course of their studies should

report this via Report & Support, or directly to a member of College staff, such as a personal tutor or supervisor.

Staff who receive a disclosure from a student have a responsibility to ensure it is appropriately recorded and referred to the Student Support team.

## 6. Support Available

The College is committed to providing support for members of staff affected by bullying, harassment and sexual misconduct.

Available support includes:

The People & Culture Team (including trained Sexual Violence Liason Officers)

The Student Experience Team (including trained Sexual Violence Liaison Officers)

All staff have access to the College's Employee Assistance Helpline free of charge on 0800 085 1376 which provides free and confidential advice and support to help staff with issues affecting their personal and work lives. The helpline is available 24 hours a day, 7 days a week, including bank and public holidays.

## Mediation

The College encourages mediation as an efficient and effective method to resolve conflict. Mediation can be used as a tool for early intervention between parties to aid in the resolution of workplace conflict. Mediation is a process whereby a trained mediator facilitates a discussion with all parties to give them the opportunity to be heard and listen to each other's point of view to try and reach a resolution. Mediation is not compulsory and must be agreed by all parties. For more information please contact your HR Advisor.

Please contact a HR Advisor for additional details, support and guidance in relation to this policy.