



## **DIGNITY AND RESPECT PROCEDURE**

### **1. INTRODUCTION AND TERMS USED IN THIS PROCEDURE**

This procedure can be used by any student, member of staff, alumni involved in University activities, volunteer, visitor or third party who has experienced, or in certain situations, witnessed behaviour which breaches the principles of the Dignity and Respect Policy. It is also for any student, member of staff, alumni involved in University activities, volunteer, visitor or third party against whom allegations have been raised.

In the Dignity & Respect Procedure (hereafter referred to as “the Procedure”), we use the following terms to describe the individuals involved:

**The Reporting Party** – the individual(s) who is / are raising allegations of bullying, harassment, discrimination and / or victimisation against another individual or individuals for their behaviour against them. Other organisations may refer to individuals in this situation as the alleged victim or complainant.

**The Respondent** – the individual(s) against whom allegations have been raised. Other organisations may refer to individuals in this situation as the alleged perpetrator.

**The Witness** - the individual(s) who has witnessed the behaviour of one individual towards another (or others) that may be described as bullying, harassment, discrimination and / or victimisation or other related evidence.

### **2. SUPPORT AND ADVICE**

The University of Bath encourages anyone who has experienced or witnessed an instance of unacceptable behaviour to talk to someone from the identified sources of support and advice both inside and outside of the University. Section 3 of the [Dignity & Respect Policy](#) gives the details of these [sources of support and advice](#) and how to contact them.

The aim of the support is to help the Reporting Party come to terms with what has happened to them, and to keep them safe. The aim of the advice is to help the Reporting Party to think about what could be done, what they would want to happen and how to report what has happened.

#### **2.1. What to do if you receive a disclosure**

When people disclose, they tend to do so after careful consideration and to someone they know or trust. If you receive a disclosure from another member of staff or a student, please remember that it probably took them a lot of courage and emotional labour to be able to do so. Listen carefully to them and encourage them to seek support and advice from one of the services listed above, so they can make an informed choice. It is important that you fulfil this role; to help you navigate this, you can consult our [guide](#) on how to deal with disclosures.

### 3. HOW TO RAISE A CONCERN

Depending on the nature of the case, there are two main approaches:

- An informal resolution approach – see section 5 below;
- A formal investigation approach – see section 6 below.

As a general rule, the wishes of the Reporting Party will be respected, even if they decide to request that no or more limited further action is taken.

There are a number of ways in which you can raise a concern. These are set below and also described in more detail in section 8 for formal allegations against members of staff:

- It can be submitted via the [Report and Support Tool](#). This will confidentially route the report made to the appropriate University service / individual;
- For allegation(s) against a student, reports can be raised in writing with the Director of Student Services and / or [Student Discipline Reports](#)
- For allegation(s) against a member of staff or third party, reports can be raised in writing with the Deputy Director of HR (HR Services) – see paragraph 8.1 below.
- By discussing the matters confidentially with your supervisor, line manager, Head of Department or HR Business Partner (for Reporting Parties who are members of staff).

It should be noted that if the Reporting Party does not choose to raise a matter or concern formally, or reports it anonymously (see section 4 below), this is likely to prevent the University from carrying out a formal investigation and therefore taking formal disciplinary action against the Respondent.

However, where the Reporting Party decides not to raise the matter for formal investigation and the safety of one or more University members is at risk, the University may consider if there is any appropriate action that it could take to protect the safety of others and may discuss options with the Reporting Party.

### 4. ANONYMOUS REPORTING

Anonymous reports can be submitted via the [Report and Support Tool](#).

In the case of an anonymous report which names a Respondent, it is unlikely that the University will be able to formally investigate the concerns (due to the need to receive first-hand evidence from the Reporting Party) and therefore is unlikely to be able to take any formal action against the Respondent. The University will carefully consider notifying the Respondent of the anonymously-raised concern raised about their behaviour and will do so where this is appropriate and reasonable.

If an individual (who is within the scope of section 1.2 of the Policy) wishes to make an anonymous report but does not wish the Respondent to be notified of this, they will be asked to state this on their report and ensure that they do not refer to the Respondent by name. In such cases, there will be limitations in what the University will be able to do.

Nonetheless, these reports will be carefully considered and monitored to identify any areas of concern, including those having a statistical significance. This will inform the University's overall Equality, Diversity and Inclusion strategy and may be the focus for appropriate interventions for a team or department e.g. training by HR, Equality, Diversity & Inclusion ("ED&I") and others.

Upon making an anonymous report, staff and students will be able to self-refer and access support and advice services within or outside the University.

## 5. INFORMAL RESOLUTION PROCESSES

5.1 Some issues can be resolved informally. For example, if someone is unaware that their behaviour has caused discomfort or offence, or where there is a reasonable prospect of resolution.

5.2 The University will support people to resolve an allegation informally wherever possible and appropriate. However, some issues of serious misconduct, such as sexual harassment, racial harassment or physical violence, may need to be dealt directly under formal procedure as they are too serious to be dealt with informally.

5.3 The Reporting Party can raise their concerns directly with the person who caused them offence and ask them to stop. This can be done in person, over the phone or in writing. As this is often very difficult to do, the Support and Advice Services (HR, Student Services and / or ED&I) can be involved at this stage to provide further guidance to the Reporting Party. The Support and Advice Services can also support the Respondent of the allegations in drafting a response in this specific situation.

5.4 There are a range of other interventions that may be taken at an informal level to resolve matters. It is advised that the agreed interventions taken are documented, ideally shared with both parties and retained securely and confidentially. These interventions may include:

- The Reporting Party may agree on identifying a trusted colleague / fellow student (ideally to both the Reporting Party and the Respondent) to speak with the Respondent to help them understand the effect of their behaviour and how it and the working / study relationship could be improved.
- The line manager, HR, The SU (the Students' Union) or Student Services meeting confidentially with the Reporting Party and the Respondent separately and / or together so that there is an understanding of behaviour, its effect, and a confirmed outcome on what changes in behaviour are necessary;
- **Mediation** - Services can be provided to use mediation to resolve the matters. These are provided by an external provider and can be accessed through your HR Business Partner or the 'Deputy Director of HR' (see paragraph 8.1);
- Other resolution interventions that may improve the working / study relationships between the parties – this could include a wide range of training and developmental interventions;
- For the line manager or other party to look at whether making adjustments to study/work pattern and location, supervision, accommodation and/or life on campus could resolve or mitigate the matter.

This is not an exhaustive list and other options may be possible.

5.5 If after taking forward action under the informal resolution processes, the behaviour continues or escalates the Reporting Party can refer their complaint to the formal investigative stage of this procedure (see section 6 below). Timeliness is important and all those involved in informal resolution must act as quickly as is reasonably possible.

5.6 In cases where the Respondent is not a member of the University (e.g. they are a visitor, contractor or other third party), the matter will normally be dealt with by the Head of Department/Service involved with advice from HR. If exceptionally this is not possible or the Head of Department / Service has a conflict of interest, the Director of HR or a relevant University Senior Manager will deal with the matter.

## 6. FORMAL INVESTIGATION PROCEDURE

6.1 In cases where there is a repetition of the behaviour, or it does not cease after informal action, or where the behaviour is perceived as too serious to be dealt with informally, then the formal investigation procedure should be considered.

### 6.2 PRINCIPLES FOR HOW THE FORMAL INVESTIGATION PROCESS SHOULD BE CARRIED OUT

The following principles should be followed in any formal investigation of allegations under this Procedure:

- i. The University is committed to investigate all instances of bullying, harassment, discrimination and victimisation it becomes aware of in a timely manner, following the rules of natural justice. It will treat all reports with discretion and sensitivity.
- ii. All parties involved in a report will be treated fairly, consistently, and with respect. All parties will be provided with options for support to help maintain their health and wellbeing throughout the formal investigation and proceedings. There is a responsibility on the parties including the Reporting Party, Respondent and witnesses to treat each other and the Investigative Panel with dignity and respect throughout the formal investigation process, whilst acknowledging that the matters being investigated could be sensitive, emotive and difficult for those concerned.
- iii. Reports and allegations should be raised as soon as possible after an incident has occurred; normally within three months of the date of the last alleged act. However, the University recognises that in some cases a person may feel unable to report at the time of the incident and may only do so months or even years after. Although investigation may be more difficult due to the passing of time and there may be limitation in what the University will be able to do in such cases, historical reports will be handled sensitively and seriously.
- iv. Excluding special circumstances, the identity of a Reporting Party will need to be disclosed to the Respondent at the beginning of formal procedure. In the same way the Reporting Party should be aware that if a formal complaint is made, the person whose behaviour is complained of (“the Respondent”) will need to be given the full details of the complaint in order for it to be fairly and formally investigated.
- v. **Standard of proof** - It should be noted that the standard of proof required for any formal investigation by the University will be on the balance of probability (not beyond reasonable doubt as required by a criminal court).

### 6.3 Criminal Offences

- i. Where an allegation that may constitute an offence under the criminal law has been raised by a Reporting Party, the Reporting Party will have a choice as to whether or not to report it directly to the police.
- ii. If there is an allegation, which is only raised with the University, but could also constitute an offence under the criminal law, the University may decide to refer this directly to the police if there is a risk to the safety of members of the University community, the University or wider community. In such cases a referral to the police will be discussed with the Reporting Party.
- iii. Where an allegation is being investigated by the police any University investigation will normally be put on hold until the criminal case is concluded, to prevent prejudicing a criminal investigation. The University will consider if any precautionary measures (see section 6.4 below) should be put in place; and action these if necessary.
- iv. After the police investigation and / or court proceedings have been completed the University will determine whether internal disciplinary action will be taken. In reaching a decision the University may consider the decision of the criminal court.

- v. Where an allegation has been proven and the Respondent has also been sentenced by a criminal court for the same incident, the penalty of the court will normally be taken into consideration in determining the sanction under this Procedure (and the relevant disciplinary policies procedures).
- iv. The University may still proceed with the Disciplinary process even if the Courts decide not to investigate an incident or if the Respondent is found not guilty. This is because those determining issues under this Procedure (and the relevant disciplinary policies procedures) must make those judgements on the balance of probabilities, as opposed to beyond reasonable doubt, which is the burden of proof required for criminal cases.

#### **6.4 Precautionary Measures including Suspension**

- i. The Investigative Panel (see paragraph 8.2) or those investigating under the Student Disciplinary Procedures (Regulation 7 & 8) may request for the consideration of putting precautionary measures in place, to guarantee the safety of both parties involved in an allegation that is being investigated. For instance, if the Respondent is a student, the Investigative Panel may request a temporary change of their academic timetable or may recommend a temporary suspension of their study. If the Respondent is a staff member, the Investigative Panel may request a temporary suspension or redeployment, or some other action short of suspension that will protect all relevant parties.
- ii. It is important to note that suspension pending investigation is a precautionary measure only and not a sanction in itself. The Investigative Panel or those investigating under the Student Disciplinary Procedures will first consider any alternative options to a precautionary suspension and any important considerations before making a request for it. This request will be considered by the relevant senior University staff (for example the Vice-Chancellor with advice from the University Secretary for staff coming under Statute 25) before any decision to suspend is taken. This consideration will review key factors and possible alternatives. Where there is no alternative but to take forward a precautionary suspension process, it will be handled with sensitivity and will follow the process under the relevant disciplinary procedure (Staff, Statute 25, Student etc.). Support will be offered to any individual who is suspended.
- iii. In some cases, the Investigative Panel may recommend precautionary measures to be put in place for the Reporting Party as well. This decision will be made in agreement with them and will not be made without their direct involvement.
- iv. If an employee is suspended, their contract of employment will continue in full force and effect, they will be paid at their normal basic pay rate and receive any usual benefits. There are different suspension arrangements for casual workers who will not be engaged for work during a period of suspension.
- v. When staff are on precautionary suspension, they will need the consent of a member of the Investigative Panel or the “Deputy Director of HR” should they wish to attend the University’s sites / premises. When meeting with their Trade Union representative or any agreed support meetings / appointments, staff do not need to seek this consent but must inform them in advance of the meeting.
- v. Staff on precautionary suspension will be required to be available to attend meetings and respond to requests under this procedure. They will continue to report sickness as they would usually do under the Sickness Absence Policy and Procedure and request annual or other leave as required under University rules.

## 7. PROCEDURES FOR ALLEGATIONS AGAINST A STUDENT

Concerns raised about the behaviour of a student will be dealt with under the Student Disciplinary Policy and Procedure, which can be found here: [LINK]

## 8. PROCEDURES FOR ALLEGATIONS AGAINST A MEMBER OF STAFF

8.1 Allegation(s) against a member of staff or a third party should be raised with the 'Deputy Director of HR' (HR Services) or a designated alternate (both of whom are referred to collectively throughout this document as the 'Deputy Director of HR'), either in person or by submitting a report via the [Report and Support Tool](#) or by email to the [D&R Staff Reports](#) email address. The 'Deputy Director of HR' will normally acknowledge receipt of this report in writing within five working days.

8.2 The 'Deputy Director of HR' will review the report and if required clarify with the Reporting Party exactly what the allegations are, so that they can be investigated by the Investigative Panel and responded to fairly by the Respondent. In reviewing the report, the 'Deputy Director of HR' may confer confidentially with an appropriate senior University Officer, who will not be involved in the investigation process. The 'Deputy Director of HR' will normally identify an Investigative Panel (see 8.5 below) and pass the report on to them to undertake a formal investigation under the relevant disciplinary procedure – either the Staff Disciplinary Policy & Procedure or Statute 25 Part III (depending which applies to the Respondent). If, however, they consider that an informal process may be more appropriate the 'Deputy Director of HR' may suggest this to the Reporting Party as an option. If this informal process is agreed with the Reporting Party, then this may be taken forward instead of a formal investigation. If it is not agreed, then the formal investigation process will be followed.

### 8.3 Complaints regarding a student's experience

If a student makes a report of alleged bullying, harassment, discrimination and / or victimisation by a member of staff, consideration should be given prior to the start of the investigation as to whether that investigation should or should not be carried out under the [Student Complaints Procedure](#) in addition to the relevant disciplinary procedure. In this situation the 'Deputy Director of HR' may determine and / or agree with the Reporting Party, whether the formal investigation into the allegations of bullying and / or harassment is carried out:

- i. jointly under both the Staff Disciplinary Policy & Procedure (or Statute 25 Part III) and Stage 2 of the Student Complaints Procedure – where the bullying, harassment, discrimination and / or victimisation allegations are inextricably linked with and part of a wider student complaint, or
- ii. only under the Staff Disciplinary Policy & Procedure (or Statute 25 Part III) – where the allegations relate to bullying, harassment, discrimination and / or victimisation only by staff.

It should be noted that in either i. or ii. above the formal investigation under the relevant disciplinary procedure will also constitute Stage 2 for the purposes of the Student Complaints Procedure.

It should also be borne in mind that where a student complaint is made by a student that includes the action or inaction of staff affecting their student experience but not an allegation(s) of harassment bullying, harassment, discrimination and / or victimisation then this may be investigated under the [Student Complaints Procedure](#) only.

#### **8.4 Approach to a Dignity & Respect Investigation under the Staff Disciplinary Policy & Procedure or Statute 25 Part III**

Where a student or a member of staff makes a report of alleged bullying, harassment, discrimination and / or victimisation by a member of staff, which is agreed will formally be investigated under the Staff Disciplinary Policy & Procedure or Statute 25 Part III, the process will follow and meet the requirements of that procedure. It will also follow the principles in this policy and approach set out in paragraphs 8.5, 8.6, 8.7, 8.8 and 9 below.

#### **8.5 The Investigative Panel**

i. The Investigative Panel will normally consist of a senior manager / senior academic member of staff (from outside the department of the Reporting Party and the Respondent), acting as the Chair supported by an HR Business Partner or Advisor or other senior member of HR; both with no previous involvement with the case and no conflict of interest. To avoid any conflict of interest, both the Reporting Party and / or the Respondent are able to raise any concerns about the members of the Investigative Panel with the 'Deputy Director of HR' within 5 working days of the names of the Investigative Panel members being confirmed to them.

ii. In some cases, the University may choose to appoint an independent external investigator(s) to undertake the formal investigation. An independent external investigator may bring skills, independence and / or expertise that may not be available or cannot be released internally. Throughout this procedure the term Investigative Panel is used to describe either an internal panel of two senior staff described in i. above or an independent external investigator described in this paragraph.

#### **8.6 The Formal Investigation**

i. The purpose of the Investigative Panel is to gather and consider all the relevant facts and documents in relation to the allegations made, including undertaking interviews of the witness(es), Respondent, Reporting Party etc. if applicable. The Investigative Panel will be expected to maintain sufficient contact with the Reporting Party and the Respondent (who will be expected to respond to requests to contact the Panel) to make sure they are kept up to date with the process.

ii. The investigation process will start with the Investigative Panel reviewing and clarifying the allegations being made by the Reporting Party. This may involve them initially meeting or speaking with the Reporting Party (and any accompanying advisor etc.) to clarify if the allegations are not clear. The Chair of the Investigative Panel will contact the Respondent in writing, informing them of the claims made against them, requesting their attendance at a meeting and confirming their right to be represented or accompanied by a trade union representative or other work companion and other support available to them.

iii. If precautionary measures such as suspension or actions short of suspension are required to enable a full and fair investigation, protect the parties and / or other individuals and / or a service, prevent other possible harm etc. they will be put in place by the appropriate officers of the University in line with the relevant staff disciplinary policy and procedure as set out in section 6.4 above. The Respondent is expected to comply with this and access the sources of support and representation offered and available. The Investigative Panel (or any individual given this specific wellbeing role) will ensure that the Respondent has the opportunity to access options for support such as the [Employee Assistance Programme](#) and [Education Support Partnership](#) to help maintain their health and wellbeing throughout the formal investigation and proceedings.

iv. The Investigative Panel will normally need to interview the Reporting Party, the Respondent and any relevant witnesses in order to carry out a full and fair investigation; in this situation they will

request to meet with them in writing in advance. Staff members can choose to be accompanied by a trusted work colleague or a Trade Union representative and will be offered support from the [Employee Assistance Programme](#) and [Education Support Partnership](#). Students may be accompanied by a fellow student or a representative or advisor (e.g. from the [SU Advice and Support Service](#) ) and will be offered support from the [Student Services](#) and/or the SU. Formal notes of these investigatory meetings will be taken (either by digital recording or note-taker) in line with GDPR requirements.

iv. The formal investigation of the allegation(s) will be undertaken in a timely manner. It will be completed and its outcome confirmed as quickly as possible and normally within 60 calendar days of the date that the Investigative Panel commenced the investigation. If this is not possible (for example due to the absence of the Reporting Party, Respondent, a witness(es) or a member of the Investigative Panel preventing or delaying interviews), the Reporting Party and the Respondent will be informed in writing of the progress being made towards the consideration of their report / allegations and given a timescale for completion.

### **8.7 Outcome of the investigation and disciplinary processes**

i. On completion of the investigation the Investigative Panel will submit a report to the ‘Deputy Director of HR’. The report will advise, on the basis of the allegation(s) made, whether there is a case to answer for considering disciplinary action against the Respondent under the relevant staff disciplinary policy (Staff Disciplinary Policy & Procedure or Statute 25 Part III).

ii. The report may also include and confirm in writing any recommendations that the Investigative Panel have identified. This may include options for one or both parties such as training, mediation, counselling, transfer or possible change in the reporting relationship (including PhD supervision) if the working relationship has become untenable.

iii. The ‘Deputy Director of HR’ will consider the report, consulting with other senior officers as required (e.g. as specified by Statute 25 Part III) and / or appropriate.

iv. The Investigative Panel will contact the Reporting Party and the Respondent separately to inform them of the main elements of the investigation’s findings and to communicate its outcome. This will normally involve providing them with a confirmation of the outcome in writing along with a copy of the report of their investigation. Where no case to answer has been found the report will normally be provided without any appendices, notes of investigatory meetings etc. The Reporting Party has the right to request this additional information, which will normally be provided and the Respondent informed. The Investigative Panel may choose in particular situations to meet separately with the Reporting Party and / or the Respondent to explain the outcome of their investigation, in which case the parties will have the right to be accompanied to this meeting by a fellow employee/student or a Trade Union or The SU (Students’ Union) representative.

v. Where the Investigative Panel have concluded that there is no case to answer for misconduct against the Respondent, the Reporting Party has the right to appeal the decision as set out in section 9 of this Procedure.

vi. Where the Investigative Panel conclude that there is a case to answer, the allegation(s) will be considered under the University’s Disciplinary Policy and Procedures for Staff. In this situation the Investigative Panel’s report and the evidence collated during the investigation (e.g. notes of Reporting Party, Respondent and witness interviews) will form the management case for a staff disciplinary hearing / formal disciplinary meeting (hereafter described collectively as “disciplinary hearing”). The Investigative Panel will present the management case at the disciplinary hearing. If



after full consideration by a disciplinary hearing, a misconduct is found to have occurred, the University will take the appropriate level of disciplinary action against the Respondent, up to and including summary dismissal. The Respondent will have a right to appeal against this decision in line with the University's Disciplinary Policy and Procedure or Statute 25 Part III.

vii. When formal disciplinary action is taken against the Respondent, the Reporting Party will be advised on a confidential basis that disciplinary action has been taken. The specific details of what level of disciplinary action was taken will normally remain confidential in line with the University's duty of care to all concerned.

### **8.8 Following up from the Outcome of the Formal Process**

i. Where following the investigation and completion of actions (including disciplinary hearing / action if taken forward) the Reporting Party and the Respondent need to work closely together and/or within the same work area, it may be necessary for them to be separated. Subject to the outcome of the formal process, it will normally be the Respondent who is moved, especially if the allegation(s) made against them has been upheld by the investigation and hearing process.

ii. Other actions such as mediation and / or other appropriate interventions (e.g. training) may also be undertaken to improve the working relationship between the Reporting Party and the Respondent (or other parties).

iii. In cases where the investigation finds no case to answer and disagreements remain between the parties (including where actions to resolve these have been taken but not been successful), it may still be necessary to separate the Reporting Party and the Respondent, on either a temporary or permanent basis, where practical, in the interests of good ongoing work relationships.

iv. Where it is suspected that a Reporting Party, Respondent or witness (or their representative / companion) or the Investigative Panel has been victimised (or bullied, harassed or discriminated against) as a result of the allegation (or its investigation), this may be investigated as a further potential act of misconduct under this or the relevant Disciplinary policies and procedures of the University.

## **9. APPEAL AGAINST THE OUTCOME OF A FORMAL DIGNITY AND RESPECT INVESTIGATION**

i. Where the Reporting Party is in reasonable disagreement with the outcome of the Investigative Panel's investigation, they may raise an appeal with the Director of Human Resources (where the Respondent is a member of staff) or with the Director of Policy, Planning & Compliance (where the Respondent is a student) within 14 calendar days of the receipt of the letter confirming the decision. In doing so, the reporting party must identify the evidence on which they are basing their case, which must link to at least one of the three overarching grounds below:

- There was procedural error in the conduct of the investigation by the Investigative Panel of such a nature as to cause doubt as to the determination reached;
- The Investigative Panel did not consider specific available evidence in its investigation or new evidence has subsequently come to light that should be investigated, that may have affected the determination reached;
- That there was bias during the procedure of such a nature as to cause doubt as to the determination reached.

- ii. As stated in 8.7 iv. the Reporting Party may request additional documentation from the Investigative Panel where appropriate to assist their decision whether to appeal or not. This request should be responded to in a timely manner (e.g. within 48 hours of accessing the request, provided that the information is readily available).
- iii. The appeal will be considered by an Appeal Panel of two senior staff members with no previous involvement in or conflict with the case, appointed by the Director of Human Resources or the Director of Policy, Planning & Compliance. For cases where the Respondent is a member of staff, the panel will normally be advised by the Director or 'Deputy Director of HR' or an HR Business Partner / Manager who has had no previous involvement in or conflict with the case and who will provide procedural advice to the panel.
- iv. For cases where the Reporting Party is a student, the appeal process will also constitute and follow the processes for appeal under Stage 3 of the [Student Complaints Procedure](#) and the appeal / review panel will be constituted to comply with this.
- v. The Reporting Party has a right to be accompanied by a work companion (an accredited trade union representative or a fellow employee) if they are a member of staff or by an appropriate advisor (e.g. SU (Students' Union) representative) or fellow student if they are a student. The Respondent will be informed that the Reporting Party has appealed against the decision of the investigative panel.
- vi. The Appeal Panel will hold an appeal hearing in which both the Investigative Panel and the Reporting Party and their accompanying companion (trade union or fellow employee for staff or The SU representative / advisor or fellow student for students) will be invited to attend. During the appeal hearing, the panel will review the decision of the Investigative Panel against the grounds raised by the Reporting Party. The normal process for the appeal hearing will involve the Reporting Party presenting their case first, followed by the Investigative Panel with opportunities for cross-questioning from each other and the Appeal Panel. The Investigative Panel and the Reporting Party, or their representative, will have an opportunity to sum up their case or make a closing statement at the end of the hearing.
- vii. The Appeal Panel will inform the Reporting Party in writing of their final decision usually within five working days of the date the appeal hearing, setting out the reasons behind their decision. The outcome letter will be copied to the Respondent. The University internal procedure is complete at this point. For Reporting Parties who are staff members (and Reporting Parties who are students and raised the claim only under the Dignity & Respect Procedure – i.e. not under the Student Complaints Procedure) the decision shall be final within the policies and procedures of the University. For student appellants who raised their claim under the Student Complaints Procedure as well as the Dignity & Respect Policy, they will receive a Completion of Procedure Letter.

## **10. COMPLAINTS TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR (COMPLAINTS BY STUDENTS ONLY)**

Once all internal processes have been completed, if a student who raised their complaint under the Student Complaints Procedure as well as the Dignity & Respect Policy, is unsatisfied with the outcome of the University's process, they can make a complaint to the Office of the Independent

Adjudicator (OIA). A complaint to the OIA needs to be submitted within 12 months from the date of the Completion of Procedure Letter.

## 11. MALICIOUS OR VEXATIOUS REPORTS

All reports regarding misconduct related to harassment, bullying discrimination and / or victimisation will be treated seriously. The possibility of malicious or spurious reports is recognised and if a reasonable concern of this is raised regarding the Reporting Party's conduct, it will be investigated formally under the University's Staff or Student Disciplinary procedures. If from this investigation deliberate malicious or vexatious reporting is found following consideration by a disciplinary hearing, this may lead to disciplinary action being taken against the Reporting Party, which could be up to and including summary dismissal / expulsion of the Reporting Party. It is important to note that if an internal investigation or a criminal prosecution does not find the accused person guilty it does not mean the person(s) making the allegations was doing so in a vexatious manner.

## 12. DOCUMENT CONTROL INFORMATION

The effectiveness of this Procedure will be monitored regularly and a formal review will be carried out in line with University practice, or sooner if required. The results of the review will be reported to the Equality and Diversity Committee.

This Procedure have been consulted on with all recognised trade unions and with the Students' Union (The SU), prior to their adoption by the University.

Owner	Professor Peter Lambert, Pro-Vice-Chancellor (Learning & Teaching) and Richard Brooks, Director of HR
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Linked Policies	

