

Dealing with Unacceptable Behaviour: Guidance for students and staff

Responsibility of: University Secretary

Approval date: Initial approval date 4 July 2017

Amended: August 2020

Updated: May 2021

Review date: April 2025

Approved by: Board of Governors

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Dealing with Unacceptable Behaviour: Guidance for Students and staff

1 Introduction

1.1 The University is committed to providing an environment where all students are welcomed and treated with respect. Students should also feel safe both within the University and when using its online platforms.

2 This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or another student. Any student in this position should contact Student Services or the Students' Union for advice if they wish to access support. What constitutes unacceptable behaviour?

- Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or social media. Some examples are included below, but this list is by no means exhaustive:
- Violent, aggressive, or abusive behaviour, such as shouting or personal insults
- Abuse of a sexual or racist nature or other harassment
- Spreading malicious rumours or gossip
- Unwanted physical contact, including groping
- Threats of or actual physical violence
- Offensive or indecent comments or body language
- Displaying offensive material or graffiti relating to an individual
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip based on sexual orientation or gender identity
- Inappropriate initiation or 'hazing' ceremonies for sports teams or other societies
- Using social or other on-line media to communicate negative, abusive, and harmful statements against students or staff
- Creating a hostile environment through comments about race, disability, sex, sexual orientation or gender identity.
- Victimisation, treating someone badly because they have made a complaint about discrimination

2.1 If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone. You should be aware that you are also legally protected against discriminatory language, behaviour or action related to any of the 'protected characteristics' as set out in the Equality Act 2010. These characteristics are defined by law as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race and ethnicity, religion or belief (including lack of belief), sex and sexual orientation.

3. **What should you do if you experience unacceptable behaviour?**

3.1 You could try to resolve the situation informally. Wherever possible, if you believe that you are being subjected to any form of unacceptable behaviour you should take personal action to resolve the situation in the first instance as follows:

- Try to speak directly to the person responsible for the behaviour – they may genuinely not know that they are acting in a way that's unacceptable to you.
- If they don't respond to this, or if you feel unable to approach them, then it is vital you take the matter further.
- Go and talk to someone in Student Services. Some forms of behaviour can be very subtle and it can often help to talk through your experiences with a third party. Student Services can investigate the matter informally and potentially offer different solutions e.g. arrange mediation and can issue a verbal warning to the perpetrator.
- Discuss the issue with your Personal Tutor, or other appropriate member of staff – basically anybody who you feel comfortable with – to discuss ways in which the situation can be resolved with their support and/or involvement.
- Where the behaviour took place in the Students' Union or one of their events or societies, you can raise it with the SU to support you.

3.2 You could make a complaint

If you feel unable to take any personal action or if the matter remains unresolved through the informal means outlined above, you can complete the appropriate Student Complaint Form or put your complaint in writing and submit it electronically by email to the University Secretary (university.secretary@uwl.ac.uk) who will then determine how your complaint will be progressed. Allegations against individuals who are not students or staff at the University – for example, agency or contract workers - may not be able to be dealt with under this policy as they are not subject to discipline under the University's internal processes. In these circumstances, you will be advised of other possible ways to pursue your complaint. The Students' Union Advice

Team or Student Services can provide support to students in such circumstances.

4 Confidentiality

- 4.1 If information is to be kept confidential, you must make this clear to the person to whom any complaint is made. You should understand that in exceptional circumstances it may not be possible for confidentiality to be respected, for instance where a criminal offence has been disclosed or where it is considered that you or other students are in danger.
- 4.2 You should also understand that in some circumstances the demand for confidentiality may make it difficult for the University to assist you with your complaint. If you wish the University to take action this will usually mean that we have to inform the person you are complaining about of the allegations. This will be explained to you at the time of making the complaint.

5 You've made a complaint about another student– so what happens next?

- 5.1 If you have complained about the behaviour of another student the University Secretary will consider if reasonable steps have been taken to resolve the issue informally. In some cases, the complaint may be referred to Student Services to try to find a way to resolve the complaint through informal means that have not yet been explored or through mediation, involving other members of staff as appropriate.
- 5.2 Where informal resolution is not possible or where the matter is deemed suitably serious, the complaint will be referred for consideration under the Student Disciplinary Regulations (see Section 7 below).

5.3 If you have complained about the behaviour of a member of staff

- 5.4 Allegations made against members of staff will be considered by the University Secretary who will discuss the matter with the Director of HR and Organisational Development. Where it involves SU staff this will be raised with an appropriate member of the Students' Union through their disciplinary processes.
- 5.5 Where the matter can be resolved by informal means, such as mediation, this will be considered prior to the instigation of a formal process under the Staff Disciplinary Procedure.
- 5.6 Where appropriate it will be referred for investigation and action under the Staff Disciplinary Policy and Procedures (see Section 8 below).
- 5.7 You will be fully supported by a senior member of Student Services throughout any process. You will be given a contact in Student Services with whom you will be able to discuss the case and who will keep you informed of progress with either the Staff Disciplinary investigation or informal action as far as is appropriate. Student Services can also provide other support or sign post you to external sources of help should you require it.

- 5.8 You should be aware that legitimate and constructive criticism of a student's performance or behaviour, or reasonable requests made of students by members of staff do not constitute unacceptable behaviour under this guidance.

6 Reporting to the Police

- 6.1 Where the behaviour towards you constitutes a criminal offence, you are encouraged to report the matter to the Police. The Police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The University will help you do this where appropriate.
- 6.2 If the matter becomes the subject of a police investigation, the University may suspend any student as a precautionary measure subject to the disciplinary investigation until the police investigation is concluded where there is a risk of harm to yourself or others in the University community. Once this has happened, the University will decide what further action is required. If the matter relates to a member of staff, the disciplinary process may continue while the Police undertake any investigations. Where there is a risk of harm to yourself or others in the University community the University may suspend the member of staff, again as a precautionary measure.
- 6.3 The University will respect your wishes if you do not wish to report the matter to the Police and will instigate disciplinary action as appropriate. You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct and in cases relating to staff, whether Staff Disciplinary or Dignity at Work policies and procedures have been breached. The University will not be in a position to decide whether someone has committed a criminal offence, this is a matter for the Police.
- 6.4 In some very rare instances, the University may need to report the action to the Police themselves where it is necessary to protect you (or others) from harm or to prevent a further crime taking place. However, it will consult you on this and decide on a case by case basis depending on the circumstances of the matter.

7 Investigations under the Student Code of Conduct

- 7.1 If you make a complaint relating to abuse or other unacceptable behaviour involving another student, the University will consider whether it is appropriate to take action under the Student Code of Conduct. While the criminal process will consider whether a crime has been committed, the University's disciplinary process considers whether there has been a breach of the Student Code of Conduct.
- 7.2 All students are expected to comply with the Student Code of Conduct; it includes how the University expects students to behave and types of behaviour, such as those outlined above, which would be regarded as unacceptable,. Also see Cause for Concern policy.

- 7.3 The University will usually carry out an investigation into the matter in line with the timelines in the Complaints procedure and will discuss the process with you in advance to ensure that you are comfortable with each stage.
- 7.4 You can expect the University to carry out a risk assessment to understand whether there is a risk to members of the University community. As part of this risk assessment the University may ask a senior member of staff to undertake a preliminary investigation into the case and they may request to speak with you about it to make sure your needs and concerns are fully understood. If, as a result of the risk assessment, the University concludes that there is a significant risk to the wider community, the University may take precautionary action, such as imposing a partial or full suspension on the related student until the case is concluded.
- 7.5 The University will share the minimum amount of information needed in order to conduct its investigation. This could, however, involve speaking to any witnesses, as well as the student (or students) to whom your complaint relates.
- 7.6 The University's investigation will be as thorough as reasonably possible based on the evidence provided. Please note that only a police investigation will have access to forensics, and the University cannot compel witnesses to give evidence.
- 7.7 At every stage of our investigation, including where it leads to a hearing before the Student Discipline Committee, we will take reasonable steps to ensure that you do not have to come into contact with the student (or students) your complaint relates to.
- 7.8 The University may decide it is more appropriate to investigate or deal with an issue under a different UWL policy e.g. Fitness to Study, Mental Health Policy, Fitness to Practise etc. Such decisions will be made on a case by case basis and to ensure we can achieve an outcome to safeguard all concerned

8 Investigation under the staff disciplinary procedure

- 8.1 If you make a complaint relating to harassment (sexual, racial abuse, gender identity or any other form of harassment), or other serious allegation involving a member of University staff, this will be promptly investigated under the University's Staff Disciplinary Policy and Procedure.
- 8.2 A senior member of the University will be appointed by the University to investigate your complaint. They may meet with you to discuss your complaint and you may seek support via the Director of Student Services or a representative from the SU (whichever you find more appropriate). They will also meet with the member of staff your complaint relates to, and any witnesses identified by yourself or the member of staff. You should also note that it will be necessary to provide the member of staff with a copy of the details of your complaint.
- 8.3 If your complaint is upheld, a disciplinary panel will consider the conduct of the staff member in line with the University's Staff Disciplinary Policy and Procedure.

- 8.4 Once the investigation has been completed, you will be advised as to whether or not your complaint has been upheld. The Director of Student Services will be informed to ensure of a prompt response to you.

9 Confidentiality of the outcome and keeping you informed

- 9.1 If your complaint is upheld, the action taken by either the staff or the student disciplinary panel will remain confidential.
- 9.2 You will, however, be advised of any measures the Panel recommends if such information is considered to be in your legitimate interest to know and to ensure your wellbeing. The Director of Student Services will be involved in advising on measures to ensure your wellbeing, communicate with you and offer the relevant support required.
- 9.3 Any information about the outcome you are given will be on the basis that it remains confidential. You will, however, be given a contact in Student Services with whom you can discuss matters and who can explain the process and who will also be able to refer you to other support should you want it.

10 Are there times when the University will not take action?

- 10.1 The University has the same responsibilities towards all of its students. Sometimes there is not enough evidence available in a case for the University to take action against another student, or a member of staff. Where this occurs, the University will explain this to you, and try to find out whether there are other ways to support you, such as whether reasonable steps can be taken to ensure that you do not have to come into contact with the person your complaint relates to.
- 10.2 The University will respond to students in line with the University's Students Complaints Procedure as relevant in the context of this guidance.

11 Further Support and Resources

Welfare Team

- 11.1 The Student Services Welfare Team offers a safe, supportive, impartial and confidential service to students experiencing a personal or emotional problem. Students can contact the team via studentwelfare@uwl.ac.uk, 020 8231 2313 or the Student Hub.

Counselling Team

- 11.2 The Student Services Counselling Team offer professional, specialist therapeutic and psychological support for student, where you are able to talk about your life and anything that maybe distressing, painful or uncomfortable on a one to one basis, in a confidential setting. Students book appointments via the Student Hub or call 0208 231 2218

Report and Support

- 11.3 Report and Support is a real time reporting platform to identify and prevent harassment and bullying. It allows staff and students to confidentially report

unacceptable behaviour in a secure way and will also provide relevant and direct support to those making a report. The Culture Shift platform also supports the University with analysis of real time data to identify patterns of behaviour and activate positive and lasting cultural changes.

Togetherall

- 11.4 Togetherall is an online platform which provides a safe place to talk, share and support others. Togetherall can be accessed 24 hours a day 365 days of the year and is totally confidential and anonymous. Togetherall also offers free online self-help tools, resources and courses.