

Definitions of Discrimination, Harassment, Bullying and Victimisation including examples of unacceptable behaviours.

This document sets out key definitions of discrimination, harassment, bullying and victimisation. It also outlines some of the different ways in which discrimination can occur,

Further information about discrimination is found on the Equality and Human Rights Commission website (see: <https://www.equalityhumanrights.com/en/advice-and-guidance/what-discrimination>).

Discrimination

Discrimination is less favourable treatment which is unlawful and which is not objectively justified. It applies in employment and in the provision of goods and services.

- It can be *direct* (e.g. a rule or a condition that, when applied, affects a whole group of people and which cannot be objectively justified. For example, a job advert that states, 'No women' or 'No Black or Irish people.')
- It can be *indirect* (e.g. a rule or a condition that, when applied, can affect a relatively smaller group of people, but which is still discriminatory. For example, a job advert that said that men had to be clean-shaven in order to be considered for an employment opportunity. This could affect Sikh men whom, on account of their religious traditions, are not permitted to shave their beards.)
- It can arise from a protected characteristic (see 'Section 1: Harassment' below)

Discriminatory behaviour can take many different forms. Below are definitions and examples of how discrimination can be manifested.

1. Harassment

Unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating the complainant's dignity.

It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve nicknames, teasing, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting.

Harassment can be based on an actual or perceived protected characteristic that an individual may have under the Equality Act 2010 this includes:

- Age
- Disability
- Gender reassignment (transgender)
- Marriage & Civil partnership
- Pregnancy, Maternity and Paternity
- Race
- Religion or belief (including no belief)
- Sex (Gender Identity)
- Sexual Orientation

Harassment may not be targeted at an individual or individuals but consist of a general culture which, for instance, appears to tolerate the telling of racist or sexist jokes. A more detailed list of examples of harassment relating to protected characteristics can be found in the section headed Unacceptable Behaviours.

2. Bullying

2.1 Bullying can be defined as intimidation on a regular and persistent basis or as a one off, which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end. Bullying and harassment may be by an individual against an individual or involve groups of people.

Examples include but are not limited to:

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding
- Preventing an individual progressing by deliberately blocking opportunities
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets in work or study
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.

2.2 Upwards Bullying: This is where a junior person is considered to be bullying a more senior person, such as member of staff bullying their line manager, or a student bullying a member of staff such as:

- Attempting to undermine a manager in front of his/her team through public criticism.
- Ongoing disruptive behaviour such as during class/ team meetings.
- Hostile or aggressive communication style.

2.3 For the purposes of this policy, both bullying and harassment are used interchangeably and are not necessarily the same. They may occur in written or face to face communications, electronic communication or by phone. Whatever form it takes, it is unacceptable, unwarranted and unwelcome.

3. Victimization

Victimization is defined as treating people less favourably because of action they have taken (or are suspected to have taken) under or in connection with legislation on bullying, harassment or discrimination — for example, if someone made a formal complaint of discrimination or gave evidence in a tribunal case. Victimization will be treated as a form of harassment under this policy.

4. Sexual Harassment

Sexual harassment is unwanted and/or persistent behaviour of a sexual nature (which can be verbal) which you may find offensive or which makes you feel intimidated and/or humiliated. You do not need to have previously objected to something for it to be unwanted.

5. Hate Crime

Hate Crime is defined as crimes committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation.

Hate crimes can include:

- a. threatening behaviour
- b. assault
- c. robbery
- d. damage to property
- e. inciting others to commit hate crimes
- f. harassment

Hate speech is dehumanising and degrading words about or to someone with a protected characteristic. 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

6. Cyber Bullying and the Use of Social Networking Sites

6.1 Cyber bullying is a term used to refer to bullying through electronic media, usually via social networking sites, personal web pages, emails, twitter, text messages, personal space provided by internet providers, and internet presence including blogs such as Facebook, MySpace and Web2, and all other social media whether private, personal or public.

When using social media or posting online colleagues and students should consider the content, language and appropriateness of such communications.

6.2 The following guidance is relevant for both students and colleagues in relation to online behaviour:

- avoid using language which would be deemed to be offensive, threatening or humiliating to others in a face-to-face setting as the impact on an individual may be much the same or worse as it may not be possible to delete online information
- avoid forming or joining an online group that isolates or victimises fellow students or colleagues
- ensure that social networking sites are not used to access or share illegal content
- avoid defamatory comments in relation to colleagues, students, customers or suppliers of the university
- do not share confidential information regarding a university colleague, student, customer or supplier.

6.3 Colleagues and students are encouraged to report incidences of inappropriate on-line

behaviour. If alleged cyber bullying or harassment is reported it will be dealt with in accordance with this Policy and may lead to disciplinary action in the same way as incidents that take place in a face-to-face setting.

- 6.4 Colleagues and students should ensure they comply with the university's Regulations governing the use of university Computing Facilities_ <http://www.its.qmul.ac.uk/governance/policies/index.html>.

7. Examples of Unacceptable Behaviour

The list of examples is not exhaustive but, provide an overview to assist understanding of what may be found offensive whether intentional or not.

7.1 Harassment on Grounds of Age

Ageism can affect anybody, regardless of their age. Harassment on grounds of age may include:

Non-Verbal

- Exclusion from normal work place conversation or activities
- Denying training/development/promotion opportunities due to age
- Sending emails or displaying material containing ageist content
- Making assumptions regarding an individual's inability to learn

Verbal - making patronising comments

Physical - setting unrealistic challenges

7.2 Harassment on the grounds of Disability

Otherwise known as ableism, this form of harassment is based on the individual(s) having a physical or sensory impairment, learning difficulties or experiencing mental health issues. The behaviour results in the individual(s) feeling threatened or compromised.

It may include:

Non-Verbal

- Making inappropriate gestures or mimicking behaviour
- Refusing to make reasonable adjustments
- Exclusion from normal work place conversation or activities
- Holding events at inaccessible venues
- Denying training/development/promotion opportunities because of the need to act as a carer for a disabled person i.e. having a family member, partner or child with a disability
- Sending emails or displaying material containing offensive content relating to disabled people
- Making assumptions about someone's abilities based purely on their disability or perceptions about their disability

Verbal

- Making fun of an impairment
- Mimicking speech impairment
- Inappropriate personal questioning relating to disability

Physical

- Unwanted touching, groping or the invasion of personal space (getting too close)
- Inappropriate practical jokes

7.3 Harassment on the grounds of Gender Reassignment

Relates to behaviour including derogatory remarks, ridicule, jokes or stereotypes of any individual's perceived or actual gender reassignment or through association with someone who has undertaken gender reassignment.

Non-Verbal

- Refusing to treat a person as their new gender once the reassignment process is complete
- Refusing access to appropriate toilets and changing facilities which reflect their acquired gender
- Exclusion from workplace conversations or activities
- Making assumption about lifestyle/interests
- Sending emails or displaying material containing offensive content
- Making assumptions based on grounds of gender identity

Verbal

- Disclosing the person's gender identity to others
- Making inappropriate comments about the person's lifestyle choice
- Intrusive personal questions relating to a person's gender identity and gender reassignment
- Unwanted comments on dress and appearance

- Actual or threatened disclosure of prior gender identify
- Persistently misgendering someone (using the wrong name or pronoun)

Physical

- Unwanted touching, groping or inappropriate invasion of personal space (getting too close).

7.4 Discrimination on the basis of Marriage and Civil Partnership

This relates to direct or indirect discrimination and victimisation on the grounds of marriage and civil partnership. It relates to behaviour which inadvertently or deliberately excludes an individual on the basis of actual or perceived marital or civil partnership status.

Non-Verbal

- Inadvertently or deliberately excluding same-sex partners from social events
- People in civil partnerships not being accorded the same rights as married people for work related benefits, such as flexible working, adoption leave, paternity pay and leave
- Civil partners being denied benefits that are automatically given to married people in the same job, such as employment or training opportunities.

7.5 Discrimination on the grounds of Pregnancy and Maternity

This relates to direct discrimination and victimisation on the grounds of pregnancy and maternity.

Non-Verbal

- Being demoted or prevented from having training or promotion opportunities because of becoming pregnant or being on maternity leave.
- Being dismissed/made redundant while on maternity leave without following correct and fair procedures.
- Being disciplined for having performance issues due to illness connected with pregnancy.
- Being refused sick leave due to illness connected with pregnancy.
- Being dismissed or treated unfavorably while undergoing IVF treatment without following correct and fair procedures.

Verbal

- Making inappropriate comments about amount of absence/toilet breaks.
- Unwanted comments on dress and appearance.

Physical

- Setting unrealistic challenges.
- Unwanted touching, groping or the inappropriate invasion of personal space (getting too close).

7.6 Harassment on the basis of Race (including ethnicity, nationality and colour)

Relates to derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature based on an individual's perceived or actual race, ethnicity, nationality and colour or through association with someone from a particular ethnicity, nationality and

colour. This pertains to any action which results in the individual(s) feeling threatened or compromised

Non-Verbal

- Exclusion from normal work place conversation or activities
- Inappropriate gestures
- Sending emails or displaying material containing racist content
- Making inappropriate assumptions based on ethnicity, nationality or colour
- Making assumption about lifestyle/interests

Verbal

- Using inappropriate terms when referring to race (including ethnicity, nationality and colour)
- Using derogatory nicknames
- Making racist comments or jokes
- Stereotyping
- Mimicking someone's accent

Physical

- Inappropriate physical contact

7.7 Harassment on Grounds of Religion or Belief

This is harassment on grounds of religion, religious belief or other similar philosophical belief (or lack of). It may include behaviour which fails to tolerate or acknowledge the rights or needs of individuals with different and dedicated religious convictions, beliefs and practices. Islamophobia and antisemitism are two examples that may be experienced through:

- offensive jokes;
- ridicule or name-calling;
- display of or circulation of offensive written or visual materials;
- derogatory comments;
- intrusive questioning about a person's beliefs;
- incitement of others to commit any such acts.

7.8 Harassment on the grounds of Sex

Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. It relates to any individual's perceived or actual gender, gender identity or through association with individuals of a particular gender, gender identity or sexuality. It includes behaviour which results in the individual feeling threatened or compromised. Sexual harassment can be experienced by women and men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality

Non-Verbal

- Unnecessarily requiring individuals to work full-time or insisting on colleagues working long hours. This may disadvantage more women than men as women are more likely to have primary responsibility for childcare so cannot work full-time or long hours.
- Exclusion from normal work place conversation or activities
- Inappropriate gestures, suggestive looks or unwelcome sexual advances
- Sending emails or displaying material containing sexist content

Physical

- Inappropriate physical contact

7.9 Harassment on the basis of Sexual Orientation

Relates to behaviour which condemns or ridicules people because of their perceived or actual sexuality or through association with someone of a particular sexual orientation. This could include derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded, threatened or compromised.

Non-Verbal

- Inadvertently or deliberately excluding same-sex partners from social events.
- Making assumptions based on sexuality
- Sending emails or displaying material containing offensive content

Verbal

- Using inappropriate terms
- Using derogatory nicknames
- Inappropriate personal questioning relating to sexual orientation or domestic circumstances
- Stereotyping
- Actual or threatened unwanted disclosure of sexuality
- Unwanted comments on dress and appearance

Physical

- Unwanted touching, groping or the invasion of personal space (getting too close)