

THE UNIVERSITY OF MANCHESTER

Dignity at Study and Work Procedure for Students

Alternative formats

This procedure is available in a number of alternative formats.
Please contact the Equality and Diversity Unit for further details:

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Studentnet <http://netstud.cmsstage.manchester.ac.uk/equality-and-diversity/>

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Purpose

1. This procedure sets out the organisational arrangements in place to support the implementation of the University's Dignity at Work and Study Policy as it relates to students.

Overview

2. The University is committed to creating a learning environment free of harassment, discrimination, victimisation and bullying, where everyone is treated with dignity and respect.
3. The University will not tolerate bullying, harassment, discrimination or victimisation of any kind. Allegations of bullying, discrimination and harassment will be investigated and, if appropriate, disciplinary action will be taken. The University will also not tolerate victimisation of a person for making allegations of bullying, discrimination or harassment in good faith or supporting someone to make such a complaint.

Definitions of harassment, discrimination, victimisation and bullying

Harassment

4. Harassment is unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment, which interferes with an individual's learning, working or social environment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
5. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as age, disability, gender reassignment, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or 'horseplay', including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - mocking, mimicking or belittling a person's disability;
 - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - outing or threatening to out someone as gay, lesbian, bisexual or trans;
 - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a social activity.
6. A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

Discrimination

7. Unlawful discrimination takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman less favourably because she is breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership.
8. Direct discrimination occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.
9. Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

Bullying

10. Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

11. Bullying can take the form of physical, verbal and non-verbal conduct. Non-verbal conduct includes postings on social media outlets. Bullying may include, by way of example:
- a. shouting at, being sarcastic towards, ridiculing or demeaning others;
 - b. physical or psychological threats;
 - c. overbearing and intimidating levels of supervision;
 - d. inappropriate and/or derogatory remarks about someone's performance;
 - e. abuse of authority or power by those in positions of seniority; or
 - f. deliberately excluding someone from tutorials/meetings or communications without good reason.
12. Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to students in the course of their studies, will not amount to bullying on their own.

Victimisation

13. Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment, or supported someone else's complaint.

Support

Harassment Advisors' Network

14. The University has a Harassment Advisors' Network. Harassment Advisors are trained to provide a confidential support and information service to University students and staff on issues relating to harassment, discrimination, victimisation and bullying.
15. You can contact an Harassment Advisor by using the report and support button online at www.manchester.ac.uk/we-get-it
16. Harassment Advisors offer advice to and support students who make a complaint by outlining the various processes and identifying any other support routes open to them. Harassment Advisors also offer advice and support to students who have a complaint made against them.

17. Further Information

Further information for students is available online www.studentsupport.manchester.ac.uk/health-and-wellbeing/bullying-and-harrasment or call the Equality and Diversity Team on 0161 306 5857.

Scope

18. This procedure is to be used by a student who wishes to take informal or formal steps in making a complaint against another student or against a member of staff when they believe they have been the subject of harassment, discrimination, victimisation or bullying. Where the complaint is against a member of staff, the appropriate Human Resource (HR) Partner will be consulted and the matter will be handled jointly.

19. In the following sections, the:

- person making a formal complaint is referred to as “the complainant”;
- expression “respondent” refers to an individual against whom a complaint of harassment, discrimination, victimisation or bullying has been made; and
- term ‘Advisor’ should also be taken to mean Personal / Academic Advisor, Tutor, Supervisor or any other appropriate member of staff, including Student Support Officers, who have a role in providing support to students in Schools and Halls of Residence.

General principles

20. Any cases of harassment, discrimination, victimisation or bullying will be taken very seriously by the University and, where necessary, the appropriate procedure will be used to investigate complaints. Similar arrangements will be used in dealing with complaints made by members of staff or by visitors to the University.

21. In some circumstances, it may be appropriate to remove an individual from the situation causing conflict. A student may be suspended from their studies or excluded from access to the campus or part(s) of the campus pursuant to Regulation XVII Conduct and Discipline of Students. Similarly, where there is a serious allegation, a member of staff may be suspended from work during an investigation as set out in the University’s Disciplinary Procedure.

22. The University aims to protect all students and staff, but this procedure should not be used as a substitute for resolving issues through informal discussion where possible. For example, inappropriate, derogatory remarks or certain types of jokes can cause offence, but the expectation would be that such matters should be resolved informally and locally.

23. Cases of harassment, discrimination, victimisation or bullying may be treated as a disciplinary offence. Some cases of harassment, discrimination or bullying if

well-founded could result in expulsion for students or dismissal for staff members.

24. Making false or unsubstantiated allegations with malicious intent could lead to disciplinary action being taken, up to and including expulsion or dismissal.
25. The University will not assume guilt of either party and will support all students and staff members involved in a case of alleged harassment, discrimination, bullying or victimisation.
26. Every effort should be made to keep the matter confidential to those who are directly involved.

Evidence

27. For any student who feels that he/she is experiencing unacceptable behaviour, it is important that they begin to keep a note of the details and dates of any incidents which have caused them distress. Where possible, the following information should be included:
 - date of incident(s);
 - location;
 - time;
 - nature of incident(s);
 - the response made by the complainant;
 - the complainant's feelings at the time;
 - any action taken by the complainant;
 - the name of any witnesses; and
 - any relevant emails, posts on social media and other correspondence;

Options

28. Many issues can be resolved informally, and this approach is encouraged where possible.
29. Mediation is also available at any stage of the procedure (see paragraphs 36 to 42 below).
30. However, if complainants do not feel able to follow either the informal procedure or mediation, or if the incident is too serious for such approaches, they may proceed straight to the formal stage.
31. It is recommended that the complainant does not delay unduly in raising these issues, whether informally or formally.
32. As a general principle, the decision of whether to progress a complaint is up to the individual. However, the University has a duty to protect all students and staff and may pursue the matter independently if it considers it appropriate to do so.

Informal Procedure

33. Complainants are advised to talk to someone they can trust. This may be a member of staff or fellow student or Students' Union advisor, perhaps someone outside the University or a family member or friend. The issues can also be discussed with a Harassment Advisor (see paragraph 14).
34. The complainant may feel able to tell the person, to stop, either by talking or writing to them. Sometimes it is enough just to explain to the person what is unwanted about their behaviour and why it is unacceptable.
35. The complainant may request to talk to the student support officer in their school; contact information is available on www.studentsupport.manchester.ac.uk/health-and-wellbeing/bullying-and-harrassment

Mediation

36. Mediation is an informal, voluntary and confidential process which can help the complainant and the respondent to explore issues and concerns.
37. Mediation can be used at any stage, as an alternative to the informal stage or as the next step after informal procedures. It can also be used at any point during the formal procedure, in which case the formal procedure will be halted pending the outcome of the mediation.
38. If the complainant or respondent wishes to find out more about [Mediation Service](#) they can contact the service directly by calling 0161 306 5874 or email mediation@manchester.ac.uk

Formal complaints and investigation

39. If it has not been possible to resolve the matter informally or through mediation or if it is not appropriate to seek to resolve the complaint using less formal stages, the complainant may submit a formal complaint.
40. To submit a formal complaint students should complete the [standard complaints form](#) and submit it to the officer who deals with student matters in the complainant's Faculty.
41. The Faculty Officer will acknowledge receipt of the complaint and will determine how it should proceed according to the nature of the complaint. In the event that the complaint is referred to another office, the complainant will be informed.

Investigation

- 42.** At least two people must be involved in investigating a complaint under this procedure (the “Investigating Officers”). Investigating Officers must be independent of the complainant and respondent. The Director of Teaching and Learning Support will determine any disputes about the independence of an Investigating Officer. Where the dispute involves the Director of Teaching and Learning Support it will be determined by the Director for the Student Experience. In any situation where the complaint is against a member of staff, the appropriate HR Partner will be consulted and the matter will be investigated jointly.
- 43.** The Investigating Officers will be responsible for gathering information to allow them to fully consider the complaint. The scope of the investigation is at the discretion of the Investigating Officers. Investigations will be undertaken in confidence as quickly as possible and will normally begin within 10 working days of receipt of the complaint.
- 44.** The complainant will be asked to attend a meeting with the Investigating Officers during which the procedure will be explained and discussed, and the details of the allegations will be confirmed. The complainant may be accompanied at the meeting by a Students’ Union representative, a fellow student or a staff member.
- 45.** The Investigating Officers may, at this initial stage, determine that there is no substance to the complaint in which case the formal procedure will cease and the complainant will be informed. In this event, the complainant may seek a review of the Investigating Officers’ decision (see paragraph 53).
- 46.** Where the Investigating Officers agree that further investigation is appropriate, the respondent will be informed of the substance of the complaint against them and asked to attend a meeting. During the meeting, the procedure will be explained and discussed, and they will be given the opportunity to respond to the complaint. If the respondent is a member of staff, he/she may be accompanied at any meeting by a colleague, trade union representative or, if the respondent is a student, he/she may be accompanied by a Students’ Union representative, fellow student or staff member.
- 47.** The Investigating Officers may consider making temporary changes to learning or living arrangements pending the outcome of the investigation, if circumstances require. The Investigating Officers may also interview other relevant witnesses.
- 48.** Comprehensive notes of any interviews will be made. On the basis of interviews and statements received, the Investigating Officers will reach a decision and compile a report of the investigation and outcome. The complainant and the respondent(s) will be informed individually in writing of the decision and reasons for the decision will be given.

- 49.** If the Investigating Officers conclude that the conduct of the respondent constitutes misconduct, then the matter will be referred for consideration under the appropriate disciplinary procedures. Where the respondent is a student, action may be taken under the terms of Regulation XVII Conduct and Discipline of Students. Where the respondent is a member of staff, action will be considered in accordance with the appropriate staff disciplinary procedures.
- 50.** Any student or member of staff who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the relevant disciplinary procedure.
- 51.** It is expected that the formal procedure should normally be completed and a written response provided within twenty working days of the receipt of a formal complaint. Where, for reasons of complexity or for other good reason, it is not possible to complete the formal procedure within this time scale the parties will be kept informed.
- 52.** Whether or not a complaint is upheld, the Faculty Office will consider how best to manage the ongoing relationship between the complainant and the respondent(s). It may be appropriate to arrange mediation or counselling or change the living or working arrangements of one or both parties.

Review

- 53.** If, following receipt of the decision and recommendations of the Investigating Officers, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, he/she can request a review by writing to the Director of Teaching and Learning Support within 10 working days of receipt of the outcome. If the original complaint was against the Director of Teaching and Learning Support or if he/she has been involved in the investigation, the request for a review should be submitted to the Director for the Student Experience.
- 54.** The request for review should include details of why the individual is dissatisfied with the way the case has been handled or why he/she believes that the outcome is not reasonable and what resolution is sought. Copies of correspondence exchanged during the preceding stages and any other relevant papers should also be included.
- 55.** The Director of Teaching and Learning Support (or the Director for the Student Experience as appropriate) or their delegated nominee will determine whether he/she should undertake the review or whether it should more appropriately be considered by another senior administrative manager (e.g., the Director of Human Resources). The person undertaking the review is hereafter referred to as the "Review Officer".
- 56.** The Director of Teaching and Learning Support (or the Director for the Student Experience as appropriate) or their delegated nominee will acknowledge receipt of the request for review in writing within 5 working days and will confirm who will be undertaking the review.

57. The Review Officer will then review the case on the basis of the documentation provided with the request for a review and that held by the Investigating Officers and their decision. The Review Officer may decide to seek further information from those concerned if he/she deems necessary. If the Review Officer concludes that the case has not been handled fairly or properly, he/she will decide on an appropriate course of action, which may include:

- specific action to resolve the matter; or
- referral for a new investigation.

58. The Review Officer will inform the individual of his/her decision within twenty working days of receipt of the request for review with reasons for the decision. The decision of the Review Officer is final within the University.

Office of the Independent Adjudicator for Higher Education

59. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable, can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), if the complaint is eligible under the OIA's rules and once all internal procedures of the University have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Office of Student Support and Wellbeing, the Students' Union Advice Centre and the OIA's website: www.oiahe.org.uk.

Procedure Review

60. The effectiveness of this procedure will be reviewed every three years along with the associated policy. This procedure may be updated from time to time as necessary.

Document control box	
Policy title:	Dignity at Work and Study Procedure for Students
Effective from Date:	February 2014
Approving body:	HR Sub Committee of Planning & Resources Committee
Version:	2
Supersedes:	Harassment, Bullying and Discrimination Policy and Procedures for Staff and Students
Previous review dates:	November 2010
Next review date:	Every third year, or upon any significant change in consultation with the recognised campus trade unions and students' union)
Related Statutes, Ordinances, & General Regulations	University Statute XIII Part III Disciplinary Procedures & Part VI Grievance Procedure University Ordinances XXIV Staff Disciplinary Procedures pursuant to Statute XIII Part III & XXVIII Staff Grievance Procedure pursuant to Statute, XIII Part VI University Student Regulation XVIII Student Complaint University Student Regulation XVII Conduct & Discipline of Students
Equality relevance outcome:	High
Related policies:	Dignity and Work and Study Policy Equality and Diversity Policy for Staff and Students
Related procedures	Dignity at Work and Study Procedure for Staff
Related information:	Reporting: Student report to senate http://www.campus.manchester.ac.uk/studentexperience/appealstats.htm Student Satisfaction Survey http://www.campus.manchester.ac.uk/studentexperience/surveyresults/0506/results.htm
Policy owner:	Director of Human Resources and Director of Teaching and Learning Support
Lead contact:	Head of Equality and Diversity