**Owner:** Head of Student Services

**Version number**: 1.1

**Effective date**: Sept 2016

**Date of last review**: New



**UNACCEPTABLE BEHAVIOUR POLICY AND PROCEDURE**

# SCOPE AND PURPOSE

Bournemouth University (BU) is committed to a working and learning environment that is free from unlawful discrimination, bullying, harassment or victimisation and treats staff and students with dignity and respect. All members of the BU community have a right to be treated with dignity and respect, providing a positive and satisfying learning and working environment.

The BU Dignity and Respect (Harassment) Policy and Procedures provides information for staff and students who believe that they are being bullied or harassed by a member of the BU community and outlines the steps that BU will take to investigate the allegations.

This policy supplements the BU Dignity and Respect (Harassment) Policy and Procedures. It applies if we consider the actions or behaviour of an individual to be unacceptable and we believe that we need to take immediate action. This policy applies to all members of the BU community and their representatives as well as any other person who is interacting or communicating with BU.

# KEY RESPONSIBILITIES

* 1. The Health Safety & Wellbeing Committee is responsible for reviewing and approving this policy
	2. The Head of Student Services is responsible for the oversight of this policy and procedures and its operation
	3. The Chief Operating Officer has executive responsibility for Dignity and Respect at BU The Head of Health, Safety & Wellbeing has operational responsibility for staff health & safety
	4. The Head of Student services has operational responsibility for student health & wellbeing
	5. All BU managers have responsibility for BU staff welfare

# LINKS TO OTHER BU DOCUMENTS

* Dignity and Respect (Harassment) Policy and Procedures
* 6H - Academic Offences: Policy and Procedure for Taught Awards
* 6M - Misconduct in Academic Research: Policy and Procedure
* 11F Student Complaints Policy and Procedure
* 11A Academic Appeals: Policy and Procedure for Taught Awards
* 11C Academic Appeals: Policy and Procedure for Research Awards
* 11L Third Party Involvement Procedures
* 11H Fitness to Practice Procedures
* 11J Fitness to Study Policy and Procedures
* 11K Student Disciplinary Procedures
* D10 Staff Disciplinary Procedure
* Freedom of Speech
* Social Media Policy and Procedures
* BU Prevent Policy

**Policy**

# DEFINITIONS AND EXAMPLES OF UNACCEPTABLE ACTIONS OR BEHAVIOUR

* 1. People may act out of character in times of frustration or distress. We recognise this and we would not necessarily view actions or behaviour to be unacceptable solely because someone is being assertive or determined.
	2. Someone who is angry or unreasonably demanding or persistent may behave in a manner that is unacceptable when dealing with BU staff. Unacceptable behaviour falls under two broad headings:
		+ - * aggressive, offensive or abusive actions or behaviour
				* unreasonable demands or persistence.
	3. We recognise that physical or mental illness or disability may sometimes make it difficult for people to express themselves or communicate clearly. We will make reasonable adjustments if we are asked to do so in these circumstances. However, we may still need to manage contact under this policy if the effect of the behaviour is unacceptable.
	4. We have a responsibility for staff wellbeing and will support our staff in situations where they feel it is necessary to invoke this policy.

# AGGRESSIVE, OFFENSIVE OR ABUSIVE ACTIONS OR BEHAVIOUR

* 1. All BU staff have the right to be treated with dignity and respect and not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances. In particular, and in accordance with our Dignity and Respect (Harassment) Policy and Procedures we will not tolerate behaviour which we perceive to amount to bullying or harassment, whether in the form of verbal or written abuse or otherwise.
	2. Examples of actions or behaviour grouped under this heading include actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to:
	+ threats, physical violence or personal verbal abuse;
	+ derogatory remarks or rudeness;
	+ exaggerated claims, inflammatory statements and unsubstantiated allegations; and
	+ behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.

# UNREASONABLE DEMANDS OR PERSISTENCE

* 1. We have a responsibility to ensure that our work is undertaken in an efficient and effective manner. Individuals may sometimes make what we consider to be unreasonable demands on BU or our staff, for example by demanding or providing large amounts of information, expecting an unreasonable level of service or support, or making frequent and repeated requests or contact.
	2. We recognise that we have a responsibility to provide information to individuals in some circumstances, such as under the Data Protection Act (see <https://intranetsp.bournemouth.ac.uk/Documents/arpptop.aspx>) or under our complaints, disciplinary, fitness to study or fitness to practise procedures [links]. Our obligations are set out in this policy and procedures. We take these responsibilities seriously and we expect to comply with reasonable and proportionate requests, or requests for information that individuals are entitled to under the relevant law. These policies also set out appeals processes where applicable,
	3. However, individuals sometimes do not accept that their requests are unreasonable, that BU is unable to assist them further or has complied with its obligations under the law or the relevant policy. Individuals may sometimes expect an unrealistic or unreasonable level of service or treatment that goes beyond our obligations under our policies and procedures. Individuals may persist in disagreeing with our actions or decisions or contact us frequently or repeatedly about the same issue.
	4. Examples of unreasonable demands include:
	+ requesting responses within an unreasonable timescale;
	+ insisting on seeing or speaking to a particular member of staff;
	+ repeatedly changing the substance of their complaint or request; or
	+ raising unrelated concerns.
	1. Examples of unreasonable persistence include:
	+ continual phone calls, emails, or letters or bombardment via social media;
	+ continual refusal to accept a decision made by BU;
	+ persistent refusal to accept explanations relating to what BU can or cannot do;
	+ refusal to follow due process in raising concerns or continuing to pursue an appeal or complaint once the relevant process has been completed in accordance with our policies and procedures.

In these cases, the way in which these individuals approach BU may not be aggressive or abusive, but the persistent behaviour is not acceptable.

* 1. We consider that the level or type of contact has become unacceptable where the amount of BU time spent talking to an individual and/or their representative in person, on the telephone or through written correspondence goes beyond what we are required to do under our policies and procedures or the law and negatively impacts on our ability to carry out our legitimate business or provide services to others.

**Procedure**

# OUR APPROACH TO HANDLING UNACCEPTABLE ACTIONS OR BEHAVIOUR

* 1. When we consider that the action or behaviour of an individual is unacceptable we will tell them why we find it unacceptable and we will give the individual the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, we will take appropriate measures as set out below.
	2. BU staff who experience unacceptable behaviour over the telephone have the right to either place callers on hold or end telephone calls. BU staff who experience unacceptable behaviour or actions in person have the right to ask an individual to leave or to leave themselves. If an individual refuses to leave when asked, BU staff can request that the individual is escorted off the premises (for example, by security staff or the Police).
	3. If staff are ending a call or face-to-face interview because of perceived unacceptable behaviour or actions they will make this clear to the individual they are talking to.
	4. Staff will be supported in the actions they take when dealing with unacceptable behaviour or actions. As such staff are required to log all instances of when calls or face to face interactions have been terminated, noting the reason(s). (See Appendices 1 and 2)
	5. Although we have to take action when unreasonable actions or behaviour impair the functioning of BU and its staff, we aim to do this in a way that, wherever possible, still allows valid concerns to be raised through BU processes. We will ensure that any action we take is proportionate and reasonable to address the unacceptable actions or behaviour, taking into account any relevant personal circumstances of the individual involved.
	6. Occasionally, it may also be necessary to apply restrictions to any individual’s contact with BU or its staff. A decision to do this will be taken by the relevant Dean, Director of Operations or Head of Professional Service or another member of the University Leadership Team.
	7. BU will take any action(s) that it considers to be appropriate in relation to any unacceptable actions or behaviour. Normally we will explain why we believe the behaviour is unacceptable, what action we are taking and the duration of that action. Some of the options that we are likely to consider to restrict or block future contact from an individual are:
* Require an individual to modify their behaviour
* Limit an individual to contacting us on a specified day and/or time per week;
* Require that contact is with a specified member of staff only;
* Decline to accept any further telephone calls from an individual, while still maintaining at least one form of contact.
* Require an individual to communicate with BU through a representative.
* Require an individual to appoint a different representative. BU’s Policy on third party involvement is available at <http://studentportal.bournemouth.ac.uk/help/rules-regulations/index.html>
* Read and file correspondence but acknowledge or respond to it only if the individual is raising new information or making a new complaint.
	1. In exceptional cases, we reserve the right to decline to consider any further complaints or contact from an individual. If we are considering this, we will take into account the impact on the individual and also whether there is a broader public interest in considering the complaint further.
	2. Serious incidents or violent, aggressive or abusive behaviour may be reported to the Police and/or legal action instigated. In such cases, we may not give the individual prior warning of that action.
	3. If a member of staff behaves in a way that we believe is unacceptable as defined in this policy, in addition to taking action as described in this policy, we may take action under our Staff Disciplinary Policy. <https://staffintranet.bournemouth.ac.uk/aboutbu/policiesprocedures/staffhandbook/>
	4. If a BU student behaves in a way that we believe is unacceptable as defined in this policy, in addition to taking action as described in this policy, we may take action under our Student Disciplinary Policy, Fit to Study Procedures or Fitness to Practise Procedures as applicable. <http://studentportal.bournemouth.ac.uk/help/rules-regulations/index.html>

# RECORDS AND FURTHER COMPLAINTS

* 1. We will record all incidents of unacceptable actions or behaviour by any individual and any action taken by BU to address these.
	2. Any individual who is unhappy with a decision made by BU under this policy and procedures has the right to submit a complaint in accordance with the appropriate complaints procedures.