

# **Brunel University**

## **Dignity at Study Policy**

### **1. Introduction**

Brunel University acts to ensure dignity at study for all of its students. The University recognises that harassment, bullying and victimisation causes considerable distress to an individual and others who are directly or indirectly involved in these situations. The University accepts that a student's health, performance, personal and family life can be affected and is therefore committed to eliminating and preventing harassment and bullying. The University will take steps to protect its students from harassment, bullying or victimisation whether this arises from race, sex, sexual preference, age, appearance, political or religious views or on any other grounds. The University strives to build an environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about behaviour of this type in the knowledge that their concerns will be dealt with appropriately and fairly.

### **2. Legal Responsibilities**

Harassment and bullying may be found to be unlawful under the following legislation:

- Health and Safety at Work Act (1974)
- Criminal Justice and Public Disorder Act(1995)
- Protection from Harassment Act (1997)
- Crime and Disorder Act (1998)
- Human Rights Act (1998)
- The Equality Act (2010)

The University will take all reasonable steps to ensure that it meets its statutory obligations in eliminating and preventing harassment and bullying of its students.

Nothing in this policy prevents the complainant, the alleged perpetrator or other students involved in harassment or bullying situation from exercising their legal rights.

### **3. Complaints**

All breaches of this policy will be taken seriously and will be dealt with promptly with due consideration to the complainant, alleged perpetrator and other individuals involved. If a breach of the policy is found to have occurred, appropriate remedial processes, which may include disciplinary action pursuant to Senate Regulation 6, will be instigated. Where a complaint is made about a member of staff, the matter may be referred to a senior member of University staff for further investigation. This may result in disciplinary action being taken against the member of staff pursuant to Council Ordinance 15.

Students wishing to complain about a breach of this policy should follow the procedure set out in Appendix 1.

### **4. Understanding Harassment and Bullying**

Harassment relates to behaviour or conduct that is considered unwanted (and unacceptable) to the recipient (and by any reasonable person) and such action(s) violate their dignity or create an intimidating, hostile, degrading, humiliating and/or offensive environment for employment or academic life.

Harassment may consist of one single event or an incident(s) that frequently/occasionally occurs. It can be targeted at a specific individual or groups of people. Harassment takes many forms and may include the following (which is not a definitive list):

- Verbal comments relating to gender, disability, marital status, colour, race, religious beliefs, age, sexual orientation and/or sexual preferences.
- Sexual innuendos which are offensive and unwarranted.
- Displaying or distributing offensive posters, photos, jokes or e-mails.
- Unwanted touching or violent behaviour.

**4.1** Bullying usually relates to the accumulation of many small malevolent incidents over a period of time, which could be inflicted by one or a number of individuals. Each incident in itself may be viewed as being trivial but when these incidents become persistent and targeted at an individual, then bullying can have serious repercussions on that individual's well being.

Bullying may involve (which is not an exhaustive list):

- Persistent unwelcome behaviour.
- Unwarranted or invalid criticism, nit-picking, faultfinding.
- Exclusion, isolation.
- Being singled out or treated differently.
- Being made a scapegoat.
- Being shouted at or humiliated.

## **5. Witnessing harassment, discrimination or bullying**

Students have a right to study in an environment free from harassment, discrimination and bullying. If a student witnesses behaviour which is offensive to them in these terms, they may complain in their own right, even if they are not the victim of the behaviour.

## **6. Responsibility**

Overall responsibility for eliminating and preventing harassment and bullying rests with the Vice Chancellor, on behalf of the University Senate and Council.

The University expects all students to take personal responsibility for familiarising themselves with the University's Dignity at Study Policy. All students are accountable for their own actions; they have a responsibility for ensuring harassment and bullying does not occur.

## **7. Remedial Action**

Wherever possible, complaints will be dealt with informally. However serious or unresolved (informal) complaints will be dealt with under the procedure at Appendix 1 to this Policy.

Disciplinary action against perpetrators of harassment and bullying may result in a formal warning (verbal or written), a fine, suspension or expulsion from the University. Perpetrators may also be required to apologise for their actions. Remedial action may also include the recommendation that the perpetrator and/or victim receive counselling and/or training.

## **8. Victimisation**

No student should fear or experience victimisation or detriment for raising or making a genuinely perceived complaint about a breach of this policy, or for assisting in an investigation into such a complaint. This refers to the complainant, alleged perpetrator and witnesses. Complaints of victimisation will be seriously considered and may lead to disciplinary action. Complaints of this type should be made to the Student Complaints Officer in accordance with the procedure attached at Appendix 1.

## **9. Malicious or Frivolous Complaints**

Where reasonable belief exists that a complaint is false or malicious (ie submitted for no other reason than to cause harm or discredit other individuals), disciplinary action may be taken against the complainant. This may be a formal warning, suspension or expulsion from the University.

## **10. Reporting Incidents**

The procedure to be followed in the event of a suspected breach of this policy (Appendix 1) sets out at paragraph 1.1 whom a student can approach to discuss harassment or bullying matters. In most situations they will refer the student to the Student Equality and Diversity Manager who will recommend a Dignity Adviser. The role of the Dignity Advisers is described in Appendix 2.

## **11. Confidentiality**

Confidentiality will be observed as far as practicable. Staff members responsible for implementing this policy must be aware of their obligation to respect confidentiality. Respect of an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- Where the reported incident is so serious that it warrants a formal investigation.
- Where there is a risk that the perpetrator may repeat his/her actions and this would put the victim at risk of mental or physical danger.
- Where there is a potential risk to the University.
- Where failure to disclose information may be a breach of statute for example Prevention of Terrorism Act.

In situations where there is a potential risk that an alleged perpetrator may repeat their actions, posing a real physical/mental threat to the well being of others, the Student Equality and Diversity Manager must contact the Vice Chancellor's Representative (Non-Academic) for guidance. In these instances, there will be full disclosure.

## **12. Monitoring**

Statistical information incorporating the nature of the complaint within specific categories (sexual harassment, disability harassment, harassment on the grounds of race, gender reassignment, sexual orientation, maternity or pregnancy, age and/ or harassment on the grounds of religious beliefs (including the lack of belief) will be reported annually to Senate and Council.

## **Appendix 1**

### **Procedure to be followed by students in the event of a possible breach of the Dignity at Study Policy**

The following procedure may be used by students to complain about alleged breaches of the University's Dignity at Study Policy. The procedure is intended to deal with any breach with sensitivity and impartiality, both for the student bringing the complaint and the person alleged to be in breach.

Provided that complaints are not malicious, vexatious or unreasonable, your career in the University will not be prejudiced by having submitted a complaint. Complaints not made in good faith will be rejected, and the student may be subject to disciplinary action under Senate Regulation 6.

Any complaint should be submitted promptly as a significant elapse of time might prejudice a proper and fair investigation, and the potential to resolve the complaint satisfactorily. If such delay occurs, the University may not be able to address fully or at all the issues raised.

#### **1. INFORMAL STAGE**

- 1.1** It is normally advisable to resolve complaints and issues in an informal manner where possible, and you should make every effort to try to do this before having recourse to the formal procedures. If you can, make it clear to the person causing offence that such behaviour is unacceptable. However, if you feel unable to confront the person directly or if talking to them has no effect, then you should seek support from one of the following:

The Advice and Representation Centre of the Union of Brunel Students

Your Personal Tutor or Course Leader

The Student Equality and Diversity Manager

Counselling Service

Disability and Dyslexia Service

Residences Management Team

Residential Services Team

Chaplaincy

Brunel International

A list of contact details is attached at Appendix 3.

If you don't feel able to follow this course or if the incident is too serious, you can proceed straight to the formal stage.

- 1.2** Whoever you approach will talk the problem through with you and discuss possible courses of action. All advice will be given in confidence and without pressure as to the course of action to be taken. In most cases, you will be referred to the Student Equality and Diversity Manager who can advise you as to the courses of action you can take, and who will recommend a Dignity Adviser. Dignity Advisers are staff members who provide informal support to students under the Dignity at Study Policy. Their service is completely confidential, and there is no pressure to follow any particular course of action. They provide non-judgmental listening, advice, information and support.
- 1.3** It may be possible at this stage to resolve the matter informally to your satisfaction. If not, then it is up to you to decide whether to pursue the matter on a formal basis. If you choose to do so, a formal complaint should be lodged as described in Stage 2 below.
- 1.4** At any stage of this procedure you may be offered mediation by the Advice and Representation Centre, the Student Equality and Diversity Manager or the Student Complaints Officer. With your agreement, your complaint will be referred to one of the University's team of Mediators, who are members of staff trained in mediation. The Service is confidential and anything discussed at mediation cannot be used in any complaint procedures or legal processes. Further information about mediation can be obtained from the Student Complaints Officer or the Advice and Representation Centre.

## **2. FORMAL STAGE**

- 2.1** If complaints and difficulties cannot be resolved informally, then a formal complaint should be lodged. You should download and complete a Complaint Action Form and submit it to the Student Complaints Officer as soon as practicable. Your complaint should address the following issues:
  - The nature of the complaint and how it has affected you
  - The action you have taken to try to resolve the complaint

### **2.2 Evidence**

If you feel that you are experiencing unacceptable behaviour it is important that you begin to keep a note of the details and dates of any incidents. Where possible, the following should be included:

- Dates of incidents
- Location
- Time
- Nature of incidents
- Any response made or action taken by you
- Your feelings at the time
- Names of any witnesses

- 2.3 You must keep copies of all relevant documentation you submit in relation to the complaint. If a package goes astray, for whatever reason, we may not be able to deal with your complaint if you have not kept copies. The Student Complaints Officer will acknowledge your complaint within 7 days.
- 2.4 The Student Complaint Officer may, if appropriate, arrange a meeting with you within 5 days of receipt of the complaint to discuss the matter. You may bring a friend or supporter (not normally a legal advisor) or any potential witnesses to the alleged offence to any internal meeting. Please notify the Student Complaints Officer in advance of the meeting of the name and status of the friend or supporter.
- 2.5 The Student Complaints Officer will consider the complaint with you, and will investigate options for a mutually acceptable resolution.
- 2.6 **If your complaint is against a student** the Student Complaints Officer may discuss the complaint with the person(s) alleged to be in breach and give him/her opportunity to respond.
- 2.7 If the Student Complaints Officer decides that there is a case to answer, he/she will refer the matter to the Vice-Chancellor's Representative (Non-Academic) for disciplinary action pursuant to Senate Regulation 6.
- 2.8 **If your complaint is against a member of University staff** the Student Complaints Officer may refer the complaint to an appropriate person for investigation. If there is subsequently considered to be a case to answer, disciplinary action may be taken against the member of staff pursuant to Council Ordinance 15.

### **3. OUTCOMES**

- 3.1 Each party involved in the complaint will be informed individually in writing of the outcome. If no further action is to be taken, you will be given reasons for this decision.

### **4. REVIEW STAGE**

- 4.1 If you are dissatisfied with the outcome of the complaint to the Student Complaints Officer you should inform the Chief Operating Officer in writing within 21 days of hearing from the Student Complaints Officer. The Chief Operating Officer or his/her Deputy will review the complaint and advise you of any further action that may be taken.
- 4.2 If the Chief Operating Officer or his/her Deputy finds that no further action should be taken by the University, you will be sent a Completion of Procedures letter in accordance with the Office of the Independent Adjudicator's procedures to indicate that you have now exhausted the University's internal complaints procedure.
- 4.3 The Chief Operating Officer or his/her Deputy will complete a final review within 15 working days.

### **5. EXTERNAL REVIEW: OFFICE OF THE INDEPENDENT ADJUDICATOR**

**5.1** If you remain dissatisfied with the outcome of your complaint you have the right of appeal to the Office of the Independent Adjudicator (OIA). The OIA was set up by the Government and operates an independent student complaints scheme pursuant to the Higher Education act 2004. The website address is <http://www.oiahe.org.uk/>

**5.2** In most circumstances you will need a 'completion of procedures' letter before approaching the OIA as they will need evidence that you have exhausted the University's internal complaints procedure, before they will deal with you.

However, in exceptional circumstances, where it is reasonably believed that the Internal University procedures have been completed, or where the University is unreasonably withholding the letter, you may approach the OIA without the completion of procedures letter.

The OIA will not consider a complaint unless it is received within 3 months of the date upon which the internal complaints procedure was exhausted except where the OIA reviewer extends the time because he or she is satisfied that there is good reason to do so. Full guidance on time limits is given on the OIA website.

**5.3** More detail about the OIA including full information as how to apply including downloadable application forms can be found at <http://www.oiahe.org.uk/>.

## Appendix 2

### Dignity Advisor Role Definition

The Dignity Advisor's role as part of the Dignity at Study Policy is to provide support to students who are concerned that they may have suffered from bullying, harassment or discrimination whilst studying at the University.

The aim of the role is to provide guidance, assistance and advice in order to facilitate informal resolution in cases of bullying, harassment or discrimination in line with the Dignity at Study Policy.

Dignity Advisors are provided with training which will cover the law in relation to bullying, harassment and discrimination, the University's Dignity at Study Policy and their role.

Advisors will have access to a network which will meet regularly to facilitate mutual support and the sharing of experience. The network and meetings will be co-ordinated by the Student Equality and Diversity Manager.

### Main elements of the role

1. To listen to students who believe they are being bullied, harassed or discriminated against.
2. To clarify the options open to such students and to assist them in resolving the matter, where possible, informally.
3. Dignity Advisors may be requested to support individuals throughout the resolution of their concerns. This may include discussing with the individual what s/he may wish to say or write to the person whom s/he considers to be the alleged harasser.
4. To act as 'buddy' to another Dignity Advisor for the purposes of mutual support.
5. To contribute where possible to initiatives aimed at combating bullying, harassment and discrimination and raising awareness of the issues.
6. To deal with all cases with the utmost confidentiality except in cases where there is an unacceptable risk to the University as described in the Dignity at Study Policy.
7. To liaise with the Student Equality and Diversity Manager on issues of bullying, harassment and discrimination and help to maintain summary records of any action taken in relation to such cases.
8. To support the annual monitoring of the Policy through recording (on an anonymous basis) the number and type of harassment and bullying cases in which the Advisor is involved and the methods by which they were resolved, where known.
9. To attend training in relation to the University's Dignity at Study Policy and the role of the Dignity Advisor.
10. To participate in the regular sharing of experience and good practice in order to develop skills and experience relevant to the role.

## Dignity Advisors Do NOT....

- Undertake any investigation.
- Decide whether the behaviour/conduct of an individual(s) constitutes harassment.
- Make decisions on behalf of the complainant/alleged perpetrator on action or recourse.
- Discuss any complaint with other parties except the Student Equality and Diversity Manager and/or other Dignity Advisors for advice and support.
- 'Do things' for the complainant or alleged perpetrator – independent activity.

### Appendix 3

Contact email addresses:

The Advice and Representation Centre of the Union of Brunel Students	<a href="mailto:advice@brunel.ac.uk">advice@brunel.ac.uk</a>
Brunel International	<a href="mailto:bi.studentservices@brunel.ac.uk">bi.studentservices@brunel.ac.uk</a>
The Student Equality and Diversity Manager	<a href="mailto:diversebrunel@brunel.ac.uk">diversebrunel@brunel.ac.uk</a>
Chaplaincy	<a href="mailto:meeting-house@brunel.ac.uk">meeting-house@brunel.ac.uk</a>
Counselling Service	<a href="mailto:counselling@brunel.ac.uk">counselling@brunel.ac.uk</a>
Disability and Dyslexia Service	<a href="mailto:disability@brunel.ac.uk">disability@brunel.ac.uk</a>
Your Personal Tutor or Course Leader	please ask at your School Office
For Residences/Accommodation Office:  Mill, Fleming and Galbraith Hall: Bishop and Lancaster Hall: Faraday, Chepstow, Saltash, Clifton complex Isambard complex  Accommodation Office	<a href="mailto:Mill-hall-staff@brunel.ac.uk">Mill-hall-staff@brunel.ac.uk</a> <a href="mailto:blf-staff@brunel.ac.uk">blf-staff@brunel.ac.uk</a> <a href="mailto:isambard-residences@brunel.ac.uk">isambard-residences@brunel.ac.uk</a> <a href="mailto:halls-staff@brunel.ac.uk">halls-staff@brunel.ac.uk</a> <a href="mailto:accom-uxb@brunel.ac.uk">accom-uxb@brunel.ac.uk</a>

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