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## **Dignity and Respect Policy and Procedure**

### **POLICY**

#### **1. INTRODUCTION**

The University of Bath is fully committed to fostering an inclusive and supportive working and learning environment, where difference is celebrated and seen as a strength and where all members of the University community have mutual respect for each other.

We believe that where diversity and inclusion are valued, and people are treated with dignity and respect, they will work and study in a more rewarding and stimulating environment, be themselves and fully utilise their skills and talents to the benefit of all.

##### **1.1 The Purpose of this Policy**

Bullying, harassment, discrimination and / or victimisation hinder the development of a positive and inclusive culture and environment and negatively impacts on the affected individual's self-worth and wellbeing, as well as on our wider community. This policy confirms that the University does not and will not accept any behaviour or action which undermines a person's value and dignity, and that the University will take any allegation of inappropriate behaviour extremely seriously and will take any necessary action, while providing support to all parties involved. Any behaviour that is found to contravene this Policy and Procedure could be grounds for disciplinary action, up to and including dismissal, expulsion, or termination of contract for third parties.

##### **1.2 Scope**

This Policy and Procedure applies to behaviour by all members of the University community, visitors and third parties (including, contractors, consultants, non-executives, clients, or customers of the University).

The University seeks to ensure that third parties comply with the required standards of behaviour in this Policy by way of contract. We also expect organisations providing work and study placements for our students to be aware of this Policy, and to make students aware of any equivalent policy of their own.

This Policy and Procedure applies where a member of the University community, a visitor, or a third party have allegedly breached this policy on or off university premises (including online) where the injured party is:

- the University itself, (this includes cases which could potentially bring the University into disrepute or where action is deemed necessary to safeguard our community)
- a member of the University community
- any other person on university premises
- any other person involved with a university activity

If it is unclear whether identified behaviour comes under this Policy and Procedure, advice and guidance should be sought from the Director or Deputy Director of HR or HR Business Partner (for staff, alumni, or third-party respondents), or the Director of Student Support & Safeguarding or the Head of Student Policy & Safeguarding (for students).

Many of our students will undertake paid work in the University (either as a casual worker or an employee) so may be both a student and a member of staff. If someone in this situation is either a Reporting Party, Respondent, or witness, then the first consideration would be to determine if the report/concern raised relates to their role as a student or as a member of staff or both and based on this they will be treated according to the role affected.

### **1.3 Principles for the operation of this Policy & Procedure:**

The University is committed to making the experience of processes, such as this one, as considerate as possible. As such, this procedure will:

- **Be timely:** normally concluded within 60 calendar days (plus 30 calendar days for any appeals) from the receipt of a formal report wherever possible. If it is anticipated that the process will take longer, all parties will be informed in writing and provided with an amended timescale
- **Be independent:** persons with a conflict of interest will not investigate or be put in a position to hear or make judgements on a case
- **Be respectful:** All parties will treat each other fairly and with respect throughout this process
- **Be transparent:** all parties will be clearly communicated with throughout the process, and reasons will be given for decisions made
- **Be empathetic:** all parties will be listened to and taken seriously throughout this process
- **Be reflective:** the University will use reports and feedback to improve our staff and student experience
- **Be protective of those involved:** the University will put measures in place to protect all the parties and prevent harm wherever required. This will include scheduling separate meetings and hearing times for Respondents and Reporting Parties.
- **Be fair and unbiased:** All parties will have the right to a fair and unbiased hearing (following the principles of natural justice) under the University's procedures. This means that excluding special circumstances, the identity of a reporting party and the

details of the report will need to be disclosed to the Respondent, and where necessary, witnesses, before they are asked to respond. There is a direct responsibility of confidentiality on those who are given this information.

## **1.4 Definitions**

The following terms are defined for both this policy and the accompanying procedure:

### **The University Community:**

This constitutes students, staff (including casual and voluntary workers), alumni involved in university activities, volunteers, and members of university governing bodies.

### **The Reporting Party:**

The person affected or impacted by the alleged misconduct.

### **The Respondent:**

The person against whom the allegation is made.

### **Witness/es (Direct/Indirect):**

An individual who is asked to provide evidence in relation to the alleged behaviour

### **Referring Party:**

The person referring the alleged behaviour to the University

### **Burden of proof:**

The burden of proof for Dignity and Respect cases sits with the University and it is their responsibility to collect, present and consider the evidence from which a judgement can be made.

### **Standard of proof:**

The civil standard of proof is used in Dignity and Respect cases, namely 'the balance of probabilities'. That is, on the evidence, it is more probable than not that the allegations are correct. Evidence will include, for example, statements from different parties, or documentary evidence and will be collected by the University.

## **2. ROLES & RESPONSIBILITIES**

### **2.1 University of Bath**

The University of Bath ("the University") has the legal responsibility under [the Equality Act 2010](#) to prevent and eliminate bullying, harassment, discrimination and / or victimisation and other behaviour prohibited by the Act, on the grounds of an individual's protected characteristics. It also has a responsibility to prevent and eliminate all other forms of bullying, harassment and breaches of dignity and respect.

In investigating and dealing with these matters for staff Respondents, the University must fulfil its legal requirements under the Employment Rights Act (1996), the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) and other relevant employment law.

Under the Public Sector Equality Duty, the University has a duty to advance equality of opportunity and foster good relations among all members of our community.

The University also aims to meet the following guidance through the operation of this Policy & Procedure:

- Office for Students' [Statement of Expectations on how to prevent and address harassment and sexual misconduct](#)
- [Sexual harassment and harassment at work: technical guidance](#) – issued by the Equality & Human Rights Commission in 2020

The University will ensure that this Policy and Procedure are widely promoted using a variety of methods to make sure that it is accessible to all. This Policy will be highlighted in the induction process and reinforced in training programmes and packages for staff and students.

## **2.2 Members of the University's Community**

All members of the University's community have the right to feel safe and comfortable whilst working, studying, or visiting the University of Bath. All members have a responsibility to:

- Engage positively with each other and any third parties, visitors etc, and treat everyone with dignity and respect, in line with university policies and procedures.
- Help to prevent and tackle unacceptable behaviour by being sensitive of the reactions and needs of others, by calling out or reporting discriminatory and/or unacceptable statements, attitudes, and behaviour, and by supporting colleagues and peers who have experienced or witnessed unacceptable behaviour.
- Undertake and engage with relevant training as part of their induction as well as their continuous personal and professional development and apply this to their ongoing practice.

Staff with a direct responsibility for or contact with students (undergraduate or postgraduate) also have the responsibility to:

- Treat students equitably and with dignity and respect in line with university policies and procedures in relation to learning, teaching and student experience.
- Signpost students to advice and support services (see section 3 of this Policy).

### **2.3 Heads of Department and Line Managers**

As part of their leadership and management role, all senior leaders, Heads of Department, line managers and supervisors each have a personal responsibility to undertake the following (in addition to 2.2 above):

- Lead by example in implementing this Policy, being a role model for positive, respectful, and inclusive behaviour.
- Promote, implement, and communicate this policy, making sure that everyone in their area of responsibility is aware of it, has completed and engaged with appropriate training and understands their responsibility in relation to it – utilising advice and support from HR, Student Support & Safeguarding, The SU (Students' Union), ED&I and other relevant University services. This includes drawing the attention of all contractors, secondees and agency workers to this Policy as part of their induction.
- Manage their staff fairly and in line with all University Human Resources (HR) and other staff-related policies and procedures and take action to ensure that their working environment is free from harassment, bullying and discrimination.
- Seek and take account of advice on managing dignity and respect issues from HR, Student Support & Safeguarding and Culture and Inclusion (C&I) and provide support to students, staff, and visitors, either directly or by signposting them to advice and support. This may also include being involved in any reviews of outcomes from reports and identifying and implementing any improvements to practice.
- Undertake actions to help resolve issues informally wherever possible and appropriate, signposting individuals to sources of support, advice, and effective intervention.
- Learn from any issues raised and to take appropriate action to prevent or mitigate any reoccurrence.

### **2.4 Investigators and members of Investigation and Disciplinary panels:**

- Investigators and members of Investigative, Hearing and Appeal Panels are required to attend and engage fully with all specific training offered to develop their knowledge and skills in investigating dignity and respect-related matters.

### **2.5 Dignity & Respect Liaison Officer: (Cases with a Student Reporting Party and a Staff Respondent):**

In cases where a concern is raised jointly under the Student Complaints process and the Dignity and Respect procedure (see section 1.1 in the Procedure below), the Dignity & Respect Liaison Officer will act a single point of contact for the student Reporting Party and the Staff Respondent throughout the formal processes, recognising that these processes can be more complex. The Dignity & Respect Liaison Officer is not an advocate or representative. They can provide information on University processes and facilitate

practical support, as well as acting as a link for communications between the University and the person who has made the report and/or the Respondent.

### **2.6 Designated Coordinator: (all other cases):**

The Designated Coordinator will act as a single point of contact for any party throughout any part of these processes. The Designated Coordinator is not an advocate or representative. They can provide information on university processes and facilitate practical support, as well as acting as a link for communications between the University and parties to the process. The Designated Coordinator could be the Dignity & Respect Liaison Officer, the Deputy Director of HR, the Student Discipline Manager or the Student Casework Manager, for example.

## **3. SUPPORT, REPRESENTATION AND ADVICE**

We understand that this process can be difficult for all parties and therefore it is critical that all parties are able to access support, advice, and representation throughout the process.

### **3.1 Emotional support for staff**

Staff who are Reporting Parties, Referring Parties, Respondents, and witnesses are encouraged to access free and confidential emotional support through the following services:

- **Employee Assistance Programme** who provides services for university staff by phone or from the Royal United Hospital. Staff can self-refer by ringing 01225 825960 or 01225 824484.
- **Education Support Partnership** who provide a 24/7 telephone and email helpline. Staff can contact them directly by phoning 0800 562561 or by emailing [support@edsupport.org.uk](mailto:support@edsupport.org.uk).

### **3.2 Representation, advice, and support for staff**

We understand that this process can be difficult, and staff are encouraged to seek advice from and be represented by an accredited trade union representative or be accompanied by a fellow employee in any formal meetings. In addition, the Dignity & Respect Liaison Officer or Investigator or Deputy Director of HR can identify for staff members who are parties to be given a specified individual (normally from elsewhere in the University) to be able provide them with support on a confidential basis during any formal investigatory process.

We understand that some staff may need additional arrangements in order to fully access this process – which may include reasonable adjustments for disabled staff or an interpreter or other arrangements for staff with limited verbal and / or written , English skills. You can discuss your needs by emailing your Designated Coordinator.

### **3.3 Emotional support for students**

We strongly recommend that students seek emotional support from [the Student Wellbeing Service](#) or the [SU Advice Centre](#) before, during and/or after their involvement with this process.

### **3.4 Representation, advice, and support for students**

We understand that this process can be difficult, and we strongly recommend that all students seek advice from the [SU Advice centre](#), which is independent of the University or the [Independent Advisor \(IA\) for postgraduate research students](#). The SU Advisors (or IA for postgraduate research students) can assist with completing forms, preparing for meetings and can attend the meetings as an advisor. Students can arrange a meeting with an advisor by emailing [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)

Students may be accompanied to any or all stages of this process by an SU representative, Independent Advisor for postgraduate research students, a friend, family member or advisor. The Chair or person leading the meeting will be clear about the opportunities for the representative can speak. These may include reading a statement on behalf of the student, consulting with them and advising them. However, students will be expected to answer questions and speak for themselves.

We understand that some students may need additional arrangements to fully access this process. This may include reasonable adjustments for disabled students, an interpreter, or other arrangements. You can discuss your needs by emailing their Designated Coordinator.

Parties to this process are encouraged to provide feedback on any aspect of it any stage by emailing [studentpolicy@bath.ac.uk](mailto:studentpolicy@bath.ac.uk) Any student who has been party to this policy, and would like to raise a concern about the service they received, can do so using the [Student Complaints policy](#). The SU Advice Team can offer independent guidance on how to submit a complaint.

### **3.5 Support for students who may also be members of staff**

If a party involved with this process is both a student and a member of staff, they may take up the emotional support and representation and advice services open to both their staff and student roles.

### **3.6 Third parties and visitors**

Third parties, including visitors, who are either a Reporting Party or a Respondent would normally need to seek advice from outside the University – e.g., their own employer. They may contact the Deputy Director (HR Services) who can direct them to sources of information and guidance.

## 4. DEFINITIONS AND EXAMPLES OF UNACCEPTABLE BEHAVIOUR

This section provides definitions and examples of unacceptable behaviour under this Policy. Please note that this is not an exhaustive list. The following bullet points should be borne in mind when considering these definitions and examples:

- The University of Bath encourages reports of unacceptable behaviour from any of its community members. Individuals are encouraged to report incidents they have witnessed, including when they were not the intended target of the behaviour.
- Any difficulty in defining what constitutes bullying, harassment, discrimination and/or victimisation should not deter any member of the University's community from reporting behaviour which causes them or another person distress.
- An investigation needs to consider the perception of the Reporting Party, in response to the behaviour of a Respondent to properly consider and determine if bullying, harassment, discrimination and/or victimisation has occurred.
- The University recognises that it is possible for staff, students or third parties to harass, bully, victimise and/or discriminate against their manager/supervisor as well as for managers/supervisors to harass, bully, victimise and/or discriminate against their staff/students. Whilst managers and supervisors may use other processes within other University Policies to deal with this situation, they have the right to raise a concern against their staff/student under this Policy and Procedure.
- Line managers should set clear, reasonable, and achievable job performance standards for their staff, which are effectively communicated, and should manage staff equitably and fairly. Under these circumstances, legitimate, justifiable, proportionate and appropriately conducted monitoring of a member of staff's behaviour or job performance does not constitute bullying, harassment, discrimination and / or victimisation.
- Academic supervisors/tutors/lecturers should provide reasonable and proper review of a student's work and/or performance. Under these circumstances legitimate and justifiable monitoring and feedback of a student's work would not constitute bullying, harassment, discrimination and/or victimisation when delivered in accordance with the University's Quality Assurance Code of Practice.

The following definitions include unacceptable behaviour through any medium, including, for example, online.

### 4.1 Bullying

Bullying is behaviour which undermines the integrity and confidence of a person or a group of people, causing them to feel vulnerable, humiliated, degraded, offended, or frightened. This can involve a misuse of power which can be considered as a position of authority, physical strength, knowledge, social position, or capital and / or the power to coerce through fear, threats, blackmail, and intimidation. Bullying can be physical, verbal, or social



and can be conducted openly or in a secretive manner. It is not limited to actions against those with a protected characteristics under the Equality Act 2010.

Bullying can take many forms, including but not limited to:

- spreading rumours, public ridicule or insulting, sarcastic or humiliating comments/behaviour, ignoring, refusing to communicate or cooperate (stonewalling)
- constant criticism without constructive support
- overbearing supervision or other misuse of power or position
- preventing, or threatening to prevent, someone's promotion, training, or future career opportunities
- unfair work allocation
- gaslighting - i.e., psychologically manipulating somebody by instilling doubt in them to make them question their own memory, perception, thinking and reality.

These types of behaviour can be face to face, in written communication, and occur through means of electronic communication (including emails, phone and on social media), in what is referred to as cyberbullying.

## 4.2 Discrimination

Discrimination is when an individual is treated unfairly because of a protected characteristic.

The relevant protected characteristics are:

- **age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race** (including skin colour, nationality, ethnic or national origin) – see [EHRC guidance](#);
- **religion or belief**
- **sex**
- **sexual orientation**

**Discrimination can be:**

**Direct** – when someone is intentionally treated less favourably than others because of their protected characteristics.

**Indirect** – when rules and regulations/arrangements apply to everyone, **which** put people with protected characteristics at an unfair disadvantage.

**By perception** – when someone is perceived to have a protected characteristic and is treated unfairly because of it. This type applies to all protected characteristics except marriage and civil partnership.

**By association** – when someone is discriminated against due to their association with someone who has a protected characteristic. This type applies to all protected characteristics except marriage and civil partnership.

### 4.3 Harassment

Harassment includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can also include causing a person distress or worry. Whilst harassment may be related to the following actual or perceived protected characteristics; the University recognises that harassment can happen to any individual:

- **age**
- **disability**
- **gender reassignment**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**

For the avoidance of doubt the University confirms that harassment can take place due to an individual's transgender or perceived transgender identity and is covered by this policy and procedure.

Conduct of this nature normally needs to happen on more than one occasion to be considered harassment. (It is anticipated that one-off incidents would fall under one of the other categories of unacceptable behaviour outlined in this policy).

In considering this policy, the University must also consider its statutory duties, and the OfS's regulatory requirements, relating to academic freedom and free speech. As outlined in [EHRC guidance](#) on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

Unwanted behaviour will amount to harassment if it has such an effect, even if that was not the intended purpose of the behaviour. In deciding whether behaviour has that effect each of the following must be considered:

- the perception of the person
- the other circumstances of the case, and
- whether it is reasonable for the behaviour to have that effect.

#### 4.4 Domestic Abuse and Coercive Control

This includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence, or abuse between intimate partners. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

Anyone can be a victim of domestic abuse, regardless of gender, age, ethnicity, religion, socio-economic status, sexuality, or background.

#### 4.5 Sexual Misconduct

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (including as defined by the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (including as defined by the Equality Act 2010)
- Sexual touching without consent (see definition of sexual consent below)
- Sexual intercourse without consent
- [Physical unwanted sexual advances](#) (including as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- [Intimidation, or promising resources or benefits in return for sexual favours](#) (including as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (including as defined by the Criminal Justice and Courts Act 2015).
- Unwanted sexual comments and non-physical advances

### **Definition of sexual consent:**

A person consents to sexual activity if they agree by choice and have the freedom and capacity to make that choice at the time.

Freedom means that a person is not under pressure, whether physical or emotional, to engage in sexual activity. Freedom may also be affected if there is a power imbalance between two people, because of age, status, or dependency.

Capacity means that a person can make their own decisions. They must not be lacking in the mental capacity or be under the influence of alcohol and/or drugs in a way that would mean they could not make their own decisions.

Choice means that a person could say no if they wanted to, without adverse consequences.

### **The Personal and Professional Relationships Policy:**

All staff, particularly those who work closely with students, should be aware of the [University's Personal and Professional Relationships policy](#).

### **4.6 Hate motivated misconduct**

For the purpose of this policy, hate motivated misconduct refers to instances of behaviour often referred to as hate incidents and/or hate crimes. Hate motivated misconduct is the expression, action or behaviour motivated by hostility or prejudice towards a person because of their actual or perceived identity. When the behaviour amounts to a criminal offence, a hate incident is referred to as a hate crime (which under legislation covers race, religion, sexual orientation, transgender status, and disability).

Hate incidents/crime can take many forms, for instance:

- Being ignored or deliberately excluded from conversation or group activities
- Derogatory comments or behaviours; micro-aggressions
- Display of racist/sexist/homophobic/Islamophobic/anti-Semitic/disablist/transphobic/misogynist material
- Encouraging others to engage in offensive, prejudiced and hateful behaviour
- Incitement to racial/religious hatred
- Anti-Semitism, Islamophobia, and other forms of religious hatred
- Name calling, insults, 'banter' or 'jokes' perceived to be motivated by hate or discrimination
- Verbal abuse
- Unwanted touching and physical assault

#### **4.7 Online misconduct**

This Policy uses the term online misconduct to indicate any behaviour in breach of this Policy taking place on online platforms (including those beyond university platforms) such as social media, web content and discussion sites, search engines, messaging services, blogs, dating websites and apps, comment sections of media and newspapers, chat rooms of online video games, but also includes communication via text message and phone calls.

Examples of online misconduct include but are not limited to online harassment and abuse, sharing, or disclosing private sexual images or films without the consent of the individual(s) featuring in the material, cyberstalking, sending unwanted explicit messages or images, hate speech and hate crime.

#### **4.8 Victimisation**

Victimisation is when a person is mistreated or put at disadvantage because they have made or intend to raise a concern about discrimination, bullying and/or harassment, sexual or hate motivated misconduct, or have helped/intend to help another person raise a concern by providing information or evidence.

Victimisation is unlawful under the Equality Act 2010, the Trade Union, and Labour Relations (consolidation) Act 1992 and other employment law. If proven, it may result in disciplinary measures, including dismissal.

If you do treat a student, member of staff or other member of the University community less favourably because they have taken such action, then this will be unlawful victimisation. There must be a link between what that individual did and your treatment of them.

## **PROCEDURE**

### **1. INTRODUCTION**

Depending on the nature of the report made, there are two main approaches to addressing a Dignity and Respect concern:

- An informal resolution approach – see section 4 (below);
- A formal investigation approach – see section 5 and beyond (below).

#### **1.1 Policy interactions**

The Dignity and Respect Procedure is outlined below. This procedure interlinks with the following policies and procedures:

- Student Complaints Policy & Procedure
- Student Discipline Regulations 7 and 8
- The Staff Disciplinary Policy and Procedure
- Statute 25 Part III (the procedure that covers the discipline of academic and other specified senior staff).

Issues may be raised that do not fall neatly into the category of just one of the procedures above. Where matters are raised under more than one of the procedures above that relate to common facts, then the normal approach will be to consider the matters through a joint process. For example, where a student raises a complaint under the Student Complaints Policy & Procedure that also needs to be investigated under the Dignity & Respect Policy & Procedure, the University will normally have one joint investigation under both policies and procedures (and the relevant disciplinary procedure). Normally this decision will be made at the level of the Deputy Director of HR / Head of Student Policy & Safeguarding.

The University will explain to all parties how the matters will be investigated, where responsibility for overall conduct of the matter lies, and who will issue the final decision. A Designated Coordinator will be provided for all parties. Where a joint process is not possible, we will be clear about which specific issues will be considered under which specific procedure.

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

We would encourage anyone who has experienced or witnessed an instance of unacceptable behaviour set out within this policy and procedure to talk confidentially with someone from the identified sources of support, as set out in Section 3 of the Dignity & Respect Policy, above. They can talk confidentially and decide how they want to proceed.

### 3. UNDERSTANDING YOUR OPTIONS

#### 3.1 Prior to raising a concern

If you would like to have an informal and confidential discussion prior to raising a concern, you may use the following channels:

- For Reporting Parties who are students - by contacting the Dignity & Respect Liaison Officer via [TBC@bath.ac.uk](mailto:TBC@bath.ac.uk) or the independent SU Advice Team via [suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)
- **For Reporting Parties who are members of staff** - by discussing the matters confidentially with your supervisor, line manager, Head of Department or HR Business Partner or with an accredited trade union representative.
- **For all reporting parties** – via the University of Bath online [Support and Report tool](#). This will route the report to the University service / individual selected. Submitting a report will initiate a conversation where staff can help you understand your options for how to proceed. It is not the same as submitting a formal complaint.

A discussion about your concerns will be treated with confidentiality at this point. Unless there is a risk to the safety of the community (for example, a safeguarding risk to a student under the age of 18), your concern will not be shared further than you wish it to be. If there is an identified risk, then your information may be shared further, and this will normally be discussed with you beforehand.

#### 3.2 Raising a concern anonymously

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

In the case of an anonymous report which names a Respondent, unless other evidence is available 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). The University will carefully consider notifying the Respondent of the concerns raised anonymously about their behaviour and will do so where this is reasonable.

While there are limitations on what the University can do in response to an anonymous report, such reports will be carefully considered and monitored within Student Policy & Safeguarding to identify any areas of concern. This will inform the University's overall Culture and Inclusion practice and may be the focus for appropriate interventions for a team or department e.g. training by HR, Culture & Inclusion and others.

We encourage members of the university community who make anonymous reports to seek emotional support through the support services above, or through external agencies.

### 3.3 Raising an informal or formal concern

There are several ways in which you can raise an informal or formal concern. These are set out below and are described in more detail in section 4, 5 and beyond.

- **For concerns about the behaviour of a student** - reports can be raised in writing with the Director of Student Support and Safeguarding who will contact you to discuss your options or via a Support and Report form
- **For concerns about the behaviour of a member of staff or third party** - reports can be raised in writing directly with the Deputy Director of HR (HR Services) who will contact you to discuss your options.
- **If you have submitted a Support and Report form** - an advisor from your chosen service will contact you to discuss your options.

In relation to the first two points above, you will be able to outline if you wish to raise the matter/behaviour as an informal or formal concern (or that you simply wish to seek support) with the relevant advisor. The advisor can forward your report to the appropriate department for this concern to be taken forward.

For informal concerns, the reporting party can discuss with their support person, or the person they are raising the concern with, how much information they wish to share, or to be shared with the respondent.

It should be noted that concerns about the behaviour of another member of the University community, that are raised formally, would need to be shared with the Respondent at the start of a formal investigatory process (unless there are wholly exceptional circumstances to act otherwise). This is to enable the Respondent to be able to respond fully to any allegations raised, in line with the principles of natural justice as set out in section 1.3 of the Policy above. Some of the information about the concern raised may need to be shared with witnesses to receive their accounts.

Unless there is a risk to the safety of the community (for example, a safeguarding risk to a student under the age of 18), the information relating to your concern will only be shared with those involved in addressing your concern. If there is an identified risk, then your information may be shared further, and this will normally be discussed with you beforehand.

If a Reporting Party has raised a concern with the University, it is important that they feel in control of this information, wherever possible. Therefore, unless there is a safeguarding concern, or other risk, which will normally be discussed with them, the Reporting Party retains the rights to withdraw from this process at any point.

Reports and allegations should be raised as soon as possible after an incident has occurred: normally within six 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.



### **3.4 What to do if someone raises a concern to you:**

If a member of staff or a student raises a concern with you, please remember that this may well have been a difficult decision to make and one that may have caused them significant emotional distress to arrive at. 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 on how to seek support and their options for making a report – if they wish to.

If you are a staff member hearing a concern from a student and would like further advice, please call the Student Support & Safeguarding Advice Line on 4321 via Teams.

If you are a staff member hearing a concern from another staff member, please contact your HR Business Partner or Advisor - see link: [UoB HR Contacts - Power Apps](#)

If you receive a safeguarding disclosure (for example, in relation to a vulnerable adult) it is important to follow the [safeguarding policy](#) and refer this to either the Designated Safeguarding Officer, or the designated safeguarding lead for the relevant department.

### **3.5 What to do if someone raises a suspicion or allegation of exploitation, harm, or abuse of a person under 18 years old**

Where the individual under the age of 18 is a student at the University, Student Services should be contacted using the Student Support & Safeguarding Advice Line, Extn 4321 (01225 384321 if calling on Teams or from outside the University)

Where the individual under the age of 18 is an employee, worker or visitor to campus, the Safeguarding Officer or Deputy Safeguarding Officer should be contacted unless there is a Departmental Safeguarding Policy in place, in which case the referral should follow the departmental guidance.

### **3.6 The Triage meeting:**

- i. When a concern or report has been raised, the Reporting Party will be assigned a Designated Coordinator who will liaise with them throughout the procedures. The Designated Coordinator will normally contact the Reporting Party within 2 working days of a concern or report being received.
- ii. The Designated Coordinator will arrange a triage meeting if required, with the Reporting Party to understand their desired outcomes and their preferences around informal and formal processes. They will make sure that the Reporting Party understands their rights and is informed of who can accompany/represent and support them for this, and future, meetings. The aim is that through the triage meeting, the right arrangements can be put in place. It is not the purpose of the triage meeting to investigate the concerns.
- iii. Based on the information provided at the triage meeting, the Student Policy and Safeguarding Team and/or HR (for cases involving both staff and students both teams will work in partnership) will consider:

- the wishes for process to be followed expressed by the Reporting Party and
  - if the concern/matters/allegation raised would meet the definition of a breach of this policy and procedure.
- iv. From this consideration the Designated Coordinator will confirm to the Reporting Party which of the following processes will be taken forward:
- 1) To refer the Reporting Party to an alternative intervention or process
  - 2) To support the Reporting Party through the informal procedure under Section 4 of this policy
  - 3) To set up a formal investigation under the section 5 and beyond
  - 4) To dismiss the allegation, with the consequence that no further action will be taken.
- v. Following the confirmation of next steps from the triage meeting, the Designated Coordinator will communicate with the Respondent to make them aware of the report raised against them, the process to be followed and the sources of support, advice, and representation. They will confirm this in writing.
- vi. Where possible, if a formal investigation is to proceed, the Reporting Party will be enabled and supported to provide their full report at this point.
- vii. The Designated Coordinator will put in place and oversee the agreed processes.

### **3.7 Confidentiality**

The University will treat all reports made/concerns raised under this Policy and Procedure in a sensitive and confidential manner, subject to legal requirements. Where there is a need to share this information, for example if the Reporting Party, Respondent and/or other members of the University community are at risk of harm or to a funder or UKRI where there is a requirement to report under the UKRI's Preventing harm (safeguarding) in research and innovation policy – see link [UKRI-110122-PreventingHarmSafeguardingInResearchAndInnovationPolicy.pdf](#), this will be:

- provided only to those who require the information and
- wherever possible there will be discussion/communication with the person whose information it is, prior to sharing that information with the specified individuals.

### **4. INFORMAL RESOLUTION PROCESSES**

Some dignity and respect issues can be resolved informally. For example, if someone is unaware that their behaviour has caused discomfort or offence. It is advised that any informal resolutions / interventions are discussed with HR in advance, documented, shared with both parties, and retained securely and confidentially by the individual(s) given the responsibility of implementing the resolutions with the parties and reviewing their effectiveness.

The University will support people to resolve a concern informally wherever this is possible and reasonable. However, some issues of serious misconduct, such as sexual harassment, harassment related to a protected characteristic or physical violence, may need to be dealt directly under formal procedure as they are too serious to be dealt with informally.

There is a range of interventions that may be taken at an informal level to resolve matters and change future thinking and behaviour. Informal interventions can be challenging and as such, we encourage members of the University community raising or responding to informal concerns to seek support through the support services available.

The University has worked with an external partner – the TCM Group, who have been a leading authority in this area for the last twenty years – to develop a framework of resolution-focused interventions, the University's **Resolution Framework** (see **Appendix 1**). These are a range of interventions that can bring lasting behaviour and relationship change and training a group of staff as Resolution Facilitators with the specialist skills to undertake them. These interventions include:

- **Supported discussion** - Supporting the Reporting Party to raise their concerns directly with the person who caused them offence and ask them to stop. This can be done in person, via a phone or video call or in writing.
- **Local Resolution through a trusted colleague** - 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.
- **Local Resolution through line manager or other officer** - The line manager, HR, The SU and/or Student Support and Safeguarding can meet 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 required.
- **Resolution Coaching & Training (staff)** – a programme of coaching, mentoring and / or training of the Respondent and / or the Reporting Party to raise their awareness of how the behaviour occurred and how to prevent it being repeated.
- **Facilitation & Mediation Services (staff)** – resolution-focused facilitation and / or mediation interventions can be provided by trained University Resolution Facilitators to help resolve the matters identified and change behaviour and relationships. These can be accessed through your HR Business Partner, Employee Relations & Resolution Specialist or the Deputy Director (HR Services).
- **Developmental Interventions** - Other resolution interventions that may improve the working/study relationships between the parties – this could include a wide range of training and developmental interventions.
- **Practical adjustments** - Adjusting study/work pattern and location, supervision, accommodation and/or life on campus that could resolve or mitigate the matter. This will be arranged in agreement with all parties.

This is not an exhaustive list and other options may be possible. Timeliness is important and all those involved in informal resolution must act as quickly as is reasonably possible.

If, after acting under the informal resolution processes, the Reporting is not satisfied that the informal action has resolved the concern, there is a repeat of the behaviour, or the behaviour continues or escalates the Reporting Party can refer to the formal investigative stage of this procedure – see section 5 below.

In cases where the Respondent is not a member of the University community (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 delegate or a relevant University Senior Manager will deal with the matter.

The resolution-focused interventions within the Resolution Framework may also be applied after a formal dignity & respect investigation (see section 5 and beyond below) and / or disciplinary hearing to enable effective working relationships after the completion of the formal investigation process.

## **5. FORMAL INVESTIGATION PROCEDURES**

A formal investigation will be instigated in one of the following situations:

- a. Where alleged behaviour is too serious than can be dealt with informally.
- b. Where the reporting party isn't satisfied with the outcome of the informal process or;
- c. In cases where there is a repetition of the alleged behaviour, or it does not cease after informal action.

### **5.1 Precautionary Measures**

Where there is a risk to some or all the parties involved precautionary measures will be considered and where they are required, implemented. Precautionary measures put in place should best protect the parties involved and the university community and enable a fair investigation to be carried out.

Where the Respondent is a student, the process referred to will be Precautionary Measures for Students.

Where the Respondent is a member of staff, the below process will be followed in line with section 11.2 of the (Staff) [Disciplinary policy and procedure](#) or where relevant Statute 25 Part III:

- i. It is important to note that such precautionary measures are not a sanction. The University will first consider if there are any alternative options for precautionary measures instead of 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 Secretary to Council 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 subject to precautionary measures.

- ii. 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.
- iii. When staff are on precautionary suspension, they will need the consent of the Director or Deputy Director of HR or a specifically identified delegate 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.
- iv. Staff on precautionary suspension will be required to be available to attend meetings and respond to requests under this procedure and the relevant disciplinary procedure. They must 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.

## **5.2 Conflict of interest**

In order that a fair and objective process is carried out, the University needs to ensure that those involved do not have a conflict of interest.

The University defines a conflict of interest as a set of circumstances that creates a risk that the individual's ability to apply judgement or act fairly and objectively in a particular case is, could be, or could be perceived to be, impaired or influenced by a secondary interest. This interest might include some personal or working connection to any of the parties involved or their work, such that it could impair their objectivity. For this reason, we ask any individual involved in a Dignity and Respect case to declare any actual or potential conflicts of interest.

If any party to this procedure has a concern about anyone involved with their case, they can raise this with their assigned Designated Coordinator.

## **5.3 Ill-health or other significant situations occurring during an investigation**

For each of the formal processes outlined below, where the Respondent, the Reporting Party or witness is unable to attend due to ill-health or other serious reasons (e.g., bereavement of a close family member), all reasonable efforts will be made to re-arrange the meeting and any adjustments will be considered. However, an investigation cannot be unreasonably delayed for health reasons and will have to proceed within a reasonable period.

## **6. PROCEDURES FOR THE FORMAL INVESTIGATION OF ALLEGATIONS MADE AGAINST A STUDENT**

Where the Respondent is a student, the process referred to will be Regulations 7 – Disciplinary Regulations for Students and Regulation 8 – Disciplinary Process for Students. See [Regulations for students](#).

## **7. PROCEDURES FOR THE FORMAL INVESTIGATION OF ALLEGATIONS MADE AGAINST A MEMBER OF STAFF BY A STUDENT REPORTING PARTY**

The following process will apply where the Respondent is a member of staff and the Reporting Party is a student, the process below will be followed:

- i. Following the confirmation of the approach and next steps from a report and / or triage meeting, a formal investigation will begin into the alleged misconduct. The investigation will be undertaken under the staff disciplinary procedure that applies to the Respondent (either the Staff Disciplinary Policy & Procedure or/and for academic staff and specified senior leaders, Statute 25 Part III) and will also follow the principles and processes within this Dignity & Respect Policy & Procedure.
- ii. The Designated Coordinator will allocate a suitably trained and experienced Dignity & Respect Investigator (“the Investigator”), who may be supported and advised by an HR Business Partner or Advisor.
- iii. The investigation will involve interviewing the Reporting party, the Respondent and any witnesses and identifying and collating any evidence for the allegations. Throughout their investigation the Dignity & Respect Investigator, supported and advised by the HR Business Partner or Advisor will strive to ensure that it is independent and transparent.
- iv. At the conclusion of the investigation, an Investigation Report will be produced setting out the evidence identified. Copies will be provided confidentially to both the Reporting Party and the Respondent, although sensitive information may be redacted. The Reporting and Responding party will also be notified of the names of positions of the Dignity and Respect Referral Panel members who will consider the report. The Reporting Party and Respondent will be given at least 5 working days after receiving the Investigative Report to submit any evidence in response to its findings of and to notify the Designated Coordinator of any conflicts of interest relating to the Panel members.

## 7.1 The Dignity and Respect Referral Panel

- i. The Designated Coordinator will appoint the Dignity and Respect Referral Panel, which will be made up of:
  - A trained academic member of staff from a different Faculty/School to the Respondent and the Reporting Party,
  - A trained professional services member of staff from a different department to the Respondent and the Reporting Party,
  - A HR Business Partner or another senior member of HR
- ii. These colleagues will be selected from the Dignity and Respect Referral Panel pool, who are required to have undertaken the identified training and have the skills to apply this to allow them to perform their roles effectively.
- iii. The Investigator will present the Investigation Report to the Dignity and Respect Referral Panel in a hearing. It will not normally be necessary for the Reporting Party and / or Respondent to attend the Referral Panel hearing but the Referral Panel may call either or both parties if further evidence is required from them in order to reach a decision under iv. below.
- iv. Having considered the Investigation Report and any other evidence, the Dignity and Respect Investigation Referral Panel will determine which of the following is the case:
  - a) That there is a case to answer for misconduct by the Respondent or
  - b) That there is no case to answer for misconduct by the Respondent.
- v. The Designated Coordinator will contact the Reporting Party and the Responding Party and confirm the outcome of the Dignity and Respect Referral Panel meeting within 5-working days of the panel meeting.

## 7.2 The Disciplinary Hearing

- i. If it is determined by the Dignity and Respect Referral Panel that there is a case to answer for misconduct, the investigation report, and the decision on referral to a disciplinary hearing will be forwarded to HR. HR will set up a disciplinary panel and hearing for the Respondent as soon as possible, under and in line with the staff disciplinary procedure that applies to the Respondent – following either the Staff [Disciplinary policy and procedure \(bath.ac.uk\)](#) or Statute 25 Part III (see [Statutes of the University of Bath](#)).
- ii. The Designated Coordinator will continue to communicate with the Reporting Party and the Respondent with advice from HR.
- iii. The Respondent will be invited to the disciplinary hearing and will be encouraged to be represented by an accredited trade union representative or

accompanied by a fellow employee, who was not involved with the incidents investigated.

- iv. The Investigator will attend the Disciplinary Hearing to present the case and to be cross-examined. They may be supported and advised by a member of HR staff (normally the HR representative on the Dignity and Respect Investigation Panel). The Reporting Party will not normally be required to attend the Disciplinary Hearing but could be called by the Disciplinary Hearing panel if further evidence from them was required or if a request by the Reporting Party to attend was agreed.
- v. The Disciplinary Hearing panel will ensure that all relevant evidence has been considered and from this, determine if the behaviour of the Respondent constituted misconduct, and if so at what level and determine the disciplinary sanction to be applied under the applicable disciplinary procedure (paragraph i above).
- vi. The chair of the disciplinary hearing panel will write to the Respondent to confirm the outcome from the disciplinary hearing, including detailing any disciplinary action issued and any other actions recommended by the panel. This letter will include details of the right of appeal against disciplinary action for the staff Respondent, where disciplinary action is taken.

### **7.3 Following up the outcome from Disciplinary Hearing**

- i. The Designated Coordinator will liaise with the Reporting Party to confirm the outcome of the disciplinary hearing to a level of detail confirmed by a risk assessment undertaken between HR and Student Policy & Safeguarding.
- ii. The Designated Coordinator will liaise with the Respondent and the Reporting Party, HR and the Student Policy and Safeguarding team with the aim of agreeing measures to facilitate future work and study arrangements, where applicable. Other actions such as mediation and / or other appropriate resolution & relationship building interventions (e.g. training) may be taken in line with the Resolution Framework (see **Appendix 1** below). This may apply whether or not misconduct was found by the Disciplinary Panel.

### **7.4 Appealing against the outcome of a Dignity and Respect Referral Panel**

Where the outcome from the formal investigation of a report against staff respondent(s) finds that there is no case to answer in relation to misconduct, the student Reporting Party disagrees with the outcome of the formal investigation and meets the requirements set out in section 8.7 i, then they may raise an appeal against the outcome of the investigation as set section 8.7 below.



## **8. PROCEDURES FOR THE FORMAL INVESTIGATION OF ALLEGATIONS MADE AGAINST A MEMBER OF STAFF BY A STAFF REPORTING PARTY**

**8.1** Following the confirmation of the approach and next steps from a report and / or triage meeting, a formal investigation will begin into the alleged misconduct. The investigation will be undertaken under the staff disciplinary procedure that applies to the Respondent (either the Staff Disciplinary Policy & Procedure or/and for academic staff and specified senior leaders, Statute 25 Part III) and will also follow the principles and processes within this Dignity & Respect Policy & Procedure.

### **8.2 Setting up the Formal Investigation by a Dignity & Respect Investigative Panel**

- i. For reports made by a staff Reporting Party against the behaviour of a staff Respondent, an Investigative Panel will normally be appointed by the Deputy Director of HR or delegate (“DDHR”). This will normally consist of:
  - A senior academic or professional service member of staff from outside the Department/ Faculty / School of the Reporting Party and the Respondent, acting as the Chair supported and advised by
  - An HR Business Partner or Advisor or other senior member of HR who does not cover the same Faculty / School / department as the Reporting Party and Respondent.
- ii. The DDHR will ensure that those appointed to the Investigative Panel have training and experience and have had no previous involvement with the case and no conflict of interest (see section 5.3 above for definition).
- iii. The DDHR will write to both the Reporting Party and the Respondent to confirm the appointment of the Investigative Panel, informing them of their right to raise concerns about a conflict of interest of a member of the Investigative Panel within 5 working days of the names of the Investigative Panel members being confirmed to them.
- iv. In some cases that fall under section 8, the University may choose to appoint instead an external Dignity & Respect Investigator to undertake the formal investigation. An external investigator may bring skills, independence and / or expertise that may not be available or cannot be released internally.

### **8.3 The Formal Investigation**

- i. The purpose of the Formal Investigation 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 (both of whom will be expected to respond to requests to contact the Investigator(s)) to make sure they are kept up to date with the process.

- ii. The investigation process will normally start with the Investigative Panel interviewing the Reporting Party who will be encouraged to be represented or accompanied by an accredited trade union representative or a fellow employee. The Reporting Party will not normally be required to attend the Disciplinary Hearing but could be called by the Disciplinary Hearing panel if further evidence from them was required.
- iii. The Investigative Panel will contact the Respondent in writing as soon as possible, informing them of the claims made against them, requesting their attendance at a meeting, and encouraging them to be represented or accompanied by a trade union representative or other work companion / fellow employee.
- iv. The Investigative Panel (or any individual given this specific wellbeing role) will ensure that the Respondent and the Reporting Party are each given 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 process.
- v. 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. Witnesses Staff members can choose to be accompanied by a trusted work colleague or an accredited trade union representative and will also be offered support from the [Employee Assistance Programme](#) and [Education Support Partnership](#). Student witnesses may be accompanied by a fellow student or an SU advisor (e.g. from the [SU Advice and Support Service](#) ) and will be offered support from the [Student Support & Safeguarding](#) and/or the SU. Formal notes of these investigatory meetings will be taken (normally by digital recording, or alternatively by note-taker) in line with GDPR requirements.

#### **8.4 The Completion of the Formal investigation**

- i. On completion of their investigation the Investigative Panel will produce an Investigation Report. This will explain their investigation, present the evidence found and findings made and advise if they have found that:
  - a. There is a case to answer for misconduct by the Respondent or
  - b. There is no case to answer for misconduct by the Respondent
- ii. The Investigation 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 Investigation Report will be provided to the Deputy Director of HR (DDHR), who will review the report, consulting with other senior officers as required under specific procedures (e.g. as specified by Statute 25 Part III for academic staff).
- iv. If a case to answer is found (9.4i a, above) the case against the Respondent should be referred to a disciplinary hearing under the staff disciplinary procedure that

applies to the Respondent (either the Staff Disciplinary Policy & Procedure or Statute 25 Part III).

- v. 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 (including notes of investigatory meetings etc). The Reporting Party and the Respondent has the right to request this additional information, which will normally be provided, and the other party informed.
- vi. The Investigative Panel may choose 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 or a Trade Union representative.
- vii. Where the Investigative Panel have concluded that there is no case to answer for misconduct against the Respondent, the Reporting Party may have the right to appeal the decision as set out in section 8.7 of this Procedure (see below).

## **8.5 The Disciplinary Hearing**

- i. Where the Investigative Panel conclude that there is a case to answer, the allegation(s) will be considered under the University's staff disciplinary procedures that apply to the Respondent – either the Staff Disciplinary Policy & Procedure or Statute 25 Part III. The DDHR will ensure that a disciplinary hearing is set up with a panel as required by the disciplinary procedure with at least 5-working days' notice.
- ii. 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 Investigative panel case for the disciplinary hearing. The Investigative Panel will present the case at the disciplinary hearing and be cross-examined on their evidence.
- iii. 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.
- iv. 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. A risk assessment will be made on the level of detail on the type of disciplinary action taken, that can be provided to the Reporting Party on a confidential basis, in line with the University's duty of care to all concerned.

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

- i. Where following the investigation, hearing, appeal if made, and completion of actions, including disciplinary action if issued and implementation of recommendations, the Reporting Party and the Respondent need to work closely together and/or within the same work area, it may be necessary for adjustments to be put in place to facilitate a positive ongoing work experience. Subject to the outcome of the formal process, it will normally be the Respondent who is moved, 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 resolution & relationship building interventions (e.g., training) in line with the Resolution Framework (see **Appendix 1** below) may also be undertaken to improve the working relationship between the Reporting Party and the Respondent (or other parties).
- iii. Where it is suspected that a Reporting Party, Respondent, witness, their representative / companion, or the Investigative Panel have 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.

## **8.7 Appeal against the outcome of a Formal Dignity & Respect Investigation**

- i. Where the outcome from the formal investigation of a report against staff respondent(s) finds that there is no case to answer in relation to misconduct and the staff or student Reporting Party disagrees with the outcome of the formal investigation, they may raise an appeal with the Director of Human Resources within 10 working days of the receipt of the letter confirming the decision. In doing so and in their appeal letter, 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:
  - a. That there was procedural error in the conduct of the relevant process which may have caused doubt as to the determination reached.
  - b. That new evidence has been made available which the Reporting Party could not reasonably have provided during the relevant investigation process.
  - c. That there was bias during the relevant process which that may have caused doubt as to the determination reached.
- ii. 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. Where an appeal letter is received within the required timescale set out in section 8.7 i above and which relates to at least one of the grounds a to c set in that section, an appeal hearing will be set up. The Director of HR will decide if the appeal made

meets the grounds for an appeal. 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. 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. If the Reporting Party is a student and the investigation was under the Student Complaints Policy & Procedure in addition to this policy & procedure, then the Director of Student Support & Safeguarding or the Head of Student Policy & Safeguarding will be a member of the Appeal Panel, provided that they have not been involved in the investigation.

- iv. The Reporting Party has a right to be represented by an accredited trade union representative or accompanied by a fellow employee if they are a member of staff or represented by an appropriate advisor (e.g. Students' Union Advisor or IA for postgraduate research students, etc), or accompanied by a fellow student, if they are a student. The Respondent will be informed that the Reporting Party has appealed against the outcome from the formal investigation.
- v. The Appeal Panel will hold an appeal hearing in which both the Investigative Panel and the Reporting Party and their trade union representative or fellow employee-for staff or The SU representative / advisor / IA 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 at the end of the hearing.
- vi. 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. The decision shall be final within the policies and procedures of the University.

## **9. CRIMINAL OFFENCES**

- i. Where an allegation that may constitute an offence under the criminal law has been raised by a Reporting Party, they will have the 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 or perceived 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 should be put in place.
- iv. After the police investigation and / or court proceedings have been completed the University will determine whether internal disciplinary action will be taken. 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 any sanction under the relevant disciplinary procedures.
- v. 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.

## **10. 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 the 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 automatically mean the person(s) making the allegations was doing so in a vexatious manner.

## **11. DOCUMENT CONTROL INFORMATION**

The effectiveness of this Policy & Procedure will be monitored at regular intervals. A formal review will be carried out sooner if required where there is a substantive change to university practice, national legislation, regulation or required guidance.

This Policy and Procedure have been consulted on with all recognised trade unions and with the SU, prior to their adoption by the University.

All records taken under this policy will be held for the recommended period of time for which records should be retained to comply with legal requirements and meet operational needs as defined with the [University Records Retention Schedule](#)

Owner	Cassie Wilson, Pro-Vice-Chancellor for Student Experience and Richard Brooks, Director of Human Resources
Version number	Approved policy & procedure – minor revisions to incorporate the Resolution Framework
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## Appendix 1 – the Resolution Framework



### The Resolution Framework

