



# Bullying, Harassment and Sexual Misconduct Policy

## 1. Introduction

- 1.1 The University has shared values which guide the way we work with each other, our students and our external partners. These form the basis of our Staff Code of Conduct, which translates our vision values into practical day-to-day behavioural expectations for our staff.
- 1.2 This document outlines our approach towards bullying, harassment and sexual misconduct. Our staff and students have the right to work and study at the University without fear of discrimination, bullying, harassment and behaviours which constitute sexual misconduct. We encourage all to embody a collective responsibility to create and contribute to a supportive culture for all staff and students. This involves exhibiting positive and collegiate behaviours ourselves, and challenging or reporting unacceptable behaviour witnessed within the University community.
- 1.3 This policy is applicable to on-campus working, remote working, and includes interactions via social media. It includes working relationships and wider interactions and/or behaviours which take place outside of working hours and/or the environment, such as work social events, conferences and community events.
- 1.4 The University has a responsibility to safeguard the safety of all employees, all other persons using or working on University premises, and those affected by the University's undertakings. The University therefore reserves the right to investigate any allegations made against a member of staff and take reasonable action where a serious risk to the organisation or to the health and safety of a member of the University community is identified.

## 2. Scope

- 2.1 The following people are expected to abide by and uphold this policy: All University staff, atypical/casual workers (including students who undertake work for the



University), visiting academics/researchers, honorary staff, emeritus staff, agency staff, self-employed/consultant/independent contractors who are undertaking work with the University.

- 2.2 If you are a student at the University of Sheffield, further guidance is available on the [Harassment and Bullying](#) web page.

### 3. Guiding principles

- 3.1 The guiding principles work alongside the principles and expectations within the Staff Code of Conduct.
- We are all accountable for our actions and should challenge or report unacceptable behaviour witnessed within the University community
  - The University will not tolerate unacceptable behaviour and promotes an environment in which people who are subject to unacceptable behaviour or witness it feel able to raise complaints without fear of victimisation
  - Staff who report any such behaviour will be supported, and where appropriate, signposted to appropriate resources or help
  - Managers should challenge unacceptable behaviour including that which constitutes bullying, harassment and sexual misconduct in a swift, proportionate and timely manner, and escalate through the existing procedures, where necessary.

### 4. Freedom of speech

- 4.1 The University is subject to statutory duties to support and promote freedom of speech and academic freedom and discharges these responsibilities in accordance with its [Code of Practice on Freedom of Speech and Academic Freedom](#) (the Code). Academic, Teaching and Research staff have freedom within the law to question and test received wisdom, and to put forward new ideas. This policy will be interpreted and applied in a manner compatible with the Code. In particular, no member of Academic Staff, Teaching Staff or Research Staff will be subject to action in line with this procedure as a consequence of exercising their right to freedom of speech or academic freedom within the law.
- 4.2 All staff should also consider the manner in which views or ideas are conveyed, such as tone, delivery and frequency and to whom this is directed. For example,



messages which are targeted towards an individual with a protected characteristic may be more likely to be considered harassment due to the manner in which they are expressed.

## 5. Bullying, harassment and sexual misconduct definitions and examples

- 5.1 This policy includes definitions and examples of bullying, harassment, sexual misconduct and victimisation. These examples are illustrative and not exhaustive. Some of the behaviours or actions could constitute criminal behaviour and may be investigated by the police, for example, activity which could constitute a hate crime.
- 5.2 Please note that all examples of unacceptable behaviours apply to all communications and/or interactions which take place face-to-face, via telephone, or on digital platforms such as email, virtual meetings, social media or online messaging platforms.
- 5.3 Behaviours which constitute bullying, harassment and sexual misconduct may be initiated by a staff member and directed towards another staff member, or a third party e.g. a student or patient. However a third party may also direct such behaviours towards a staff member. In these circumstances, the appropriate course of action or policy will be determined by the nature of the situation and the relationship of the perpetrator to the University.

## 6. Bullying

### 6.1 Definition of bullying

6.1.1 Bullying, for the purposes of this policy, may be characterised by the following:

- Intimidating or malicious behaviour
- A pattern of negative behaviour which is targeted at an individual, or individuals, repeatedly and persistently over time
- An abuse or misuse of power through means that undermine, humiliate, denigrate or injure the person being bullied. Power abuse in the workplace is



not always related to structure or formal hierarchy, and may instead be linked with the perpetrators relationship with specific groups or individuals, or the perpetrators power to withhold resources or knowledge that are essential to another person's role.

Determining whether an act or acts constitute bullying will depend on wider contextual information - for example, an individual's response to potentially bullying behaviour, or the response of the perpetrator if they become aware of how their behaviour is being received.

## 6.2 Types and examples of bullying behaviour

- 6.2.1 There are many different types of bullying which may involve single individuals, or groups of people. The bully may be a victim's manager or supervisor, a colleague (at all levels) or a third party e.g. a student or a patient. Bullying often involves a misuse of power which may be linked to the bully's more senior role or position, their relationship with certain individuals or groups or the resources they are linked with. Whichever form it takes, it may cause fear, humiliation or distress to an individual or group of individuals.
- 6.2.2 It is possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.
- 6.2.3 Bullying behaviour can be considered harassment if unwanted behaviour is related to the protected characteristics of age, disability, gender reassignment, race, religion or belief (or lack thereof), sex or sexual orientation. See Harassment section 7 for details.
- 6.2.4 The following paragraphs outline non-exhaustive examples of behaviours which could constitute bullying. These examples are aligned with and build upon the expectations set out in the Staff Code of Conduct.
- 6.2.5 Different types of bullying behaviour may include (dependent on wider circumstances):
- Physical, verbal or emotional, or a mix of all three
  - Passive in a manner that results in an individual being treated differently to others, e.g. exclusion, silent treatment or withdrawal from usual interactions
  - Aggressive e.g. intimidation, threats or humiliation
  - Obvious and public, or subtle and hidden



6.2.6 Examples of personal bullying include (dependent on wider circumstances):

- Ignoring, excluding, isolating or marginalising someone
- Ridiculing or insulting a colleague or student
- Physical attacks, inappropriate physical contact or physical intimidation, for example shouting or yelling, pushing and grabbing, finger pointing or standing too close to someone
- Verbal abuse, making threats or directing obscene or offensive language towards someone
- Inappropriate non-verbal communication or gestures
- Ganging up with others against someone or encouraging others to criticise the target
- Spreading rumours, lies or malicious gossip
- Actions which constitute cyberbullying via digital platforms such as email, virtual meetings, social media or online messaging platforms e.g. threatening comments, posting comments/photos which are deliberately mocking an individual with the intention to embarrass or humiliate them.

6.2.7 Some examples of day to day workplace bullying include (dependent on wider circumstances):

- Making unfair changes to objectives or targets, deliberately setting up someone to fail by giving them unachievable tasks, an unmanageable workload or impossible deadlines, or making unreasonable demands of an individual (relative to their role) accompanied by the threat of punitive action in the event of a failure to deliver
- Overbearing or intimidating levels of supervision and/or surveillance, or persistent criticism/nitpicking unrelated to competence or performance
- Deliberately using and taking credit for someone's work without fair acknowledgement
- Making unsubstantiated threats to staff or students from a position of power. This could involve threats about job security, access to opportunities, lack of future progression, dismissal or assessment and grades
- Withholding information, deliberately 'losing' information, failing to pass on messages or deliberately supplying incorrect or unclear information in order to cause difficulty to another person.



## 7. Harassment (including sexual harassment)

### 7.1 Definition of harassment

7.1.1 Harassment, for the purposes of this policy, may be defined as unwanted conduct which has either the purpose or the effect of:

- Violating the person's dignity, or
- Creating an intimidating, degrading, humiliating or offensive environment for that person.

7.1.2 This behaviour or treatment must relate to one or more of the following protected characteristics: age, disability, gender reassignment, race, religion or belief (or lack thereof), sex or sexual orientation.

7.1.3 Sexual harassment is characterised by unwanted behaviour of a sexual nature which has either the purpose or the effect of:

- Violating the person's dignity, or
- Creating an intimidating, degrading, humiliating or offensive environment for that person.

7.1.4 To determine if the effect of behaviour amounts to harassment (including sexual harassment), it is necessary to consider (i) the perception of the individual; (ii) the circumstances of the case; and (iii) whether it is objectively reasonable for the conduct to have that effect (Equality Act 2010).

7.1.5 The University upholds the right of staff to freedom of speech and expression. Unlawful speech (such as discrimination or harassment under the Equality Act 2010) is not protected.

### 7.2. Types and examples of harassment

7.2.1 Harassment can take many forms and can occur in communications and/or interactions which take place face-to-face, via telephone, or on digital platforms such as email, virtual meetings, social media or online messaging platforms

7.2.2 Some (non-exhaustive) examples of harassment within or outside of the workplace may include (dependent on wider circumstances):



- Recording without consent and/or sharing images or video footage which are graphic or sexual in nature
- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- Sexual comments, questions or jokes about an individual's personal life
- Unwanted physical sexual advances e.g. grabbing or touching
- Unwelcome sexual behaviours or suggestions e.g. catcalling, wolf-whistling, banter, propositions, suggestive remarks, or gender-related insults, including sexually explicit messages
- Stalking e.g. pestering an individual in person, in writing, electronically or over the phone. This can include violence, or the threat or fear of violence, or being followed or spied on, which causes distress
- Systematic ostracism or exclusion from normal conversation in the work environment, or work related social events
- Unwelcome comments about someone's appearance or the way they dress
- Persistently using the wrong names and pronouns following the transition of a person's gender identity (despite this previously having been brought to the individual's attention)
- Persistently and deliberately mispronouncing any name (despite this previously having been brought to the individual's attention)
- Ascribing a name or nickname on the basis of a protected characteristic
- Communicating any aspect of someone's protected characteristics without permission e.g. LGBT+, disability, religion or belief
- Mimicking, insulting or making fun of someone because of a protected characteristic.

## 8. Sexual Misconduct

### 8.1 Definition of sexual misconduct

- 8.1.1 Sexual misconduct is a broad, non-legal term which covers a spectrum of unwanted, or attempted unwanted, behaviours of a sexual nature including sexual harassment and sexual violence. It can also include sexual conduct which is not unwanted, but which may be inappropriate for reasons such as misuse of power, real or perceived conflicts of interest, or breach of professional boundaries.
- 8.1.2 Sexual misconduct may have a wide ranging impact on an individual, such as their access to education, opportunities and career progression.



## 8.2 Types and examples of sexual misconduct

8.2.1 Some (non-exhaustive) examples of sexual misconduct may include (dependent on wider circumstances):

- A staff/student relationship which features an abuse of power and breach of professional boundaries (e.g. Principal Investigator/supervisor and student) - For more information see the Personal Relationships policy.
- Grooming e.g. building a relationship of trust and an emotional connection with an individual in order to manipulate, exploit and abuse them (between staff-staff or staff-student)
- Intimidation, or promising resources or benefits in return for sexual favours (between staff-staff or staff-student)
- Sexual assault and violence
- Relationship abuse which is defined as any incident(s) of controlling, coercive, threatening behaviour or violence or abuse between those who are or who have been intimate partners. This may include psychological, physical, sexual, financial and/or emotional abuse.
- Examples cited in 7.2.2 which could constitute harassment and/or sexual misconduct which includes:
  - Sexual comments, questions or jokes about an individuals' personal life
  - Unwanted physical sexual advances e.g. grabbing or touching
  - Unwelcome sexual behaviours or suggestions e.g. catcalling, wolf-whistling, banter, propositions, suggestive remarks, or gender-related insults, including sexually explicit messages
  - Recording without consent and/or sharing video or images which are sexual in nature

## 9. Victimisation

9.1 Victimisation occurs when an individual is treated detrimentally either because that person has made a complaint of bullying, discrimination or harassment, or because they have supported someone else who has made such a complaint. For example, by giving a witness statement that supports the allegations. Examples of victimisation could include:





- No longer being involved in meetings or projects on the basis that you have previously made a complaint of discrimination, harassment or bullying
- Being excluded from social events or gatherings because you have been a witness for a colleague within a sexual harassment case
- Being allocated an excessive workload following a complaint of discrimination, harassment or bullying.

## 10. Reporting bullying, harassment and sexual misconduct

- 10.1 If you feel that you have been subjected to inappropriate behaviour, there are a number of routes you can take to raise your concerns. It is also important that you inform the University of any inappropriate behaviour that you have witnessed in the workplace, as part of our collective responsibility to uphold our culture.
- 10.2 There is no right or wrong way to report your concerns - it is most important that the University is aware of any issues so that these can be addressed and we can help you to access the support you may need.
- 10.3 In the first instance you could take action to resolve the situation informally, for example, challenging this directly with the individual involved, or asking another to do this on your behalf.
- 10.4 If this is not possible or you do not feel comfortable in doing so, you may wish to raise your concerns through any of the following routes which are also outlined in the Staff Code of Conduct:
- Through our online platform [Report + Support](#)
  - Your line manager
  - Another trusted manager or leader
  - Human Resources contact
  - For early career researchers, via your faculty lead or Early Career Researchers champion
  - Head of School
  - Your trade union representative (if applicable).

Information on how we treat a disclosure is provided on the [Introduction to Report and Support](#) web page.



- 10.5 Whoever receives a report should forward this to HR so that it can be addressed.
- 10.6 Following your report, HR will contact you to arrange an initial discussion to outline the next steps and signpost you to appropriate avenues of support. The University takes complaints and reports very seriously, and where appropriate, a full and thorough investigation will take place. This may be under the remit of the formal Disciplinary or Grievance procedures and wherever possible, the appropriate route will be agreed with you. During this time the case will be dealt with sensitively and as confidentially as possible, and you will be signposted to support that you may require.
- 10.7 If your complaint is formally investigated, then it will be necessary for fairness to provide information about the alleged incident of bullying, harassment or sexual misconduct to the subject of the complaint. Whilst it may be possible to do this without revealing the identity of the complainant, this is not always possible. It may also be possible for the perpetrator to deduce the complainant's identity from the information provided to them. If you are concerned about this then your manager and an HR colleague can discuss ways in which you can be supported.
- 10.8 We promote an environment in which all feel able to raise complaints without fear of reprisal or victimisation. However, if you do feel that you are facing unfair behaviour in connection with a previous complaint, you may wish to raise a complaint of victimisation. All reports of victimisation will be treated sensitively and confidentially. Please note that raising a first complaint does not prejudice a second complaint which you may feel needs to be raised at a later date. Each complaint will be given due consideration.
- 10.9 Where multiple reports or complaints of bullying, harassment or sexual misconduct are received (either anonymously or on an informal basis) relating to a particular team, service or area of the University which may give rise to concern, the University can choose to instigate an 'environmental investigation'. The aim would be to understand the circumstances in greater detail, determine if support and interventions are needed, ensure the effective resolution of concerns raised and help to prevent any future repetition of the inappropriate behaviours that are identified by the investigation.
- 10.10 In the event that an individual is involved with a complaint or incident which is referred to the police, the University will offer appropriate support and assistance. For example, this may include time off from work for police interviews or to make statements, and signposting to other forms of support. In the event of a conflict of interest, the University will act with impartiality and without prejudice towards individuals involved.



## 11. Health and safety and safeguarding

- 11.1 The University has a responsibility to safeguard the safety of all employees, all other persons using or working on University premises, and those affected by the University's undertakings. The University reserves the right to investigate any allegations made against a member of staff and take reasonable action where a serious risk to the organisation or to the health and safety of a member of the University community is identified.
- 11.2 Where the student, member of staff or member of the public who has experienced bullying, harassment or sexual misconduct is under the age of 18 or is deemed to be a vulnerable adult, there may be a safeguarding element involved, and the Safeguarding Policy will be referred to.

## 12. Further information

- 12.1 Further information including Report + Support, what happens after a complaint has been made and sources of support can be found on our web pages at [Introduction to Report + Support](#) and [Bullying, Harassment and Sexual Misconduct](#).

### **Document control**

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