

**ISTITUTO MARANGONI LONDON  
DIGNITY AT WORK AND STUDY POLICY**

2022-23

**Version Control Statement**

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## Dignity at Work and Study Policy

### 1. Policy Statement

- 1.1. The School supports
  - Mutual respect and understanding between individuals across all of its constituent communities.
  - The promotion of equality of opportunity amongst all of its employees, students and the wider school community.
- 1.2. The School is legally responsible for the health, safety and welfare of its students, staff and visitors. This Dignity at Work and Study Policy is part of a School wide approach promoting a working, learning and research environment in which differences are welcomed and all forms of harassment, bullying and victimisation are not tolerated.
- 1.3. The School expects all members of our community to treat each other with respect, courtesy and consideration at all times. All members of the School community have the right to expect respectful behaviour from others and have a corresponding responsibility to behave respectfully towards others.
- 1.4. We are committed to offering a welcoming, inclusive and safe environment that will address negative discriminatory behaviours including those based on stereotyping and prejudiced attitudes. We operate a zero tolerance approach to behaviours of harassment, bullying and victimisation. Zero tolerance means that we will not condone or ignore reports of harassment, bullying and victimisation. Any allegation of bullying, harassment or victimisation will be treated seriously, regardless of the seniority of those involved; anyone found to have behaved unacceptably may be subject to disciplinary action up to and including dismissal or expulsion.
- 1.5. This policy ensures that both staff and students have the confidence and clarity around the processes in place to deal with bullying and harassment when it occurs without fear of victimisation.
- 1.6. The School is an academic institution committed to the values of open debate and exchange of ideas. The School is committed to providing an environment where individuals can act in accordance with the right to academic freedom within the law and the School and its staff will conduct themselves in accordance with the School's policies and procedures. Complaints of bullying and harassment are treated seriously by the School. Anyone making complaints which are frivolous, vexatious, malicious or lacking substance will be dealt with under the appropriate disciplinary procedures.

### 2. Purpose of the policy

- 2.1. This policy and accompanying procedures aim to ensure that if bullying or harassment occur, employees and students have support and adequate procedures to address the problem.
- 2.2. Bullying and harassment can have a detrimental effect upon the health, confidence, morale and performance of those impacted and create a negative working and learning environment. The School aims to ensure a timely response to all complaints and to treat them with due respect, appropriate confidentiality and fairness.
- 2.3. Informal resolution can often be the most effective and efficient way to deal with bullying/harassment. The School encourages a degree of flexibility appropriate to the individual circumstances to allow for informal resolution. However, where a formal complaint is made, every effort will be made to ensure it is dealt with expeditiously.

### 3. Key Definitions

- 3.1. Key terminology necessary to understanding and applying the policy.
  - 3.1.1. **Harassment:** Harassment is unwanted conduct, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It encompasses many different types of physical, verbal and non-verbal conduct. It can occur through a single explicit incident or may be sporadic or ongoing. Harassment that is related to a person's or group of people's age, disability, gender identity, marriage or civil partnership, pregnancy or maternity,

race, religion or belief, sex or sexual orientation can constitute unlawful discrimination, for which staff and students can be held legally and personally liable.

- 3.1.2. **Bullying:** Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, microaggressions, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- 3.1.3. **Victimisation:** Victimisation occurs when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment and/or bullying) or have helped another person to make a complaint. It includes situations where a complaint hasn't yet been made but someone is victimised because it's suspected they might make one. If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.
- 3.1.4. **Sexual Misconduct:** Sexual misconduct is unwelcome conduct of a sexual nature which is committed by force, intimidation or coercion. The conduct can relate to physical acts against individuals or acts which create a hostile environment. It can occur between individuals whether or not they are previously known to each other, individuals in an established relationship as well as individuals who have previously engaged in sexual activity.

#### 4. Scope

- 4.1. The policy applies to all members of the School engaged in the course of Istituto Marangoni business. Members will fall into the categories of “internal members” or “external members”. Those considered internal members include: all employees, honorary title holders, students and committee members.

Those considered external members will include: agency staff, volunteers, contractors and business partners or third parties who act on behalf of, or provide services to, the School.

#### 5. Responsibilities

##### 5.1. School responsibilities

- 5.1.1. Ultimate responsibility for this policy rests with the Board of Directors. However, the board will require the School Director and the Academic Board to ensure that the policy is applied effectively. The School Director will devolve responsibility for the application of this policy, and any supporting guidance, to School Senior Managers. It is the responsibility of all persons in authority (which includes all staff working directly with students or members of the public) to:

- Ensure that this Policy is implemented effectively.
- Ensure that staff and students are made aware of the content and implementation of this policy.
- Be alert to potential problems and act promptly without waiting for a complaint to be made to the extent that this is possible (by challenging unacceptable behaviour which is directly observed and promoting an inclusive culture).
- Treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved.
- Deal with any issues raised fairly, in accordance with the relevant School Policy and in line with duties of care to staff and students.
- Take steps to ensure that staff and students who bring complaints, or support others to do so, are not treated less favourably than others because of this (victimisation).

##### 5.2. Individual's Responsibilities

- 5.2.1. It is the responsibility of all School staff and students to:

- Behave in accordance with this policy.
- Take seriously requests to cease or amend behaviour and respond courteously to them.
- Not participate in, encourage or condone the harassment, bullying or victimisation of others.
- Promote an inclusive culture in which colleagues or peers are not subjected to harassment, bullying or victimisation by challenging these forms of behaviour or reporting them to the line manager or supervisor of the person involved.

- Maintain confidentiality of any disclosures or allegations of harassment, bullying or victimisation, only sharing personal information in accordance with general Data Protection principles: “when the vital interests of any person are threatened and the disclosure is made to a relevant, appropriate person.”

## 6. Procedures

The School encourages individuals to solve issues informally as this is often the quickest, most effective and efficient method of dealing with bullying or harassment: the School has in place support measures to reflect this. The informal procedures for students and employees are very similar and are outlined in related procedures.

- If you're a student and your allegation relates to a School employee, follow the student procedure.
- If you are an employee and your allegation relates to a School student, follow the student procedure.

### 6.1. Procedures for Staff

The School recognises that it can be difficult to raise a complaint of harassment, bullying or victimisation whether on an informal or formal basis. The School seeks to ensure that people who feel that they have been the subject of harassment, bullying or victimisation are able to raise their concerns, and to have them addressed appropriately.

### 6.2. Informal Procedures

Employees are encouraged, as far as is reasonably possible and appropriate, to aim to resolve grievances informally through discussion. Trying to resolve a situation informally will not preclude any person from bringing a formal complaint.

### 6.3. Formal Procedures

6.3.1. All formal complaints relating to harassment, bullying or victimisation should be made through existing complaints and disciplinary procedures. The rules of the formal procedures will apply in full. If the person whose behaviour is alleged to be unacceptable should make a counter allegation this will be investigated through the relevant procedures.

6.3.2. Disciplinary action can be taken against individuals who are found to have brought complaints based on knowingly false information or with malicious intent. Such action will not be taken against anyone who brings a complaint in good faith, even if that complaint is not upheld.

6.3.3. In exceptional cases it may be necessary to separate those involved in complaints procedures during the period of investigation. In such circumstances consideration may be given, if possible, to one of the parties to a complaint being transferred, redeployed, asked to work from a different location or suspended from work or study. These steps are taken to protect the interests of both parties and do not constitute disciplinary action. The decision as to which individual will be moved in order to effect the separation will be based on objective criteria such as needs of the services performed by staff, effect on studies for students and any accessibility issues or caring responsibilities of either party. The School Director or Registrar will make the decision whether it is appropriate to separate those involved, based on the information available with advice from Human Resources. The terms and conditions of the arrangements will be confirmed in writing to the employee(s) concerned and will be kept under regular review.

6.3.4. Some forms of harassment can constitute criminal offences or grounds for civil proceedings. Nothing in this policy or related procedures will prevent staff or students from exercising their rights to take legal action.

### 6.4. Disciplinary Action

6.4.1. Whenever an allegation of harassment, bullying or victimisation is upheld, disciplinary action may be taken against the staff member(s) found to be responsible. Any such action will take place through the existing disciplinary procedures.

6.4.2. Serious cases of harassment, bullying or victimisation perpetrated by staff will be treated as gross misconduct and may lead to staff dismissal through the disciplinary hearing process. Less serious

incidents may result in a written or oral warning, or in informal action (such as requiring a member of staff to attend a relevant training session).

6.4.3. In extreme circumstances, incidents of harassment or bullying may be so severe (for example, involving violence or sexual offences) that the School may inform the police of the situation. In such situations, Human Resources (in relation to staff) should always be contacted for advice.

## 6.5. Procedures for Students

6.5.1. You can raise the issue informally with your Personal Tutor, Supervisor, Programme Leader, or other member of School staff and they will work towards resolving the issue, using means including but not limited to:

- Holding an informal meeting between the person who has made a complaint and the person whose behaviour is the subject of complaint and any others who might help to resolve the situation (such as a supervisor or tutor).
- Speaking separately with people involved in the situation.
- Using restorative approaches to increase awareness of the impact of behaviour and rebuild relationships.

6.5.2. Where a student wishes to raise a formal complaint against the behaviour of an external contractor or supplier of goods and services, complaints should be raised through the organisation's complaint procedure. The student should contact local School staff (e.g. Student Services) who will provide support.

6.5.3. Some forms of harassment can constitute criminal offences or grounds for civil proceedings. Nothing in this policy or related procedures will prevent students from exercising their rights to take legal action.

## 7. Dealing with Harassment by a Third Party

7.1. A member of staff or student who is bullied or harassed by a third party (for example a customer or contractor) should not enter into any confrontation with the third party that may put their own personal safety at risk or which may make them feel uncomfortable.

If, however, a member of staff or student decides to tackle the matter themselves, they should take the following steps:

1. Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of School staff/students by a third party will not be tolerated.
2. If the third party does not stop the bullying or harassment — repeat step 1 and warn them that action will be taken against them if the bullying or harassment continues.
3. If the third party still does not stop the bullying or harassment — report the incident to their line manager (where known), or a Senior Manager of the School, who will raise the matter with the appropriate individual.

7.2. A member of staff/student should report any incident of bullying or harassment by a third party to their line manager whether or not they have managed to resolve it. The report will be used for the purpose of monitoring the effectiveness of the School Dignity at Work and Study Policy.

## 8. Procedures for Others

8.1. Where individuals who are neither staff nor students wish to raise an issue under this policy, they should use the following methods:

- Where the complaint related to the behaviour of a student, this should be raised with the Student and Academic Services Team.
- Where the complaint relates to a member of staff, this should be raised with the appropriate Senior Manager who will arrange for the matter to be investigated and responded to.

## Appendix

### Legal context

#### Discrimination

Unlawful discrimination takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman less favourably because she is breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership.

**Direct discrimination** occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.

**Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

#### Harassment

The Equality Act 2010 (hereafter referred to as 'the Act') makes it unlawful to harass an individual or group for a reason related to a relevant "protected characteristic". The Act defines these as:

- Age.
- Disability.
- Gender reassignment.
- Race (including colour, nationality, ethnic or national origin).
- Marriage and civil partnership.
- Pregnancy and maternity.
- Religion or belief.
- Sex.
- Sexual orientation.

In the Act, harassment is defined as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

In addition to the Act making it unlawful for individuals to harass others on grounds relating to the protected characteristics listed, the Act also makes it unlawful for an employer to harass employees and people applying for employment.

Harassment on any grounds may also be a criminal offence under the:

- Public Order Act 1997
- Protection from Harassment Act 1997
- Health and Safety at Work Act 1974
- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- Criminal Justice Act 2003
- Racial and Religious Hatred Act 2006
- Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

Employers are liable for harassment between employees and can also be liable for harassment which comes from a third party (for example, a customer or contractor).

**Hate Crime,**

Hate Crime is any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability, or transgender identity.

**Victimisation**

Victimisation broadly refers to bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Act. It includes situations where a complaint hasn't yet been made but someone is victimised because it is suspected they might make one.

If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.

**Bullying**

Bullying is not defined in law, but may be characterised as targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient.

Bullying can give rise to complaints of unfair constructive dismissal, discrimination and harassment as well as claims for personal injury if the bullying causes psychological harm. Employers are vicariously liable for the acts of employees during the course of their employment, even if they have no knowledge of those acts and have not authorised them. It can also lead to allegations of breach of health and safety legislation if an individual feels in danger of physical or mental harm.