



Anti - Harassment Policy

Purpose

Bath Spa University supports the rights of all staff to be treated with dignity and respect. This policy is designed both to help prevent harassment and to offer support to any member of staff at the University who feels that they are being harassed by another member. This policy aims to assist in developing and encouraging a working and learning environment and culture in which harassment is known to be unacceptable and where individuals have the confidence to complain of harassment without fear of ridicule or reprisals.

This policy covers all staff of Bath Spa University (for the purposes of this policy, the definition of staff also includes workers, employees, volunteers, voluntary workers, contractors and job applicants), and third parties for the purposes of Sexual Misconduct.

Although cases of harassment may be resolved informally, it may be necessary to take formal action which could lead to disciplinary action or possibly dismissal for staff. The possibility that complaints may be made with mischievous or malicious intent is also recognised and will be treated as grounds for possible disciplinary action.

In addition to the internal University procedures and remedies for dealing with harassment, individuals who harass another individual will be in breach of civil and criminal law under any of the following:

- Equality Act 2010
- Human Rights Act 1998
- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997
- Worker Protection (Amendment of Equality Act 2010) Act 2023

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1. Responsibility and accountability

The Vice-Chancellor has responsibility and accountability for Equality throughout the institution and is also responsible implementing and monitoring this policy through the Equality and Diversity Steering Group. However, all members of the University, both staff and students, have a duty to ensure that individuals do not suffer from any form of harassment and that if they do, they are supported in seeking to eliminate it and in pursuing any legitimate complaint about the harassment.

2. Definitions

2.1. Harassment in General Terms

There are many forms of harassment which can be described in simple terms as unwelcome behaviour that affects the dignity of people. It is the conduct of one or more people against another or others when an intimidating, hostile or offensive atmosphere is created. In general terms, it is actions or comments viewed as demeaning or unacceptable by the recipient.

Harassment takes many forms and includes behaviour related to:

- Gender;
- Ethnicity;
- Colour;
- Disability;
- Religion;
- Nationality;
- Age;
- Occupation;
- Marital status;
- Sexual orientation;
- Other personal characteristics.

Conduct that is acceptable to one person may prove to be unwelcome to another and the test applied must be that the conduct, whether unwitting or deliberate would be judged as harassment by any reasonable person

Examples of harassment are given below, although there are many forms:

- Abuse through e-mail or other electronic media;
- Telling jokes of bad taste;
- Displaying offensive material in any form;
- Written abuse including graffiti and web sites;
- Spreading malicious rumours or insulting someone;
- Inappropriate language that causes offence to others
- Specific examples of sexual harassment are listed in section 2.2 below.

The grounds for claims of harassment are listed below. This list, however, is not exhaustive, and any harassment for whatever reason, is treated seriously.

- Harassment on the grounds of disability, which is directed at those with a physical or other disability.
- Racial harassment is directed at those from different racial, religious or ethnic origin.
- Religious harassment is aimed at those of a different religion and may include drawing unwelcome attention to an individual's religious beliefs.
- Harassment on the grounds of age is based on attitudes, assumptions and stereotyping that are prejudice to older or younger people and may include expressing prejudicial assumptions about abilities or exclusion from social events.
- There are 3 types of harassment that can happen because of sex. These are:
 - Harassment related to sex is when someone experiences unwanted behaviour that's related to them being a man or a woman.
 - Sexual Harassment is unwanted behaviour of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment;
 - Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

2.2 Sexual Harassment

In October 2024 new legislation was introduced giving greater level of protection to staff against sexual harassment now requiring employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

Examples of sexual harassment include:

- Displaying sexually graphic pictures, posters or photos
- Making promises in return for sexual favours
- Physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- Showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- Unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- Offensive comments about appearance or dress, innuendo or lewd comments, or remarks;
- Leering, whistling or making sexually suggestive gestures; and

- Gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

2.3 Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful. Examples of bullying behaviour are shown below, this list is not exhaustive:

- Shouting, verbal and written/electronically transmitted abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- Deliberate undermining of an individual through unfair work allocation and/or constant criticism, and excessive levels of supervision.
- Inappropriate and derogatory remarks about a person's performance.
- Unfounded or inappropriate threats and/or comments about job or course security.
- Public ridicule, sarcasm or humiliation.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

2.4.0 Microaggressions

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

2.5 Disciplinary Action

Harassment, sexual harassment or victimization and bullying may lead to disciplinary action

up to and including dismissal if it is committed:

- In a work situation
- During any situation related to work such as at a social event with colleagues
- Against a colleague or other person connected to Bath Spa University outside of a work situation, including on social media, or
- Against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

Factors such as abuse of power over a more junior colleague or student will be taken into account when deciding what disciplinary action to take. Please refer to the Staff Disciplinary Policy for more information on disciplinary sanctions.

3. What do you do if you feel you are being harassed?

If you think someone is harassing you, you must not feel this has to be tolerated. Harassment is not always easily identified or easy to deal with. It is advisable to keep a record of incidents that bother you, including time, date, circumstances, names of witnesses and how you felt at the time. You may also wish to consider taking the action outlined in section 4 and 5 below.

If you feel that you have experienced Sexual Violence and Misconduct, including sexual harassment, please also see the Staff Sexual Violence and Misconduct Procedure for greater detail of support available and available actions.

4. Anti - Harassment Support Advisors

Anti-Harassment Support Advisors are staff representatives who have been specially trained to provide staff with support if they feel they are being harassed in any way (for Sexual Violence and Misconduct please contact an HR Business Partner for support and review the Staff Sexual Violence and Misconduct Procedure).

Anti-Harassment Support Advisors are available to listen to your concerns or to help you take appropriate action to deal with cases of harassment. The Anti-Harassment Support advisors treat all matters confidentially unless there is an unacceptable risk to yourself or others within the University. In this case you will be informed of any action that may be deemed necessary and fully involved in the process.

Please see the list of [current advisors](#) who are trained to help and support you if you believe you are being harassed. You may approach any one of the advisors for confidential support.

5. Informal and Formal Action

5.1. Individual Action

If possible, make it clear to the person causing the offence that you find the behaviour unacceptable and ask the person to stop. In some cases this will be sufficient to resolve the situation. If you feel unable to speak to the person concerned, or having spoken the behaviour persists, you should keep a note of details, dates, times, circumstances and witnesses, including a note or any ways in which the incidents cause you to change the pattern of your work.

5.2. Informal Action

If you feel unable to take individual action, or this has not been sufficient to resolve the issue, talk informally to one of the following, or look for support via the [Report and Support System](#):

- A trained Anti-Harassment Support advisor
- A member of Human Resources

- Your line manager
- Trade Union representative

Any discussion will be confidential, and no further action will be taken without your permission, unless your safety or the safety of others is deemed to be at risk, in which case you will be fully involved in the process. If further action is taken, the person from whom you sought advice will normally continue to support you throughout.

If this informal discussion does not help to resolve the issue, you and/or the person who is supporting you should consult with your HR Business Partner for further guidance.

If you are being harassed by a student, the Deputy Vice-Chancellor responsible for academic matters or the Provost will also be involved in the discussion. The matter may then be resolved informally or the next step may be to formalise matters, which will only be done with your permission, unless your safety or the safety of others is deemed to be at risk, in which case you will be fully involved in the process.

You may choose to report an incident on our [Report and Support system](#). The secure Report section allows people to report an incident on behalf of themselves or a friend/colleague. If you choose to report anonymously, you will have the option to activate the anonymous messaging functionality to allow us to contact you via the Report and Support Platform whilst still retaining anonymity.

Anonymous reporting does unfortunately have limitations, without the ability to offer direct advice we may not be able to resolve your concerns fully, and are unlikely to begin any formal processes in relation to the issues raised.

If you would prefer, you can report something with your details and request to speak to someone about the support and resolutions available.

The Support section offers advice and guidance on bullying and harassment, discrimination, hate crimes, mental wellbeing, sexual assault and sexual harassment, as well as links to the University's policies. Guidance is given either for you, or for someone you might know who is in need of support; this might be a friend, colleague, student or member of staff. It provides some tips on what to think about if this has happened, who you can talk to, and how you can report something.

5.3. Formal Action

If you wish the matter to be made formal, you will need to raise a complaint under the formal Grievance Procedure or for Sexual Misconduct, the Sexual Violence and Misconduct Procedure may apply.

If you raise a complaint to your Line Manager they can informally investigate and may decide to proceed with a formal disciplinary investigation.

As a result, the alleged harasser could be the subject of disciplinary action, the outcome of which may be a written warning or if the matter was serious enough, dismissal.

Document Details

Responsible Office: Human Resources

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Related Policies and Procedures: Sexual Violence and Misconduct Procedure, Domestic Abuse Guidance, Dignity at Work Statement, Student Sexual Violence and Misconduct Procedure, Disciplinary Policy, Grievance Policy, Personal Relationships Policy

Supersedes: Harassment Policy

Next review due: May 2030