



Dignity and Fairness at FIE Policy

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Summary/Purpose Statement.

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The '**Dignity and Fairness at FIE**' policy offers a statement of FIE's commitment in providing an environment that is free from any harassment, bullying, victimisation and discrimination, and aims to:

- Outline the different legislations followed by FIE
- Define harassment, bullying, victimisation and discrimination
- Define FIE's stance towards the above behaviours, and
- Provide a framework of support

This document replaces and/or reinforces the following FIE policies:

- Harassment policy
- Safe spaces policy
- Zero tolerance policy
- Equal opportunities policy

Section 1: Policy Statement

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FIE is a community (consisting of staff, faculty and students) that prides itself on its diversity and inclusivity, while engendering a welcoming, supportive, fair and inclusive living, learning and working environments, in which the rights and dignity of the community are respected.

FIE expects **all** members of its community, its contractors and visitors to maintain polite, ethical, professional and respectful behaviour when participating in FIE life and treat each other with respect, professionalism, politeness and consideration.

1.1 Safe spaces

FIE offers safe spaces to live, study, work and learn (as per the FIE Safe Spaces policy). This policy applies at all FIE spaces (physical or virtual), including but not limited to the following:

- Kensington Campus (Foundation House, Metrogate House, and in and around all FIE housing facilities)
- FIE Dublin office
- Non-FIE housing facilities in which FIE students reside, including Binary Hub (Dublin)
- Dublin university partners
- External academic spaces
- Virtual FIE classrooms, meeting rooms and activities
- Internship offices and activities, including online internships
- Co-curricular and extra-curricular activities, including online activities

1.2 Impact vs. Intent

The FIE community consists of different backgrounds, cultures, personalities and characteristics. One person's motives and intent may be different from the impact this might have on others and how the message is received and/or perceived.

Misunderstanding of social signals can mean that what is perceived as harassment, bullying, victimisation and discrimination by one person may not seem so to another. This does not make it acceptable, and FIE will look into the situation holistically while still operating a zero-tolerance policy in concerning circumstances.

1.3 Zero-tolerance

FIE is committed in fostering a positive environment that is:

- **Free from any harassment, bullying, victimisation and discrimination;**
- Developing an atmosphere in which **all members are treated with dignity and fairness;** and
- Ensuring that **no one** in the community **feels under threat, degraded, humiliated and/or intimidated.**

FIE does not tolerate these behaviours towards any of its community members, visitors, contractors and the public, and operates a zero-tolerance policy towards such. As highlighted in FIE's 'Employee Handbook' and 'Code of Student Conduct' any allegations of this nature will be taken very seriously, and will be looked into holistically and without any bias. If substantiated, the allegations may provide grounds for disciplinary action, including dismissal.

1.4 Partner institutions

The rules of partner institutions (home institutions, receiving institutions and receiving organisations) apply during students', staff's and faculty's time at FIE. Partner institutions will be notified of any community concern/s or policy violation/s and any FIE's decision and procedure taken with such regards. Partner institutions reserve the right to invoke their own disciplinary procedure.

Section 2: Policy Commitment

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This policy serves as a behavioural guidance for **all** FIE community members, contractors and visitors, who are expected to read, familiarise themselves, and comply with this policy, while making sure that harassment, discrimination, victimisation and bullying does not happen.

If any of these concerns occur, FIE community members, contractors and visitors are expected to follow this policy and its framework of support for any concern/s to be investigated promptly and effectively.

Section 3: Policy Definitions

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3.1 Legislation

This FIE policy takes a broad view and follows the UK, Irish and US legislations in providing protection against harassment, bullying, victimisation and discrimination.

The main legislations followed are:

- **UK:** The *Equality Act 2010* offers protection to people with one or more of the nine specific 'protected characteristics' (*see chart below*). No one can discriminate against another person based on these.
- **Ireland:** The *Employment Equality Acts 1998–2015* and the *Equal Status Acts 2000–2018* set out equality rights for people and specifically outlaws' discrimination when it occurs. Under this equality legislation, discrimination based on any one of the nine 'distinct grounds' (*see chart below*) is unlawful.
- **US:** The *Civil Rights Act of 1964 (Title VII)* prohibits employment discrimination against employees and applicants. The *US Fair Housing Act 1968* also protects two 'protected classes' against discrimination. (*see chart below*).

Side note: The proposed Equality Act (US) is under review and consultation, and is seeking to offer protection against discrimination of any kind based on one or more of the seven specific 'protected classes' (race, color, religion, sex, sexual orientation, gender identity, and national origin). Our policy will be updated accordingly.

UK	Ireland	US
<u>Equality Act 2010 'Protected Characteristics':</u> <ul style="list-style-type: none"> • Age, • Disability • Gender reassignment (including gender identity) • Sex • Pregnancy and maternity (including paternity, adoption or surrogacy) • Sexual orientation • Race (including nationality, ethnic origins, national origins, & colour) • Marriage and civil partnership • Religion and belief (including philosophical belief and no belief) 	<u>Employment Equality Acts 1998–2015 and Equal Status Acts 2000–2018 'Distinct Grounds':</u> <ul style="list-style-type: none"> • Gender • Marital status (single, married, separated, divorced, etc.) • Family status • Sexual orientation • Religion (includes having no religious belief) • Age (does not apply to a person under 16) • Disability • Race (including colour, nationality, ethnic or national origins) • Membership of the Traveler community 	<u>Civil Rights Act of 1964 (Title VII)</u> <ul style="list-style-type: none"> • Race • Color • Religion • Sex (including gender and pregnancy) • National origin <u>US Housing Act 1968 'Protected Classes':</u> <ul style="list-style-type: none"> • Disability (Referred to as 'handicap' in the US Fair Housing Act 1968) • Familial status

3.2 Terms

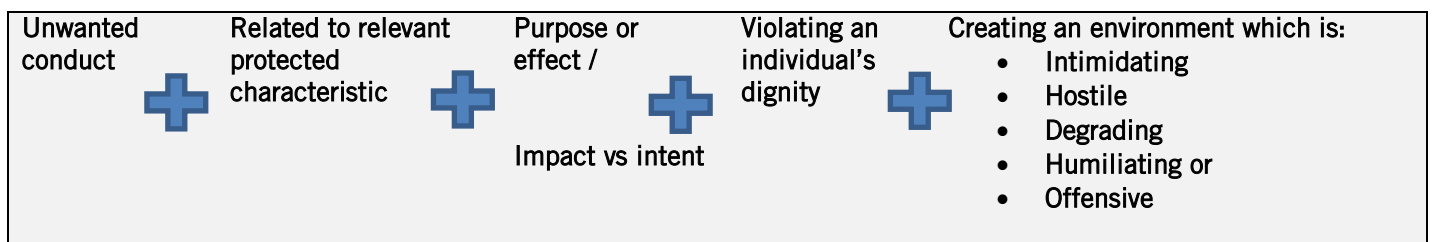
Equality legislations: This policy uses the term 'equality legislations' to refer to all related legislations by country (UK, Ireland and US)

Protected characteristics: This policy uses the term 'protected characteristics' to refer to all the related Equality legislations (UK, Ireland and US).

Definitions: This policy uses singular terms in its definitions (ex. person. recipient, someone, etc); however, harassment, bullying, victimisation and discrimination can be targeted at and/or affect one or more persons.

3.3 Harassment

Under the UK's Equality Act 2010, 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" (see diagram below for guidance). This can happen in verbal, physical, visual, online or written form, and can be a one off occasion or repeated.



Harassment can be expressed through direct communication or contact with a person as well as through comments made to a third party about the person. Harassment can be directed to a person who possesses relevant protected characteristic/s, but can also happen because of the person's association with someone who has certain protected characteristic/s, or because of their perceived protected characteristic/s.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership, where any unfavourable treatment may be considered discrimination.

Behaviours

Some examples (although this list is not exhaustive) of harassment are:

- Unfair treatment
- Abuse based on perceived gender
- Lewd, derogatory or abusive comments
- Deliberate exclusion from conversation, tasks, etc
- Deliberate undermining colleagues/students/faculty
- Abusive, threatening or insulting words and/or behaviour
- Negative comments about someone's protected characteristic/s
- Displaying abusive, sensitive or offensive writing, images or material
- 'Outing' someone as LGBTQ+ without their permission or knowledge
- Insensitive and/or malicious jokes, gestures, teasing, rumours and pranks

3.4 Bullying

ACAS (Advisory, Conciliation and Arbitration Service - UK) defines bullying as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient (emotionally or physically)".

Bullying can be carried out by an individual or a group of people, and is generally unpredictable, irrational and sometimes unseen by others. This can often be repeated over time and can happen in verbal, physical, visual, online or written form. Bullying behaviour is very similar to harassment, but it is not necessarily related to a particular protected characteristic.

Bullying in itself is not a specific criminal offence in the UK, Ireland and US, however it is considered illegal when a bullying behaviour violates laws prohibiting harassing, threatening, victimising or discriminating behaviour/s.

Behaviours

Some examples (although this list is not exhaustive) of bullying are:

- Intimidation
- Cyber bullying
- Being shouted at
- Being 'told off' in front of others
- Ridiculing or demeaning someone
- Being persistently ignored or 'talked down'
- Being criticised in an inappropriate manner
- Making threatening comments without foundation
- Being belittled about your work, personality or personal appearance
- Being pressurised by a group into behaviour/actions against your wishes
- Spreading malicious rumours, or insulting someone by word or behaviour

- Obstructing applications for courses, training, leave, internships or promotion for no valid reason

3.5 Victimization

Victimization occurs when a person is treated badly or unfairly and subjected to harassment, bullying or discrimination because of one or more of the following:

- The person has made or is believed to have made a complaint under any of the Equality legislation, this policy and/or any other FIE policy
- The person supported a complaint under any of the Equality legislation, this policy and/or any other FIE policy
- The person participated in an investigation under any of the Equality legislation, this policy and/or any other FIE policy
- Instances where a complaint has not been made but the person is victimised because they are suspected to have done so.

FIE supports the Equality Act 2010, which states that a person is not protected from victimisation under the Act if they give false evidence or information, or make a false allegation.

Behaviours

Some examples (although this list is not exhaustive) of victimisation are:

- Being denied a promotion or given a demotion for participating in an investigation
- Unfair dismissal from work, study programme or internship for making a complaint of harassment, bullying or discrimination
- Excluding a person from work/study-related activities for supporting someone else's complaint of harassment, bullying or discrimination
- Creating a difficult or oppressive environment for a person who is suspected to have made a complaint of harassment, bullying or discrimination

3.6 Discrimination

Discrimination means treating someone unfairly because of who they are and is unlawful under all Equality legislation. Discrimination generally happens based on either a person's protected characteristic or the assumption that a person belongs to a certain protected characteristic. There are different types of discrimination:

- Direct discrimination: treating someone with a protected characteristic less favorably than others
- Indirect discrimination: creating rules, policies or arrangements that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- Discrimination by association: treating someone unfairly because of a person in your life's protected characteristic
- Harassment, victimisation and bullying

Behaviours

Some examples (although this list is not exhaustive) of discrimination are:

- Being denied a job opportunity because of your sexuality (direct discrimination)

- A study abroad programme specifically requiring students to provide their driving licence during admissions, hence affecting students with mental ill health who cannot drive (indirect discrimination)
- Being subject to verbal harassment by other people for dating a person with physical disability (discrimination by association)

Section 4: Framework of Support

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Everyone in the FIE community, contractors and visitors should discourage any form of inappropriate behaviour by supporting each other and challenge said behaviours appropriately.

All FIE community members, contractors and visitors are expected to abide by this policy and are responsible to ensure that everyone's dignity is respected fairly without causing any offence that may be considered to be of harassment, bullying, victimisation or discrimination.

It is everyone's responsibility to read this policy and clarify any questions they may have; any ignorance of policy is not an acceptable excuse for a violation.

4.1 Statement of confidentiality

FIE is committed in maintaining the confidentiality of everyone involved in sensitive and personal incidents (victims and witnesses) and therefore identifying details such as name, gender and home institution may not be shared with all parties.

4.2 Procedures

Procedures are available for everyone to follow and be aware of. FIE may decide to vary the procedure as appropriate to the particular situation in a case-by-case basis while making sure that all concerns are investigated promptly and effectively.

➤ Seeking support

If any member of the FIE community, contractors and visitors believe they are experiencing harassment, bullying, victimisation, and/or discrimination, they are encouraged to contact a member of the FIE team in whom they feel comfortable confiding.

➤ Addressing issues or complaints

If the person affected wants to address or complain about their experience of harassment, bullying, victimisation, and/or discrimination, they are advised to familiarise themselves and follow the below procedures for direction:

- Grievance Procedure (outlined in the 'Employee handbook')
- Code of Student Conduct
- Complaint and Academic Appeals

➤ Disciplinary procedures

FIE's disciplinary procedure is the process by which an employer or direct supervisor can address issues or complaints in regards to a FIE community member, contractors and visitor behaviour or actions directly with them.

FIE does not want any member of its community, contractors and visitors to feel they have to tolerate such behaviour/s and is committed in dealing with all complaints of inappropriate behaviour seriously, promptly and sensitively as outlined in the 'Grievance and Disciplinary' procedures.

In carrying out these procedures, FIE will strive to act fairly, promptly and consistently, while respecting everyone's dignity.

➤ Gross misconduct

As stated in the 'Gross misconduct' policy, FIE considers harassment, bullying, victimisation and discrimination as gross misconduct, and will lead to and justify the immediate dismissal of an employee (without required notice) upon those who are guilty of gross misconduct. Complicity may include the failure to report gross misconduct.

Appendix 1: Examples based on individual protected characteristics

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1. Harassment, bullying and discrimination on grounds of age

This includes remarks or jokes, wilful exclusion or refusal to work with an individual based on age, innuendo or gossip, and displaying or transmitting offensive or abusive material.

2. Harassment, bullying and discrimination on grounds of disability

This includes impractical or unfair work expectations, unwanted, patronising or unnecessary assistance; wilful exclusion of an individual or refusal to work with an individual for reasons related to their disability; mockery and offensive name calling and communicating with a person with a disability via a third party when unnecessary and whilst in that person's presence.

3. Gender reassignment and/or identity harassment, bullying and discrimination

This includes inappropriate questions about treatment, disclosing of someone's Trans history, purposefully ignoring someone's preferred pronoun, amongst others.

The term transgender is an umbrella term for people whose gender identity and/or gender expression differs from their birth sex. Transgender people may or may not alter their bodies hormonally and/or surgically. Individuals do not have to be under medical supervision or undergoing genital reassignment to be protected by the law.

4. Racial harassment, bullying and discrimination

This may include (but is not limited to): racist jokes, racist e-mail and other circulars, pictures ridiculing a certain race, religion or nationality, verbal abuse or physical attack or threats, racist graffiti, ridicule of cultural differences, unsolicited comments about dress or appearance, reference to an individual's skin colour, refusal to work with an individual for reasons related to their race as well as other comments or gestures aimed at humiliating another person.

5. Sexual harassment

Sexual harassment includes any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that violates someone's dignity and creates an intimidating, hostile, degrading or offensive environment. It may include (but not limited to); suggestive remarks or sounds, insulting sexual names, unwanted comments on dress, body or appearance, jokes of a sexual or prejudicial nature, innuendoes or lewd comments, and sexually suggestive gestures, drawings or emails.

Sexual assault and/or abuse happens when someone is grabbed or touched in a sexual way without consent, forced to kiss or do something sexual against their will.

6. Harassment, bullying and discrimination on grounds of sexual orientation

This includes remarks or jokes, wilful exclusion or refusal to work with an individual for reasons related to their sexuality, innuendo or gossip, forcing someone to come out, and displaying or transmitting offensive or abusive material, verbal abuse or physical attack or threats. Harassment can also be on the grounds of perceived sexual orientation, whatever an individual's actual sexual orientation is.