

UNIVERSITY OF BIRMINGHAM DUBAI

HARASSMENT & BULLYING POLICY

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Part I – Introduction and Definitions

Purpose and Scope of the Policy

1. In this Policy:
 - ‘Harassment’ shall mean harassment, bullying or victimisation as defined in Part I, of this Policy.
 - ‘Complainant’ shall mean the person or group who make an allegation of Harassment
 - ‘Alleged Harasser’ shall mean the person or group who are the subject of allegations of Harassment
2. This policy is non-contractual but all employees and students at the University are expected to adhere to it.
3. The purpose of this Policy is to state the University’s position on Harassment, to raise awareness amongst the University community of behaviour that would be considered Harassment, and to provide guidance on informal and formal means of dealing with Harassment when it occurs.
4. This Policy applies to all Registered Students of the University, Students on a Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands (referred to in this Policy as ‘students’), all employees, including honorary employees, and all visitors to the University.

University Policy Statement on Harassment

5. The University believes that Harassment pollutes the working and learning environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it. The University is committed to creating a working and learning environment free from Harassment and discrimination in which all employees, students and visitors to the University are treated with dignity and respect. These principles are enshrined in the University Charter and its Statutes, which states:
‘The University promotes equal opportunities and shall exercise no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation in the admission of students, or the appointment or promotion of employees or the awarding of any Degree, Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.’
6. All employees and students are expected to uphold these principles and to support and promote the creation of a Harassment-free working and learning environment.
7. The University strongly encourages any employees, student or visitor who considers they are suffering Harassment to take action using the procedures set out in this Policy. The University in turn commits to take seriously and thoroughly investigate any allegations of Harassment that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, action will be taken against the perpetrators, up to and

including dismissal of employees or expulsion of students. Individuals who engage in unlawful Harassment may also be held personally liable for their actions and subject to prosecution under criminal law.

What is Harassment?

8. Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it. For the purposes of this Policy, the University will use and apply the following definition of Harassment as being:
9. 'Unwanted conduct related to a characteristic which has the purpose or effect of: violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'
10. Harassment may take place for any number of reasons. A person may be subjected to Harassment because they are perceived as being 'different to the norm' in some way or are in a less powerful position than the Alleged Harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that Harassment can occur in less obvious scenarios and outside of traditional power relationships. For example an employee could be harassed by a student or a manager by an employee. In addition, an individual may feel harassed even if the behaviour is not directed at them (Harassment because of association) or it is directed at them but they do not have the protected characteristic but are perceived to have it (Harassment because of perception).
11. Whether or not the Harassment or bullying amounts to a criminal offence will depend on the subject matter of the conduct. Comments of a sexual nature could constitute an offence under the Penal Code (Federal Law No. 3 of 1987). Derogatory comments which may be interpreted as blaspheming any of the divine recognised religions could constitute a criminal offence under the Penal Code, and if the comments relate to the heavenly religions, may constitute an offence under Anti Discrimination Law.

What Behaviour Constitutes 'Harassment'?

12. As the definition of Harassment makes clear, any behaviour that is unwanted and could reasonably be considered as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially Harassment. Typically, for behaviour to be considered Harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute Harassment.
13. Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages and graffiti. It may be expressed directly to the Complainant, occur in their presence or be communicated about them to a third party. Often Harassment is targeted at a particular individual. However, a prevailing workplace or learning culture, where, for example, the telling of racist jokes or homophobic comments is tolerated, can also constitute Harassment.

14. Behaviour amounting to Harassment may include:
- Insults, name-calling and offensive language and gestures
 - Inappropriate jokes
 - Ridiculing and undermining behaviour
 - Inappropriate or unnecessary physical contact
 - Physical assault or threats of physical assault
 - Intimidating, coercive or threatening actions and behaviour
 - Unwelcome sexual advances
 - Isolation, non-cooperation or deliberate exclusion
 - Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
 - Offensive images and literature
 - Pestering, spying or stalking
15. These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University.

Reasonableness

16. On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another.
17. When considering allegations of Harassment, the University will therefore apply a test of 'reasonableness' to determine if Harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the Complainant, could the behaviour in question 'reasonably be considered' to cause Harassment, e.g. could it reasonably be considered to:
- violate the Complainant's dignity, or
 - create an intimidating, hostile, degrading, humiliating or offensive environment for them.
18. The University recognises Harassment as distinct from vigorous academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Regardless, Religion is an integral part of UAE culture and it is important that comments in relation to religion are made very carefully after deep reflection and consideration as to how they may be interpreted and misinterpreted to ensure that there is no possibility of perceived insult to a religion.
19. Whilst employees and students will clearly hold a range of views on a variety issues, they would be expected to treat all members of the University community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

What is Bullying?

20. Bullying can be defined as unwanted 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'¹ Typically, bullying is one person against another or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. an employee may be bullied by a student or a manager by an employee.

What Behaviour Constitutes 'Bullying'?

21. Behaviour generally accepted as amounting to bullying includes:
- Ridiculing a person
 - Shouting or screaming at a person
 - Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
 - Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
 - Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
 - Making threats or comments about job security or academic success or failure without foundation
22. The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by the University.
23. When considering allegations of bullying, the University will apply the test of 'reasonableness' to determine if bullying has taken place. The test will be applied as outlined in paragraphs 17-18 above with due regard in particular to the perception of the Complainant and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the Complainant.
24. Bullying is distinct from vigorous academic debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

Electronic bullying and the use of Social Media (Blogs, Wikis, Forums, Email etc.)

25. Electronic bullying is a term used to refer to bullying through electronic media. In sending emails all employees and students should consider the content, language and appropriateness of such communications.
26. The use of Social Media for appropriate purposes has grown considerably over the last few years. The General Conditions of Use of Computing and Network Facilities

¹ ACAS 'Bullying and Harassment at Work: A Guide for Managers and Employers.'

must be followed. The following guidance is also relevant for both students and employees:

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on an individual will be much the same
 - avoid forming or joining an online group that isolates or victimises students or colleagues
 - ensure that the employee never use such sites to access or share illegal content
 - never make reference to or post images or photographs relating to the private life or family life of an individual without their expressed permission
 - never make comments that may be considered defamatory
27. If instances of what might be online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

Victimisation

28. Victimisation is when a person (A) subjects another person (B) to a detriment because they have (or person A believes they have), in good faith, made allegations of Harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.
29. Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.
30. Victimisation is unlawful under Harassment and discrimination legislation and will be treated as a form of Harassment under this Policy.

Hate Crimes

31. The University accepts the following definition of hate crime and intolerance, put forward by Universities UK, the Equality Challenge Unit and SCOP:
- 'Crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence.'*
32. The University reaffirms its belief that the diversity of its employees and students is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.
33. Any hate crime will be treated as a form of Harassment under this Policy and the University reserves the right to report to the Police any incident which it believes may constitute a criminal offence.

Good Faith

34. If, at any time, there is evidence that allegations of harassment or bullying have been made vexatiously or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.
35. Please be aware that false or defamation statements made to third parties which cause harm to an individual may be considered a criminal offence in UAE (Articles 372 and 373 of UAE Federal Law No. 3 of 1987 (as amended)). Whilst this provides some protection to individuals from harassment, it also means that discretion is important when an individual is reporting concerns and similarly that confidentiality is exercised in the investigation of those concerns.

Part II – Employees and Student Procedures

Addressing Harassment and Sources of Support

36. The University encourages employees, students and visitors to take action against Harassment using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.
37. If a person believes they are being subjected to Harassment it is recommended that, where possible and appropriate those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the Complainant to decide how they wish to proceed.
38. Whichever approach is chosen, it is recommended that a written record of any incident of Harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:
 - Details of when and where the Harassment took place, including dates and times;
 - Details of the behaviour; and
 - Details of any witnesses to the behaviour.
39. The [University Harassment Advice Service](#) can also provide support and advice for employees and students affected by Harassment. Advisers can provide guidance on the informal and formal options available and assist individuals in thinking those options through. All Advisers are trained employees volunteers and the service they provide is completely confidential. The Harassment Advice Service can offer support at any stage of the procedure, from initial concerns to formal complaints/allegations.
40. Employees may also wish to make an appointment with the Employee Advice and Listening Service which may be provided by Skype, telephone or in person.
41. Human Resources can provide signposting for employees on the options available under this Policy. Employees should be aware however, that if specific allegations are reported to Human Resources, the Director of HR has the right to take this forward as a formal complaint of Harassment. Employees not wishing to make a formal complaint should take action under the informal procedures below and/or discuss their options with a Harassment Adviser.
42. The Complaints and Appeals Team can provide advice to students on the options available under this Policy, as well as details of the sources of help and support available to advice.
43. Notwithstanding the above, behaviour occurring on campus that is extreme and/or violent should be reported directly to the Director of Campus Operations.

Informal Procedures for Addressing Harassment

44. If a person believes they are being subjected to Harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures.

Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a number of 'informal approaches' that can be adopted, as outlined in sections below.

45. Individual Action

- a. The University recommends that anyone who believes they are being subjected to Harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. If approaching the person directly does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Ideally, the Alleged Harasser should be approached at the earliest opportunity.
- b. When taking individual action, the Complainant or a person acting on their behalf should try to:
 - Pick a time and a place where they can speak privately and without interruption;
 - Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
 - Make it clear that the behaviour is unwelcome and must stop immediately.
- c. Further guidance for the Alleged Harasser who may be approached informally about their behaviour is below.
- d. Although asking someone to assist with discussions of this type might be helpful, Complainants should avoid involving too many people in the situation. This can be counter-productive and may lead to allegations being made against the Complainant.
- e. It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

46. Third-party intervention

- a. If approaching the Alleged Harasser directly does not resolve the situation, or is inappropriate, seeking third party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the Alleged Harasser can often help get the right message across. For employees, an appropriate third party would be their line manager in accordance with the relevant employee's grievance procedure or, where this is not possible, the next senior level of management. For students, it may be a personal or welfare tutor and/or senior member of their School. It would not normally be appropriate to engage the support from fellow students.
- b. The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the Alleged Harasser to discuss the allegation and make clear that any behaviour that could be considered Harassment under this Policy must stop immediately. Alternatively, the thirdparty

may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship, (see section 48 below). In the case of employees, both the Complainant and Alleged Harasser may be accompanied by a work colleague to any meetings at this stage in the process. Students may be accompanied by a Friend at their request.

- c. Although asking someone to act as a third party may be helpful, Complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against Complainant.

47. Mediation

- a. Where relationships have been damaged, the University's Mediation Service can help both parties to rebuild their relationship. Mediation is a voluntary and confidential process which enables parties to resolve issues with the assistance of a professionally-qualified mediator. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.
- b. Employees' referrals for mediation should be made to Employee Support Services (Workplace Wellbeing), who will first meet with the parties to determine whether the case can be mediated in a 'mediation suitability conference'. Suitability is determined according to the nature of the alleged Harassment, risk to individuals involved, the individual situation and the nature of Harassment. Further information about the mediation and conflict resolution service is available from Workplace Wellbeing.
- c. Students who may wish to consider mediation as a way forward should contact The Complaints and Appeals Team.

Formal Procedures for Addressing Harassment

48. If informal methods do not resolve the matter, or if the Harassment is particularly serious, a formal allegation of Harassment should be submitted.
49. Formal allegations of Harassment should be made in writing and include:
 - The Complainant's personal details (including employees or student ID number);
 - An outline of the allegation (including dates, times and places);
 - Details of the Alleged Harasser;
 - Details of any witnesses; and, if relevant
 - Details of any informal attempts which have been taken to resolve the situation and the outcome(s).
50. Employees should address their letter in accordance with the requirements of the relevant formal grievance procedure. This is whether their allegation is against an employee or a student. Formal complaints are made under the relevant employees' grievance procedure and will involve a formal investigation into the allegations.

51. Students who wish to make a formal allegation against employees or students should be directed to the Code of Practice on Student Concerns and Complaints and should submit a Concern Review form.
52. When the complaint is from a student and if the Alleged Harasser is, the Investigating Officer shall inform HR of the allegations and keep them informed throughout the process to enable HR to decide whether and when a separate employee's procedure may need to be instigated.
53. Where an investigation finds that Harassment has taken place, this may result in disciplinary action under the relevant employees or student procedure.
54. Allegations should be made by named individuals. The University cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Guidance

55. Guidance for Persons Accused of Harassment (the Alleged Harasser)
 - a. Persons who are accused of Harassment, either under the formal procedure or who are approached informally about their behaviour can seek support and advice from the [University Harassment Advice Service](#). If a formal complaint/allegation has been made, the Human Resources Team (for allegations made by employees) or the Complaints and Appeals Team (for allegations made by students) can provide guidance on the investigatory process.
 - b. Persons who are approached about their behaviour are advised to consider what is being said carefully, and not to dismiss the claims out of hand. Even if it was not the intention to cause offence, actions can still constitute Harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change. If a person believes the accusation against them to be unfounded, they should still participate willingly in any proceedings so that the situation can be resolved.
 - c. In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause Harassment. In this case the Alleged Harasser should explain that the behaviour would not be repeated and parties should come to an agreement regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.
 - d. Persons subject to a formal allegation of Harassment should not contact the Complainant or any named witnesses as this is unlikely to solve, and may aggravate, the situation.
 - e. Employees and students, who are or who have been the subject of a complaint, should be aware of the guidance on Victimisation above.

56. Guidance for Persons Witnessing Harassment

- a. In the case of employees, when Harassment occurs in a group situation the person in authority in that group has the responsibility to recognise this behaviour and to take action to stop it. This may mean reporting the behaviour to a more senior colleague or, if they are the line manager of the person, by speaking with the Alleged Harasser directly. It is important that it is made clear to the person that such actions are unacceptable and can result in disciplinary action. Silence or inaction may be interpreted as collusion or endorsement of such behaviour and creates a working environment in which Harassment is deemed to be 'acceptable'.
- b. If the person in authority is the Alleged Harasser, or there is no identifiable person to take the lead on the matter, others within the group should support the individual subject of the Harassment in taking one of the courses of action outlined in this Policy.
- c. Students who believe they may have been a witness to Harassment may want to consider:
 - Speaking to the 'victim' of the Harassment to ask how they felt about the behaviour and to offer support in pursuing the matter as outlined in this Policy;
 - Speaking to the Alleged Harasser to see if they understood that their actions were potentially hurtful.