

Dignity at Work and Study Policy

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Version History

Version	Author	Revisions made	Date
V2.0	Human Resources	Overhaul of the Policy	November 2023
V2.1	Human Resources	Increase details to clarify scope and definition of harassment	April 2025
V2.2	Continuous Improvement Manager	Revision of policy and process to review E6 and merge anti-bullying policy	June 2025

1. Purpose

- 1.1 The University of Buckingham is committed to creating and maintaining a safe, welcoming, and inclusive working, learning and social environment that nurtures a culture in which we treat one another with courtesy and professionalism, even while robustly challenging each other's views and opinions, where all individuals have the opportunity to realise their full potential.
- 1.2 All university students and staff members (including contractual workers etc.) are expected to behave professionally and appropriately and have the right to expect professional and appropriate behaviour from others.
- 1.3 The University does not tolerate bullying, harassment or any form of intimidation and adopts a zero-tolerance approach in order to maintain a positive and supportive environment. It aims to foster a community whose members promote each other's dignity such that appropriate respect, courtesy and consideration are the norm.
- 1.4 The University believes that bullying pollutes the learning environment, damaging the wellbeing, health, confidence, morale and performance of those who are bullied and for those who witness bullying. Bullying, through its attack on the dignity of its members, erodes the effectiveness of the University's education of its students. The University recognises bullying to be distinct from vigorous academic debate, which is respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion.
- 1.5 Bullying must not be confused with constructive criticism or feedback which is intended to be developmental and supportive. Whilst students and staff will clearly hold a wide range of differing and often opposing views, they would be expected to treat all members of the University community with dignity and respect and ensure that the expression of their views does not create an environment that is intimidating, hostile, degrading, humiliating or offensive to anyone.
- 1.6 We recognise that during academic tuition and discussion, there may be certain topics that some may find offensive. These topics, which could be controversial and/or sensitive in nature, are pedagogically relevant, form part of the course content and are intended to inform healthy academic debate. Exposure to sensitive and/or controversial topics is not a form of harassment, and the University will facilitate academic expression as part of our commitment to the principles of freedom of speech. However, we will not tolerate abuse, malicious targeting or intimidation of an individual. Academic expression should always remain relevant and respectful.

2. Scope

- 2.1 This policy is applicable to university members of staff and workers who believe they are being bullied and/or harassed by another member of staff. It is also applicable to university students who believe they are being bullied and/or harassed.

2.2 If the allegation relates to harassment or bullying of a student by a member of staff, students should follow the Student Complaints Policy and Procedure. The Student Conduct team will refer the matter to the HR Department for investigation and action under the appropriate employment policies.

2.3 This policy does not address the formal procedure for investigating cases of bullying and harassment between students where informal resolution has failed. The formal investigation will be conducted according to the procedures in the Student Non-Academic Misconduct Policy and Disciplinary Procedures.

2.4 All students, staff, workers, academic visitors, university volunteers, retired staff, suppliers, and contractors will be expected to behave in a manner that is consistent with the Code of Behaviour set out below when engaging in activities related to the university and / or on the university premises.

3. Legislative context

3.1 The University's response to this policy and accompanying procedure is underpinned by legislation and expert guidance such as:

- [The Equality Act \(2010\)](#)
- [The Protection from Harassment Act \(1997\)](#)
- [The Health and Safety at work Act \(1974\)](#)
- [General Data Protection Regulation \(2018\)](#)
- Higher Education [Freedom of Speech](#) Act 2023

3.2 The following University's policies and procedures were also taken into consideration:

- Data Protection Policy
- Equal Opportunities Statement
- Equality and Diversity Policy
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Harassment and Sexual Misconduct Policy
- Student Complaints Policy and Procedure

4. Policy Statement - Code of Behaviour

4.1 All university staff members and workers are expected to behave professionally and appropriately and have the right to expect professional and appropriate behaviour from others in all interactions.

4.2 It is expected that everyone is individually responsible for our own actions and for recognising the impact of our behaviours on others. While we acknowledge that the university values freedom of speech we should always strive to:

- Build a trusting environment that enables honest and supportive working and learning conditions.
- Acknowledge that our actions can impact others, even where views may not be aligned.
- Being mindful when discussing views that others may find disagreeable or unpleasant, should be discussed in a constructive and legal way, without infringing on freedom of speech.
- Treat each other fairly and without bias.
- Maintain appropriate and professional relationships with all members of the university.
- Promote a culture where colleagues can speak out about inappropriate behaviour.
- Promote an inclusive environment across all areas of the university, fostering good relationships between different groups.
- Ensure there is no less favourable treatment to a person (or persons) that relates to those members with regards to the protected characteristic.
- Support others experiencing inappropriate behaviour.
- Support others where allegations are made against them.

4.3 When we are considering behaviour, we need to consider behaviours that occur using the internet, email, social networking sites, letters/memos, or telephone.

4.4 Harassment is a serious offence which is subject to the university's disciplinary procedures. Where necessary, complaints of harassment, bullying or other inappropriate behaviour will be investigated in accordance with the appropriate policy.

5. Responsibility

5.1 All members of the university have a personal responsibility for complying with this policy.

Staff Responsibility

5.2 Members of Executive, Heads of Departments, and Line Managers have particular responsibilities within the policy and procedure documents. These include setting a good personal example, having regard to the principles of the policy, and familiarising themselves with the procedures. They should also take appropriate action at the earliest opportunity to manage non-compliance with the Code of Behaviour and encourage early conflict resolution.

5.3 Line Managers may receive informal/formal complaints and may conduct investigations into these complaints in accordance with the university grievance policy and procedure.

5.4 Members of Executive may be required to conduct appeal meetings, these will be managed in accordance with the university grievance policy and procedure or the university's disciplinary policy and procedure.

5.5 Human Resources will maintain all related documentation, conduct facilitated conversations, where appropriate, source trained mediators as required and administer all relevant paperwork.

6. Definitions

Line manager	for the purpose of this Policy, “line manager” includes not only individuals who are designated as such but those in equivalent roles with responsibility for the supervision or work of another colleague.
Student	A person enrolled on a programme of study with the university at any level. This also includes exchange and collaborative arrangements of study.
Staff Member	is an employee who works under a contract of employment, which sets out the relationship between the employer and the employee.
Worker	where the working arrangement is far more casual, or where the employer is not required to provide the individual with work and the individual is not required to do any work.
Harassment	is any unwanted physical, verbal, or non-verbal conduct that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them. This can be carried out by an individual or a group of individuals. Harassment is defined as the act of systematic and/or continued unwanted and annoying actions of one party or group, including threats and demands. An isolated incident or threat could amount to harassment if it causes distress. In assessing whether conduct amounts to harassment, the perception of the recipient will be taken into account along with the circumstances of the case and whether it is reasonable for the conduct to have had that effect.
Sexual harassment	is any attempted or actual unwanted sexual (including but not limited to verbal, digital or physical abuse) that makes someone feel upset, scared, offended, or humiliated, or is meant to make them feel that way. Sexual Misconduct is any action of a sexual nature that is unwanted and is perceived by the recipient as a violation of their dignity and/or an act of intimidation. In assessing whether conduct amounts to harassment, the perception of the recipient will be taken into account along with the circumstances of the case and whether it is reasonable for the conduct to have had that effect. A single isolated incident can be considered as sexual misconduct

Discrimination	can both be direct or indirect. Direct discrimination can be treating someone less favourably than someone else in the same situation, but without a protected characteristic. Indirect discrimination where arrangements are less favourable to an individual or group due to a protected characteristic.
Protected characteristics	these are the characteristics as identified under the Equality Act 2010 and are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
Bullying	is unwanted behaviour from a person or a group that is either offensive, intimidating, malicious, or insulting.
Victimisation	occurs where a staff member is treated less favourably on the grounds they have made or are suspected of making a complaint.
Inclusive environment	the provision of working conditions, arrangements and practices that are free from all forms of discrimination and harassment and that promote and foster good relationships between different groups.

7. Harassment

7.1 Harassment is any unwanted physical, verbal, or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them.

7.2 The behaviour may be intentional or non-intentional; the significant fact is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

7.3 A single incident can amount to harassment or there may be a pattern of behaviour.

7.4 It is important to remember that differences in attitude, background or culture can mean that what is perceived as harassment by one person may not be seen so to another.

7.5 For conduct to legally constitute harassment, it must not only be unwanted and perceived as offensive by the individual but also be considered unreasonable by objective standards. This ensures that the definition includes both the individual's experience and the context in which the conduct occurred.

7.6 Unlawful discrimination under the [Equality Act 2010](#) is where the harassment relates to a 'protected characteristic' or is conduct of a sexual nature. When harassment relates to protected characteristics, it refers to the following characteristics: age, disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

[The Protection from Harassment Act 1997](#) (Section 1) makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

7.7 Examples of harassment relating to protected characteristics could include:

- Disclosing a someone's transgender status without permission
- Using derogatory terms in connection with race or age.
- Belittling someone because of their disability.
- Creating a hostile environment for others because they hold a protected philosophical belief.
- Unwanted flirting or making sexual remarks about clothing or appearance.
- Touching someone without permission.
- Emailing, texting, or messaging sexual content unless relevant to course content or academic debate.
- Making offensive jokes about any of the above.
- Exclusion or victimisation.
- Stalking someone through persistent, intrusive, and unwanted attention that makes the recipient feel scared, anxious and/or causes fear of violence.

This list is not exhaustive.

7.8 Being under the influence of alcohol, illegal drugs or otherwise intoxicated is not an excuse for harassment.

8. Sexual Harassment

8.1 Sexual harassment is unlawful under the Equality Act 2010. It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. As with all forms of harassment under the Equality Act 2010, whether behaviour amounts to sexual harassment will depend not only on the recipient's perception and the surrounding circumstances but also on whether it was reasonable for the conduct to have had that effect. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct 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 for them.

8.2 Sexual harassment includes a wide range of behaviours including but not limited to:

- Sexual comments or jokes
- Displaying sexually graphic pictures, posters, or photos, including on social media
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life, and discussing your own sex life

- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
- Predatory behaviour
Coercion

8.3 Sexual interaction that is invited, mutual and consensual is not sexual harassment. An individual can experience sexual harassment from someone of the same or different sex and the recipient of the behaviour decides whether or not it is unwanted.

8.4 Sexual harassment constitutes serious misconduct and could result in dismissal from the university.

9. Discrimination

9.1 Discrimination can be direct (when someone is treated less favourably than another person in the same situation – but without the protected characteristic – is or would be treated) or indirect (where rules or arrangements apply to a group of employees or job applicants, but in practice are less fair to a certain protected characteristic).

9.2 Examples of discrimination could include:

- Not offering a promotion to an individual because of their sex.
- Advertising a role and specifying a minimum number of years' experience.
- Drawing inferences about an applicant's religion because of their name and rejecting them for that reason.

10. The Protection from Harassment Act (1997)

10.1 The [Protection from Harassment Act 1997](#) (Section 1) makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

10.2 The main aim of the act was to tackle "stalking" but covers any form of persistent conduct that amounts to harassment of another person and where the individual knows or ought to know amounts to harassment of another person.

10.3 The Health and Safety at Work Act 1974 entitles staff to a safe place and system of work and make specific references to harassment and bullying in this context.

11. Bullying

11.1 Bullying is unwanted behaviour from a person or group that is either offensive, intimidating, malicious, or insulting involving the misuse of power/position that can make a person feel vulnerable, upset, humiliated, undermined, or threatened.

11.2 Bullying can take the form of physical, verbal, and non-verbal conduct and may include, by way of example:

- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Unwarranted criticism about someone's performance
- Spreading a false rumour about someone
- Excluding someone from team meetings, groups, or social events
- Making threats or comments about job security
- Unfair allocation of workload amongst team members
- Blocking opportunities for development and career progression
- Regularly undermining the authority of a more senior colleague
- Promoting the social exclusion of others
- Constant criticism
- Belittling others, or making inappropriate derogatory remarks about a colleague's performance in public, face to face or via electronic messages or emails
- ridiculing and undermining behaviour, including the ridiculing of a peer's academic contribution in a group work or clinical setting
- intimidating, coercive or threatening actions and behaviour, including ridiculing or domineering behaviour in group work or clinical setting, which fails to allow for the viewpoints of other group members or students to be heard
- undermining or destructive criticism, including that which lacks the necessary constructive feedback to help a peer to improve their performance
- marginalising, ignoring, non-cooperation or deliberate exclusion, including the persistent 'singling out' of peers in the group work or clinical setting
- setting a peer up to fail by changing the rules, expectations or goalposts without explanation, e.g. by deliberately withholding necessary information or by work overload in the group work or clinical setting
- inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life
- inappropriate or unnecessary physical contact
- unwelcome sexual touching, advances or sexually abusive comments
- physical assault or threats of physical assault
- targeted insults, shouting, name-calling, sarcasm, inappropriate jokes, swearing and threats or gestures specifically meant to offend or cause upset
- persistent use of explicit facial gestures indicating aggression or contempt or racist taunts
- Misuse of social media, text messaging, calls and assisted technology (i.e. camera and video) to share or distribute offensive images and literature, to cause upset to an individual or group.

This list is not exhaustive.

11.3 Legitimate, reasonable, and constructive criticism of a student, staff member or worker's performance or behaviour, or reasonable instructions given to staff members in the course of their employment, will not amount to bullying on their own.

11.4 All constructive criticism should be provided to the individual directly, in a confidential setting.

11.5 All of the above examples may amount to bullying, particularly when the conduct is coupled with the appropriate exercise of power or authority over another person.

12. Victimization

12.1 Victimization occurs where a student or member of staff is treated less favourably on the grounds that they have made, supported or are suspected of making a complaint, such as a complaint of discrimination or harassment.

12.2 The university seeks to protect students and staff members from victimisation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith.

12.3 Victimization is a form of misconduct which may itself result in disciplinary action being taken.

13. Implications for students

13.1 If you engage in bullying which constitutes unlawful harassment (harassment on the grounds of age, disability, gender reassignment, race, religion or belief, gender or sexual orientation) you may also be held personally liable for your actions and be subject to prosecution under criminal law (Equality Act 2010).

13.2 Be aware that if your bullying is extreme and/or physically violent you may be reported to the police by those you have bullied.

13.3 Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession.

13.4 Any failure to stop bullying, upon challenge by the victim, witness or member of staff, is likely to be interpreted as refractory resistance to the adoption of professional values and behaviour.

For MB ChB students:

13.5 Alleged bullying and/or harassment which may be judged to fall short of the professional codes of conduct may be considered under Fitness to Practise Proceedings as a consequence of disciplinary procedures being triggered.

- i. Bullying and harassment, particularly if persistent and unresponsive to advice, insight and actions taken to improve the behaviour, would raise questions about your ability to practice as a safe, effective and compassionate doctor
- ii. The Medical School/Concerns Committee will be kept informed of all alleged bullying and harassment cases.
- iii. In extreme cases, you may be referred to Fitness to Practise procedures.

Dignity at Work and Study Procedure

Policy owner:	Human Resources
Implementation date:	August 2025
Review date:	August 2026
Related policies:	Dignity at Work and Place of Study Policy Equality and Diversity Policy Grievance Policy and Procedure Disciplinary Policy and Procedure Harassment and Sexual Misconduct Policy Student Complaints Policy and Procedure

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NB: This policy should be used alongside the Non-Academic Misconduct Policy and Disciplinary Procedures, the Student Complaints procedure and Staff Grievance Policy and Procedure.

Version History

Version	Author	Revisions made	Date
V2.0	Human Resources	Overhaul of Procedure	August 2023
V2.1	Human Resources	Increase details to clarify scope and definition of harassment	April 2025
V2.2	Continuous Improvement Manager	Review of provision to incorporate E6 and the Anti-Bullying Policy	June 2025

1. Purpose

- 1.1 The University of Buckingham is committed to creating and maintaining a safe, welcoming, and inclusive working, learning and social environment that nurtures a culture in which we treat one another with courtesy and professionalism, even while robustly challenging each other's views and opinions, where all individuals can realise their full potential.

2. Scope

- 2.1 This procedure underpins the Dignity at Work and place of Study policy and is applicable to all current students, university members of staff and workers who believe they are being bullied and/or harassed. It also applies to students who believe they are being bullied and/or harassed by a member of staff.
- 2.2 If the allegation relates to harassment or bullying of a student by a member of staff, students should follow the Student Complaints Policy and Procedure. The Student Complaints Officer will refer the matter to the HR Department for investigation and action under the appropriate employment policies.
- 2.3 All staff, workers, academic visitors, university volunteers, retired staff, suppliers and contractors will be expected to behave in a manner that is consistent with the Code of Behaviour set out above when engaging in activities related to the university and / or on the university premises.

3. Procedure

3.1 Advice and Guidance

- 3.1.1 Any member of the university is encouraged to formally report cases of harassment, sexual harassment, bullying, discrimination, and victimisation whether they are the recipient of the behaviour or are witness to it as soon as reasonably practicable.
- 3.1.2 In line with the Equality Act 2010, whether conduct qualifies as harassment or sexual harassment depends not only on the effect it has on the individual, but also on whether it is reasonable for the conduct to have that effect. This legal threshold helps ensure that concerns are assessed fairly and consistently, with both subjective and objective perspectives considered.
- 3.1.3 If you are a student and believe you are being bullied and/or harassed , please alert the university by using the Report and Support system, talking to your Personal Tutor or contacting student.conduct@buckingham.ac.uk so that appropriate actions can be followed under the Non-Academic Misconduct Policy. The University will tackle instances of bullying and harassment as professionally as possible by using appropriate engagement with the accused, the victim(s) and any witnesses to bullying or harassment, not only through the intervention of staff entrusted with such engagement, but by promoting the engagement of the whole University, such that all members work toward an environment free of threat and intimidation.

- 3.1.4 Any member of staff who believe that they may be being harassed, bullied, discriminated or victimised or who has been told that their behaviour is harassing, bullying or discriminatory, and who wishes to discuss such concerns in confidence can do this with either a member of the HR Department or via accessing the Employee Assistance Programme (EAP), provided free of charge by the university (Spectrum Life – 0808 196 2016).
- 3.1.5 Spectrum Life is a completely confidential service provided by the university free of charge to all staff and workers.
- 3.1.6 The University commits to seriously and thoroughly investigating any allegations of bullying between students that is brought to its attention. Where an allegation is found to be true, action will be taken against under the Non-Academic Misconduct Policy and Disciplinary Procedures. The University encourages the reporting of any subsequent victimisation of a complainant or witness because they have, in good faith, made an allegation of bullying and will seek to act appropriately and decisively in such instances.
- 3.1.7 Students who bring allegations to the University in good faith which are not subsequently upheld after investigation will not be treated less favourably under any circumstances. If it is proven that a complaint was not genuine, the University may consider disciplinary procedures.

4. Dealing with harassment, sexual harassment, bullying, discrimination, or victimisation informally

- 4.1 Wherever possible, the aim is to resolve complaints of harassment, bullying and discrimination promptly and effectively so that good working relationships and normal social interaction can be resumed as quickly as possible as sometimes people are not aware that their behaviour is unwelcome or the impact their behaviour may have on others, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.
- 4.2 Any individual who feels they are being harassed, bullied, or discriminated against during their university activities (such as study, work or leisure activities) may feel able to approach the person in question to explain what conduct they find upsetting, offensive, or unacceptable, and to ask that person to refrain from that behaviour(s). Such an informal approach may be all that is required to resolve the issue. The university does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to take.
- 4.3 Many students may find it difficult to think clearly about a situation which is causing them distress, particularly if their self-respect has been damaged, or if they are facing a new or challenging environment. As a student, one of the first steps you might want to take is to try to review and reflect on the events that made you feel bullied, their effect on your self-esteem and how this is affecting your ability to study.
- 4.4 It is recommended that when possible and appropriate and if you feel it is safe to do so, you should attempt to resolve the situation informally in the first instance.

Resolution will require that the bully be challenged, and this can be a difficult step to take if you choose to do it yourself, but it may well be enough to bring bullying to an end. After this it is up to you on how you wish to proceed.

- 4.5 Students who find that informal resolution is not effective or viable can contact the Student Conduct Manager (student.conduct@buckingham.ac.uk) stating clearly the nature of the bullying, the student(s) involved and any attempts you have made to address the situation. Alternatively, students can report the matter [online](#). Students affected by bullying and/or harassment will be referred to sources of support, including the Wellbeing, Skills and Diversity team. Support is available to all affected students, including those accused of bullying, witnesses and by-standers.
- 4.6 Staff who find that they are unable or reluctant to approach the person complained against, they may approach their line manager and discuss the problem. The next step for a staff member, where appropriate, will be to ask their line manager to ask for help in achieving a resolution of the problem. The HR Department will also be able to advise where required.

5. Submission of a formal complaint

Students

- 5.1 If informal resolution is not effective, you can use the [Report and Support](#) online system to raise the matter further. Alternatively, you could reach out to the Wellbeing, Skills and Diversity team, your Personal Tutor or contact the Student Conduct Manager directly (student.conduct@buckingham.ac.uk) stating clearly the nature of the bullying, the person(s) involved and any attempts you have made to address the situation.
- 5.2 Advice and support is available to victims of bullying, witnesses of bullying, students accused of bullying and staff involved in the reporting of bullying from the following sources:
- Personal tutor or other member of academic staff
 - Wellbeing, Skills and Diversity (WSD) team
 - Student Conduct team
 - Head of Student Services
- 5.3 Staff involved in reporting and/or investigating bullying behaviour(s) will direct affected students (including witnesses, by-standers, alleged perpetrators of bullying and recipients) to sources of support via Wellbeing, Skill and Diversity. Staff should also consider other appropriate avenues of support. This could include directing students to the Mitigating Circumstances policy and considering whether academic/exam timetables need revision in order to facilitate a degree of separation if necessary.

Staff

- 5.4 A formal complaint should be submitted under the university Grievance procedure (for staff).
- 5.5 The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) the resolution they are seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties.
- 5.6 As well as or instead of raising issues for resolution informally or formally, staff and workers can report any type of bullying, harassment, discrimination, or victimisation to the university using the anonymous reporting tool, Report and Support, which is available for staff and students. The system can be used to report on an anonymous basis, if required, and enables the university to understand the prevalence and type of misconduct taking place at the university. Where reports are made anonymously, it will not result in any direct action (such as a university instigated investigation). Instead, the statistical information will be collected and will be used to monitor a pattern of reporting.
- 5.7 The written complaint should be forwarded to your line manager who will discuss the complaint with HR in the first instance. In the instance where the complaint is being brought against your line manager/head of department then the written complaint should be submitted to the HR Department.
- 5.8 Should the complaint raised concern your line manager/head of department then HR will find a suitable manager to allocate the complaint to. The manager who is allocated the complaint will then decide how to proceed and will inform the parties in writing. They may make such enquiries as are necessary to determine the complaint or may commission an investigation.
- 5.9 Should the complaint raised concern the Vice-Chancellor then HR will notify the Chair of Council. The Chair of Council will decide how to proceed and will inform the parties in writing. The Chair of Council may make such enquiries as are necessary to determine the complaint or may commission an investigation.

6. Investigation of a formal complaint

Students

- 6.1 If you feel you are being bullied or harassed by another student (or group of students) and have referred your case to the Student Conduct team as above, the Student Conduct Manager may propose the following:
- i. arrange for either themselves or another appropriate member of staff to help you address the alleged bully informally; or

- ii. refer your case to your School of Study to arrange appropriate informal steps; or
 - iii. arrange mediation between the parties involved; or
 - iv. refer the case for investigation under to the Student Non-Academic Misconduct Policy and Disciplinary Procedures.
- 6.2 The student accused of bullying will be contacted by the Student Conduct Manager if they become the subject of a formal investigation of bullying under the Student Non Academic Misconduct Policy and Disciplinary Procedures.
- 6.3 The decision on whether conduct meets the threshold for harassment or sexual harassment will include consideration of whether the conduct was both unwanted and can reasonably be considered offensive, humiliating or degrading in the circumstances. Appropriate sanctions will be applied under the Student Non-Academic Misconduct Policy and Disciplinary Procedures where applicable.
- 6.4 Students who believe they are being bullied or harassed by another student can escalate their case via the routes mentioned above. They will be investigated under the Non-Academic Misconduct Policy.
- 6.5 Students who feel they are being bullied or harassed by a member of staff can escalate the issue by submitting a complaint through the Student Complaints Procedure.

Staff

- 6.6 The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.
- 6.7 As a rule, the investigator should not have had previous involvement with the issues in the case. The investigator will not be a subordinate or close colleague of either the complainant or the person against whom the complaint is being made.
- 6.8 Should a complaint be made against a very senior employee; the investigation may be carried out by a nominee of the Vice-Chancellor.
- 6.9 The university may decide to employ an external partner to investigate, in this circumstance the terms of reference will be disclosed to all parties, taking into consideration the General Data Protection Regulations, in relation to information that can/cannot be shared.
- 6.10 The procedure for an investigation will normally be as follows, though this may be adapted by the investigator, as required: -
- The investigator will meet the complainant to confirm the details of the complaint.
 - The complainant as clarified will forward any relevant material to the investigator that supports their complaint, generally in advance of the investigative meeting.
 - The investigator will interview, where reasonably practicable, individuals identified by the claimant as having relevant evidence.

- The investigator will meet the person complained against to hear their response to the complaint and any further evidence that they may have.
 - The investigator will interview, where reasonably practicable, individuals identified by the person complained against, as having relevant evidence.
 - Having considered all the evidence, including any relevant documentation, the investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
 - In the case where the Senior Manager is not the investigator, the investigator will forward the report to the Senior Manager and will provide a copy to the HR Department.
- 6.11 In reaching conclusions, the investigator will consider whether the reported conduct had the purpose or effect of violating the individual's dignity or creating an offensive environment, and whether it was reasonable in the circumstances for the conduct to have had that effect, as required by Section 26 of the Equality Act 2010.
- 6.12 The investigator, both internal and external will conduct any investigation as soon as reasonably practicable. The investigator will prepare a report and will make recommendations / conclusions on possible course of action. All documentation in relation to the investigation will be shared with the Human Resources Department.
- 6.13 The investigator will inform the complainant and the person who is the subject of the complaint in writing of the conclusions they have reached having reviewed the evidence. The investigator will also provide a copy of a redacted report, removing any third-party references to the complainant and the person who is the subject of the complaint. However, the investigator nor the university can disclose details of any action to be taken against another party and the reasons for those actions. The university is not able to share witness statements or notes of meetings taken from others who are involved in the investigation process in line with GDPR.
- 6.14 The investigator will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded. The investigator cannot legally advise those that participated as part of the investigation what conclusions have been reached or details of any further action that may be taken.

7. Intention and Motives

- 7.1 When deciding the appropriateness of behaviour, factors that will be taken into consideration include the specific context, the motive or the intent of the individual demonstrating the behaviours, the impact on the individual and whether the impact or effect would reasonably be considered to meet the legal definition of harassment or sexual harassment in the circumstances.
- 7.2 The intention or motives of the person whose behaviour is the subject of a complaint are not conclusive in deciding if the behaviour amounts to harassment, sexual harassment, bullying, discrimination, or victimisation.

8. Outcomes of a formal complaint

Students

- 8.1 Incidents of bullying between students will be investigated and addressed through the Non-Academic Misconduct Policy and Disciplinary Procedures. The outcome of the investigation may include a sanction (or sanctions), which will always be relevant and proportionate to the offence committed.
- 8.2 Where it is reported that a member of staff has bullied or harassed a student (or students), this will be addressed according to the Students Complaints Policy. Actions taken as a result will be relevant and proportionate.

Staff

- 8.3 Depending on the nature of the complaint the evidence found, including the findings of any investigation report the investigator, in consultation with the Human Resources Department, will either: -
- Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between the parties. This approach will usually be appropriate where the claim(s) are considered to be unfounded and where there is a continuing relationship between the parties.
 - Initiate resolution of the issues (e.g., by requiring that certain individuals undergo specific training or implementing practical arrangements to improve working relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment, bullying, discrimination or victimisation but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved, or alternatively that there are structural issues within a department that require management attention.
 - Initiate disciplinary proceedings where the investigator is reasonably satisfied that there is sufficient evidence to support allegations of harassment, bullying, discrimination or victimisation of a sufficiently serious nature as to merit disciplinary action. Should this be the case a disciplinary investigation may be conducted.
 - In rare cases disciplinary action may be initiated against the complainant if the investigator is satisfied that the complaint of harassment, bullying, discrimination or victimisation is unfounded and not made in good faith.
 - The decision on whether conduct meets the threshold for harassment or sexual harassment will include consideration of whether the conduct was both unwanted and reasonably considered offensive, humiliating or degrading in the circumstances.

9. Mediation and Facilitated Conversations (Staff)

- 9.1 In some situations, it may be appropriate for the matter to be dealt with via mediation, depending on the nature of the issue. Mediation is a confidential process for resolving issues between individuals, helping those involved find and agree solutions.

- 9.2 Mediation can be used at any time as a means of resolution, including before or after an informal or formal process. However, mediation may be particularly helpful if it is considered at an early stage before any formal procedure is invoked.
- 9.3 Provided both parties wish to participate, an experienced mediator will be identified by the HR Department. The mediator will meet with the parties separately and as soon as practicable to begin to seek a resolution. The normal expectation is that resolution would be achieved within 20 working days of the initial meetings with the parties (although this time limit may be extended if required). To ensure transparency and certainty for both parties, any agreed outcome will normally be recorded in writing.
- 9.4 The HR Department can offer shorter facilitated conversations between 2 parties, which will be held with a member of the HR Team. This will include an initial meeting with each party and then the facilitator will support both parties in a combined meeting where they can discuss the issue and find a way forward that works for them. This option may be preferable for more minor issues of conflict. Should the HR Department not be able to facilitate a way forward then more formal mediation can still be undertaken.
- 9.5 Both mediation and facilitated conversations are voluntary and confidential and all those involved in the mediation process must maintain appropriate confidentiality. Either party can withdraw from the process at any time. Staff members are not required to use mediation or facilitated conversations before utilising the option of a formal complaint.
- 9.6 Should an informal discussion, mediation and / or facilitated conversations not have the desired effect, then a formal complaint can be made under this policy and procedure.
- 9.7 All information concerning allegations of bullying or harassment must be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action.

10. Appeals

Students

- 10.1 Incidents of harassment and bullying between students will be investigated and addressed through the Non-Academic Misconduct Policy and Disciplinary Procedures (NAMP). If you would like to appeal the outcome of a NAMP case, you should follow the appeal procedure as set out in the NAMP document.
- 10.2 Incidents of bullying and harassment of students by members of staff will be addressed through the Student Complaints procedure. If you wish to appeal the outcome, you should follow the appeal process as set out in the Student Complaints document.

Staff

- 10.3 If the matter is not resolved to the complainant's satisfaction, you may appeal to the HR Department who will appoint a suitable, impartial manager to undertake the appeal process. Their decision on the matter will be final and binding upon you. This appeal must be made in writing and within 5 working days of you being notified of the outcome. Where possible, the appeal meeting will be held within two weeks of receiving the appeal, or as soon as possible thereafter.
- 10.4 You may be accompanied at the appeal meeting by either a colleague of your choice or a trade union official.
- 10.5 You will have the opportunity to present your grounds for appeal and explain fully why you do not agree with the original outcome. The meeting will not be a re-hearing of your original complaint but will focus on the specific grounds of your appeal in relation to the decisions taken in relation to your complaint.
- 10.6 The outcome of the appeal meeting will be communicated to you in writing, generally within 5 working days, or as soon as possible thereafter. All decisions will be final and there will be no further right of appeal.
- 10.7 The party whom the complaint was initially raised against does not have the right to appeal the outcome.

11. Records

- 11.1 The university and all those involved in this process must comply with the principles of the Data Protection Act 1998 and subsequent amendments. These include ensuring that personal data is kept accurate and up to date, held securely, not disclosed to unauthorised third parties, and not kept for longer than necessary and held only for the purpose it was collected.
- 11.2 Those interviewed during any investigation will be asked to review the notes of their individual discussions with the investigator as soon as reasonably practicable to check for any inaccuracies or omissions.
- 11.3 The Human Resources Department will retain the notes, reports, and associated documents on file, and will retain them in confidence.

12. Guidance for staff involved in the informal stages of resolving bullying or harassment for students

- 12.1 Bullying is a form of harassment which can destroy a student's self-esteem and prevent them from progressing on their course. It can be detrimental to their future psychological wellbeing. The intention of the person engaged in the behaviour, whether or not they intended to bully, is not a primary factor in making a judgement about whether or not bullying has taken place.

- 12.2 Bullying should not be tolerated, irrespective of the degree to which a victim conforms to a perceived personality norm or expected level of resilience. Staff can offer advice and support in helping a target of bullying address the bully. If informal discussions do not resolve the issues, the case should be referred to the Student Conduct Manager for formal investigation.
- 12.3 Students may, to their psychological detriment, endure persistent bullying before raising a concern. A prompt cessation of the bullying is the most pressing issue and, in such cases, the student should be referred to Student Support services. Individuals may be bullied randomly because the bully holds prejudice or because their response to bullying is ineffective. If there is any suggestion that the student could benefit from a more assertive response to bullying, then non-judgemental advice that they contact Student Support should be seriously considered.

NB: In no instance in which bullying has taken place, should referral of the targeted student to be a substitute for the need for staff to take decisive and incisive action to bring the bullying to a prompt halt.

- 12.4 In all cases, staff should consider how to support all of the students concerned. This includes the accuser, the alleged perpetrator(s), witnesses and by-standers. Students should be directed to WSD, and consideration needs to be given on how to support students academically. This could include directing them to the Mitigating Circumstances policy and reviewing assessment methods, deadlines, extra assessment time, location/timetable adjustments etc. Staff should contact the Head of Student Services to discuss reasonable adjustments that can be made to support a student's academic journey. This is applicable to the reporting party, the accused and any witness or by-standers.

Annex 1: Advice for Students (Informal resolution).

First steps: Talking directly to those involved

To make a challenge you may, in the first instance, contact a member of staff, but you may seek first to challenge the bully yourself in a civil but assertive manner, if you feel confident to do so. A prompt challenge emphasises that the bullying is unacceptable. You may however choose to talk with the bully at a later time, in private, or with other witnesses.

If bullying persists, irrespective of whether or not its nature has changed, you may choose to e-mail the perceived bully a formal note, a copy of which you should save, stating the time(s) at which the bullying has occurred, the nature of the bullying, and your request that it cease.

You may wish to use the format below:

To: _____

From: _ [your name or names of witnesses]

Date: _____ **At** _____ am/pm on _ / _ / _ you [describe bullying event and give victim's name here].

This was bullying. Please stop behaving in this way or in any other way that disregards the basic respect due to others.

Optional text I have copied this communication to the Student Conduct Manager so they are aware of this issue and so that it can be dealt with in a transparent manner.

This form of words should be recognised by the alleged bully as a signal that you are objecting to bullying and seeking a resolution of the problem. It is strongly advisable to keep a record of any correspondence at this stage, as this may be useful in the event that further action becomes necessary. Copies of your e-mail should not be shared with students other than the alleged bully and the target.