

Students' Dignity at Study Policy and Procedure

The University's Policy on Harassment, Bullying, Discrimination and Victimisation

1. Purpose and Scope

The University of Bolton is committed to a policy of equality of opportunity and aims to ensure all students have the right to be treated with respect during their time at the University. The Equality and Diversity Committee is the University's principal vehicle for consultation on equality and diversity matters with responsibility for ensuring that corporate equality objectives are set and met. The University has also expanded the mandatory training for new staff to include equality and diversity training. The University has a good reputation for its diversity as can be evidenced in its annual report <http://www.bolton.ac.uk/Diversity/Home.aspx> and holds an annual Diversity day to celebrate Diversity across the University and in the local community.

The University aims to deal with any concerns at an early stage promptly, impartially, effectively and with sensitivity. The University will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and appropriate action will be taken. The University will not tolerate victimisation of a person making allegations of bullying or harassment in good faith, or supporting someone who has made such an allegation. Any form of discrimination, harassment or victimisation that is proven may lead to the implementation of the University Student Non Academic Conduct and Disciplinary Policy and Procedure.

This policy and procedure applies to all students who are enrolled at the University of Bolton including partner organisations of the University. The policy applies to behaviour and conduct whether expressed orally, in writing or electronically, occurring on University premises or elsewhere, including social networking sites, blogs, websites or other media. If you are unsure whether to use the staff or the student policy please refer to appendix 2.

Bullying or harassment may be physical, verbal or non-verbal, e.g. by letter, e-mails, text messages, social media, or by attitude or behaviour.

Bullying or harassment relating to a protected characteristic under the Equality Act 2010 is unlawful discrimination even if it is by association or perception, as defined in Appendix 1 - Definitions.

Differences of attitude, culture, background or misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not be perceived in the same way by another person.

The University expects everyone to be sensitive to the needs of others and to respect individual differences.

In its investigation of allegations of harassment and bullying the University will apply the concept of reasonableness to its handling of such matters.

Being under the influence of alcohol or drugs will not be accepted as an excuse for any form of inappropriate behaviour, harassment or bullying.

Definitions of the terms used in this Policy and Procedure can be found in Appendix 1 - Definitions

If the incident is sufficiently serious that it is being investigated by the police, the University procedures will be suspended until the police have completed their investigations.

2. The procedure

Illustrative guidance of the process for reporting and managing the Students' Dignity at Study Policy and procedure is provided in Appendix 3.

The website <http://www.bolton.ac.uk/Students/Home.aspx> has a Report and Support button which is to be used by a student who wishes to report an incident of bullying, harassment or victimisation where the alleged perpetrator is a student, a member of staff, a visitor or a contractor.

The Report and Support online form captures brief information about the student who is reporting the incident.

The Dignity at Study Co-ordinator will assign a Dignity, Equality and Diversity Champion who will make contact with the student and will explain the policy and what is involved in the informal and formal procedures. They will also explain the support options that are available to the student.

The Dignity, Equality and Diversity Champion will explore the informal approaches for allegations in the first instance to clarify:

- Why the recipient considers the behaviour is unwanted, unsolicited, offensive and distressing;
- The distinction between incidents of harassment, discrimination and bullying which are unintentional and regretted, and more offensive acts which are intended and persistent.

2.1 Informal procedure

The student will be encouraged and empowered to attain a resolution to the concern raised at the earliest opportunity. This can be achieved in the first instance by talking directly and informally to the person whom he/she believes is harassing or bullying him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for further action.

If a student has already approached the person(s) directly regarding their behaviour, or is unwilling to do so the Dignity, Equality and Diversity Champion will explain to the student the further options that can be taken.

Step 1 Mediation

It may be appropriate on occasions for either the student or the University to consider the role of mediation (see appendix 1 for the definition) in enabling the complainant to reach an informal resolution. The Dignity, Equality and Diversity Champion will help to explain what mediation involves.

Step 2 Informal Investigation

Following mediation, if applicable, and if the unwanted behaviour still continues, students can be reticent to proceed down the formal route. In such circumstances the Dignity, Equality and Diversity Champion may suggest that the student considers proceeding with a referral from the champion to an Informal Investigation Officer who will carry out an informal investigation where facts are gathered from both parties separately and then presented to all concerned. Please note that direct referrals straight to an Informal Investigation Officer cannot be made. There are opportunities for support throughout the process to ensure an increased chance of a successful outcome for all parties. If there are still unresolved issues following the facts being presented to all parties the Informal Investigation Officer will offer the complainant the option of further mediation in order to reach an informal resolution.

2.2 Formal Procedure – Student Complaints Procedure

Where the informal methods fail to resolve the harassment or bullying or in the event that serious harassment or bullying has occurred, the Dignity, Equality and Diversity Champion can help to explain that the next course of action available is to raise a formal complaint through the Student Complaints Procedure.

The Students Complaints Procedure can be obtained from the Student Centre or Student Union or can be downloaded from

<http://www.bolton.ac.uk/studentinformation-policyzone/Home.aspx>

Any subsequent harassment and bullying incident after a formal complaint has been received will be treated as a separate case.

If the complaint of harassment or bullying is found to be malicious, mischievous, or vexatious, it will provide grounds for disciplinary action against the complainant through the Student Non Academic Conduct and Disciplinary Policy and Procedure.

2.3 Variations to the Procedure

The University reserves the right to vary any stage of this procedure as it deems appropriate after consultation with the Students' Union in order to comply with any current legal obligations and best practice.

Where mention is made in this procedure of action by specific post holder or role holder this action may be delegated to an appropriate nominee where warranted by the circumstances, for example, where there is or may be any potential conflict of roles or interests, or the specific post holder or role holder is absent, so long as the nominee has appropriate experience to be able to act on behalf of the specific post or role holder.

3. Responsibilities

3.1 The University of Bolton will:

- Treat all complaints of harassment, discrimination, bullying and victimisation seriously and in a sensitive and objective manner, with due respect for the rights of all parties involved;
- Deal with complaints in a confidential manner; however the student should be aware that there are times when it is in the best interest of the student to break confidentiality under the terms of the Data Protection Act 1998.
- Offer support and assistance to all involved;
- The University of Bolton Student Non Academic Conduct and Disciplinary Policy and Procedure and/or the Staff Disciplinary Policy and Procedure may be invoked when there is evidence that there has been a breach of expected behaviours and conduct which include harassment, discrimination, bullying or victimisation or where allegations are made in bad faith;
- Promote this policy to all staff by including information about the policy and its values in the induction processes for all new staff; staff transferring or seconding to different roles; and staff being promoted to managerial positions;
- Promote this policy to all students including information about its values in the student induction processes and appropriate handbooks and through signposting by staff and the Students' Union;
- Offer training or other appropriate interventions where appropriate to staff and students who have been found to be responsible for using unacceptable behaviour; the aim being to foster a healthy working and learning environment;
- Evaluate annual reports on incidents in order to identify any trends which need to be addressed or investigated further.
- Facilitate a network of Dignity, Equality and Diversity Champions and provide specialist training and recognition of time commitment.
- In undertaking any aspect of this procedure will seek to make reasonable adjustments for students with a disability;

3.2 Students should:

- Act promptly and seek support if they perceive that they are being harassed or bullied and should not wait until it reaches an intolerable level or their well-being is jeopardised;
- If they witness bullying, harassment or any incidents of unacceptable behaviour they should not ignore it and should encourage the student concerned to report it using the Report and Support system on the website <http://www.bolton.ac.uk/Students/Home.aspx>;
- Ensure that they treat other students, staff, and visitors fairly and in accordance with the University of Bolton's conditions of enrolment.
- Be aware that behaviour which impacts negatively on fellow students, staff or visitors or is in any way disruptive or offensive, is not acceptable within the University community and may be subject to the Student Non Academic Conduct and Disciplinary Policy and Procedures;
- Ensure any complaints are made in good faith, are true and not vexatious or for personal gain.

3.3 Staff will:

- Refer a student with a complaint of harassment/bullying to the Report and Support button on the website <http://www.bolton.ac.uk/Students/Home.aspx>. They must also ensure they are made aware of the policy and are offered appropriate support;
- Watch for signs of bullying by others and be aware of what constitutes unacceptable behaviour;
- Maintain an appropriate professional relationship between themselves, colleagues and students;
- Judge student performance based on fair, objective and measurable criteria;
- Participate in harassment and bullying awareness training to ensure awareness of the policy;
- Not deal with the incident themselves to ensure consistency of the policy.

3.4 Student Co-ordinator of Dignity at study will

- Timely and efficient administration of relevant aspects of the Students' Dignity at Study Policy and procedure

3.5 Dignity, Equality and Diversity Champions will:

- Listen without judgement;
- Explain the informal and formal procedures and the mediation process;
- Ensure all student cases are dealt with in accordance with the procedures and principles laid out in this document;
- Participate in regular updating and training on harassment and bullying issues;

- Promote and share good practice in dealing with harassment and bullying issues;
- Signpost students to specialist internal and external services;

It is **not** the Dignity, Equality and Diversity Champion's role to:

- Investigate the incident;
- Offer an opinion, advice or solutions on what students or staff should do;
- Act as an advocate;
- Accompany a student to an investigation meeting; or
- Provide counselling to students;

Dignity, Equality and Diversity Champions may need to break confidentiality in extreme circumstances under the terms of the Data Protection Act 1998.

3.6 Informal Investigation Officer will:

- Listen without judgement;
- Gather facts
- Explain the informal and formal procedures and the mediation process;
- Ensure all student cases are dealt with in accordance with the procedures and principles laid out in this document;
- Participate in regular updating and training on harassment and bullying issues;
- Promote and share good practice in dealing with harassment and bullying issues;
- Signpost students to specialist internal and external services;
- In order to achieve a successful outcome from the process it will be necessary for the informal investigation officer to ensure all parties understand that the nature of the complaint and the name of the complainant will need to be disclosed to the alleged perpetrator(s) and the response of the alleged perpetrator(s) will need to be shared with the complainant

It is **not** the Informal Investigation Officer's role to:

- Offer an opinion, advice or solutions on what students or staff should do;
- Act as an advocate;
- Provide counselling to students;

3.7 All stakeholders will

- Ensure their behaviour is consistent with this policy and that they behave in a way that is regarded as lawful and acceptable that does not cause offence, humiliation, embarrassment or distress;
- Ensure they have read the policy and comply with its terms and the procedures;

- Ensure the University environment is kept free from any literature, posters, notices etc. which may encourage discriminatory attitudes and behaviour;
- Have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Staff and students are expected to contribute to preventing harassment, discrimination, bullying or victimisation through self-awareness, and by supporting students and work colleagues who experience such difficulties by challenging all discriminatory behaviour and attitudes; challenging gossip and rumour which can contribute to discriminatory behaviour and attitudes; and by informing their manager/advisor or other appropriate member of staff confidentially when incidents occur that cause concern.

4. Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed on this policy.

The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to the protected characteristics of race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity.

All University policies are subject to periodic review under the equality impact assessment process.

5. Monitoring and Review

This policy will be reviewed after the first year, and every three years thereafter, to judge its effectiveness and updated in accordance with changes in the law by the Organisational Development, Equality and Diversity Committee.

6. Related Policies

<http://www.bolton.ac.uk/studentinformation-policyzone/Home.aspx>

7. Dissemination of and Access to the Policy

This policy will be published on the University of Bolton's website to be available to all staff, students, visitors and contractors on

<http://www.bolton.ac.uk/studentinformation-policyzone/Home.aspx>

Policy Ref	
Version Number	7
Version Date	June 2016
Name of Developer	Fiona Valentine, Disability Service Manager; Shirley Silcock
Policy Owner (School/Centre/Unit)	Student Services
Person responsible for implementation	Disability Service Manager
Approving Committee/Board	Equality and Diversity Committee
Date approved	24 June 2011
Effective from	1 July 2011
Dissemination method (e.g. website)	Web pages
Review Frequency	12 months
Reviewing Committee	Education Committee
Consultation History (individuals/groups consulted with dates)	Student Experience Team, Equality and Diversity Committee
Document History (e.g. rationale for and dates of previous amendments)	The original document from 2011 has been substantially reviewed and rewritten in line with the University structure and other supporting and related policies.

Appendix 1

Definitions

Harassment is unwanted conduct related to any student, including those with a protected characteristic under the equality Act 2010 which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is *reasonably* considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Harassment can be directed at an individual or a group.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which undermines, humiliates or injures the person on the receiving end.

Associated discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (excluding marriage and civil partnership). For example, a student, whose child has attention deficit hyperactivity disorder, is excluded from social activities organised by their peers because of fears about the child's behaviour.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not have that protected characteristic (excluding marriage and civil partnership). For example, a student refuses to work on a group assignment because they believe another student in the group is gay irrespective of whether the student is gay or not.

Victimisation is deliberately treating someone less favourably than others because he or she has complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has made a complaint. For example, a student alleges that they have encountered racism from another student on their course, and as a result they are ignored by other students on their course.

Mediation is a process where a neutral person, the mediator, works with people who have a disagreement to help them to find their solution and reach an agreement that will assist them to resolve their problem, improve the situation or enable them to work together effectively. The mediator does not take sides or judge who is right or wrong. A student can request mediation from a Dignity, Equality and Diversity Champion who can then arrange this. There are two levels of mediation under this policy

Informal Mediation will involve both parties either separately or together where the informal mediator will ask questions that will help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their conflict/issue, no formal notes will be taken and neither parties will be asked to sign a document. Their role is to purely facilitate a conversation between the two parties involved.

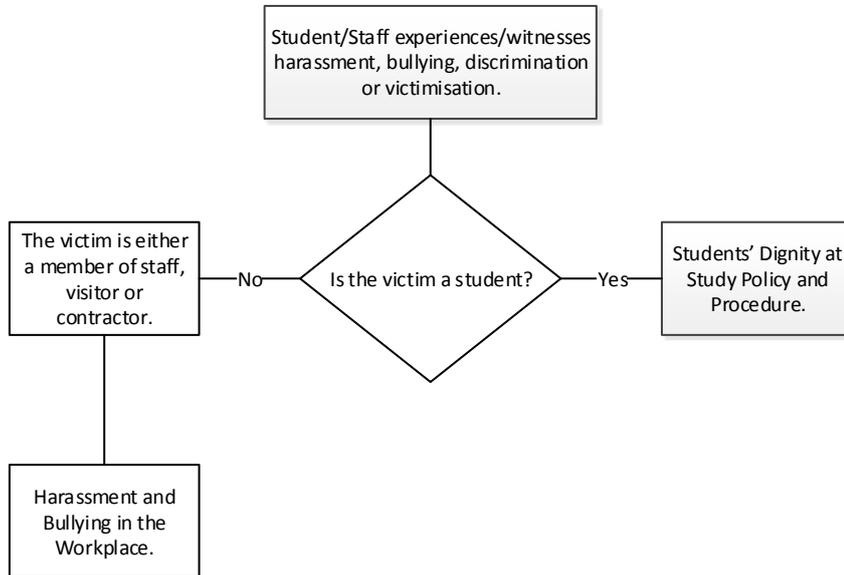
Our Informal Mediators will have been trained in mediation skills but will not hold a formal mediation qualification.

Formal Mediation will involve both parties being present at the meeting and the Mediator will take formal notes around the meeting. All parties will be asked to sign this document as part of the formal process.

Our Formal Mediators are qualified and have been trained by The TCM group.

Appendix 2

Illustrative Guidance for Identifying the Appropriate Policy



Appendix 3

Illustrative Guidance of Process for Reporting and Managing the Students' Dignity at Study Policy

